



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

Planning Board Meeting Agenda

Wednesday, November 16, 2022 at 6:30 pm

Meeting in-person or by joining Zoom

<https://us02web.zoom.us/j/87800045083?pwd=Y2JvZTNrenUrbUhlaVNpMmVtZURzQT09>

Meeting ID 87800045083, Password 237853

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 September 21, 2022 and October 19, 2022 Planning Board Meeting Minutes

Short-Term Rental Old 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

Short-Term Rental New Business

Short-Term Rental Application 2022-0038

Owner: The Land House LLC
Local Contact: Rachel Pasquarelli
Property: 6442 Co Rd 33
Tax Map #: 183.00-1-28.111
Zoned: R3 (Residential 3 Acres)
Sleeping Occupancy: 6
Parking Spaces: 4

Short-Term Rental Application 2022-0039

Owner: D and E Enterprises LLC
Local Contact: Kathleen Busch
Property: 6400 Bills Rd
Tax Map #: 178.00-1-1.120
Zoned: R3 (Residential 3 Acres)
Sleeping Occupancy: 4
Parking Spaces: 3

Short-Term Rental Application 2022-0040

Owner: DP Fuller Family Limited Partnership
Local Contact: Steven Fuller
Property: 14 A Northstar Drive
Tax Map #: 167.71-1-14.200
Zoned: PD (Planned Development)
Sleeping Occupancy: 6
Parking Spaces: 3

Short-Term Rental Application 2022-0041

Owner: Rajat Asani and Bhavmeet Shah
Local Contact: Haven Vacation Rental Management LLC
Property: 6345 Co Rd 33
Tax Map #: 183.00-1-17.130
Zoned: R5 (Residential 5 Acre)
Sleeping Occupancy: 6
Parking Spaces: 4

Short-Term Rental Application 2022-0042

Owner: Warner Properties LLC
Local Contact: Stephen Warner
Property: 10 Pinewood Lane
Tax Map #: 183.36-1-2.300
Zoned: R5 (Residential 5 Acre)
Sleeping Occupancy: 4
Parking Spaces: 2

Short-Term Rental Application 2022-0044

Owner: Daniel P. Bajda & Lindsay A. Bajda
Local Contact: Lindsay Bajda
Property: 21 Cliffside Drive
Tax Map #: 168.16-1-6.021
Zoned: PD (Planned Development)
Sleeping Occupancy: 4
Parking Spaces: 2

Short-Term Rental Application 2022-0045

Owner: JBear Associates New York LLC
Local Contact: Brooke Ward
Property: 7148 S Gannett Hill Rd
Tax Map #: 194.00-1-1.212
Zoned: R5 (Residential 5 Acre)
Sleeping Occupancy: 8
Parking Spaces: 4

Short-Term Rental Application 2022-0046

Owner: Thomas Giancursio
Local Contact: Pamela Giancursio
Property: 5601 St Rt 64
Tax Map #: 167.00-1-49.120
Zoned: NC (Neighborhood Commercial)
Sleeping Occupancy: 10 (Unit A = 2; Unit B = 4; Unit C = 4)
Parking Spaces: 7

Short-Term Rental Application 2022-0047

Owner: James Collins
Local Contact: Kathleen Varney, Vacasa
Property: 40 Cliffside Drive
Tax Map #: 168.16-1-6.040
Zoned: PD (Planned Development)
Sleeping Occupancy: 4
Parking Spaces: 1

Regular Old Business

Public Hearings

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 2022-0026

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 2022-0034

Owner: Mark Conners
Representative: Grove Engineering PE
Property: 6555 Longs Point Drive
Tax Map #: 185.17-2-15.000
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)

Town Code Review Update

Town Board Requested Review of Special Event Venue Proposed Local Law

Regular New Business**Site Plan Approval Application 2022-0043**

Owner: Charles F. Ryan II

Representative: Charles Ryan

Property: 5689 Shore Drive

Tax Map #: 168.20-1-4.100

Zoned: LR (Lake Residential)

Other**Motion to Adjourn**

Town of South Bristol Planning Board Meeting Minutes Wednesday, November 16, 2022

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

Guests: In-person: Justin Hibner, Stephen Warner, Patrick & Pamela O'Neill, Marissa Cool, Thomas & Pamela Giancursio, Robert Cone, Mike O'Neill, Kathleen Busch, Joseph & Rachel Pasquarelli, Nate & Anna Pensgen, Brooke Ward, Bill Grove, Amy Merrill, Scott Martin, Alan Pearce, Korby Mortensen
Zoom: Sheila & Stephen Borrer, Chad Leddy, James Marple, Cristina Marcelino, Steven Fuller, Lindsay Bajda, James Collins, Kathleen Varney, Anthony Venezia, Charles & Joe Ryan

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 Bowen reviewed the meeting etiquette.

Minutes

Meeting minutes were deferred to the next meeting.

Chairman Bowen – If anyone is here on the matter of Ayers Funding LLC, which is application 2022-0035, 5678 Storm Haven that matter was put off to the January meeting. If anyone is here just to come forward and speak on that, we are not going to reach that tonight and it will be heard on January 18th of the next Planning Board 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:

2022-0030

Owner: Sheila Borrer
Property: 8 Cliffside Drive
Tax Map #: 168.16-1-9.012

2022-0031

Owner: Anna R. Pensgen & Nathan M. Pensgen
Property: 140 Cliffside Drive
Tax Map #: 168.16-1-3.140

2022-0032

Owner: Hibner Family Revocable Trust & Wong Family Trust
Property: 6503 Mountain Side Drive
Tax Map #: 177.00-1-3.115

2022-0033

Owner: Patrick J. O'Neill & Pamela F. O'Neill
Property: 6866 Co Rd 12
Tax Map #: 190.00-2-9.000

2022-0036

Owner: Chad Leddy, Melissa Leddy, James Marple & Cristina Marcelino
Property: 6475 Mountain Side Drive
Tax Map #: 177.00-1-3.114

Said hearing will take place on the 16th day of November, 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 2022-0031

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

Chairman Bowen: Good evening. You were both here last month and everyone heard your application, but can you reintroduce it for the public record please.

Anna Pensgen: Anna Pensgen and Nathan Pensgen, 140 Cliffside Drive. It is a two bedroom, two bathrooms and two parking spaces that we are looking to use for a short-term rental.

Chairman Bowen: Any changes to your application since last month?

Anna Pensgen: No there are not.

Chairman Bowen: Do we have any written comments, Diane?

Diane Graham: No.

Chairman Bowen: Any public comments? Anyone on Zoom want to comment? Anyone on the board any questions or comment? Hearing none.

I move that based on a review of short-term rental permit application 2022-0031 and the testimony presented at the Planning Board meeting on October 19, 2022 and public hearing on November 16, 2022, the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Kevin Stahl seconded the motion.

Roll Call Vote:

David Bowen – Aye

Jill Gordon – Aye

Jason Inda – Aye

Michael McCabe – Aye

Fred McIntyre – Aye

Sam Seymour – Aye

Kevin Stahl – Aye

Motion carried.

Chairman Bowen: Congratulations! Need to remind you to please provide Diane with all your advertising website information. She will thereafter can issue the permit, but you have to get it to her first.

Anna Pensgen: Okay. Sounds good. Thank you so much.

Chairman Bowen: Thank you.

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

Chairman Bowen: Hi, can you identify yourself please?

Justin Hibner: I am Justin Hibner and it is a seven bedroom house, three and half bath. We asking for eight sleeping occupancy.

Chairman Bowen: Any changes since you were here last month?

Justin Hibner: No.

Chairman Bowen: Has there been any progress on an updated septic inspection that was apparently an issue with the transfer of the property?

Justin Hibner: I tried to dig out myself one of the drop boxes in the yard and I could not find it. Then someone was going to help me and they failed to show. I am working on progressing the inspection. I just has not happened yet.

Chairman Bowen: Any written comments that we have?

Diane Graham: No.

Chairman Bowen: Any public comments? Any comments from the board?

Frederick McIntyre: Are they going to perk test that to see if the field is actually working or not?

Justin Hibner: I am not aware if that was part of the required inspection. I am not sure.

Frederick McIntyre: That is the only way we really know if the water is being absorbed into the ground or whether it is going downhill. Did you talk to the engineer? I talked to him after the program last time. He said he was going to meet with you. Did you talk to him about it?

Justin Hibner: I had scheduled an appointment with the county inspector and I was intending to dig up the box myself and struggled in the field to do it. I had to cancel the appointment and then the person that was supposed to help me has not shown up yet to do it. I talked to Bill Grove briefly about it, but there was no discussion about perk test requirement.

Frederick McIntyre: When I built my house in 2013, which is right next door to yours I had to put in a four foot sand raised bed because the land did not perk.

Justin Hibner: I would assume that would have been tested when they built it.

Frederick McIntyre: The houses were built before 2010, but the changes were made after 2010.

Justin Hibner: I understand.

Frederick McIntyre: According to our code here. It says that in addition any alteration or addition including the bedroom space requires a septic approval. I do not know if it every got that or not.

Justin Hibner: Yes. We are aware of what happened with the previous owner. We are working towards a goal. We will do whatever we need to do including a perk test and any adjustments that would need to be done to make it.

Frederick McIntyre: The perk test you need to know whether your land is perking or not.

Justin Hibner: I do not see any evidence of water leaking out through the grass. Now I do not know if that is enough to say it is working properly.

Frederick McIntyre: I do not know if you are aware of it, but we have streams all under our ground over there. We have a well that is fifty years old that is no more than twenty feet deep. It has never run out of water because all the water comes down that hill through all those streams under there. I would wonder if possibly you have the same thing going on your property.

Justin Hibner: I would like to request if there is a specific code or any sort of requirement that is spelled out that requires what I need to do and what the previous owner should of provided me to meet the requirements of the town real property transfer that is what I would follow. I do not want to speculate on things that I am not aware of if I need to do them or not.

Frederick McIntyre: I would think Scott might be able to help with that. Well the fact that is there any building permits that were done with those bedrooms and whether he did get an approval when he did them.

Scott Martin: As far as I know, no.

Frederick McIntyre: At this point, he needs to somehow look at his septic system and determine whether it is working properly or not. He should see an engineer to do that I would think.

Scott Martin: I do not think he necessarily needs an engineer to do it. He needs a certified inspector to do it.

Frederick McIntyre: Should they have a perk test on that?

Scott Martin: I do not know if that required as part of the inspection or not.

Frederick McIntyre: Maybe it should be I think.

Chairman Bowen: I do not think it is part of an inspection, but if you are putting in a new system you would need a perk test. I guess the issue I am having here is that a short-term rental permit is personal to you. Mr. Webster may have had one before. He cannot transfer it to you. Likewise his septic inspection was I guess personal to him so using his for approval of your application I am not sure meets our requirements. That is how I am looking at it.

Justin Hibner: I understand your concern. I feel like he failed to provide me the information and I am going to do what it takes to make it right.

Chairman Bowen: I understand your real estate transaction is a private matter and you probably have some remedies against him for that. That is not really the issue that is before us unfortunately. Can we table the application to January and maybe in the meantime get an inspection?

Alan Pearce: I called this property out. It is not a seven bedroom. The septic does not pass for seven bedroom, but it does for four. That is what he asking for an eight person occupancy as a four bedroom. His septic allows that, but I strongly encourage that he upsizes his septic so it can handle the rest of the

bedrooms in the house. As of right now he is only asking for eight, which is a four bedroom. That is where we are at.

Justin Hibner: That is what we were told through this whole process was that we were limited in capacity based on the size of the working septic.

Alan Pearce: Absolutely.

Justin Hibner: Had it been told to me earlier that we were not given the septic inspection that we were required to be given by the seller. Some of these things might have been started a lot sooner. When we do upgrade the system, we will come back and ask for more capacity. Right now we are only asking for the eight people, which is two people per four bedrooms.

Chairman Bowen: Alan, are you confident that this is a working system? The old inspection is not that old. It is April of 2021.

Sam Seymour: The old inspection does not really pass though. It says due to conditions it was deemed incomplete.

Justin Hibner: He was pumping every six months. As far as I can tell, we have been in the house for two and half months now. We have not had a single issue. The septic company came and pumped it out. There was no concern from them.

Frederick McIntyre: He bought a seven bedroom home not a four bedroom home.

Alan Pearce: He may have bought a seven bedroom home, but it is not a seven bedroom home.

Frederick McIntyre: It was altered to seven bedrooms.

Alan Pearce: He did not get the appropriate permits to do that or the septic was not upsized. I am seeing this residence as a four bedroom.

Frederick McIntyre: Should he take the other three bedrooms out?

Alan Pearce: So those three bedrooms cannot be used. Eight people is what he is allowed. That is it as far as renting it.

Frederick McIntyre: When they did that with Webster, the next day Webster had nine cars out there.

Alan Pearce: If that happens, I hope the neighbors are diligent and let code enforcement know about this.

Frederick McIntyre: We did.

Alan Pearce: Okay.

Frederick McIntyre: Nothing came of it.

Alan Pearce: I guess you could say we have a new sheriff in town. The neighbor probably will let us know. I am confident and wasn't easy on Mr. Hibner here about his septic. I am going with eight people. Mr. Seymour you have more knowledge of septic systems than I do and I look to the professionals and the report saying it can handle four bedrooms.

Sam Seymour: Part of an inspection, and Bill Grove can probably confirm this, you look at the drop box or distribution box and where this goes nobody knows because you cannot find it. You dug around and tried to find them and could not find them. I do not know if you have a plan when the septic system was put in?

Justin Hibner: I have a hand drawn sketch from the guy at the county with dimensions on how to find things.

Sam Seymour: The County may have plans on file, but that would be a place to go to find the location of those boxes. As I read this inspection report, it does not pass. He has checked incomplete for the inspection. Items three and four there he mentions the system is underutilized for the size of the house. That is what we have discussed with the number of bedrooms and number of occupants.

Alan Pearce: I completely agree with that. It is not a seven bedroom, or a six or even a five.

Sam Seymour: So, Bill you have a comment?

Bill Grove: Yes. I am Bill Grove. I consider myself a septic expert I do not know. I do a lot of septic design work as you guys know. I do not see this as a Planning Board issue in any way because it depends so much on how somebody uses the septic not how many people are actually in the house to use the septic. You could have a perfectly fine septic that passes inspection. By the way septic inspections are not typically pass fail they are just observations of what is there. Certainly it is better if you can open up the distribution box and see the level in the first box, go to the second box, and go to the third. If it is drop boxes, you can do that. You can see how much life you have in the system by how many boxes the flow has progressed to. In a distribution box system is what I think is what you probably have. Typically, you look at the liquid level in that to gauge if has been higher than the acceptable level. Even that is not grounds for code enforcement to get involved. The only time the code enforcement would get involved would be if it a health concern if you have effluent surfacing on the surface of the ground. Mr. Hibner had called me I think when you are digging looking for it. I tried to help him find aerial photos and things like that to help him locate the box, but was ultimately was unable to do that. I do not see the point in holding up the application based on whether the septic is okay or not because even if the report says it is okay there is no guarantee with any of it. You cannot guarantee what people are going to flush down the drain. A gallon of bleach down the drain in a weekend you have all kinds of problems. I know you put a lot of weight on the septic systems and I think it is good to limit the occupancy to the number of bedrooms or the number that you plan to use, but I do not think you can do much more than that. Personally, I do not think tabling it is going to help much. I know you are working on getting an OTN inspector in there to give you a report of the septic, which is a requirement of the property deed transfer, but even with that information it should not hold up a rental application, my opinion. If it comes back that it undersized for the seven bedrooms, which it would. Nobody builds a septic twice as big as they need to initially. If does do that, then there is certainly a time frame in which you would have to make some improvements. Sounds like you are willing to do that once you know what is there. My recommendation was to get it inspected by an OTN inspector. See what you have to work with and then come back to me and figure out what we need to do. If we need to add more lines or if we need to replace it completely. We could do that.

We do not know yet, but I do not think you are in danger of approving the application. If something does fail you would know it because it would surface. That is the only time it “fails” if it is surfacing.

Frederick McIntyre: How do we know if the discharge is not going under the surface?

Bill Grove: Ideally it is supposed to be doing that.

Frederick McIntyre: Isn't supposed to go through a certain amount perk time in order to do that? When I built my house, I know it did not fail. I know that he is on the same hillside that I am on. How do I know his is perking? I had to build a septic system raised bed to have four foot of sand in it in order for it to perk. We do not know how much he has there.

Justin Hibner: Wouldn't have been inspected when it was built in 2008?

Frederick McIntyre: No. The law was different back then.

Bill Grove: I think different.

Frederick McIntyre: Well, I know my Dad when he built his way back when there were no inspections. I can you tell you this we know we have lots of water under there because in our old house the only thing we had was a pipe that fed water to our old house, our residency. That pipe never ran out of water. So there is water under all that ground. We do not really need any kind of contamination.

Justin Hibner: I understand that, but the house will still be used whether or not I get a short-term rental permit.

Frederick McIntyre: If you have a seven bedroom home, NYS says he is supposed to have a certain size.

Justin Hibner: We are aware of that. We are going to mitigate that and make it the correct size system that we need.

Frederick McIntyre: When are you going to do that?

Justin Hibner: As soon as possible.

Frederick McIntyre: I guess it is up to the board to decide. I am still skeptical. We told Webster that his house was out of code a long time ago and he never did anything about it. Then he sells him the house and never has an inspection. Did you have a home inspection?

Justin Hibner: No.

Frederick McIntyre: If he did not get building permits.

Justin Hibner: He knew about the requirement based on his previous sale of the house next door and he still did not do it for us. I do feel a little bit like we are paying for his failures.

Frederick McIntyre: I understand. I feel bad for you for that. If he did not get permits, how do we know that he got any electrical inspections when he changed those bedrooms?

Bill Grove: There is definitely a path forward to getting those bedrooms improved as bedrooms after the fact. It is not fun and it is not cheap, but there is a path.

Justin Hibner: I would like to reiterate I followed all the steps to this application including approval of the septic inspection and an electrical inspection. I would like to put it to the board to say I followed all the steps and I working towards correcting the problems with the house. We are going to be very different owners than the prior owner. I would hope they would see a way to approve the application. Thank you.

Jill Gordon: We want to make you successful in your purchase. So you have contacted Ontario County?

Justin Hibner: Yes.

Jill Gordon: Do you have an appointment for them to come out?

Justin Hibner: I had one and then I had to postpone it. I will make one as soon as possible once I locate this drop box in the yard.

Jill Gordon: What you have provided us says it is an incomplete inspection. It really does not satisfy our needs.

Bill Grove: That is pretty typical of those inspections. Not all of them.

Jill Gordon: Usually we get something more definitive than this.

Bill Grove: As you should, it is not unusual. If you do not see it, you put unknown.

Jill Gordon: Your report has three x's on it usually we get one. I would propose that perhaps we table this until Ontario County does come and look. Can we look at it again at that point?

Chairman Bowen: Yes. I would just comment that I reviewed short-term rental based on what Mr. Grove indicated. It provides in the event of a property has a septic system the maximum occupancy shall be defined by the capabilities of the septic system. We know the capabilities are for the occupancy you are applying for. On the other hand we have indications that it is an incomplete inspection. The law does not specify that we an inspection per se, but the fact that this one is incomplete and they were unable to actually inspect the entire system raises red flags. I would prefer that we table it. I hate to hold you up.

Bill Grove: Can I give you one more thought?

Chairman Bowen: Yes.

Bill Grove: If the previous owner rented the property and it sounds like he rented it over the maximum occupancy at times and to anybody's knowledge there was no issue with the septic system based on that many people being there. Cut that occupancy almost in half. I do not see an issue with the septic keeping up with it until we can figure it out. Food for thought if it worked in the past for twice as many people, it will probably work now for half as many. Again, no guarantees either way with any septic system.

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Chairman Bowen: I think that is kind of the problem we have. Most of these reports do not guarantee future performance. They never do.

Justin Hibner: Is there any way to say let's say you approve it pending the report or do you have to wait until the next meeting?

Chairman Bowen: If you are looking to not come back here, I have no problem with that.

Frederick McIntyre: We have a meeting in December. We could put them on the meeting then.

Justin Hibner: Didn't it say combined November/December?

Chairman Bowen: The December meeting is to complete matters that are in the pipeline.

Jill Gordon: Short-term rental matters.

Diane Graham: It is a special meeting just for short-term rentals.

Justin Hibner: Sounds like a good idea. Sounds like it will work. Anyone want to help me dig up my front yard?

Frederick McIntyre: I might come over and help you. I can dig my backhoe out for you.

Justin Hibner: You have one?

Frederick McIntyre: Yes, but it is all put away right now. I am not afraid to go over and help you.

Justin Hibner: Okay.

Frederick McIntyre: Okay.

Robert Cone: My name is Robert Cone. I am also a neighbor. I am just a little bit to the north of his property, 5743 St Rt 64. The original builder of the house was Earl Petit. When I talked to Earl, when I was building my house, he was telling me that he actually designed the septic system himself and used all materials as far as earth materials and sand right from the local property. He did not have to bring anything additional to do the system. I believe he is still around and thought he could probably shed some light for this gentleman on how the system is actually designed. Whether or not drop boxes were used. Whether he has any drawings that I have not seen presented at this point. Could be very useful information.

Justin Hibner: Yes. I will get your info. I would like to request though that you guys be clear as to what would pass at the end of the day. I do not want to have to come back and you guys say well it still does not meet our requirements.

Chairman Bowen: Right now you have a tank rated for four bedrooms.

Justin Hibner: Correct.

Bill Grove: Which is all he is asking for.

Chairman Bowen: That essentially is as I can tell that meets our requirements. We have a problem that we do not really have an inspection.

Justin Hibner: I understand that. I will get on top of completing the Ontario County.

Bill Grove: If you had the inspection, do you review the inspection and then make a decision based on the inspection or is that a code enforcement issue? Who decides if the inspection is adequate?

Chairman Bowen: Code does, correct?

Bill Grove: Could you conditionally approve the application based on the applicant getting the inspection and passing it on to the code officer?

Chairman Bowen: Yes.

Justin Hibner: If it is only the septic that is holding it up, then you could pass it if the septic report was there. Is there a way to do a contingent approval or wait until December? I am okay with waiting until December. It will probably take the same amount of time either way.

Chairman Bowen: I am trying to make a rule that we do not have conditional approvals, but this is sort of a rare instance. You are not lakeside either, which makes a big difference at least in my view. I do not have a problem granting conditional approval. The rest of the board has not voted yet. Unless there are any other comments, I would move at this time. Any other comments or questions?

I move that based on a review of short-term rental permit application 2022-0032 and the testimony presented at the Planning Board meeting on October 19, 2022 and public hearing on November 16, 2022, the Planning Board hereby approves conditionally the granting of a short-term rental operating permit to the owner based upon filing with the code enforcement officer a septic inspection. Jason Inda seconded the motion.

Roll Call Vote:

David Bowen – Aye

Jill Gordon – Aye

Jason Inda – Aye

Michael McCabe – Aye

Fred McIntyre – Aye

Sam Seymour – Aye

Kevin Stahl – Aye

Motion carried.

Chairman Bowen: Sorry to drag you through this all Mr. Hibner, but please advise Diane of your advertising websites as well in order to get your permit once you get the septic inspection in.

Justin Hibner: Thank you.

Chairman Bowen: Thank you Mr. Grove.

Bill Grove: You're welcome.

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

Chairman Bowen: Would you please reintroduce your application for the record please.

Sheila Borrer: Yes. Sheila Borrer. We have a condo on 8 Cliffside Drive. It is four bedrooms and three and half baths.

Chairman Bowen: You are seeking a permit for a sleeping occupancy of eight, is that right?

Sheila Borrer: Correct.

Chairman Bowen: You have parking spaces at two, is that right?

Sheila Borrer: Correct.

Chairman Bowen: Is there overflow parking available someplace?

Sheila Borrer: I think it is up at the community center, but I am not positive. My husband tells me that is correct.

Chairman Bowen: Seems to be the MO over there. Based on that we can accept that. Any changes to your application since your initial application was filed?

Sheila Borrer: No sir.

Chairman Bowen: Do we have any written comments?

Diane Graham: No.

Chairman Bowen: Anybody here want to make any comments? Board questions or comments? Hearing none.

I move that based on a review of short-term rental permit application 2022-0030 and the testimony presented at the Planning Board meeting on October 19, 2022 and public hearing on November 16, 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
Fred McIntyre – Aye
Sam Seymour – Aye
Kevin Stahl – Aye

Motion carried.

Chairman Bowen: Thank you for appearing Ms. Borrer and I remind you to please provide your advertising links to Diane so that she can assist with issuing your permit.

Sheila Borrer: Will do. Thank you.

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

Chairman Bowen: Can you re-identify yourselves and reintroduce your application so that we have it on the record.

Patrick O'Neill: Yes. Patrick and Pamela O'Neill, 6866 Co Rd 12. It is an application for short-term rental. We have two bedrooms and a maximum of four people. We have parking for a number of cars, but two plus.

Chairman Bowen: Adequate parking. Last time you were in I think you told us you had a distribution box that was broken and it was on order and going to be repaired. Has that happened?

Patrick O'Neill: That job is complete. Yes.

Chairman Bowen: Great.

Patrick O'Neill: They did a real nice job with it.

Chairman Bowen: Do you want to tell Mr. Hibner who did that?

Patrick O'Neill: I would be happy to tell him that. We had the exact same problem as he did. The previous owner did not follow code and have the inspection of the septic system completed before the sale. I am still dealing with that issue. I had to pay for the septic service company to come and we had the Canandaigua Lake Watershed, Tyler Ohle. Tyler came over and inspected. They opened the system and pumped it out. They checked the system and he provided the report that I provided to you folks.

Chairman Bowen: Great. Do we have any written comments?

Diane Graham: No.

Chairman Bowen: Any public comments? Not even from your relative back there? Any comments or questions from the board? Hearing none.

I move that based on a review of short-term rental permit application 2022-0033 and the testimony presented at the Planning Board meeting on October 19, 2022 and public hearing on November 16, 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

Fred McIntyre – Aye

Sam Seymour – Aye

Kevin Stahl – Aye

Motion carried.

Chairman Bowen: Congratulations! If you are advertising, please provide your links to Diane before you can get your permit.

Patrick O'Neill: Okay. We are working through that, but we thought we would wait until we got the permit before we paid the initiation fee.

Diane Graham: You will get your permit, but we want to add it your permit.

Patrick O'Neill: Sure. I will give you the information.

Diane Graham: Thank you.

Patrick O'Neill: We would be happy to.

Chairman Bowen: Thank you.

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

Chad Leddy: Hi. Good evening everyone.

Chairman Bowen: Hi Mr. Leddy. I think that is Mr. Leddy, right?

Diane Graham: Yes.

Chairman Bowen: Please state your full name and reintroduce your application please.

Chad Leddy: My name is Chad Leddy. I think that Cristina and James may be here as well with the camera off. I am speaking on behalf of the family. We have an application 2022-0036. We are applying for a short-term rental permit with an occupancy of eight and there is ample parking. We put it as six, but that is plus or minus. Happy to try and answer any questions. Otherwise, hopefully you are satisfied with the application.

Chairman Bowen: Any changes since the October meeting?

Chad Leddy: No sir.

Chairman Bowen: Any written comments, Diane?

Diane Graham: No.

Chairman Bowen: Anyone present want to make a comment?

Diane Graham: Anybody from the public or on Zoom?

Chairman Bowen: Any board comments or questions?

Jill Gordon: Did you do anything with your septic system?

Chad Leddy: I did hear the engineer answer some of your questions on another application after ours was discussed at the last meeting. I reached out to him. We are hoping to retain him to making improvements in the spring time. We have not retained him yet. We are not applying for anything more than what the system we understand can currently handle, which is the eight persons occupancy. We understand it can handle that based on the county inspection. That is what we are applying for at this time. I guess if we do make changes in the future, if Mr. Grove tells us we can do that, and that is something we would like to do then we would come back to you is my understanding.

Sam Seymour: When was this house built?

Chad Leddy: I believe it was 2004. I would have to double check the documents. It is roughly that date.

Sam Seymour: Okay.

Chairman Bowen: You are aware of the recommendations from the County inspection about pumping?

Chad Leddy: Yes I am. We will certainly have it pumped more often than the minimum. I spoke to Mr. Gerace about that and understand what we need to do to keep it in good working order. Obviously, we want to make sure it stays in good working order.

Chairman Bowen: Any other comments? Hearing none.

I move that based on a review of short-term rental permit application 2022-0036 and the testimony presented at the Planning Board meeting on October 19, 2022 and public hearing on November 16, 2022, the Planning Board hereby approves the granting of a short-term rental operating permit to the owner. Jason Inda seconded the motion.

Roll Call Vote:

David Bowen – Aye
Jill Gordon – Aye
Jason Inda – Aye
Michael McCabe – Aye
Fred McIntyre – Aye
Sam Seymour – Aye
Kevin Stahl – Aye

Motion carried.

Chairman Bowen: Thank you Mr. Leddy and others who are on. Please give Diane about your advertising links before you can get your permit.

Chad Leddy: We will. Thank you very much.

Chairman Bowen: Thank you. I will declare the short-term rental public hearings closed.

Short-Term Rental New Business

Short-Term Rental Application 2022-0038

Owner: The Land House LLC
Local Contact: Rachel Pasquarelli
Property: 6442 Co Rd 33
Tax Map #: 183.00-1-28.111
Zoned: R3 (Residential 3 Acres)
Sleeping Occupancy: 6
Parking Spaces: 4

Chairman Bowen: Is there somebody here? Good evening. Can you introduce yourselves for the record?

Joseph Pasquarelli: Sure I am Joe Pasquarelli and this is Rachel Pasquarelli. We are the Land House LLC. What we are seeking here is an occupancy of six with four parking spaces.

Rachel Pasquarelli: It is a four bedroom home with two full baths.

Chairman Bowen: Looks like there is sleeping occupancy for about ten?

Rachel Pasquarelli: Yes. There is.

Joseph Pasquarelli: We are operating within the septic tank capacity.

Rachel Pasquarelli: There is sleeping room. It is a large house. There is definitely enough room for ten people.

Chairman Bowen: There is a room that has five beds in it and marked on the site plan as private. They are in a bedroom so how do intend to control the number of people who are actually sleeping there?

Joseph Pasquarelli: Yes, of course. The reason I put private beds on there just to denote the fact that we are only allowing six people to stay at the house at a time.

Rachel Pasquarelli: We have a bedroom with a king bed. We have a bedroom with queen. Another bedroom with a queen and then the kid's room that has three twins and one of the twins is on the top bunk and the lower bunk is the full bed.

Joseph Pasquarelli: It is our second home. We have kids. We have brothers and sisters-in-law that have a lot of kids so when we have family get together with their cousins spending the night with us.

Chairman Bowen: So you intend some personal use, obviously?

Joseph Pasquarelli: Of course. Yes. This is our second home.

Chairman Bowen: How much do you plan on renting it? What percentage of time do you think?

Rachel Pasquarelli: Maybe like 30-50. I would say.

Chairman Bowen: So 30-50 per year?

Rachel Pasquarelli: 30-50 percent.

Joseph Pasquarelli: We like the house just as much as we hope others enjoy so we want to spend some time there.

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

Joseph Pasquarelli: No. This is our first short-term rental, but we do have experience in hospitality. It is not our occupation. We worked in and out of the hospitality industry.

Chairman Bowen: It says Rachel is the contact person?

Rachel Pasquarelli: Yes.

Chairman Bowen: You are going to be available 24/7 by phone?

Rachel Pasquarelli: Yes. I already have another business as well.

Chairman Bowen: We have had issues in the past with answering services not responding so that is not the case with yours?

Rachel Pasquarelli: No. Absolutely not.

Chairman Bowen: There was a county waste water inspection indicating the washing machine, utility sink and the water softener are not tied into the septic. Do you have any plans to get that repaired or put into the septic system?

Rachel Pasquarelli: When we had our original septic inspection done before the transfer of property purchased last fall, the report was incomplete and then as we have entered into this process we had to have it re-inspected, which was done by Finger Lakes Environmental, Shannon Mittermeier. He has spent lots of time at the house inspecting the septic. He has dug up junction boxes, pump, and alarm. He did some repairs to some things that were not working properly. The alarm was not working correctly for some reason so he put a brand new one in. Inspected the leach lines and everything. One of the boxes was clogged up so he cleaned it all out. Then inspected the lines and said they were brand new because they had not been functioning before. He fixed everything. It is working perfectly.

Chairman Bowen: So is the washing machine, softener and sink tied in now?

Joseph Pasquarelli: No. It is not.

Chairman Bowen: Do you have plans to have that done?

Rachel Pasquarelli: We received a quote to have it done. At this point from information I received from different septic engineers and other people who have had water softeners that it might be appropriate to leave it the way it is since everything is working completely correctly. We have also heard and been told that sometimes bleach that we would use obviously in the washing machines to wash linens can destroy septic systems. It is our preference to leave it the way it is and since the house is our second home as well as try to get a permit for short-term rental we spend so much time there I think if there was a problem with the drywell or whatever they are called that we would be aware pretty immediately.

Chairman Bowen: Is that where it is going now because the report says unknown?

Rachel Pasquarelli: All the septic stuff is a lot. It has been quite an education. We were provided a map from the previous owner.

Joseph Pasquarelli: With what was on file with the town.

Rachel Pasquarelli: There was rudimentary drawings of like drywell and what goes there. Then where they thought the leach lines were. We started with this map and paid somebody a lot of money to come dig up the system and make sure it is functioning correctly. As far as Shannon said everything is perfect. Our septic is completely perfect. We are going with what he said because that is his job.

Chairman Bowen: Scott, did we get Shannon's report?

Scott Martin: I am not sure we have Shannon's official report.

Chairman Bowen: In the file there is some emails back and forth with Shannon Mittermeier. He said he sent it.

Joseph Pasquarelli: Between you guys and Shannon.

Chairman Bowen: I believe between Scott and Shannon.

Rachel Pasquarelli: He told us he sent it too. We do not have it. We assumed that the reason why we were added onto the meeting today is because somebody has it. We still do not. Everything has been paid for.

Chairman Bowen: I know they were buried. He was at my house the other day. It took him a while to get there.

Rachel Pasquarelli: Yes. I am sure.

Chairman Bowen: Supposed to be in route.

Scott Martin: I asked Shannon in his professional opinion how many bedrooms would this system service and he says *"with the soils and leach area this system should have no problem serving four bedrooms. I will get the report out to you shortly."*

Rachel Pasquarelli: With that information we should essentially be able to host eight to ten people.

Scott Martin: Agreed.

Rachel Pasquarelli: Yes.

Chairman Bowen: It would be good if before the next meeting we get that report from Shannon.

Rachel Pasquarelli: We will work on it. We do not have any bargaining chips left with him because he has already been paid. Cashed immediately.

Chairman Bowen: Got to hold some of it back.

Scott Martin: I will get it from him. I know Shannon.

Rachel Pasquarelli: He did a great job. It is just getting the report from him.

Chairman Bowen: They are incredibly busy right now. Any questions from the board?

Jill Gordon: I will make a statement and read to you the *"NYS Department of Health deems clothes washers, utility sink and water softener discharges as waste water requiring subservice treatment, therefore, discharging clothes washer, utility sink and water softener waste directly on to the ground surface is unacceptable."* That is from NYS Department of Health.

Rachel Pasquarelli: There is no evidence that it is discharging on the surface. The evidence is that from the visual aid we have been provided that there is a drywell in front of the deck, which is still very far from the road. There is nothing to see and we are certainly not going to spend our money digging up our yard and making it look hideous. We are smart people. We are there all the time. We would see it back up into the laundry room. That is where all the things are. I do not know. We have spent so much money trying to get this all situated and I feel like from Shannon's notes that we have been told that everything is functioning perfectly for exactly the amount of people that we want to host. I would say that if Shannon says we can host eight to ten people that to me means our septic is good to go.

Sam Seymour: We should take a look at his report.

Rachel Pasquarelli: I would love to. That would be great.

Diane Graham: So at this time we are not amending any sleeping occupancy until we see the report?

Chairman Bowen: Correct.

Diane Graham: Okay.

Chairman Bowen: Scott, anything else you need to complete the application?

Scott Martin: No. Just get that report from Shannon.

Chairman Bowen: Alright. Based on that:

I move that the Planning Board accept the short-term rental permit application 2022-0038 as complete with the exception of the septic inspection report from Finger Lakes Environmental and set the application for final review and public hearing on December 7, 2022. Kevin Stahl seconded the motion.

All in favor.

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

Motion carried.

Short-Term Rental Application 2022-0039

Owner: D and E Enterprises LLC
Local Contact: Kathleen Busch
Property: 6400 Bills Rd
Tax Map #: 178.00-1-1.120
Zoned: R3 (Residential 3 Acres)
Sleeping Occupancy: 4
Parking Spaces: 3

Chairman Bowen: Please state your name and introduce your application please.

Kathleen Busch: I am Kathleen Busch. I am for D and E Enterprises LLC, 6400 Bills Road. It is for four occupancy and there are three parking spaces.

Chairman Bowen: Does D and E Enterprises have experience in the short-term rental business?

Kathleen Busch: Yes. For quite a while. Myself almost ten years.

Chairman Bowen: What do they do, D and E?

Kathleen Busch: D and E was formed by Mr. Dannefer and his wife before she passed. There are a couple of things they do with that enterprise. He has another property that he does in Naples, NY. He has experience in this.

Chairman Bowen: You are the contact person, right?

Kathleen Busch: I am.

Chairman Bowen: You will be available 24/7?

Kathleen Busch: I am.

Chairman Bowen: Does D and E use this property personally or is it 100% rental?

Kathleen Busch: The family does use it some time. Once in a while, but that is probably five percent.

Chairman Bowen: Any questions from the board? Scott, do you have anything you need to complete the application?

Scott Martin: I do not. No.

Chairman Bowen: Based on that:

I move that the Planning Board accept the short-term rental permit application 2022-0039 as complete and set the application for final review and public hearing on December 7, 2022. Sam Seymour seconded the motion.

All in favor.

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

Motion carried.

Short-Term Rental Application 2022-0041

Owner: Rajat Asani and Bhavmeet Shah

Local Contact: Haven Vacation Rental Management LLC

Property: 6345 Co Rd 33

Tax Map #: 183.00-1-17.130

Zoned: R5 (Residential 5 Acre)

Sleeping Occupancy: 6

Parking Spaces: 4

Amy Merrill: Hi, I am Amy Merrill with Haven Vacation Rental Management regarding application for 6345 Co Rd 33. It is three bedrooms, two and a half bathrooms. Occupancy of six and we have parking for four or more.

Chairman Bowen: Do the owners have short-term rental experience that you are aware of?

Amy Merrill: They do not. I do.

Chairman Bowen: Is that why they hired you?

Amy Merrill: Yes.

Chairman Bowen: What experience do you have?

Amy Merrill: I own a vacation rental management company based in Naples.

Chairman Bowen: You will be available around the clock?

Amy Merrill: We are available 24/7.

Chairman Bowen: It is not an answering machine?

Amy Merrill: No.

Chairman Bowen: Okay. Do you know how often they are planning to rent this?

Amy Merrill: They use it themselves as well probably about 20% of the time. The remainder to the time it will be available for rentals.

Chairman Bowen: Any board comments or questions? Scott, anything you need to complete the application?

Scott Martin: No.

Chairman Bowen: Based on that:

I move that the Planning Board accept the short-term rental permit application 2022-0041 as complete and set the application for final review and public hearing on December 7, 2022. Michael McCabe seconded the motion.

All in favor.

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

Motion carried.

Short-Term Rental Application 2022-0042

Owner: Warner Properties LLC
Local Contact: Stephen Warner
Property: 10 Pinewood Lane
Tax Map #: 183.36-1-2.300
Zoned: R5 (Residential 5 Acre)
Sleeping Occupancy: 4
Parking Spaces: 2

Chairman Bowen: Please introduce yourself please.

Stephen Warner: My name is Stephen Warner. I own Warner Properties and own 10 Pinewood Lane. It is a two bedroom condo. I am looking for occupancy for four people and it has two parking spaces.

Chairman Bowen: Any questions from the board?

Frederick McIntyre: On your drawing it shows two bedrooms and then in your application it said thirteen bedrooms.

Diane Graham: That is for the whole building.

Frederick McIntyre: The whole building okay. That is what I wanted. So you only have two bedrooms?

Stephen Warner: I only have two bedrooms. I might have a septic for two at thirteen.

Frederick McIntyre: No. You have a sewer.

Jill Gordon: Is there a homeowner's association there?

Stephen Warner: Yes there is.

Jill Gordon: Are you part of it?

Stephen Warner: I am. We have a new president and treasurer. We are making big changes there to get things back where they should be. There is a lot of things that have run down in that facility in the last forty years. We are doing a lot of good changes I think.

Jill Gordon: Would upgrading the septic be one of those because it is very undersized.

Stephen Warner: I had not heard that. All I knew is that it passed. There are three different septic systems for the three different buildings. I had not heard anything about it being undersized.

Jill Gordon: According to the report we have you almost need a whole other tank. The tank you have is only for six bedrooms and there are thirteen in the building right.

Diane Graham: My understanding is the septic is sized for two bedrooms each, but somebody added a third bedroom. The report inspector which was Ontario County Soil and Water changed it to thirteen and saying it was okay.

Jill Gordon: Now they changed it?

Diane Graham: He did because somebody added a bedroom.

Stephen Warner: I can tell the board that part of the homeowner's association has had a vote. We have voted that no one else in the community can add any bedrooms or bathrooms without first homeowner's association approval. For that very reason. We did not want to have a septic problem because a bunch of bedrooms were added.

Chairman Bowen: Has the association agreed to monitor the septic and make sure it is pumped when it needs to be?

Stephen Warner: Yes. We are doing all of that.

Diane Graham: I think they asked how often they should do it. What did you advise? Was it every two years? I think they pumped more, but inspected every two.

Stephen Warner: That is Mr. Musselman who was here last month. You approved his short-term rental. He is right next door to me.

Chairman Bowen: There is a report though with recommendations about more frequent pumping as I recall. Take that under advisement with your association.

Stephen Warner: Will do.

Chairman Bowen: Any other board comments? Hearing none.

I move that the Planning Board accept the short-term rental permit application 2022-0042 as complete and set the application for final review and public hearing on December 7, 2022. Kevin Stahl seconded the motion.

All in favor.

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

Motion carried.

Short-Term Rental Application 2022-0040

Owner: DP Fuller Family Limited Partnership
Local Contact: Steven Fuller
Property: 14 A Northstar Drive
Tax Map #: 167.71-1-14.200
Zoned: PD (Planned Development)
Sleeping Occupancy: 6
Parking Spaces: 3

Chairman Bowen: It looks like we have Mr. Fuller on Zoom.

Steven Fuller: Hi, how are you guys. Can you hear me alright?

Chairman Bowen: I can.

Steven Fuller: Perfect. Thank you very much. Appreciate it.

Chairman Bowen: Please introduce yourself on the record and introduce your application please.

Steven Fuller: Yes. My name is Steven Fuller. I am with Bristol Mountain and we are applying for a short-term rental for unit #14 A in the townhomes there.

Chairman Bowen: You have another rental in that complex, right?

Steven Fuller: We do. Yes. Unit #11.

Chairman Bowen: You have experience with rentals that is the point, right?

Steven Fuller: Correct. Historically this goes back to the late 1980's when that whole complex was built. Bristol Mountain was the property management company. Anyone that was looking to rent out their units would rent through Bristol Mountain. We did monthly rentals traditionally in the summertime and then it was traditionally two night minimum stays through the spring, summer into fall. Focused on the ski season. Then most recently with Airbnb and Home Away and the different online options that has changed quite a bit, but we still manage a couple units. Right now we have a short-term permit for unit #11.

Chairman Bowen: You are listed as the contact person. Do they go through you or do they contact Bristol Mountain if there is an issue?

Steven Fuller: They go through our office at Bristol Mountain. I would be the contact for the town here or if there are any issues outside of renter issues would go directly to Bristol Mountain staff.

Chairman Bowen: Outside of ski season, right?

Steven Fuller: Yes.

Chairman Bowen: It is year-round rental, right?

Steven Fuller: Year-round short-term. Correct.

Chairman Bowen: Okay. Any board questions? Scott do you need anything to complete the application?

Scott Martin: No.

Chairman Bowen: Okay.

I move that the Planning Board accept the short-term rental permit application 2022-0040 as complete and set the application for final review and public hearing on December 7, 2022. Sam Seymour seconded the motion.

All in favor.

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

Motion carried.

Short-Term Rental Application 2022-0044

Owner: Daniel P. Bajda & Lindsay A. Bajda
Local Contact: Lindsay Bajda
Property: 21 Cliffside Drive
Tax Map #: 168.16-1-6.021
Zoned: PD (Planned Development)
Sleeping Occupancy: 4
Parking Spaces: 2

Chairman Bowen: Good evening. Please state your name and introduce your application.

Lindsay Bajda: Lindsay Bajda, application 2022-0044, 21 Cliffside Drive. It is a two bedroom two and half bath condo with a maximum occupancy of four people. One guaranteed parking spot and we have two additional spots for visitors in our garage as well as several in the garage above ours.

Chairman Bowen: Thank you. Do you have experience in renting property?

Lindsay Bajda: I have worked in a multi-family industry for about nine years. I have experience renting apartments on the landlord side.

Chairman Bowen: Great. You are the contact person, is that right?

Lindsay Bajda: Correct.

Chairman Bowen: You live in Pittsford?

Lindsay Bajda: Pittsford yes.

Chairman Bowen: So you are not right around the corner, but you will be available by phone 24/7?

Lindsay Bajda: Yes. I am about 35 minutes away.

Chairman Bowen: How often to you intend to rent versus personal use?

Lindsay Bajda: We probably use it 10-20% amount of the time so we would make it available for the rest of the year. I am not sure it is going to be rented all that time, but we would make it available.

Chairman Bowen: Any other board questions?

Kevin Stahl: We had an awful lot of short-term rentals coming out of the Bristol Harbour Development. I think it would be a good idea if we had the applicants get an okay from the Association so we know everything is alright down there.

Chairman Bowen: Has there been any discussion with the board?

Lindsay Bajda: I believe I will be getting approval from the board after I get this. So we each have our own boards for the different communities within Bristol Harbour. I believe ours there is an insurance requirement and fee that you pay and then you can get approval. I would like to get the permit and then go to the board and present that. I am able to rent it as long as I meet their requirements.

Chairman Bowen: Is that how Bristol Harbour Village Associates prefers that you act on that in that sequence?

Lindsay Bajda: I am not sure, but I read our guidelines and as long as I go to the board and get their insurance requirement, which is more than what you are requiring as well as pay the fee I should be able to meet it. I believe you have already approved 8 Cliffside Drive is my same Bristol Harbour Condominium 1 Association. I think there are four different ones within Bristol Harbour, which all have different requirements.

Chairman Bowen: Any other comments or questions from the board? Scott, anything that you need on your end?

Scott Martin: No.

Chairman Bowen: Based on that:

I move that the Planning Board accept the short-term rental permit application 2022-0044 as complete and set the application for final review and public hearing on December 7, 2022. Kevin Stahl seconded the motion.

All in favor.

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

Motion carried.

Short-Term Rental Application 2022-0045

Owner: JBear Associates New York LLC
Local Contact: Brooke Ward
Property: 7148 S Gannett Hill Rd
Tax Map #: 194.00-1-1.212
Zoned: R5 (Residential 5 Acre)
Sleeping Occupancy: 8
Parking Spaces: 4

Brooke Ward: I am Brooke Ward and the owner is JBear Associates LLC. The address is 7148 South Gannett Hill Road. The property sleeps eight and can accommodate four cars.

Chairman Bowen: Is JBear Associates is James Ellsworth?

Brooke Ward: Yes.

Chairman Bowen: Are there any other members of the LLC?

Brooke Ward: There are, but he is the main one.

Chairman Bowen: Where is he located?

Brooke Ward: He is in Hawaii right now. That is where he lives.

Chairman Bowen: Are you the only local representative for contact for that property?

Brooke Ward: For this purpose yes, but there is another partner that can kind of help as well.

Chairman Bowen: Where are they located?

Brooke Ward: They are in Naples as well.

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

Brooke Ward: Yes.

Chairman Bowen: In what regard?

Brooke Ward: Just working for other property management companies. I have been in hospitality for many years.

Chairman Bowen: You are available 24/7 for this property?

Brooke Ward: Yes.

Chairman Bowen: Is Mr. Ellsworth or his partner attending to use it personally?

Brooke Ward: Yes.

Chairman Bowen: Do you know what percentage of the time compared to rental?

Brooke Ward: They usually come maybe three times a year. Right now they would like to rent out the property about eight weeks out of the year.

Chairman Bowen: Any questions from the board? I would note there is an occupancy of eight you are requesting, but there is an issue about visitors of twelve, which would essentially be four more people. Do you know what the purpose of that being in the rental agreement is?

Brooke Ward: That is still up in the air. I thought if they wanted people over for dinner, but as long as they left. I guess that is hard to gauge so that was kind of a gray area that we had.

Chairman Bowen: It is going to be a four season rental correct?

Brooke Ward: Yes.

Chairman Bowen: I know in talking with the code enforcement officer or maybe the assistant today there may potentially be some comments from the neighbor about a shared driveway situation.

Brooke Ward: Yes. We are working on it.

Chairman Bowen: Had there been any discussions with the neighbor about this?

Brooke Ward: Yes. I have yet to have a piece of paper with signatures, but they are definitely communicating and we did go back to the original agreement when it was subdivided. It was 50/50, but maintenance is a very broad term so they are working out more specifics about what maintenance means.

Diane Graham: Brooke is going to provide a copy of that agreement that we do not have.

Chairman Bowen: Alan, was the issue maintenance versus something else as far as you know?

Alan Pearce: Maintenance and snow plowing.

Chairman Bowen: It was not volume of people using the road or anything like that or annoyance?

Alan Pearce: No. I think it is more maintenance.

Brooke Ward: I did not get that from them. Was he okay with that?

Chairman Bowen: He brought it to my attention today, but there was not really any details. Do not want to have a big tadoo next month.

Brooke Ward: Exactly. I am hoping I will have something.

Chairman Bowen: Okay. Anything you need, Scott?

Scott Martin: No.

Diane Graham: Do you want a copy of the agreement?

Chairman Bowen: That would be nice to have.

Brooke Ward: Yes. I would like to have it too.

Diane Graham: You mentioned that there is one already.

Brooke Ward: There is and I cannot find it. Dave is aware of it and Jay. I was going to go back to the lawyer tomorrow and see if he could just send it to me. Even if Dave wants to clarify maintenance.

Diane Graham: The one we have is a pre to what they have now.

Chairman Bowen: Was it a filed easement on the property or just a written agreement?

Brooke Ward: It is a filed easement.

Diane Graham: The one we have been given was the first one and then they another one so that is the one we do not have.

Chairman Bowen: Okay.

I move that the Planning Board accept the short-term rental permit application 2022-0045 as complete with the understanding that a right-of-way agreement will be provided and set the application for final review and public hearing on December 7, 2022. Jason Inda seconded the motion.

All in favor.

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

Motion carried.

Short-Term Rental Application 2022-0046

Owner: Thomas Giancursio

Local Contact: Pamela Giancursio

Property: 5601 St Rt 64

Tax Map #: 167.00-1-49.120

Zoned: NC (Neighborhood Commercial)

Sleeping Occupancy: 10 (Unit A = 2; Unit B = 4; Unit C = 4)

Parking Spaces: 7

Chairman Bowen: Good evening. Please state your names and introduce your application?

Thomas Giancursio: I am Thomas Giancursio and the property address is 5601 St Rt 64.

Chairman Bowen: I will note in speaking with Diane today we apparently received indication of Cabin Culture LLC as being the actual owner now?

Thomas Giancursio: It was literally just transferred, yes.

Chairman Bowen: So we can amend your application to reflect that entity as the owner as opposed to you personally.

Thomas Giancursio: Excellent. Thank you.

Chairman Bowen: So we will amend that this application is Cabin Culture LLC as owner with your permission, of course.

Thomas Giancursio: Of course, yes. Thank you.

Chairman Bowen: Can you describe the property and tell us about it?

Thomas Giancursio: It is a log cabin structure across from Bristol Mountain. It is essentially a three-family building.

Diane Graham: Can you describe the units and how many?

Thomas Giancursio: There are three units. You might be able to describe them better. I know one it is a studio?

Pamela Giancursio: Yes. We have a studio the occupancy would be two and then there are two other units that have two bedrooms and each would have the occupancy of four each.

Diane Graham: I show parking of seven.

Pamela Giancursio: Yes.

Chairman Bowen: Have you owned it for a while? Have you been renting it?

Thomas Giancursio: Yes. I have owned for at least a year.

Chairman Bowen: It has been rented up till now?

Thomas Giancursio: Yes.

Chairman Bowen: On occasion?

Thomas Giancursio: Yes.

Chairman Bowen: On short-term or long-term?

Thomas Giancursio: Short-term.

Chairman Bowen: You folks live in Honeoye, is that right?

Pamela Giancursio: So you are available?

Thomas Giancursio: Yes.

Chairman Bowen: Do you plan to have any personal use of this or is it always rental?

Thomas Giancursio: Maybe a night or two a year if it is available.

Chairman Bowen: I note from an inspection the #2 septic system has a distribution cover that is cracked. Has that been repaired or are you going to repair it.

Pamela Giancursio: I think it was Tad that went out there and he said it looked fine. That at this point he would not replace it.

Chairman Bowen: Any plan for a pumping schedule?

Thomas Giancursio: Definitely a pumping schedule. If we did not and it backed up, it would cause major issues with the units. Obviously, maintenance is a big thing for me.

Chairman Bowen: Any board questions or comment? Scott you need anything?

Scott Martin: No.

Chairman Bowen: Hearing none.

I move that the Planning Board accept the short-term rental permit application 2022-0046 as complete and set the application for final review and public hearing on December 7, 2022. Kevin Stahl seconded the motion.

All in favor.

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

Motion carried.

Short-Term Rental Application 2022-0047

Owner: James Collins
Local Contact: Kathleen Varney, Vacasa
Property: 40 Cliffside Drive
Tax Map #: 168.16-1-6.040
Zoned: PD (Planned Development)
Sleeping Occupancy: 4
Parking Spaces: 1

Chairman Bowen: Hello. We have Mr. Collins on Zoom.

James Collins: Good evening.

Chairman Bowen: Good evening Mr. Collins. Are you are ma'am?

Marissa Cool: I am Marissa Cool. I work for Vacasa with Kathleen who is also on Zoom. I also work for Vacasa and help onboard the homeowners so I am here as a representative.

Chairman Bowen: I assume you have experience with short-term rentals?

Marissa Cool: I do with Vacasa for just over a year. Vacasa has plenty of experience.

Chairman Bowen: How about you Mr. Collins?

James Collins: I do not.

Chairman Bowen: This is your first venture?

James Collins: It is.

Chairman Bowen: Okay. I note sleeping occupancy of four with one parking space. Is there overflow available?

James Collins: Yes, there is.

Chairman Bowen: Where is that?

James Collins: To the south. It is an undercover spot to the south on the same level.

Chairman Bowen: How often do you plan to rent?

James Collins: About 20-25% of the year. I am sorry renting no. Me personally

I move that the Planning Board accept the short-term rental permit application 2022-0047 as complete and set the application for final review and public hearing on December 7, 2022. Michael McCabe seconded the motion.

All in favor.

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

Motion carried.

Regular Old Business

Public Hearings

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)

Legal Notice of Public Hearing

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

2022-0024 for property owned by Stemples Landing LLC located at 6199 Stemple Hill Road, tax map #185.14-1-11.000. The applicant/property owners are looking to replace a dilapidated section of the timber wall with a 12 inch concrete breakwall that is approximately 40 feet long.

Said hearing will take place on the 16th day of November, 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 Bowen: I will note for the record this is an amended application because we did receive a revised site plan today. Good evening sir. Can I have your name?

Korby Mortensen: I am Korby Mortensen. I am the representative for J.C. Gerstner. I am here about the wonderful Gotham family's lake-frontage with that dilapidated 31 foot wall and thanks to Mrs. Gordon's sharp eye noticing that culvert pipe last time we have gotten new drawings to bring our wall past that culvert pipe. You do not have to assume we are going to do anything.

Chairman Bowen: Okay. We received the revised plan today and there is a 24 inch culvert just north of the breakwall.

Korby Mortensen: Yes sir.

Chairman Bowen: We had some concerns about that emptying onto a new breakwall and going over the top and maybe eroding behind, but you have revised the plan to take the wall a little bit west of the outflow.

Korby Mortensen: We are going to have a two foot lap so it could never go back up hill two foot and come back around. It could have potentially before.

Chairman Bowen: The height of the wall is sufficient to take into account any outflow?

Korby Mortensen: Yes.

Chairman Bowen: Nothing is going to splash up and over on top?

Korby Mortensen: No. I do not want to assume anything. I was hoping I had every question answered, but I brought pictures and everything. Tons of them.

Chairman Bowen: Does anyone care to see the pictures?

Korby Mortensen: Just of the measurements and everything. I know last time you had told me you weren't in the business of assuming we were going to do things right. Well now you do not have to assume.

Chairman Bowen: Just want to make sure the Gotham's are getting the right product.

Korby Mortensen: I get it. I totally get it.

Chairman Bowen: It was exempt from County Planning Board referral. There is no septic system approval required. No storm water and erosion control measures recommended or required. We did receive the NYS DEC email on threatened and endangered species on August 12, 2022 and from US Fish and Wildlife we got an email on September 2, 2022. We have an archeological site determination no impact letter on September 1, 2022. There are no farms within 500 feet. There is no floodplain development permit required. We did receive NYS DEC Natural Resource Permit under environmental conservation law from January 25, 2022.

Did we receive any written comments?

Diane Graham: No.

Chairman Bowen: Is there any member of the public or on Zoom who wishes to speak on the application? Does the board have any questions? Hearing none. I will declare the public hearing closed.

I move that this is a SEQR Type II action under 617.5 (c)(2) "*The replacement of a structure*" with little or no impact no further environmental review is required and that I answer questions 1-11 and sign the SEQR form on behalf of the board. Sam Seymour seconded the motion.

All in favor.

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

Motion carried.

Chairman Bowen 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.

I move to approve findings 1-4. Jill Gordon seconded the motion.

All in favor.

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

Motion carried.

Chairman Bowen made a motion to approve the amended site plan approval application 2022-0024. Jill Gordon seconded the motion.

Roll Call Vote:

David Bowen – Aye
Jill Gordon – Aye
Jason Inda – Aye
Michael McCabe – Aye
Frederick McIntyre – Aye
Sam Seymour – Aye
Kevin Stahl – Aye

Motion carried.

Chairman Bowen: Mr. Mortensen, I would like to advise you that the site plan approval expires in six months. You will need to obtain a building permit and start construction prior to that expiration. There is a one-time six month extension you could get by coming back to the Planning Board for approval. After six months, you will have to reapply and start all over again. I assume that will not happen.

Korby Mortensen: Yeah. You know better than that. Thank you so much.

Chairman Bowen: Thank you for taking care of that.

Korby Mortensen: Have a wonderful holiday.

Chairman Bowen: You too.

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)

Legal Notice of Public Hearing

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

2022-0026 for property owned by Timothy W. Williams and Betsy M. Williams located at 5777 Seneca Point Road, tax map #178.07-1-7.100. The applicant/property owners are looking for site plan approval to construct a 652 square feet permanent dock and covered boat hoists.

Said hearing will take place on the 16th day of November, 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 Bowen: We have a representative here?

Diane Graham: Yes. On Zoom.

Anthony Venezia: Yes. Anthony Venezia with Venezia & Associates Land Surveyors.

Chairman Bowen: Hi Anthony. Do you want to briefly discuss the project and any changes since the preliminary hearing on September 21st?

Anthony Venezia: Absolutely. It is a permit for a two boat hoist dock. The only thing that really has changed since the last meeting was a couple of requirements from the town. We added the water depth at the end of the dock. It is roughly about ten feet. The average water height of Canandaigua Lake assuming 688. I know we also added the dimensions to the concrete pier to the south. Since then no changes have been made.

Chairman Bowen: Okay. We did see those on the site plan that was revised. Thank you for that. I will note that County Planning Board referral is exempt from that. Septic system approval is not applicable nor is storm water and erosion control measures. Threatened and endangered species is not needed. We received archeological site determination with a no impact letter on October 20, 2022. No agricultural farms within 500 feet. No floodplain development permit is required. Are there any written comments that we received, Diane?

Diane Graham: No.

Chairman Bowen: Is there any member of the public who wishes to speak on the application? On Zoom? Any board questions?

Sam Seymour: What is the roof going to look like on this? There is no profile view.

Anthony Venezia: The roof line is going to match kind of what the house is, I believe. Would be your standard hip roof. I do not think I have that in front of me right now.

Sam Seymour: What is the dotted line on the drawing?

Anthony Venezia: It will not be one big mass. It is going to tuck in the way the dock tucks in. That is the outline of the hoist roof.

Sam Seymour: So the grey dotted line is the outline of what would be the roof?

Anthony Venezia: Correct.

Sam Seymour: Would that be a gabled roof?

Anthony Venezia: Let me check. I believe it is, but I am not 100% positive of what the profile will look like.

Sam Seymour: Is that something that is decided now or are you going to let the contractor do that?

Anthony Venezia: I am assuming that it has been decided already in the design Worden Hill came up with. It will mimic what is there now to match the house lines, I believe. I do not have the exact dimensions and the profile in front of me at this point.

Sam Seymour: In the future can you make sure that is part of your plans?

Anthony Venezia: Absolutely.

Sam Seymour: Thank you.

Chairman Bowen: Anybody else? Hearing none. I declare the public hearing closed.

Chairman Bowen moved that the Board determine this application involves a SEQR Type II action under 617.5 (c)(12) "*the construction of a minor accessory structure that does not change the land use or density*" and no further environmental review is required, that I answer the questions and sign the form on behalf of the Board. Jill Gordon seconded the motion.

All in favor.

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

Motion carried.

Chairman Bowen 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.

5. The proposed project complies with the Docking and Mooring Law.

Chairman Bowen moved to approve findings 1-5. Jill Gordon seconded the motion.

All in favor.

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

Nays 0

Motion carried.

Chairman Bowen made a motion to approve the amended site plan approval application 2022-0026. Jill Gordon seconded the motion.

Roll Call Vote:

David Bowen – Aye

Jill Gordon – Aye

Jason Inda – Aye

Michael McCabe – Aye

Frederick McIntyre – Aye

Sam Seymour – Aye

Kevin Stahl – Aye

Motion carried.

Chairman Bowen: Thank you Anthony. You understand that the site plan approval expires in six months?

Anthony Venezia: Correct.

Chairman Bowen: Okay. Very good. Thank you.

Site Plan Approval Application 2022-0034

Owner: Mark Conners

Representative: Grove Engineering PE

Property: 6555 Longs Point Drive

Tax Map #: 185.17-2-15.000

Zoned: LR (Lake Residential)

Legal Notice of Public Hearing

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

2022-0034 for property owned by Mark Conners located at 6555 Longs Point Drive, tax map # 185.17-2-15.000. The applicant/property owner is looking to replace the existing storage/bunk house to construct a 1,472 square foot two bedroom bunk house/storage.

Said hearing will take place on the 16th day of November, 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 Bowen: Good evening Mr. Grove. State your full name and discuss your project.

Bill Grove: I am William Grove of Grove Engineering representing the Conners for their proposed project. We were here last month and discussed it a little bit. The only revision to the plan that you have in front of you compared to what you saw last month was the existing detached garage. In the previous plan I called that an attached garage. It does not actually attach to the residence. It is a detached garage. That is the revision on the plan in front of you.

Chairman Bowen: That is the revision to the existing site plan as opposed to the one we are talking about tonight for the bunk house.

Bill Grove: Yes. Nothing to do with the proposal we are here asking you for. It was a clarification of the existing detached garage that is under construction. What the Conner's would like to do is replace their existing storage/bunk house with one that is a little bit bigger. One that meets the requirements of the flood zone so we will elevate to 694 to get it up out of the flood zone. It will be built back into the hill. The plan that you have in front of you shows a retaining wall on the backside of the bunk house. I think that may not actually be built that way. They may end up going more than one story high with the foundation wall of the building so that would eliminate the need for a retaining wall behind it. The wall of the structure would act as a retaining wall. They are still working with the architect to figure that out.

Chairman Bowen: That would lessen the cut into the hill?

Bill Grove: It would essentially lessen how far back they have to go, but we need to retain that hill somehow whether it is done with the actual structure wall or come up part way with the structural wall and then a separate retaining wall behind it. In the version that I had of the architectural plans when I devised this plan, they had some windows in the second floor of the upstairs of the bunk house towards the back. That is why I kept grade down then I think ultimately they will end up going with a taller foundation wall on that. I do not think it is two story. I think it is a single story anyways, but it would be a taller building so that they do not have to have a separate retaining wall.

Chairman Bowen: I guess that was my question. The one that is there now I am assuming there is some architectural deviation from what they just built and so they want to upgrade the bunk house.

Bill Grove: Yes. Continuity of the buildings on the site I am sure.

Chairman Bowen: I do not know because it is just a site plan whether it is one or two stories, but I assume it based on the square footage that we have here. There is hardly any change in footprint. It is like

two and half square feet. Would that footprint change at all if you went with the retaining wall as the structure as opposed to a separate retaining wall?

Bill Grove: Would it change the structure?

Chairman Bowen: Would you have to change the square footage of the footprint.

Bill Grove: No. The building footprint will be the building footprint. It is just a question whether that back wall will act as the retaining wall all the way up or if it would be a separate wall. I included the retaining wall in the lot coverage calculations so what you see would be the worst case scenario of lot coverage. If that wall goes away, the square footage of that impervious cover goes away with it.

Chairman Bowen: As far as you know, it is going to be a single story at this point?

Bill Grove: Yeah. I think somewhere I have architectural plans. I think they are on my computer at home. Maybe a loft area in it. It is not a two-story structure. You can hit me with other questions as I try to find it, if you have any.

Chairman Bowen: Anybody have any?

Bill Grove: We did get the sign-off on the bald eagles from DEC and US Fish and Wildlife Service. We also have a revised sign-off from SHPO as far as the archeological.

Chairman Bowen: As far as I can tell everything is complete. Scott, is that right?

Scott Martin: Yes. As far as I can tell, it looks good to me.

Chairman Bowen: We did get the Fish and Wildlife November 8, 2022, the DEC letter October 24, 2022. We do not have an active farm within 500 feet. The archeological site determination we received a no impact letter October 2022. There was no referral to County Planning Board and the septic system was approved and for house being designed for six bedrooms, which takes into account this bunkhouse bedrooms, correct?

Bill Grove: Yes.

Chairman Bowen: We discussed all that at the last meeting. There is no additional impact on the septic system from this structure.

Bill Grove: Correct.

Chairman Bowen: It was designed to take into account this structure already.

Bill Grove: Yes.

Chairman Bowen: No floodplain permit required, storm water no. Steep slopes permit application has been submitted, correct?

Bill Grove: Yes.

Chairman Bowen: Does the Board have any other questions or comments? Do we have any public comments from anyone on Zoom or in the room?

Diane Graham: There were no written comments.

Chairman Bowen: Based on that we will close the public hearing.

I move on the SEQR that this Board determined that this application involves a SEQR Type II action under section 617.5 (c)(2) the replacement of a structure in kind on the same site with only two and half square feet of increase in the footprint.

Bill Grove: It is not two and half square feet.

Chairman Bowen: Existing slab 691.5 proposed slab...

Bill Grove: That is elevations.

Chairman Bowen: Okay.

Bill Grove: We are going slightly to the north and slightly into the hill. There is a honeycomb hatched area that is a lighter grey.

Chairman Bowen: Right.

Bill Grove: That is the footprint of the existing and the dark black is the footprint of the proposed.

Chairman Bowen: I see.

Diane Graham: Does that change the SEQR?

Chairman Bowen: I do not believe so. It is a replacement of a structure in kind on the same site. Even still I do not think there is any additional environmental review required. Same one would be (c)(2).

Diane Graham: Do you want the difference?

Chairman Bowen: If there is a difference we will modify it.

Bill Grove: What are you asking? How much square foot difference there is?

Diane Graham: Existing square footage versus the proposed.

Bill Grove: I do not have that.

Sam Seymour: Is that on your lot coverage table on the left.

Bill Grove: I only show the proposed because the existing is within the footprint of the proposed. It is an after construction how much lot coverage it would be.

Sam Seymour: I see.

Bill Grove: Hmm. You know what just a second I may have it in the plans for the previous. Existing storage building 950 square feet compared to 1472. So 522 square feet of additional footprint.

Chairman Bowen: I believe it would also fit under 617.5 (c)(9) construction or expansion of an accessory structure.

Diane Graham: Is this replacing or both?

Chairman Bowen: I would put down both for the record.

Diane Graham: Are we ready to move on to a second?

Chairman Bowen: Yes.

Diane Graham: Do we have a second?

Jill Gordon seconded the motion.

All in favor.

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

Motion carried.

Chairman Bowen 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.

David Bowen moved to approve findings 1-4. Sam Seymour seconded the motion.

All in favor.

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

Motion carried.

David Bowen made a motion to approve amended site plan approval application 2022-0034. Jill Gordon seconded the motion.

Roll Call Vote:

David Bowen – Aye

Jill Gordon – Aye

Jason Inda – Aye

Michael McCabe – Aye

Frederick McIntyre – Aye

Sam Seymour – Aye

Kevin Stahl – Aye

Motion carried.

Chairman Bowen: Application 2022-0035 is put over to the January meeting like we stated at the outset.

Regular New Business

Site Plan Approval Application 2022-0043

Owner: Charles F. Ryan II

Representative: Charles Ryan

Property: 5689 Shore Drive

Tax Map #: 168.20-1-4.100

Zoned: LR (Lake Residential)

Charles Ryan: Yes. Can you hear me?

Chairman Bowen: We can. Good evening Chuck.

Charles Ryan: Just a second while I get on the video here. My son Joe is also on.

Joe Ryan: Hello.

Charles Ryan: Hopefully our application is fairly straight forward. We have a property in the cove just south of Bristol Harbour. Two properties south of Bristol Harbour. In March 2021 we did get approval from your board and a height variance of our fence that exists now from the Zoning Board of Appeals. We simply want to extend that about seventy-five feet from the current fence to the south. We had some vegetation that we figured would serve as a buffer, but since that time that vegetation has not survived and has been removed. The original pictures in our application showed what the vegetation looked like. It is pretty dilapidated. We could still see through to a dumpster. I do not think I have to tell you what the property next to us looks like. We are simply trying to extend what we already have to create a screen in addition to what we have now. It is pretty much it.

Chairman Bowen: Understood. Have you applied for a variance at this time for the height?

Charles Ryan: We did. We put the application in for the November 30 Zoning Board meeting for a 24 inches of height variance to be consistent with the fence we have now.

Chairman Bowen: Assuming that goes swimmingly I assume you will have a variance before January 18.

Charles Ryan: That is the plan anyway.

Chairman Bowen: Any site plan changes anticipated?

Charles Ryan: No.

Chairman Bowen: Scott, is there anything you think that is needed?

Scott Martin: Not that I am aware of.

Chairman Bowen: Any other documents or reviews required?

Scott Martin: No.

Chairman Bowen: I do not have any questions. Any board members? Scott, any questions?

Charles Ryan: We have a question.

Chairman Bowen: Go ahead.

Charles Ryan: I do not want to be presumptuous. If you want to allow us to go forward to the next step. Then I would ask my question.

Chairman Bowen: Yes. Go ahead.

Charles Ryan: Okay. Would it be possible to get a jump on this given how long the winters are and how wet the springs are? If we have a contractor lined up, we were wondering if it would be possible, maybe we cannot given the weather that is coming, but would it be possible to dig the post holes and just put the posts in this year and stop until we get approval or the contractor probably would not want to do it anyway until spring. I know an inspection is required for the post holes that was the first time around. Wondering if it would be possible before we hopefully get your final approval in January we could dig the posts get them inspected and put the posts in concrete and then we would stop. Maybe you cannot do it without a permit. I thought we would ask.

Chairman Bowen: I would imagine you would need a construction building permit ahead of time and approval from us as well as your variance. I appreciate what you are trying to do, but I do not know if we can really accommodate that.

Charles Ryan: Okay. Understood. This is unrelated to our application per se, but if you look at our site map the water rights line that goes out into the lake and between our property and 5687 Shore Drive was going through your code and is that also known as the facility area line? If so, I realize there is a ten foot setback off of there where you cannot have a structure shown on our drawing there. What about docking boats and miscellaneous rafts and things like that? Is that allowed in the water rights line within the ten feet? In other words there are things encroaching on the water rights line on our property presently. They are not permanent, but they are stored for the winter. They are in the water, tied up to a tree. Looks like it is encroaching that line. Do the code enforcement fellows know if that is allowed? Can we ask that stuff be removed or what?

Scott Martin: I do not have an answer off the top of my head. I will look into it.

Charles Ryan: Okay.

Chairman Bowen: What is actually specifically there now Chuck?

Charles Ryan: There's two swimming docks that float out someone's property pulled in and tied up to a tree that looks to me like they encroach the water rights line and possibly a boat. You cannot tell if it is over or not. It is very close. I am asking a general question.

Chairman Bowen: It is not a site plan issue. Why don't you send an email to Scott and he can look into it.

Charles Ryan: Will do. Thank you for taking the time to listen to it. While everyone was gathered I did not know if there was an easy answer or not.

Chairman Bowen: Scott, do you want to give him your email address?

Charles Ryan: I have it. I stopped at the town with the application. Scott, you were not there. I did not meet you, but I did meet Alan briefly.

Scott Martin: Okay. We will look into Chuck.

Charles Ryan: Thank you. I appreciate it.

Chairman Bowen: It looks to me like it is a complete site plan application at this point other than the variance. At which point we can schedule for final review and public hearing on January 18, 2023. Since you told me you think you will have your variance by then. Why don't we set it down for that date?

Charles Ryan: We will be at the November meeting and hopefully if we are successful we will see you on January 18.

Chairman Bowen: Okay. Great. Guess that is it.

Charles Ryan: Thanks for your time.

Regular Old Business Continued

Town Board Requested Review of Special Event Venue Proposed Local Law

The Board reviewed and there was a discussion about event hours and decibels.

David Bowen made a motion that Planning Board has reviewed and had input over the course of several meetings with revisions to the proposed local law amending the zoning law of the Town of South Bristol to add regulations pertaining to Special Events Venue. We are satisfied with the draft and refer it back to the Town Board for consideration and adoption. Michael McCabe seconded the motion.

All in favor.

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

Motion carried.

A Local Law Amending the Zoning Law of the Town of South Bristol to Add Regulations Pertaining to Special Events Venues

Section 1. Section 170-9 (Terms defined) of the Zoning Law of the Town of South Bristol is hereby amended with the insertion of the definition for SPECIAL EVENTS VENUE to read as follows:

SPECIAL EVENTS VENUE - The commercial use of a parcel or part of a parcel of land, for celebratory, cultural or educational activities such as conferences, banquets, festivals, weddings, or other similar activities.

Section 2. Paragraph D. (Special uses) of Section 170-16.3 Neighborhood Commercial District (NC) and Section 170-20 Planned Development District (PD) of the Zoning Law of the Town of South Bristol is hereby amended with the addition of a new subparagraph (20) to read as follows:

(20) Special events venue.

Section 3. Article V (Special Use Requirements) of the Zoning Law of the Town of South Bristol is hereby amended with the addition of a new Section 170-43 to read as follows:

§ 170-43. Special events venue

Special events venues shall be permitted in the Neighborhood Commercial (NC) and Planned Development (PD) District by special use permit, provided that the following conditions are met:

A. Use standards.

A special events venue must demonstrate compliance with the following standards:

1. The special events venue shall be located on a site with a minimum of ten contiguous (10) acres.
2. The site of the special events venue shall have at least two means of egress, at least one of which is adequate for emergency vehicles, as determined by the Zoning Board of Appeals in consultation with emergency responders based on its width, length, surface and ability to support the gross vehicle axle weight of emergency vehicles.
3. The maximum number of attendees at a special events venue shall be set by the Zoning Board of Appeals based on their review of the application material. The Zoning Board of Appeals may set a lower or higher maximum number for a special event venue based on the health, safety, and welfare of the attendees and/or the neighborhood and surrounding community.
4. The applicant shall demonstrate that all required parking can be accommodated onsite. This requirement shall not preclude a special events venue from utilizing shuttle buses or other methods of guest transportation.

5. All events shall be provided with adequate potable water and sanitary system as determined by the Code Enforcement Officer and/or the Department of Health.
6. The Zoning Board of Appeals shall require appropriate buffers between the special events venue and adjoining properties, given the size of parcel, the natural topography, and vegetative cover.
7. Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn meeting the standards below.
8. Locations for proposed temporary fabric structures must be included on the site plan. All buildings and structures, including fabric structures, to be used as part of the special events venue shall, where required, obtain a certificate of occupancy for their intended uses, including an event barn meeting the standards in the section below.
9. Events shall commence no earlier than 10:00 am and shall terminate no later than 11:00 pm. However, the Zoning Board of Appeals shall have the power to modify the commencement and termination times for a particular site based upon the health, safety and welfare of the neighborhood and the surrounding community. All events must conform to all provisions contained in the noise ordinance for the Town of South Bristol. An event management plan shall be prepared and submitted to the Zoning Board of Appeals and Planning Board for review and approval. The plan shall include the following:
 - a. Provisions for traffic and parking management
 - b. Hours of operation
 - c. Noise abatement
 - d. Plans for toilet facilities, water and plumbing. If portable bathroom facilities are to be used this should be detailed in the plans.
 - e. Licensed vendors and where they are to set up, park and clean up
 - f. Detail of site clean-up post event
 - g. Emergency vehicle access
 - h. Maximum number of guests
 - i. A list of contacts for specific distress or emergency situations to be used by the guests shall be provided at each event and the legal name and address of an emergency contact person at the site shall be provided.
 - j. Detailed plans for internal storage and collection of refuse, including provisions for the disposal and cleaning of property and immediate surrounding properties within 48 hours of the event.
 - k. Detailed plans for food service, including a description of food sources, refrigeration and food handling and dispensing, according to Ontario County Department of Public Health standards.
 - l. If alcoholic beverages will be served, evidence of liquor license, security provisions and proper insurance coverage.
 - m. Detailed plans for security enforcement, including prevention of the unlawful use of alcohol, narcotics and dangerous drugs at the site, and methods for limiting

the use of the proposed function to the number of participants for which the facilities are designed and external as well as internal crowd control, including proof of sufficient security for crowd control and security enforcement.

- n. Detailed plans for amplifying equipment designed to control the noise level at the perimeter of the site to no more than 75 decibels on the A-scale of a sound-level meter which meets the specifications of the American National Standards Institute.

The Zoning Board of Appeals and/or Planning Board may in its discretion require that events with two hundred (200) or more attendees provide for adequate on-site ambulance coverage. The event management plan shall be incorporated into the special use permit and site plan approval.

10. The application, site plan and event management plan shall be referred by the Zoning Board of Appeals and/or Planning Board to the appropriate fire district, fire department or other fire and safety provider for comment and recommendations with regard to fire and safety issues associated with the operation of the special venue and the use of an event barn, if proposed.

B. Event barns.

Special event venues may utilize former agricultural or accessory structures as a place of public assembly, such as a barn, provided the following criteria are satisfied:

1. The use of an event barn shall be permitted only after issuance of a building permit and a certificate of occupancy for public assembly by the Town's Code Enforcement Officer.
2. The applicant shall provide the Code Enforcement Officer with a plan prepared by a registered licensed design professional to improve the event barn to enable it to obtain a certificate of occupancy for an assembly area, where none exists. A copy of the plan shall also be submitted to the Planning Board as part of site plan review.
3. The occupancy of the event barn shall not exceed occupancy load and exiting provisions of the New York State Uniform Code and those occupancy load limits shall be posted at the premises by the Town's Code Enforcement Officer.

C. Special use permit.

A. The special use permit and site plan for a special events venue must include:

- (1) The maximum number of attendees permitted during any event.
- (2) The hours of operation of the special events venue and whether amplified sound is permitted.
- (3) Any other conditions on operation, design and layout reasonably necessary to ensure compatibility with surrounding uses and to protect the natural, historic and scenic resources of the Town.

- (4) Items in Subsection A (1) through (3) above shall be determined by the Zoning Board of Appeals and/or the Planning Board based on the size of the parcel, location, topography, parking, proximity of neighbors, emergency access and the ability of existing and proposed buffers to provide sound attenuation.
- D. Events following the issuance of a special events venue special use permit.
 - (1) Once a special use permit has been granted to permit a special events venue at a particular site, individual events may be held at the site without further review by the Zoning Board of Appeals so long as such events are compliant with the limitations in the event management plan and special use permit.
 - (2) Notice of individual events shall be provided via electronic mail to the Town Code Enforcement Officer, County Sheriff and State Police departments and the applicable fire district thirty (30) days before each event, or as soon as possible for events scheduled on less than thirty (30) days' notice.
- E. Any person who violates or causes to be violated any provision of this chapter shall be guilty of a violation and shall be punishable as outlined in §170-97.
- F. All structures, except for those specifically exempted, shall be removed from the premises within 30 days of the discontinuance of such use. A bond or letter of credit for restoration of the site may be required as a condition of approval.
- G. Liability and property damage insurance. No permit shall be issued unless the applicant shall furnish the Town with a comprehensive liability insurance policy insuring the Town against liability for damage to person or property with limits of not less than what the Town carries for bodily injury or death and the same coverage as the Town carries for property damage, to hold the Town harmless from any and all liability or cause of action which might arise by reason of the granting of the permit, which policy shall not be cancelable without 10 days' prior written notice to the Town and which shall be in effect during the entire period of said event. Failure to keep such policy in effect will result in automatic revocation of the permit without hearing.
- H. Proof of financial resources. The applicant shall submit a statement of financial resources prepared by a certified public accountant, showing finances sufficient to execute the plans as submitted.

Section 4. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 5. This local law shall take effect immediately upon filing with the Secretary of State.

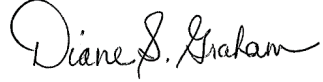
Other

There was a discussion about the open Planning Board chair position for 2023.

Motion to Adjourn

Being no further business, David Bowen moved to adjourn the meeting. Sam Seymour seconded the motion. The motion was unanimously adopted and the meeting was adjourned at 8:53 pm.

Respectfully submitted,

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

Diane Scholtz Graham
Board Assistant