



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

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**Planning Board Meeting Agenda**  
**Wednesday, January 18, 2023 at 6:30 pm**  
Meeting in-person or by joining Zoom

<https://us02web.zoom.us/j/88125543560?pwd=eVExdk54bVh6NkN3ZWVkZDVjNXdCd09>  
Meeting ID 4122389037, Password 596832

**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 October 19, 2022, November 16, 2022, December 7, 2022 Planning Board Meeting Minutes

**Short-Term Rental Old Business**

Short-Term Rental Operating Permit 2021-0056 Complaint

Owner: Ian M. Boni  
Property: 6836 Co Rd 34  
Tax Map #: 177.00-1-35.000

**Regular Old Business**

**Public Hearings**

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)

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)

Town Code Review Update

**Other**

**Motion to Adjourn**

## **Town of South Bristol Planning Board Meeting Minutes Wednesday, January 18, 2023**

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

**Guests:** In-person: Dan Crowley, Stephen Cowley, Paul Miller, Alan Pearce  
Zoom: Charles Ryan, Ian & Megan Boni

### **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**

Jill Gordon read the Comprehensive Plan Vision Statement.

### **Meeting Etiquette**

Chairman Stahl reviewed the meeting etiquette.

### **Minutes**

The approval of meeting minutes were deferred to the next meeting.

### **Regular Old Business**

#### **Public Hearings**

##### 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)

#### **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:

2022-0043 for property owned by Charles F. Ryan II located at 5689 Shore Drive, tax map #168.20-1-4.100. The applicant/property owner is looking for site plan approval to install an eight foot high fence to the existing eight foot high fence approximately 75 feet south to provide additional screening along the common property line with 5687 Shore Drive.

Town of South Bristol Planning Board Meeting Minutes 01.18.2023 Approved

Said hearing will take place on the 18th day of January, 2023 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 Stahl: I will open the public hearing. Is Mr. Ryan on Zoom?

Diane Graham: Yes.

Chairman Stahl: You can hear us alright?

Charles Ryan: I can. Yes. Can you hear me?

Chairman Stahl: Yes. Could you give us a brief discussion on your project to bring it back into play?

Charles Ryan: Sure. Almost two years ago on February 25, 2021 you went through this exercise with the Planning Board and Zoning Board of Appeals and had the current fence that is in place approved. It is about a 144 feet in length and 115 feet, we did get a variance for the two foot extra height up to eight feet and then the last 29 feet on the end towards the water was the normal six feet. At the time there was some vegetation that was in existence between our driveway swale that you drive over and the end of this new fence. That vegetation is gone now. It is completely wide open. The rest of the fence will take it basically along our entire west property line. That is basically it. We did come to your board November 16 I believe it was and then we were fortunate enough to have the Zoning Board of Appeals grant the two foot height variance on November 30. Then we are back here with you to complete the process respectfully requesting that we can get this going in the spring.

Chairman Stahl: It does not sound like there are any new changes. We did receive the Zoning Board of Appeals variance was granted on the 30<sup>th</sup> of November, 2022.

Charles Ryan: Right.

Chairman Stahl: Does the board have any questions they want ask on this?

Charles Ryan: I will just add that our neighbor at 5687 Shore Drive, Mr. Fields did support it at the Zoning Board of Appeals variance hearing.

Chairman Stahl: Okay. This is exempt from County Planning referral recommendation and comments. There is no septic system approval needed. There is no storm and erosion control measures recommendations. We did not need a NYS DEC and US Fish and Wildlife of endangered species report. We did need an archeological site determination. We did get the letter dated October 25, 2022 with no impact. This is not within agricultural farms 500 feet. We do not have a flood plain determination. A steep slopes permit is not needed. Do we have any written comments, Diane?

Diane Graham: No.

Chairman Stahl: Anybody in the public wish to speak at this hearing? Anybody on Zoom wishing to speak? Hearing none. I'll declare the public hearing closed.

The Zoning Board of Appeals has determined the SEQR Type II action questions 1-11 has little or no impact and no further review is required. Sam Seymour made a motion to accept their determination. Jill Gordon second 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 Stahl read the findings:

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

Jason Inda moved to approve findings 1-4. David Bowen 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 Stahl: After review of site plan approval application #2022-0043 and what has been presented to the Planning Board on November 16, 2022 and the public hearing on January 18, 2023 meeting, do I have a motion to approve or deny this application?

Sam Seymour made a motion to approve site plan approval application #2022-0043. 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 Stahl: I want to remind you that this will expire in six months. You will have to obtain the permit and start construction prior to that. You do have a one-time six-month extension. You will come back and apply for it. Otherwise, we have to start all over again.

Charles Ryan: Okay. I will try to make sure that will not be necessary. Thank you very much Mr. Chairman and board members. I appreciate the consideration and thank you for moving me up on the agenda.

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)

The application was deferred to the February 15 meeting as we are waiting for NYS DOH septic system approval letter and stamped design plans.

Town Code Review Update

The Special Events Venue and amended Town Code have been presented to the Town Board to process.

**Short-Term Rental Old Business**

Short-Term Rental Operating Permit 2021-0056 Complaint

Owner: Ian M. Boni  
Property: 6836 Co Rd 34  
Tax Map #: 177.00-1-35.000

Chairman Bowen: Do we have Mr. Boni and Mr. Crowley?

Diane Graham: Mr. Crowley is in-person and Mr. Boni on Zoom.

Ian Boni: My wife is Megan.

Chairman Stahl: What has been presented to us that Mr. Crowley has issued two written complaints to our code enforcing officer on dealing with trespassing and one dealing with property damage. Our code enforcing officer presented it to the Planning Board to see if there is any action to be taken. In our code section 170-71 we have provisions describing on what occurs a violation to our code and what actions we can take to it. As we look through it there was really no code or provision in our codes that apply to either one of the complaints. The reason it is probably not in there is trespassing and property damage is covered under the NYS Penal Code. If the penal code has been proven to be violated then we can act on it, but we do not have the jurisdiction to make that decision. That has to be done in a NYS Court. What we have is a

dispute between two neighbors that has to be either settled amongst the two neighbors or if one wants to take one to court and find out if it has been a violation of the penal code, then we can work on it. Right now as it stands the way it has been presented to us there is no action that the Board can take. I do not know if there are any questions from the Board they want to ask on that?

David Bowen: I do not have any questions. I would point out that the law allows us to suspend or revoke a permit if there is a finding. There are basically six different ways in which we can make a finding. One is if the applicant falsified or failed to provide information in an application for a permit, which is not applicable here. They violated a provision of the short-term rental law during the period of the permit. We do not find any particular violation of the short-term rental law. The applicant or the tenant can be found to have violated the town code of South Bristol, which there has not been any allegation of that. Then as Kevin mentioned there can be a violation of the penal code, which we do not have a violation because there were no charges levied and no conviction. Then there is conduct on the premises which is unreasonable under the circumstances which disturbs health, safety, peace or comfort of the neighborhood or which otherwise creates a public nuisance. Although we may have a trespass here there is no public nuisance that is occurring on the short-term rental premises. We have an allegation that there are tenants or people accessing the short-term rental property on Mr. Crowley's property that is causing a potential trespass on Mr. Crowley's property, but that is activity that is occurring on Mr. Crowley's property as opposed to Mr. Boni's property. There is a distinction there which is unfortunate I guess under the circumstances. It is not a public nuisance and it is not activity that is taking place on the rental property. The last is a removal or disrepair of any safety devices on the property such as a smoke alarm or carbon monoxide monitor and we do not have that here. Under advice of counsel and another review of it, it does not appear that there is much we can do. I would not mind hearing from Mr. Boni because you were not here last time. There was a lot of testimony from Mr. Crowley. I think in fairness give you an opportunity to speak if you want.

Ian Boni: Did you receive the letter I sent to Alan? That pretty much sums up everything I need to say.

David Bowen: Is that a recent letter or is that back from November?

Ian Boni: No. That was Monday. I emailed the letter to Alan to forward to all of you prior to this meeting because I was not notified of the last meeting just so you are aware. Otherwise, I would have been there. I have come to every meeting I have been notified of. Here I am for this. I sent a letter to preface any questions on any of the complaints. Subsequently, exactly what you gentleman just said as my attorney advised me. It really has nothing to do with you folks. It is a criminal matter at this point. A civil matter if it comes between the right-of-way. We have already filed a police reports against Mr. Crowley and the property for harassment, my wife and I. We are going to continue to do such if the harassment comes. I expect that this will not be the only complaint you get so it will be probably weekly, monthly, daily. He is not reasonable and does not want us to use the driveway. We have a legal right to use the driveway and thus we will. That is where we are at. I am literally stressing out. We are on vacation in Nashville and Zooming into you guys because I was let know of this last week by the letter. First one I was not aware of. We are here and that letter that I emailed it describes everything and all the literature and everything you need to see legally.

Chairman Stahl: I did not see the letter either.

Diane Graham: If I got it, I would have forwarded it. I do not recall receiving it.

Ian Boni: I sent it to deputy ceo at South Bristol Town Hall and to Phil at ceo at South Bristol Town Hall.

David Bowen: Did that go to Mr. Crowley by any chance?

Ian Boni: No. I sent it on Monday and an attachment to Alan and Phil at 7:02 pm because we are out of town. I have proof here that it was sent.

Alan Pearce: Ian I did get a letter, but I did not know that you wanted everyone to see that. I thought that was just to me. You just summed it up anyway.

Ian Boni: Exactly. It has an agreement of our legal right-of-way. The circumstance exactly what I just said that we went to the policy right after being accused of whatever. We are on a county highway with rights to damage. That is a legal thing. If you want to call the police on that, that is what Mr. Crowley should have done. We really do not have much to say. This is another stress that we do not want to deal with right now to be honest with you. We keep in compliance. We have never had a complaint on any of our properties. Any of them and I own five of them. That just goes to tell you what kind of character I have as far as someone that owns these properties and rents them. I apologize for taking up your guys time.

Alan Pearce: Ian per our conversation though this whole thing stemmed from you putting in your own driveway. Between you and I you told us that you were and you purchased a bulldozer because you did not want to spend \$50,000 on a driveway so you are going to do it yourself.

Ian Boni: At some point, I am not held up against the wall to have to do that. I have a legal driveway to use. That is the law on that. The agreement is in there. As of right now we are having no problems with the driveway, we have not had any snow. Rentals in the winter are not as busy as they usually are. It is have been not a very great winter. It really has not been an issue right now. No problems getting up and down the driveway and using it. At some point I may move forward with that, but that is not particularly in the near future.

Dan Crowley: I am curious if Mr. Boni is denying the fact that his tenant destroyed my property?

Ian Boni: Of course I am. Did you call the police and tell someone that? No.

Dan Crowley: Yes. I did.

Ian Boni: If you look at the time stamp directly after your first complaint, why did that come up right after the town came back and said you have no jurisdiction over a right-of-way. It is not their problem. Look at the time stamp on the emails, Dan. Not playing games with this guy, my apologizes. This has gone too far. Again, this is not the town's issue. I did not do anything nor did my tenant to your mailbox that conveniently happened after your first complaint went nowhere.

Chairman Stahl: Alright. I think we have all heard probably enough. Just so you guys have an understanding in the future we are reviewing our codes and looking at different provisions that we want to put more in and we are seriously looking at some of these violations especially the condition of driveways for short-term rentals. Things may change here in the future. We are not sure.

Ian Boni: Yes. I am aware.



Chairman Stahl: As it stands right now there is nothing here for the Board to act on.

Dan Crowley: Understood. I appreciate your time.

Ian Boni: Thank you.

Dan Crowley: Are we in the moratorium as we speak?

Diane Graham: Yes.

Dan Crowley: I am assuming there will be information on public comment period.

Chairman Stahl: Yes. It will be open to the public once we get some things discussed.

David Bowen: Revisions are on the way. Thank you Mr. Boni.

Ian Boni: Thank you very much.

### **Other**

#### **Short-Term Rentals Update**

There is a town group meeting next week to review the short-term rentals code. There may be some provisions added or removed to try to make the process easier. The group is looking at a way to put a number on the amount of short-term rentals in the town. The Board was asked to provide any ideas that can be brought to the meeting for review.

### **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 6:59 pm.

Respectfully submitted,

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

Diane Scholtz Graham  
Board Assistant