



**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, September 20, 2023 at 6:30 pm**

Meeting in-person or by joining Zoom

<https://us02web.zoom.us/j/82451458386?pwd=cHFycm9SMCtsRTJ5NWl3NkYzRGU1UT09>

Zoom Meeting ID 824 5145 8386, Password 368351

### **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 Planning Board meeting minutes for July 19, 2023

### **New Business**

#### **Site Plan Approval Application 2023-0007**

County Planning Board Referral #: Exempt  
Owner: Michael Kubiniec & Sharon Kubiniec  
Representative: Michael Kubiniec & Sharon Kubiniec  
Property: 6989 Coye Point Drive  
Tax Map #: 191.17-1-22.111  
Zoned: LR (Lake Residential)

#### **Site Plan Approval Application 2023-0008**

County Planning Board Referral #: Exempt  
Owner: Judy B. von Bucher  
Representative: Carmine Torchia, P.E.  
Property: 6507 Longs Point Drive  
Tax Map #: 185.17-1-2.000  
Zoned: LR (Lake Residential)

Site Plan Approval Application 2023-0009

County Planning Board Referral #: Exempt  
Owner: Richard H. Glazer  
Representative: Richard Glazer  
Property: 5691 Applewood Drive  
Tax Map #: 168.20-1-5.100  
Zoned: LR (Lake Residential)

**Old Business (No Public Hearings)**

Site Plan Approval Application 2023-0004

County Planning Board Referral #: 2023-170  
Owner: Denise K. Buchanan Trust  
Representative: Bill Grove  
Property: 6985 St Rt 21  
Tax Map #: 191.17-1-20.110  
Zoned: LR (Lake Residential)

Site Plan Approval Application 2023-0006

County Planning Board Referral #: 2023-168  
Owner: Robert W. Hurlbut & Sarah M. Hurlbut  
Representative: Jon Schick  
Property: 6513 Longs Point Dr  
Tax Map #: 185.17-2-1.100  
Zoned: LR (Lake Residential)

**Other**

**Motion to Adjourn**

## **Town of South Bristol Planning Board Meeting Minutes Wednesday, September 20, 2023**

**Present** David Bowen  
Jill Gordon  
Jason Inda (Zoom)  
Michael McCabe (Arrived at 6:44 pm)  
Frederick McIntyre  
Paul Miller  
Sam Seymour  
Kevin Stahl

**Guests** Michael Kubiniec, Jeremy & Cathy Fields, Paul & Elaine Messina, Charles Smith,  
Dorothy Hanrahan, Carmine Torchia, Bill Grove

### **Call to Order**

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

### **Meeting Etiquette**

Chairman Stahl reviewed meeting etiquette.

### **Reading of Vision Statement**

Jill Gordon read the Comprehensive Plan Vision Statement.

### **Other**

Chairman Stahl introduced new second alternate John Casey Wood.

### **Meeting Minutes**

Sam Seymour made a motion to approve the July 19, 2023 meeting minutes as written and Jill Gordon seconded the motion. The motion was unanimously adopted by all Board members present.

### **New Business**

#### Site Plan Approval Application 2023-0007

County Planning Board Referral #: Exempt  
Owner: Michael Kubiniec & Sharon Kubiniec  
Representative: Michael Kubiniec  
Property: 6989 Coye Point Drive  
Tax Map #: 191.17-1-22.111  
Zoned: LR (Lake Residential)

Michael Kubiniec: I am Michael Kubiniec.

Chairman Stahl: Go ahead and give us an idea of what your plans are.

Michael Kubiniec: We have a house on the lake on Coye Point Drive and we want to get a dock and boat hoist and boat station. Have it roofed over permanent dock installation. We have been working with Tide Side Docks and Lifts up in Sodus on the recommendation of a friend. We may not go with them ultimately, but they are dragging their feet. It has been a year since we have been messing with them trying to get this going. We have a submission with the three maps of everything. We have multiple approvals from all the different necessary places. I think we are ready to go. That is why I am here to find out. To answer any questions, you may have.

Chairman Stahl: We will ask you some questions on the site plan. So far, we are waiting for a bald eagle determination from wildlife.

Michael Kubiniec: That has come in.

Diane Graham: That is from DEC. It is a two-part process.

Michael Kubiniec: Oh right. Then you said to check with the DEC, and they have not answered yet.

Diane Graham: We have that one.

Michael Kubiniec: There was a determination made that the bald eagle was not an issue. Then I was told to check somewhere else, and I did that. I have not gotten an email response on the second place yet. Now I cannot remember which one was first.

Diane Graham: The DEC is the first.

Michael Kubiniec: If my wife would have been able to be here everything would be organized and beautiful.

I have some photos I took today. I'm basing it on my two neighbor's docks. I am not going to be bigger or different than everybody else. I would like to make sure I am following all the rules.

Chairman Stahl: Any board members have any questions that they see on the survey?

David Bowen: I have two questions. One issue I am not sure about because I am still trying to figure it out and I apologize I did not have enough time to fully research it today. There is an issue in my mind what your lineal feet is on this. I am confused or need to find out how that is measured. You have essentially one line of 90 feet, another line of 30 feet, which gives you well over a hundred feet that gives you two docks, but I am not sure that is the correct way to measure it. There is an issue about mean high water mark tie lines. Whether you measure the actual measurement is where your property boundary enters the water on the north end and on the south end in a straight line there whether that is the correct measurement. That is not on your survey map.

Michael Kubiniec: It has been done.

David Bowen: There is a line on the survey, but I do not know if it actually measured. I do not know if that exceeds a hundred feet. The issue is if it is below a hundred feet you can only have one dock. Which then you would have to put between your two-boat hoist stations.

Michael Kubiniec: Exactly. The mean tie line is a straight line even though my property juts out. I have more than a hundred feet of shoreline. It ends up at the two points are 100 feet and seven inches. It is close. That was done by Jeremy Years. If it is not on the map, you have it is on a map somewhere because he did make that determination for us. That was the big question. Over 100 or under 100.

Diane Graham: The pink line is not identified as to what it is. I think that is what they are talking about.

Michael Kubiniec: We will have him add that.

David Bowen: Maybe you can confirm that and put it on the plan before the next meeting. Get it to Diane and then we can hopefully put that issue to bed.

The other question I have is what the depth is of the water?

Michael Kubiniec: Pretty deep. It starts shallow and then fades off. The initial plan with Marine Blue up in Canandaigua was to just in one of those docks where I can drop the pieces in and take them out every fall. It is way too deep for a removable dock to be stable.

David Bowen: Within your two boat hoists do you know what the depth is there?

Michael Kubiniec: Deep enough according to the guy who is building the docks. I can nose the boats up into those things and the noses will still be a few feet from the shoreline. I do not have to go way out in the lake to be deep enough.

David Bowen: I have a neighbor who cannot get his boat out in August sometimes. The issue then becomes did the docks need to be extended. You can get them permitted to be extended. You do not want to do it after you already built it.

Michael Kubiniec: Right. I think we are deep enough. I would not park them with the motor towards the shore, but with the nose towards the shore I think I can get up pretty close. I can check on that.

David Bowen: Any way you can provide the depth under the roof where the hoists would be. Other than that, everything looks to be good.

Chairman Stahl: On your application you did not have the square footage down. We should have it on the survey.

Michael Kubiniec: Okay. For square footage that I submitted through the online things for the bald eagle and everything. Do you want the square footage of just the two docks, or do you want it broken down, the two docks plus the square footage of the roof area which would cover the two boat hoists?

Chairman Stahl: It would be nice to have it for each one of them.

Michael Kubiniec: Okay. I cannot believe I do not have that. The dock guy had a flat roof over everything. It was going to be a patio, but that is not allowed. In some of the drawings I have may still show that, but that is not at all what we are doing. We will probably have a peaked roof. Maybe lean-to one-way roof. I am still looking at that because I was thinking of getting solar power at one point. That

would give me more square footage aimed at the sun. That is probably not going to happen. It is incredibly expensive.

Sam Seymour: We need to see that on the plans.

Michael Kubiniec: Okay. The exact roof design you mean.

Sam Seymour: Right. At least one of the drawings shows railings.

Michael Kubiniec: That has expired. That is not happening. He and my wife were designing this whole thing where there was a walkway from the house down to dock suspended. It was a little over the top.

Chairman Stahl: Any more questions from anybody?

Diane Graham: The open space.

Chairman Stahl: Define the open center of dock as open space.

Sam Seymour: It is a little confusing on the plan there. The top view with the two lift bays is in the center. What is between those and the house or shore? Is that just open water?

Michael Kubiniec: Yes. It looks like it is farther out from shore on this drawing than they need to be. It is not an exact drawing. I think Brittany up at the place just sketched that up. I have asked them for a more

Diane Graham: This looks like one solid dock from this view.

Michael Kubiniec: Ahh! No, that is two docks. That is the roof that is sparkling. It is open air all the way through it. I will have them do 3D renderings. They said they could and would. It did not happen in time.

David Bowen: That open area is 20 by 40.

Sam Seymour: The whole thing is covered.

David Bowen: It appears from this plan that it is covered.

Sam Seymour: Yes.

David Bowen: Do you know if the plan is to still have roughly 40 feet of roof?

Michael Kubiniec: It says here 36 feet from the edge of one dock to edge of the other dock. There will be a roof over both boat hoists. It can also be done as two little roofs. I have seen docks like that out on the lake.

David Bowen: My question is between the break wall and the front of your boat do you intend to have that roofed all the way out to the end of your dock?

Michael Kubiniec: Okay. I do not know.

David Bowen: This plan shows that. We do not seem to have the final design.

Michael Kubiniec: I am going to have them make the final design. The idea is to have the roof cover the boat stations. I do not need more roof that.

Sam Seymour: The note says the roof is 40 by 32 over both boat lifts and that open space.

Michael Kubiniec: I need to talk to him because that was when he was building the flat top deck.

Sam Seymour: It goes with that set of drawings.

Chairman Stahl: Any other questions? We get the application complete, and these answered up here then we can set a final review and public hearing for the October 18 meeting.

Diane Graham: We need the update site plan before that.

Michael Kubiniec: Yes. Okay.

Chairman Stahl: Unless you have any other questions, I guess we are set.

Michael Kubiniec: I will get those answers, a better 3D plan and we will do it in October. Thank you.

Site Plan Approval Application 2023-0008

County Planning Board Referral #: Exempt  
Owner: Judy B. von Bucher  
Representative: Carmine Torchia, P.E.  
Property: 6507 Longs Point Drive  
Tax Map #: 185.17-1-2.000  
Zoned: LR (Lake Residential)

Carmen Torchia: Hello everyone. My name is Carmen Torchia of Torchia Structural Engineering. Our office is located at 625 Panorama Trail, Rochester, NY. With me is Dorothy Hanrahan from my office. Hi Diane. We are here tonight to represent Mr. and Mrs. von Bucher. The property is located at 6507 Longs Point Drive not Road. It consists of .964 acres and zoned LR Lake Residential. Our clients would like to construct a one story 297 square foot kitchen addition which will have a full basement. The addition will be located at the southwest corner of the existing house next to the three-season room. As part of this project, we plan to extend the front porch about 30 feet south. At this time, there are no plans for any new utilities that are required for the project. That is pretty much it with the extent of the projects are very simple. There is going to be some minor grading that we have to do on the south side and that is about it. I can answer questions or will try and answer any questions you have.

Jason Inda: Hi this is Jason. Can you hear me?

Carmen Torchia: Yes.

Jason Inda: This is just to clarify with the Board. I do not know if Diane mentioned it to you. I am currently in talks with the von Bucher to potentially build this project so I will be abstaining from any voting involved in this application. I would be happy to answer any questions.

Carmen Torchia: Okay. That is good.

Jason Inda: I apologize for not being there in person. On a precautionary basis, I have been sick the last couple of days and did not want to expose anybody.

Carmen Torchia: Okay. Thank you.

David Bowen: I will also be abstaining from voting on this matter because they are neighbors and personal friends. I see them weekly if not daily.

Carmen Torchia: Okay.

Chairman Stahl: While everybody is looking at the site plan, I will make a statement that we are still waiting for the bald eagle determination.

Dorothy Hanrahan: We already got a portion of the bald eagle determination today and you guys should of gotten that. I think we are waiting for the wildlife.

Carmen Torchia: Which is pretty much a no brainer, right. Once we get that.

Dorothy Hanrahan: We have the archeological site determination.

Chairman Stahl: Your water supply source. Is that shown on here.

Dorothy Hanrahan: Client did not give us this information until after he picked up these drawings. It is very close to where the kitchen addition is going. It is fed from a spring. It is a well that is spring fed. It comes into the house very close to the portion addition that is attached to the house. Right about there is where the source goes into the house. We will have that shown on the drawings for the next meeting.

Diane Graham: Do you want to explain where it is coming from?

Dorothy Hanrahan: Yes. Spring fed. There is a well on the property somewhere. He is not exactly sure where. I guess it is spring fed. From what Erik von Bucher explained to me it is shared by a couple of the other properties. It has been like that for years and years from what I understand.

David Bowen: There is a spring on the other side of Stemple Hill Road and there is a pipe that runs under the road and there is a cistern on the east side of the road. He shares it with a house up near the curve on Stemple Hill, which can be a problem if they use too much water.

Sam Seymour: Given the proximity of the secondary well and the leach field is there a possibility of contamination between the two? The leach field is up the hill from the house.

Dorothy Hanrahan: I am not sure where the well is. Mr. von Bucher did not seem to know where the well was either.

Carmen Torchia: We are not touching it. It is existing and has been there for who knows how long. I am sure they went through the health department and everything.

Chairman Stahl: You are not changing any of that anyway?

Dorothy Hanrahan: No.

Carmen Torchia: No. We are not touching any of that.

Chairman Stahl: Any other questions from board members? I think the setbacks are alright. I guess when we receive everything we can set a final review/public hearing on the October 18 meeting.

Carmen Torchia: Okay. What are we waiting for exactly. Just one piece of paperwork.

Diane Graham: The updated site plan.

Carmen Torchia: Just showing the water. I am going to back up here. It seems to me it is a shame when it takes longer to do the paperwork that actually construct the addition. Do we really need to come back. It is silly. We just have to show the water line and give you that piece of paper and we are done.

Chairman Stahl: We have to have a public hearing.

Carmen Torchia: This is not a public hearing?

Chairman Stahl: No.

David Bowen: It is a two-step process.

Carmen Torchia: All man. You guys have got to change. That is ridiculous. There is small projects and bigger projects. I can see the bigger projects, but smaller projects like this. That is fine.

Dorothy Hanrahan: They were not aware it was a two-month process. They really want to start building this year.

Chairman Stahl: When you apply for the application, there is a paper on there that tells you that you need to have paperwork by this time.

Carmen Torchia: It is what it is. I just want to get that out there. I am sorry. Basically, when we come back, we will send the revised plans showing the water line. We will get that email hopefully in the next couple of days. Once we have that then we come back and do the same thing again? Okay and present it again. In the meantime, we can start the construction drawings unless you see any issues with that. I am trying to get ahead of this. I do not want to wait until that meeting. I guess we can get started just to be safe.

Dorothy Hanrahan: They really want to start construction this year. They want the construction documents ready.

Carmen Torchia: Thank you very much guys.

Site Plan Approval Application 2023-0009

County Planning Board Referral #: Exempt

Owner: Richard H. Glazer

Representative: Richard Glazer

Property: 5691 Applewood Drive

Tax Map #: 168.20-1-5.100

Zoned: LR (Lake Residential)

Charles Smith: Good evening. Thank you for being here. My name is Charles Smith. I am the principal of Design Works Architecture. We have a existing house built in the nineties. It looks like a typical nineties house. We are updating it with new siding and windows and this addition, which is on the south, southeast of the building. The application is for a bedroom suite addition off the living room on the southeast side of the building. Behind that on the south side is a storage garage, which is basically for lake toys so we are not actually putting in a driveway to that garage. There is an extended apron to the garage to bring it up to get from grade to the garage. Then on the lakeside, the north side there is a covered porch on the proposed bedroom and then between the house and a three-season room there is a little deck where there is going to be a hot tub. That is the extent of the construction. The building is one story. It is about eighteen feet to the ridge. Existing house is about twenty-five feet to the ridge. We are going to be this as a crawl space although we do have a builder in mind. We have been talking about potentially building this as a slab on grade and putting the utilities in this garage storage area just to avoid any potential flooding. We are above the flood plain with our construction. We will be using all the existing utilities. We have an existing septic that is being reviewed by the Canandaigua water authority. We have a lake well we are going to be using. There is no gas service. There is an overhead electric line that cuts across the property right now, which will be buried as shown on the site plan. The whole house will be repainted, resided, with new windows so that the house and new addition come together as one statement. I will answer any questions that you may have.

Chairman Stahl: Looking at the application our CEO made some notes. I guess there is a question on some of the setbacks on determining where the front of the house is and what is not the front of the house by what he wrote here. What would you call the front of the house.

Charles Smith: I think it would be the south side of the house. The house next door is right at the ten foot setback so I am figuring that must be our side yard for us as well.

David Bowen: Are you familiar with the comments that Scott Martin made?

Charles Smith: No. I have not seen them.

David Bowen: The question on your application for him is whether this meets town code zoning and dimensional requirements. He put a check between yes and no. Noncommittal. It says "depending on what you consider the front lot line determines if it meets setbacks or not. If from the right-of-way to the west, it does. If from where the driveway enters the property, it doesn't. I lean towards counting the line adjacent to the right-of-way as the front considering the neighboring property to the south."

Charles Smith: Which is what I mentioned that the neighbor to the south is using a side yard setback right up against my client's property so it made sense that would be a side yard for us as well. Then on the south side of the property is a right-of-way that connects to the northwest. The driveways are all willy nilly in that area.

David Bowen: Applewood Drive takes a turn, and you share with the neighbor to the south?

Charles Smith: Correct. Yes.

Sam Seymour: Is that primary access to this property Applewood Drive?

Charles Smith: Yes. You can also access it from the other side as well though. He does not have a driveway there.

David Bowen: Did you talk to Scott about this? Do you know if he referred to the Zoning Board?

Chairman Stahl: No.

Charles Smith: Seems like the front would be opposite the rear which is the lake. That was another thing we were going on. We have a front, a rear and two sides. Unless we consider this a corner lot, then it would be really complicated.

Chairman Stahl: This situation is a little different than normal. Usually, the front of your house is towards the road. I think the important thing is you want a setback of fifty feet from the road. You are not near a road.

Charles Smith: There is no road.

Chairman Stahl: Yeah.

Diane Graham: Private drive.

Chairman Stahl: I do not know where that sets into this place. Are there any other questions on the actual addition? We need an archeological site determination. I guess we are waiting for an email response from the Canandaigua Lake Watershed Inspector that the existing system is sufficient for the size of the house addition and renovations. When we get those and decide on this setback, I will need to talk with Scott. Once we receive that information unless there are any other questions on this addition itself.

David Bowen: My only issue is the setback. Whether it has to go to Zoning for a variance.

Chairman Stahl: We can find that out before the next meeting. If we get all that together, again we can have a final review in October and public hearing.

Diane Graham: If the setback is where it is now.

Chairman Stahl: I will get with Scott and find out exactly what he was looking at and whether it needs a variance or not.

Charles Smith: I will ask our surveyor if he has any idea of how we can determine that. I will talk to Scott about that as well. It might be helpful because he has the history of that area.

Chairman Stahl: Do you have any questions?

Charles Smith: No. I do not. Thank you to Diane for her help and look forward to seeing you in October. Am I going to be concerned about bald eagles also?

Diane Graham: I do not believe.

Charles Smith: It was not checked in the EAF. Maybe I am good. Okay. Thank you very much.

Chairman Stahl: Thank you. We will not be going over our old business because we are still waiting to receive some information back.

### **Other**

I want to give the board members information on the County Planning Board we had a guest speaker who is the President of the Honeoye Lake Water District I guess I will say. There was a second speaker representing the Ontario County Soil and Water District. The topic that they brought up for discussion we are taking the problems of Honeoye Lake and comparing them to Canandaigua Lake. There are big differences on the lake. Honeoye is only 30 feet deep. Canandaigua Lake is 270 feet deep and much larger. Honeoye has a problem with phosphorus. If they measure the phosphorus in both lakes, Canandaigua has 3% and Honeoye has 70%. That is why they have such a high bloom when the weather is just right. Honeoye Lake turns over once every 271 days whereas Canandaigua Lake turns over once every 13 years. Some of the things they were trying to do. How did so much phosphorus get into the lake. They figured it happened back in 1929. In the late 1800s, early 1900s cleared a lot of land up in the hills and put in vineyards. The vineyards were not established, and they had some terrific storms in 1929. All that phosphorus came in from erosion. Phosphorus is normally in soil and then there is phosphorus we create from our septic systems or from agricultural run-off. What the Ontario County Soil and Water District is doing is they have several projects. They are injecting aluminum into Honeoye Lake. The aluminum binds with the phosphorus, takes it to the bottom and holds it there. They found out without enough oxygen, it releases again and comes back up. If you have been around the lake, you may have noticed pumps there. They are trying to aerate the lake by putting enough oxygen in there to hold it. They were bringing the comparison up so that we can look ahead for Canandaigua Lake. Have a lot of camps around Honeoye. What they did was that any house that is 500 feet from the lake is hooked to a sewer system. They were trying to control the phosphorus running off from our septic system. What they found out is they have 650 non-functioning septic systems up in the hills that are still creating a lot of phosphorus going into the lake. That is why it is important for us now to look at Canandaigua Lake to make sure we have our septic systems running right. We have our erosion under control. One point they brought up that is important now with homes 20% under buildings and the rest of the 80% filter is ground so it filters the run-off. This was interesting information I wanted to share.

Bill Grove: I am Bill Grove for the Buchanan project. I wonder what we are missing. I thought when I left here last month you said if we had the annexation of the two lots put together in time that you would schedule the public hearing for this date. I understand the public hearing might not have happened or another reason. I think you had everything from me. It is frustrating for an applicant as another applicant brought up earlier. You have a gate keeper in Daine who makes sure you have everything in order before we come before the board and then we get to the board and the board says yes you have everything come back in a month. It is frustrating to add that extra month on there. It is also frustrating to see my name on the agenda and then come to the meeting and find out that I am not on the agenda.

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Diane Graham: I kept it on the agenda because it is old business that has not been resolved. I took off the public hearing part. I am sorry I had an email ready to go out to you based on the August meeting that I was not in attendance to let you know what was needed. The one thing that is needed is two variances from the Zoning Board of Appeals before this Board can vote. Zoning Board of Appeals meeting is scheduled for next week.

Chairman Stahl: It should have happened last month, but it didn't because they cancelled the Zoning Board of Appeals August 23 meeting.

Diane Graham: Correct.

Bill Grove: Okay.

Diane Graham: That is the only reason.

Bill Grove: You are not missing anything for me?

Chairman Stahl: No.

Diane Graham: No. They are waiting until you get your variances.

Bill Grove: That is always the process?

Diane Graham: Yes.

Bill Grove: Okay. Alright. It is just a few more weeks, I guess.

Diane Graham: The August 16 public hearing will carry over to September 27 for both applications.

Bill Grove: Hopefully we will get this variance for a setback we do not actually need because we are not any closer.

Diane Graham: I commend you that you have gotten everything else. Thank you and the team.

Bill Grove: Okay. Thank you.

Diane Graham: You are welcome.

Chairman Stahl: Thank you.

**Motion to Adjourn**

Being no further business, Sam Seymour moved to adjourn the meeting. David Bowen seconded the motion. The motion was unanimously adopted, and the meeting was adjourned at 7:15 pm.

Respectfully submitted,

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

Diane Scholtz Graham  
Board Assistant