

Town of South Bristol Zoning Board of Appeals Meeting Minutes

Wednesday, April 23, 2025

Present Elizabeth Caprini
 Carol Dulski (Zoom)
 Jonathan Gage
 Martin Gordon
 Barbara Howard

Absent Jason Fox

Guests David Crowe, Daniel Hackett, Anthony Venezia

Call to Order

The meeting of the Town of South Bristol Zoning Board of Appeals was called to order at 7:02 pm followed by the Pledge of Allegiance.

We are here tonight to review a request for a lot coverage variance. We have a case that goes way back to 1987 in terms of explanations for what is going on here.

There was a roll call from board members with all present except for Jason Fox.

Meeting Minutes

Approval of March 26, 2025, meeting minutes were deferred to the next meeting.

Rules of Order

Elizabeth Caprini read the Rules of Order.

New Business

Public Hearing

Area Variance Application 2025-0002

OCPB Referral: Exempt

Owners: James Krueger & Bernadette Krueger

Representative: David J. Crowe, Architect

Property: 6511 Longs Point Drive

Tax Map: 185.17-1-3.100

Zoned: LR (Lake Residential)

Diane Graham:

Legal Notice of Public Hearing

Please take notice that the Town of South Bristol Zoning Board of Appeals will hold a public hearing with the following application:

2025-0002 for property owned by James Krueger and Bernadette Krueger located at 6511 Longs Point Drive, tax map 185.17-1-3.100. The applicant, and property owners are requesting a 13.9% lot coverage variance for a total lot coverage of 33.9% where 20% lot coverage is required by town code to demolish

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the existing house and construct a new house, garage, deck, permeable driveway, retaining walls, stairs, patio, and walkway.

Said hearing will take place on the 23rd day of April 2025 beginning at 7:00 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 representatives.

Chairperson Howard: Please introduce yourselves.

David Crowe: My name is Dave Crowe. I am with DJC Architecture. I am the architect on this project.

Anthony Venezia: My name is Anthony Venezia with Venezia Land Surveyors and Engineers. We helped with the civil and the survey aspect for lot coverage and things of that nature.

Daniel Hackett: My name is Dan Hackett. I am a registered landscape architect and worked on the site plan and storm water calculations as well as the positioning of the house.

Chairperson Howard: Go for it.

David Crowe: Would you like some background on the house or jump right in?

Chairperson Howard: You can tell us whatever you want.

David Crowe: I will do it quickly. The plan at the moment is if we can get all our approvals, of course, the existing house on the site will be torn down. It is a single story with a basement, no garage. That basically sits in the footprint of where we are proposing. Our proposed plan is to tear that down to build a new home in that footprint and then there would be a two-car garage attached to that as well and the general site improvements that we will be talking about here in a minute. Just to give you a quick idea so you know what we are talking about. It is a single-story home, connected garage. That is the single story of the house. Walk-in, mudroom as such. Stairs go down, this is the living area, kitchen dining, living area onto the deck. This is an outdoor covered patio with no space beneath it. Master bedroom, with usual walk-in closet and bathroom. What we are doing is taking advantage of the basement. For the basement, those stairs go down, the utility room. This would be a rumpus room sort of setup. Then two bedrooms that have a view they would basically be a walk-out basement at that point. Then a little gym in the back. This is unexcavated that is where that patio is and this will be unexcavated that is where the garage would be. That is the general set up of the house. The lot size you need is 10,000 and we have 13,800. The minimum lot width is 50 and we have 172. The front yard setback is 50 feet, and we are proposing 14.7 but there is an existing variance for 14 feet which we are probably going to talk with her about I think. There is an existing variance granted in 1987 allowing for a 14-foot setback. We are going to be at 14.7. We are beyond that. The minimum side yard which would be here is ten and we are ten. The rear setback is 25 we are actually going to be building to 27. We are two feet beyond that. We are well beyond on that setback. The one thing that we think is important is we are able to build this to 35 feet but since it is only a single story it is going to be 22 feet. It is significantly less than what is permitted in terms of height to help reduce the size in footprint. I will let these guys talk about the coverage area. That is the basis. I know we are looking for a variance. Right now, on the coverage area, the house currently is at 37.3% with all the design and engineering that Dan and Anthony have done we have been able to get that down to 33.9% so we have reduced it and I will let them talk further about that.

Daniel Hackett: I will start out. Good evening. Certainly, interrupt me at any point if you have a question. I am Dan Hackett, Landscape Architect. I think what is most important to identify when we were looking at the site and speaking with the client early on was identifying what the coverage of the site it now and emphasizing where the coverage is per code. We had to reduce what we currently have as coverage. We in doing this project although we are asking for coverage that is greater than the code, we are asking for coverage less than the existing condition. We are bringing that down below. One of the questions that was raised during the last meeting was that in 1980 something or Diane can correct that there was this variance given and there was a different coverage on the site. I think the answer to that is if you were to research and I have been doing this for quite some time back then people were not looking at lot coverages with driveways, retaining walls and stairs to lake and all of these things. In our math right now under those existing conditions we have taken into account all of those things. What we did is size this house appropriately and actually decreased our lot coverage from what exists currently by 3.4%. I think when you are looking at this math you go you are at 20 you're at 33.9 and the numbers get skewed but the objective here is to lower that threshold than what exists now. We are taking a worse condition and making that condition better. Also, in doing that we are implementing the NYS storm water management guidelines. We are taking the water that is on the site which currently is not happening. We are putting them in infiltrators in the ground. We are decreasing our runoff. We are storing our stormwater at four-inch events. Actually, we have it designed at five-inch events. So, not only are we decreasing the existing lot coverage we are increasing the capacity for infiltration, the capacity to keep the lake clean and we are protecting the environment. All of these things are a balance. So, we come to the Zoning Board and ask for a variance you have your test questions and when we were examining those test questions. We can go through each test question and answer that and more than happy to do that if the board would like. I really think the gist of this is the character of the neighborhood is a private neighborhood. It is a private drive. The houses are very close to the road that is the way the setbacks are. It is very in keeping with what the community is down there. The houses that are there. There is a house next door that I think that was recently built or is being built. It is a pretty close nit community. I am glad no one is here saying I hate this proposal, and we do not want to look at it. I think the character of the neighborhood is really being maintained. As we go through all of those test questions I think the real issue is everybody gets to test question five and they go is this self-inflicted. Every variance is self-inflicted, however, when you look at we have an existing condition that is greater than we are reducing that. Self-infliction is just by wanting to do something different. It would be no different if they kept the house and wanted a garage. To do a garage they would take that space but they would be above the 33.9 that we are asking for. That is the strongest discussion point we have with this board. There is obviously a percentage difference. We tried to shrink that area as much as we could. We tried to make it small. The threshold that is really pushing us over is the garage. The catalyst of having a garage is that lakefront is very expensive as we all know. They live in Florida. They want to be able to leave cars here in the winter and have them sheltered when they are here in the summer and be able to come in the winter and get into their car and drive and do those things. They want this to be a functioning full-time home. They are part of this community and have been part of this community for years now owning this house. They are doing an upgrade. They are transitioning. Their children have children. It is a summer residence. I know if that describes it, but I would like to open it up to the board for questions. I think that is the best avenue at this point.

David Crowe: They are going to sell their house in Brighton and are going to live here. This will be their full-time summer residence.

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Daniel Hackett: Correct.

Anthony Venezia: It will be their only residence in New York.

Daniel Hackett: That is where they live in the summer. They do not live in Brighton and come down on weekends. They do winter in Florida.

Chairperson Howard: Anything else? Open it up for questions from ZBA then.

Diane Graham: Actually, applicant is after that is CEO explains rationale for refusal of permit. I have that.

Meets town code zoning use requirements. Yes.

Meets town code zoning area and dimensional requirements. No.

In reviewing town code definitions, a lot line, front is from the edge of Longs Point Drive calculated at 14.7 feet to the proposed garage and the lot area portions of Longs Point Drive are included in the lot coverage percentage at 558 square feet.

The property does have an existing 14-foot front setback variance granted in 1987 and an easement for a wastewater treatment system on a separate parcel with as-built letter from Tyler Ohle.

The property is on steep slopes and requires a permit.

The property does not meet the lot coverage requirements of 20%. The existing lot coverage is 37.3% and the proposed is 33.9%. Applicant/owner are requesting a 13.9% variance.

Scott Martin, Code Enforcement Officer

Daniel Hackett: There is something that I would like to add that was just brought up with that. It refreshed my memory. The septic field which we failed to mention is across the street. That has all been upgraded and it is a new system that is put in. It is 8,000 square feet of area. They have a forever easement for this property. Under the zoning code if they because this isn't defined as ownership, ownership but they have the lifetime that they have that. If that 8,000 square feet was figured into their lot which is the case if it is ownership. That is figured in. They are allowed 40%.

Anthony Venezia: Where the septic is.

Elizabeth Caprini: What could be included in the square footage.

Daniel Hackett: Here is the problem with it. It is a touchy area because they have a lifetime easement to that land.

Martin Gordon: Can I make a suggestion? I would not go there because the septic is uphill. It is not going to do anything for the drainage below it.

Daniel Hackett: We are not talking about drainage. What we are talking about is lot coverage.

Martin Gordon: Okay.

Daniel Hackett: In Bristol if you have a parcel across the street you are allowed 40% on the lake front 20% overall. You add that into your overall square footage. This is the code. I am not making this up. You are allowed 40% coverage on the lakefront side and 20% coverage overall. In the event that 8,000

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feet is added into the footage of this property we would not be asking for a variance at all. We did not want to come in here and make an argument to the board that they own this land. They have the lifetime use of it. It could be easily deeded or added in I am sure. I am letting the board know that you have triggers within your own zoning that would allow for 40% coverage on a site this big and again we are at 33.9% and we would like the board to consider that in their thinking. As far as the uphill portion of it in drainage, yes it is uphill the septic has always been there. It has been there for years. That is contained and just been redone and approved by the DOH.

Martin Gordon: The reason for me bringing that up is lot coverage is limited because of drainage primarily especially on lake front. I am not concerned with the numbers you have now. I am saying let's keep it simple. Don't bring up the other area. I am okay with what you are asking for, but I think that it is almost a false argument or doesn't comport with the purpose of the requirements for lot coverage.

Daniel Hackett: I want to tell you I agree with you. That is why we did not even come in with that angle to add that in. It was more of us just making a comment. I have seen people come to this board and work some hocus pocus with numbers across the street and things of that nature. We are not trying to do that. We are trying to be very transparent and upfront with this board about what we are trying to do. That is really the gist of what I was saying. Thank you.

Chairperson Howard: Yes. Now is the time for the ZBA board to ask you guys questions.

Elizabeth Caprini: The area between the garage and the house on the back on the west what is that?

Anthony Venezia: It is an open area that is going to be grassed.

David Crowe: It will look like a detached garage, but we have a connection between it. We did not push the house directly against the house.

Elizabeth Caprini: It would have given you square footage or less lot coverage?

David Crowe: Anthony has counted that. That is outdoor space.

Anthony Venezia: Yes. It is outdoor space. It is green space.

Elizabeth Caprini: It looked like there were stairs there and a lower door and some of it is covered partially by a roofline. The notch.

David Crowe: You mean here?

Elizabeth Caprini: The notch. It looks like there are stairs there going down from the one rendering and it is partially covered.

Diane Graham: On the design plan.

David Crowe: The rooflines are calculated within the coverage.

Elizabeth Caprini: Not all that space is considered.

David Crowe: No. Anthony ran through all that.

Anthony Venezia: There is an open area that is not technically covered. It will be a grassed area.

Daniel Hackett: There is a breezeway there.

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Elizabeth Caprini: There are stairs there.

David Crowe: Yes. That is all in the footprint though.

Daniel Hackett: That is all within the footprint.

Elizabeth Caprini: There is a very small is considered.

Anthony Venezia: It is a very tiny little square footage.

Daniel Hackett: In the calculations the roofline is what we use for lot coverage. It is not the foundation.

Elizabeth Caprini: Thank you. Going across the back there I think I need to go back to the 14.7 for a minute. You and I talked about it going to the property line versus the road. Excuse me the drive.

Diane Graham: It is 14 from the edge of the road to the structure. They have it as 14.7.

Anthony Venezia: That was the original variance was stated.

Diane Graham: Yes.

David Crowe: We used the same. Diane was very careful to make sure we had the same reference. We think it was the property line. She corrected us and we have changed it to the edge of the pavement.

Elizabeth Caprini: Thank you.

Diane Graham: The lot coverage is all within the boundary.

Anthony Venezia: There are portions of the private drive about 500 square feet that are included in our calculations from the roadway that is the common access. There is a section here in coverage for the private drive and all this little section here. It does not split the private drive perfectly down the center. There are portions that meander through there. We put that in our calculations. If we didn't we would be under 30.

Daniel Hackett: In most municipalities they do not make you count that, but because this is a private drive. If were not a private drive that usually is not figured in lot coverage. In this case because it is we wanted to be very transparent with the board and we have that 558 square feet in our coverage, which again pushes it up to, but we are still 3.4% below what is existing currently.

Elizabeth Caprini: Continuing along the back there. There are currently two propane tanks and an AC unit where will those be put?

David Crowe: I do not know the site there now very well, so they are above ground or buried.

Daniel Hackett: The propane tanks are going to be pulled. There will be a new propane tank. New tanks will be put in.

Elizabeth Caprini: Where?

Martin Gordon: North northwest corner. They are on the plans.

Elizabeth Caprini: They are new ones?

Martin Gordon: Yes.

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Anthony Venezia: That is the pump tank and the septic tank.

[People speaking at the same time.]

Daniel Hackett: I would imagine the location of the buried propane tank is going to be next to the driveway for accessibility. There is a grass area next to the driveway. We did not identify that. We could certainly show that. That would not be factored into lot coverage.

Elizabeth Caprini: A buried tank?

[People speaking at the same time.]

Daniel Hackett: Maybe you guys calculate an above ground tank. I have never calculated an above-ground tank as part of lot coverage before. I haven't because it is not a permanent fixture. Some people may have oil tanks in their basement. It is buried in the ground so water would be able to hit the ground and infiltrate into the ground so I would not see that as part of lot coverage.

Elizabeth Caprini: AC unit on that north corner just around that corner there is an AC unit. Where are those utilities going?

David Crowe: We have just not gotten to that point but there would be a condenser that needs to go outside.

Diane Graham: Where?

David Crowe: The utility room is here. It is going to be on the west side.

Anthony Venezia: It could be attached to the edge of the side of the building or something or mounted.

David Crowe: We could. We could put it on a platform which is good for snow.

Diane Graham: But not the north end?

David Crowe: Yeah. It would be the west side somewhere in here.

Martin Gordon: Which is good because they can be loud, and you do not want to bother the Von Buchers.

David Crowe: Sure.

Elizabeth Caprini: A lot of them are doing generators. Will there be a generator?

David Crowe: They have not asked for a generator, and we have not talked about a generator. I cannot answer that question.

Elizabeth Caprini: Okay.

Daniel Hackett: That would be a separate permit.

David Crowe: If they want a generator they will have to follow all the rules, right. Right now I am not aware of any plan to do a generator.

Elizabeth Caprini: Some further around on the plan I do not know quite which way to go. Gutters we couldn't quite see where they were on the east?

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Anthony Venezia: All the gutters will be directed into storm water management facility.

Daniel Hackett: The east side they actually go to a drywell. When you look on the plans there are green lines. Where those green lines are on the front they go to a drywell at the top of the hill for that smaller watershed area.

Elizabeth Caprini: We did not see any green lines on the east face.

Anthony Venezia: There is a couple on the northeast corner.

Daniel Hackett: Right on the plan this green line. There is a downspout and comes around everything connects in and where the old stairs are getting razed there is actually a drywell. That has been sized to take everything to the east, everything to the west comes down and goes underneath the driveway in infiltrators below the driveway.

Elizabeth Caprini: What about the east face. There won't be gutters on the deck and that whole face. East of the house.

Diane Graham: Garage all the way to the deck.

David Crowe: This is actually a pad here.

Diane Graham: There isn't any.

David Crowe: There isn't any right now. If we had to we could pick it up and run it.

Elizabeth Caprini: The runoff?

Daniel Hackett: The runoff when you do not do a gutter will go to a splash block and can go over land for infiltration.

Martin Gordon: The soil in that area is the shale scree basically very permeable.

Daniel Hackett: As far as permeability when I did the calculations for the storage capacity I assumed zero permeability. The reason I do that is that allows us to max the system where we know it will not fail. We are designing the system to blue book to match the storm event. We have to hold that storm event. We have to be able to capture it and hold it for a 24-hour period, right. Those systems are designed with an overflow. By calculating that astatic with no infiltration, we know we have oversized the system because as we all know there is permeability and when that permeability happens when the water is going in water is disappearing through the ground as it is filling back up but the reason I do not figure that in the calculations again I think it slants the numbers. This allows us to show a static amount. That is bonus on the math we are doing if that helps answer the question.

Martin Gordon: Where I was getting at is I am familiar, my house is a little south of there our water frontage is very permeable. It does not hold water. We have drywells.

Daniel Hackett: It goes through pretty quick.

Martin Gordon: You cannot get water to stay in it let me put it that way. The fact that we are talking about site coverage and drainage and everything else and you assumed zero permeability like you are building on clay. It is not really clay.

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Daniel Hackett: It is absolutely not but if you have a highly permeable soil like you are talking about I can take those numbers and all of a sudden we can float those numbers and say we only need an inch and a half profile because the water percolates in so quickly. On the system we are really going on our road profile we need a sixteen inch profile of stone to handle to that. Then our infiltrator profile we have this much volume per every pipe plus our volume in the trench around it. The system is really a supersized system by not taking into account and assuming because we are capturing everything and holding it. That is really mandated by the state. I have seen math that people have run and said we have 25 gallons a minute infiltration and we only want to put an inch and a half of stone in it. It is like come on. That defeats the purpose of what the blue book is trying to say for the state.

Elizabeth Caprini: I would like to stay for a few minutes. One of things that you say is it's going to infiltration chambers. Where and what?

Daniel Hackett: Under the driveway.

Elizabeth Caprini: Oh.

Anthony Venezia: The driveway is a permeable surface, and we are going to direct some of these downspouts to that driveway to hold stormwater in an event. Under the driveway is going to be a 16-18-inch-thick gravel base that will hold water in an event.

Elizabeth Caprini: That will hold additional water?

Anthony Venezia: Yes.

Daniel Hackett: There is the driveway which we wanted to take the 50% reduction on. We take the volume of that driveway. We figure what that event is and figure our depth of stone to handle the driveway. Underneath that depth of stone, we have infiltration pipes put in. Those infiltration pipes actually sit below that. There is a volume of storm water held in that pipe plus a volume around the pipe in the bedding. Those two numbers are added together. Your driveway plus all those downspouts go into this infiltration area and that is your storage area where you then have infiltration into the ground, and you capture the entire storm event.

Elizabeth Caprini: You are adding to their design?

Daniel Hackett: We are adding to anything. It is already in that design.

Elizabeth Caprini: I understand that it is in there to handle driveway.

Daniel Hackett: And roof leaders.

Anthony Venezia: Driveway and roof leaders.

Elizabeth Caprini: I did not see that in the brochure.

Daniel Hackett: The brochure is for the paver area in that capacity. The paver saves storm water. Then we are doing the math and calculating the storm water.

Elizabeth Caprini: Adding.

Daniel Hackett: If you want to call it adding you can say adding but we are taking a volume. We are taking a full cup full and then we are supplying that area to support that whole cupful of water.

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Elizabeth Caprini: It won't undermine one or the other?

Daniel Hackett: No. There is a certain amount of area that is needed. If you have x number of feet, you need x number of area to control that storm event. What we have done is increase that area because we have taken two. We have taken one in one and made two and now we have made that area into two. It is increasing the amount of available area to handle that capacity.

Diane Graham: Is it an infiltration chamber or infiltration area?

Daniel Hackett: It is an infiltration area.

Diane Graham: Your thing says chamber.

Daniel Hackett: The chamber is the pipes in the ground. I mean pipe in the ground has a hollow void. Anything that has a hollow void like a cave is called a chamber.

Diane Graham: Okay.

Daniel Hackett: You have an area and a chamber. When you're strategizing how to calculate and do these systems you are really using multiple different aspects to pull from or arrows from your quiver to be able to get the math to make it right and handle the volume. That is really what this system is.

David Crowe: At the end of the day Dan, so I have it correct. We talked about this at the last meeting too. We are excavating a hole here. We are filling it with the appropriate kind of stone, and the stone has a certain amount of open area that Dan explained last time of an angular stone. We are creating an open area albeit underground, that is going to fill up with storm water and perk slowly back into the soil and not to the lake eventually will be filtered. The chamber area is going to be built and engineered to hold stormwater during an event. It will fill up with water. I think there are some provisions in case it is too much.

Anthony Venezia: There is an overflow.

David Crowe: While it does not necessarily look like stone in pipe it is actually an underground area intended to hold storm water. I am sure it has come up on project as well. That is where we are planning on doing them. There is also a drywell on this side.

Daniel Hackett: What happens too if you do not have enough area we happen to have enough area to handle the event. I have done projects on lakes on Keuka Lake a few years ago. We had to install five 4,000-gallon tanks to handle the storm water. That was to collect it and then have it infiltrate back in, and they are big tanks with holes in the sides. Not just tanks that fill up and sit there. This strategy of not having a tank and having it is clean angular stone is actually a longer lasting system than a tank system for the maintenance ability of it.

Elizabeth Caprini: That is one of the things the Planning Board even mentioned was the maintenance and I saw what was submitted.

Daniel Hackett: We sent a maintenance schedule in. Yes.

Elizabeth Caprini: One of the things the company suggested after the first year it be tested for its workability. There was a percentage. Is that something that the town should have in writing? It is a big area and now you are mentioning it is serving two purposes that if it did fail your experience with it.

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Daniel Hackett: My experience with permeable pavers I would tell you would be that it is almost impossible to make them fail unless you go and put bubble gum in them.

Elizabeth Caprini: They said salt would.

Daniel Hackett: If you put salt on a permeable paver, the reason they are saying salt is that salt will deteriorate the paver and the paver will no longer exist and break up. Someone spending \$60,000 on a driveway if they are going to put salt on it is a crazy concept. I wouldn't see the people telling someone to go out there and throw salt on it. I do not know. As far as long-term maintenance ability. I do not want to get too far in the woods, but you have codes about the way house should look being painted and all that, right? People can have broken windows and junk in their yard, and it is legal in the town. There are policing agencies within the town and you are asking if you want to say that they have to test this you could certainly say that and make that request to them, but that is not something we do. I am not in the testing business. I am business of the site plans and math. I do not know how to clearly answer your question for where you are going.

Elizabeth Caprini: That big an area and seems important enough in that setting as your septic that needs to be inspected. Maybe not.

Martin Gordon: I am concerned at all. I am an engineer. I guess there is no one.

Daniel Hackett: I am a landscape architect. I have a lot of civil engineering under my belt.

Martin Gordon: I am not concerned at all. I think it would be highly unusual and a bad precedent for us to put requirements that test your drywells. There are a lot of people who have them. Every time someone comes before this board I have never heard of us putting a requirement to test the drywell.

Elizabeth Caprini: The permeable driveway.

Martin Gordon: It is not new technology. It is modern technology. It is reliable.

Elizabeth Caprini: Okay.

Martin Gordon: I hear these people are going to Florida in the winter so the likelihood of them putting salt on it is pretty low because they are not going to be here.

Elizabeth Caprini: I do not know what the value is total but Dan knows what we do for a living. We are property caretakers, and we are on site of a lot of homes that no one is there six months. It is reassuring.

Martin Gordon: I like the fact they have an existing structure they are actually making it a little bit better. It is not going to be worse. The soil in the area is not even soil. I will call it scree. Broken shale.

Anthony Venezia: Broken shale.

Martin Gordon: It has very good permeability. I just do not see an issue, but us asking questions is good. You had some really good questions, but I do not think we should put a requirement onto to inspect drywells.

Elizabeth Caprini: How does that since we are in that area I noticed that there is a good size down the side of the road that goes between this and the next one south. It looks pretty shaky. Does water wash across that road?

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Anthony Venezia: Water does come down that edge of pipe. It is on the Hurlbutt's property.

Elizabeth Caprini: It is even past. It is where Rode is working.

Anthony Venezia: The one that is being built right now. The pipe is off the other property. The site plan was just approved like last year and nothing came up with that.

Elizabeth Caprini: It seems to catch as far as your experience with rain events?

Martin Gordon: The swale next to them? That is not part of this application.

Elizabeth Caprini: Unless it fails and comes across.

Daniel Hackett: The likelihood of failure because the pipe is downhill. Where it goes across the road is downhill of the driveway by several feet.

Elizabeth Caprini: It is.

Daniel Hackett: If that pipe failed, it would go to that homeowner where that pipe is. The other part I will tell you is that where that pipe was because my company is there doing some work and that pipe which was a part in the ground and we found it has all been replaced and re-hooked up within the last two weeks because I got there boy that thing is going to blow out one day and it is going to wash down through their den and this really needs to be taken care of. That twelve-inch pipe has been addressed. If you go down there you will see the hill is put back together and everything is soiled neatly, and the walls are in. We just got done with that which was part of the approved site plan. It is looking a lot better and is a safe site now. I was a little worried when I showed up there too.

Elizabeth Caprini: I know water wash down roads and goes where it wants and if it goes across that driveway. You have experience with the area, and you are letting me talk even longer. Staging and timing of construction materials and crews, when and how long a project, where are they going to park.

Daniel Hackett: They want to wait until fall when the residency is greatly decreased down there. The objective would be to start after Labor Day and have things dialed in by about this time the following year into Memorial Day. The staging that driveway area is going to be used for staging. The permeable paver aspect of that will not be dug out sequentially until the end of the job because they are going to have compaction of the soil and erosion control will control the site during that process and the builder for that project is I think they picked Sam Rode. He is doing the house next door and Sam I found in my experience, is pretty on top of stuff as a builder. There are definite challenges, but they don't want it to go through the summer because it is so disruptive to the neighbors.

Martin Gordon: I have a question related to that. I noticed bald eagles on here. I think there has been some restrictions put on construction or loud noises from February through March.

Daniel Hackett: It is within the distance.

Martin Gordon: How far away is the nest do you know?

Daniel Hackett: We got our letter back.

Anthony Venezia: This is on Pine Bank.

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Martin Gordon: The nest we can see it. It is actually not on Pine Bank. It is the very southern part of Pine Bank. It is actually off of Hidden Pines. If we use binoculars, we can see it. It is a long way away.

Anthony Venezia: The restriction is 660 feet.

Daniel Hackett: To answer your question about the restriction when you are next to one of those. The restriction is that you are allowed to work from September 30 to December 31.

Anthony Venezia: I think it is less than that.

Daniel Hackett: The window is so small. It is impossible for anybody.

Anthony Venezia: It is during mating season. You have a month.

Martin Gordon: You are far away.

Anthony Venezia: The nest is more than 2,000 feet.

Daniel Hackett: We did get our jurisdictional letter from the DEC concerning that.

Elizabeth Caprini: There is a concrete wash area mentioned on the plans. What is that?

Anthony Venezia: We have a detail, but we do not have it labeled.

Diane Graham: It is on the page with all the different details with the drywell.

Daniel Hackett: I think Anthony showed the detail. That is going to be located where the drive is now.

Martin Gordon: Is that where they wash concrete trucks?

Anthony Venezia: Just so nothing will spill out.

Diane Graham: Explain it because I have never heard it.

Anthony Venezia: We line hay bales in a giant rectangle or square and put poly on it then the trucks when they wash out and wash into that so nothing can make it to the lake or other areas. It gets used as backfill down the road or they take it and put it somewhere else. It keeps the liquid concrete from washing downstream and affecting anything. It will be in this corner when concrete trucks are working, they place the washout, and it is not just on the ground.

Elizabeth Caprini: You are plowed all winter. The town plows all winter.

Anthony Venezia: That is a private drive. The homeowners have a loose agreement.

Martin Gordon: I do not know that it is kept open. I do not think the town plows it.

Daniel Hackett: The town does not plow it.

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Anthony Venezia: It is private. It is kept open. I think there is a loose agreement to keep it open between the owners.

Martin Gordon: Oh. Dave Bowen is down there full-time.

Anthony Venezia: I have been down there in the winter doing work and it is usually plowed. I have never had a problem. I have come in and out of there a couple of times.

Martin Gordon: Diane, are we going to get to the supporting letters?

Diane Graham: We are going to do visitation reports. Other stuff about neighbors goes after the public hearing.

Martin Gordon: Okay.

Chairperson Howard: At this time, if you feel like you are comfortable with answering all the questions that we have been asked and nothing more you want to add. Okay.

David Crowe: I do not think so.

Daniel Hackett: I feel comfortable if the Board is comfortable with the questions they have asked. Sure.

Chairperson Howard: I think we can do visitation reports.

Jonathan Gage: I was down there today, and this question is probably not pertinent to the variance, but I was curious. Is your footprint for the building on the house on the west side where the current footprint is or is it moving closer to the retaining wall because I see the downspout is between the retaining wall and the house.

Anthony Venezia: The west edge of the house is right where the retaining wall is. The way the house is going to be designed the house is going to have a four-foot stem wall on that back side with back dirt. Right where you see that grey coming down.

Jonathan Gage: Yes.

Anthony Venezia: It is going to hit the house right there. That retaining wall will come out and the house will be there but the way the first floor is going to be lower than it is down there where it is. The stem wall is going to hold back that dirt. The retaining wall is going to be removed and the house will pretty much be in line with that.

Jonathan Gage: The house will be the retaining wall.

David Crowe: You see the grayness up here and the retention floor is down there.

Jonathan Gage: Okay.

David Crowe: We do it all the time. It can be done.

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Jonathan Gage: No problem. I was curious from looking at it what your plans were.

Daniel Hackett: That was also done to reduce the lot coverage.

Jonathan Gage: That was my big question from that. It is everything as is portrayed in the documentation from what I saw.

Elizabeth Caprini: There looked like there was a cut on that back area near where those pump things are for the septic. Excuse me, it was down by where my first comment was. Where that breezeway thing is. Some of them there is lines that go across there up. Is it on that drawing, Diane?

Diane Graham: It was on architectural plans. It looks like stairs going up to the wall.

David Crowe: Yes. We had access to going in there.

Diane Graham: There was no walkway to the road.

David Crowe: It was just a grade change that gets us down into this level. Remember this grade is up here. Walk out that door up those stairs into the back area basically is what that does.

Diane Graham: The back area will be what, plants?

David Crowe: Back here.

Diane Graham: Yes.

David Crowe: It is for access, that is all. I have a problem here. This is significantly lower than this. We have to deal with that grade.

Martin Gordon: How are you dealing with water intrusion into that little area? Do you have a drain at the bottom of it?

David Crowe: We will have to put a drain in there.

Martin Gordon: Also, off the road possibly.

Anthony Venezia: We have that swale off the back side that we are going to try to direct water to the north and the south. We are catching most of it. It might be a little bit of surface. We can put a small drain that might connect into the footer drains or something like that.

Jonathan Gage: We can make that a condition too.

David Crowe: Sure.

Anthony Venezia: It is a very small area.

David Crowe: I do not want a mucky mushy area there.

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Anthony Venezia: We can add it to the downspouts system. It is not much area.

Martin Gordon: Maybe more permeable pavers.

Anthony Venezia: That is more coverage.

Martin Gordon: It makes sense to do that it actually lessens the problem.

Anthony Venezia: It increases coverage. I get it.

Daniel Hackett: That's this balance with it. It is hard at times.

David Crowe: We have stripped every hard surface that we could possibly get out of this to increase the coverage area.

Daniel Hackett: Amazingly enough South Bristol you have one of the lowest thresholds of coverage at 20%.

Anthony Venezia: They are the only town that allows the permeable.

Daniel Hackett: You are the only town that allows the permeable.

Anthony Venezia: Fifty percent.

Daniel Hackett: There are some balances with it and it does help. It is a very low threshold. To meet that threshold again as I look at stuff you look at the percentages you go you are 80% green. That is a really high threshold to hit. I think what you are going to see as a board because there are so many sites left in what is going on. There are going to be more people asking for variances in these things. I think as long as, this is just me personally, if people are doing the math and really taking care of the storm water and doing all these things that they are really controlling it. To your point, the permeable pavers are good because they are helping more than they hurt because permeable pavers are better for controlling than just grass.

Martin Gordon: I know.

Daniel Hackett: Grass does not count.

Martin Gordon: Right.

Daniel Hackett: It is a weird balance, you know.

Chairperson Howard: Did you do a visitation report?

Martin Gordon: I did not. I am familiar with the area, but I did not go over there.

Chairperson Howard: I did visit also not too long ago. I came away with the thought that it was a very closed little house in a very small area, but when you look back what was originally put there and the variance at the time were actually okay. One of the reasons that they are at 30% whatever it is versus 20%

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when they built the house, they did not count things like driveways, private drives, and some outbuildings.

Anthony Venezia: It was building coverage was lot coverage.

Chairperson Howard: They were actually at 18%. They jumped from 18% in 1987 or whatever the house was built to 33% something now.

Diane Graham: Thirty-seven.

Chairperson Howard: Thirty-seven now. This is an idea why we jumped from 18% to 37% is because they have counted everything that they would normally count.

Anthony Venezia: The way we look at coverage has changed over the years. It is more of a modern way of looking at coverage. It used to be just building coverage.

Daniel Hackett: Back then they took the footprint of the house and said there is our coverage and municipalities said great, and they could pave their entire yard and could be at 90%, but their math was we are only at 18.9% because that is the footprint. Again, lot coverage has become way more comprehensive where we are measuring ten-inch walls now and that is part of the calculations. I think that is where the in equitability comes from where you see the 18% because zoning has progressed since that was given.

Chairperson Howard: I think our attention to the watershed district and the lake sort of understanding you need to be protected more. I do have to ask the question though, why not go up instead of out? Why not a two-story or a three-story?

David Crowe: We are a single story really. They are using the basement to put habitable space in as a compromise to keep this thing humble and reasonably sized on the site. We could go higher but then I am going to be up around 35 feet and now we are blocking views and building all these billboard barriers to the lake when you come in. There is no doubt this is a fine dance between height and horizontal coverage and trying to find that balance. It could go higher. They are an older couple. They want their master on the first floor otherwise we are looking at elevators and everything else. It will be their home.

Daniel Hackett: Part of the ambiance we looked at with not going higher it is not only that but when we go higher the hill comes down. When you first pull in you look over the roof line of this house. You are looking at south hill. You are seeing the lake. The client kind of liked that and wanted to keep that roofline kind of where it is now to allow that and not have this big thing that is roof when you turn the corner. That caused us to okay lets use the basement. Let's make that floor higher so that is more habitable space by raising it up from an eight-foot ceiling to a nine. They wanted the garage and that spreads us out a little on the site but still allows us to keep it low as you are coming in that approach. When you make that turn where that house is you are looking down at it. Fortunately, you are looking over it.

Chairperson Howard: Carol, do you have anything? We know you have not been here.

Carol Dulski: I was not able. I know the area quite well. I live very close to there. No. I did not make a site visit.

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Chairperson Howard: I was pretty sure you were not going to fly home just for that.

Carol Dulski: I will be home on Saturday.

Diane Graham: Next is to determine SEQR. State what your findings are.

Chairperson Howard: Yes. Do we have any other testimony from neighbors?

Diane Graham: I can tell you only one neighbor to the north looked at the plans and came to the Planning Board meeting. No comments in writing.

Chairperson Howard: I wanted to make sure there were no comments in writing that we did not know about.

Diane Graham: No. Nothing in writing.

Chairperson Howard: Now, we need to determine SEQR status. Marty, did you by chance get to look at the SEQR?

Martin Gordon: No.

Chairperson Howard: You forgot I gave you homework.

Diane Graham: You were tasked for that at our meetings two meetings ago for every meeting.

Martin Gordon: It is a type II.

Chairperson Howard: It is a type II. Elizabeth and I have gone through and we seem to agree that if the rest of you go with it that it is a type II because of 617.5(c)(2) replenishing and rehabilitating and 617.5 (c)(11).

Elizabeth Caprini: That one is the construction or expansion of a single family or two-family or three.

Chairperson Howard: Then I have 617.5(c)(17) which is a variance for a single-family home.

Elizabeth Caprini: I have put down 617.5(c)(16) grant of a setback. That is moot. None of them address the steep slope.

Diane Graham: What is two?

Chairperson Howard: Replacement or rehabilitation.

Diane Graham: They are not rehabilitating. They are tearing down.

Martin Gordon: It says reconstruction.

Diane Graham: It does?

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Chairperson Howard: Yes.

Diane Graham: Okay.

Elizabeth Caprini: Replacement, rehabilitation, or reconstruction of a structure or facility in-kind on the same site including upgrading buildings to meet building energy fire codes unless such meets or exceeds any of the thresholds in section 617.4 of this part.

So, replacement, rehabilitation, or reconstruction of a structure.

Chairperson Howard: Does everybody agree? We have agreed that it is a SEQR type II based on 617.5 (c)(2), 617.5 (c)(11), and 617.5 (c)(17). We will put this in as finding number one.

Diane Graham: Now it is discussion and debate and then open public hearing.

Elizabeth Caprini: There is a lot of comparison to what is existing. I do not feel what is existing is to code. I think that is moot. I thought it was discussion.

Chairperson Howard: It is until we open the public hearing.

Diane Graham: That is after. You approved it so now you go to discussion and debate, right? Approved yes. Record as part of findings okay. I guess you are right. Sorry. Determine findings are down later.

Martin Gordon: Do we want to go through two through six? An undesirable change will not be produced in the character of the neighborhood.

Diane Graham: Not yet. You have to do the public hearing.

Chairperson Howard: I declare the public hearing open. Any public people who want to speak?

Diane Graham: On Zoom?

Chairperson Howard: Hearing none. I close the public hearing. Now we need to talk about the public officer's documentation.

Diane Graham: Read some of the things that have been submitted that are from them. In the beginning we have something that wasn't needed but we got it.

Chairperson Howard: Are you talking about reviewing the documents?

Diane Graham: Stating what you got and when it was dated. The first thing in the packet was the archeological site determination dated 3/14/25 which we later found it was not required.

Chairperson Howard: The first one was the onsite wastewater treatment system.

Diane Graham: Then the 1987 variance approval for 14-foot front setback; 1987 recorded easement on onsite wastewater treatment system on tax map number 185.00-1-66.000; the wastewater treatment

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system as-built letter from Canandaigua Lake Watershed Inspector dated 2/6/25; NYS Jurisdictional Review letter dated 4/7/25; Kevin Olvany's email comments on shore well, etc. dated 4/8/25; you received a steep slopes permit application which will be completed once they get to the building permit stage; they did submit a NYS DEC letter no part 182 permit jurisdiction on bald eagles received on 4/21/25; they answered the questions of the Town Planning Board letter dated 4/17/25 with amend references of road on plans to drive; amend SEQR questions 1 and 12b. and a driveway maintenance plan. We found out that the amended SEQR question one was changed from yes to no. To keep answer 12b. no per the EAF mapper which answers the question to be no. The confusion was the archeological determination letter that was received they thought that was a yes because they received it and it was a no. We received a brochure on the installation and how to care for and maintain the permeable driveway. Those are the things that we have.

Chairperson Howard: Parks and Recreation.

Diane Graham: That was the archeological. They kind of over did it. That was all the information that you had.

Chairperson Howard: I do have one and I do not know if you missed it. The Ontario County Agricultural Data Statement.

Diane Graham: Oh yes. I forgot that. I am sorry. That was no impact.

Chairperson Howard: Correct.

Diane Graham: We did receive a property deed because there was question about what the easement was for the private drive, so we asked for the property deed.

Chairperson Howard: As well as the Planning Board committee minutes at that time. The minutes from that meeting back in 1987.

Elizabeth Caprini: Oh yah.

Diane Graham: Yes.

Chairperson Howard: They were fun to read the minutes from 1987.

Diane Graham: Yes.

Chairperson Howard: Now it is time to talk with each other.

Diane Graham: Yes. I am sorry discussion and debate is right there.

Chairperson Howard: Any discussion? We have had a lot of questions answered.

Jonathan Gage: That was pretty good.

Chairperson Howard: Carol, anything?

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Carol Dulski: No.

Chairperson Howard: Okay. We need to determine the findings.

Lot Coverage Variance Findings:

1. Martin Gordon made a motion that the requested variance is covered by SEQR paragraph 617.5 (c)(2) 617.5 (c)(11) and 617.5 (c)(17) as a Type II action. Elizabeth Caprini seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard

Nays 0

Motion carried.

2. Jonathan Gage made a motion that an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance. Martin Gordon seconded the motion.

All in favor.

Ayes 4, C. Dulski, J. Gage, M. Gordon, B. Howard

Nays 1, E. Caprini

Motion carried.

3. Martin Gordon made a motion that the benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than an area variance. Carol Dulski seconded the motion.

All in favor.

Ayes 4, C. Dulski, J. Gage, M. Gordon, B. Howard

Nays 1, E. Caprini

Motion carried.

4. Martin Gordon made a motion that the requested area variance is not substantial. Carol Dulski seconded the motion.

All in favor.

Ayes 4, C. Dulski, J. Gage, M. Gordon, B. Howard

Nays 1, E. Caprini

Motion carried.

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5. Martin Gordon made a motion that the variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. Jonathan Gage seconded the motion.

All in favor.

Ayes 4, C. Dulski, J. Gage, M. Gordon, B. Howard
Nays 1, E. Caprini

Motion carried.

6. Martin Gordon made a motion that the alleged difficulty was self-created. Elizabeth Caprini seconded the motion.

All in favor.

Ayes 5, E. Caprini, C. Dulski, J. Gage, M. Gordon, B. Howard
Nays 0

Motion carried.

Martin Gordon made a motion to approve the applicant's request for a 13.9% variance for a total lot coverage of 33.9%. Carol Dulski seconded the motion.

Roll Call Vote:

Elizabeth Caprini – Nay
Carol Dulski – Aye
Jonathan Gage – Aye
Martin Gordon – Aye
Barbara Howard – Aye

Motion carried.

Martin Gordon: Did we have anything else?

Diane Graham: You talked about downspout added to footer drain. That little area.

Martin Gordon: That is more on them if they want a muddy mess.

Anthony Venezia: We will take care of it.

Daniel Hackett: You want to assume that as best practice. I can assure you we will put that in.

Anthony Venezia: They will have something there to maintain dryness.

Other

Question and discussion about signs for properties under board review.

Motion to Adjourn

Having no further business, Martin Gordon made a motion to adjourn the meeting. Jonathan Gage seconded the motion. The motion was unanimously adopted, and the meeting was adjourned at 8:16 pm.

Respectfully submitted,



Diane Scholtz Graham
Board Assistant