



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

Planning Board Meeting Agenda

Wednesday, July 17, 2024 at 6:30 pm

Meeting in-person or by joining Zoom

<https://us02web.zoom.us/j/81323338833?pwd=cYUzkCnm1dvSfAD6euSFeiA0JrGlfR.1>

Zoom Meeting ID: 81323338833, Passcode: 779038

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 April 17, 2024. There were no meetings in May and June.

Old Business

Amended Site Plan Approval Application 2023-0007 Second Preliminary and Final Review

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

Blighted Properties

New Business

Site Plan Approval Application 2024-0001

County Planning Board Referral #: Exempt

Owner: Carl C. Widmer, Susan Masi Widmer, John J. Widmer IV,
and Erica Widmer Meier

Representative: Carl Widmer, Kevin Dooley

Property: 6977 St Rt 21

Tax Map #: 191.17-1-16.000

Zoned: LR (Lake Residential)

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes Wednesday, July 17, 2024

Present David Bowen
Jill Gordon
Jason Inda
Michael McCabe
Frederick McIntyre
Paul Miller
Sam Seymour
Kevin Stahl

Absent John Casey Wood

Guests Mike & Sharon Kubiniec, Kevin Dooley, Carl & Susan Widmer, Greg & Ellen Sarkis,
Ruth Myers, Judy Voss

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 for Paul Miller.

Reading of Vision Statement

Kevin Stahl read the Comprehensive Plan Vision Statement.

Meeting Etiquette

Kevin Stahl reviewed meeting etiquette.

Meeting Minutes

David Bowen made a motion to approve the April 17, 2024, meeting minutes as written. Frederick McIntyre seconded the motion. The motion was unanimously adopted by all Board members present.

Old Business

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Tax Map #: 191.17-1-22.111
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 amended application:

2023-0007 for property owned by Michael Kubiniec and Sharon Kubiniec located at 6989 Coye Point Drive, tax map #191.17-1-22.111. The applicant/property owners are looking for site plan approval to install one permanent dock at 408 square feet to the north and a second permanent dock with boat station at 435 square feet to the south.

Said hearing will take place on the 17th day of July 2024 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 declare the public hearing open. This site plan was brought to us back in September of 2023. Everything looked good on the site plan except we had a few things missing that we asked the applicant to update for us. They have submitted to us a new sketch of what they are doing. I will ask if there were any changes?

Michael Kubiniec: The major change from last fall is I have a new contractor doing the work. Having been deserted by my other guy, which is why I was submitting back in December. The drawing you have now has the corrections and everything we plan to do.

Chairman Stahl: We were looking for the total square feet of the docks that was not on the previous one and we received that. We wanted it to be defined that the sections in the center of the dock were open space. We needed a cross-section of the roof for the boat station. There were pink lines on the first drawing that were not labeled. We were looking for the water depth under the boat at the end of the docks. I think we have everything. I do not know if any of the board members notice anything. There is one dock that does not have a dimension on it. You have the total square footage down, so we are assuming that it is a certain width, but it is not marked on there. One in the lower right-hand corner. There is one walkway that is not marked.

Kevin Dooley: It is three feet.

Chairman Stahl: We need that on there. Does any of the other board members see anything?

Jill Gordon: The optional appendage. Is that the four foot dock on the cross-section at the boat station?

Kevin Dooley: Yes. That is the four foot walkway coming out, correct.

Jill Gordon: So, is that optional?

Kevin Dooley: No. We are going to do that.

Jill Gordon: So, should we eliminate the word optional?

Kevin Dooley: We can.

Jill Gordon: Okay.

David Bowen: The water depth there is an arrow pointing to space within the hoist area. Is the point where the arrow is pointing the spot where it was measured?

Kevin Dooley: Yes. To the front of the slip. We have significant depth at the back of the slip. It is a very steep drop off there.

David Bowen: Roughly, how deep is it out where you would be pulling a boat in nose first and the engine would be in the back?

Kevin Dooley: It is eleven plus feet deep.

Chairman Stahl: That is the one that is not labeled, right Diane that you were looking at?

Diane Graham: It is the mean high water reference line that is not labeled as such.

Sam Seymour: One of our notes from last September was to identify what we believe is the mean high line, which would be the break wall in blue?

Kevin Dooley: No. It is the red line. The pink line is the tie line showing the hundred feet of frontage.

Sam Seymour: What is the blue line? Is it the break wall?

Kevin Dooley: The blue line represents where the water was on the day of the survey. The water was at the break wall.

Sam Seymour: Okay. Was at the break wall.

David Bowen: The dark blue line is the break wall; the light blue line is the water?

Kevin Dooley: Yes. That is the front of the break wall. It is all showing where that water level was the day of the survey, correct.

Sam Seymour: Some of the aerial photos show an old dock. Just for our reference how long was the old dock compared to the new docks?

Michael Kubiniec: The old dock is 24 plus 8. So, 32.

Sam Seymour: That gives us an idea of how that compares to the new. Good.

Michael Kubiniec: It is probably 40 completely from the beginning of stepping onto the dock to the end. Some of it is over.

Sam Seymour: Over the beach yeah.

Chairman Stahl: Do we have any more questions?

Diane Graham: The pink line is missing the label.

Kevin Dooley: The tie line?

Diane Graham: Yes.

Kevin Dooley: He does call it out the deed tie line. He has it on there just below 101.8.

Diane Graham: That says deed.

Kevin Dooley: So, you want the water line tie line labeled?

Diane Graham: Yes. That was used to reference how much you could build.

Chairman Stahl: Are there any more questions?

Diane Graham: There is one thing that is different from the last one on your sheet.

Ruth Myers: Do we get to object in any way shape or form?

Diane Graham: Yes. You will get to speak when they are done.

Greg Sarkis: Is there any way we can see the plan?

Diane Graham: Yes.

Greg Sarkis: We share a property line with these people, and we have no clue what they are doing since September to come over and talk to us about it.

Sharon Kubinieć: You were at our house, and we showed you the plan.

Greg Sarkis: Yes. On your phone. I could not really see it and only after I asked.

David Bowen: Just so people know plans are at the town hall for people's review any time.

Ruth Myers: That is good to know.

Greg Sarkis: We got the letter like two weeks ago.

Chairman Stahl: So, the break wall project was removed from the application process?

Kevin Dooley: Yes.

Chairman Stahl: Do the docks meet the town's docking and mooring law? That would be yes. I will now open it up to the public.

Ruth Myers: I am Ruth Myers at 6995 Coye Point. I am down on the south side from where the proposed south side dock is. It is probably a waste of our time if they are meeting all the requirements, but it is going to block our view. That is what we care about. I do not understand why they need two docks. They can have one on the north side, which is all they need. Why build one on the south side. All of us on the south side kind of made an agreement not to put boat houses for just that reason. That is my opinion.

Chairman Stahl: Would you like to respond, or no?

Greg Sarkis: I am Greg Sarkis. The neighbor directly to the south. I brought a couple of pictures. In 1980 when the Perkins built this home. This beautiful home is out on the point. Unfortunately, I do not think the laws were as strict then and it took away the view from all the cottages south of there. There is a little sliver of view left. Especially from my perspective where we can see south hill. If you go out on the dock to the south of us you still have a little bit of a northern view. We are fearful that this boat house they want to put on the south side will block that. I know it is in your code and in the spirit of the Canandaigua Lake Watershed guidelines. Our number one objection is to minimize visual impact. When I asked Sharon yesterday why they do not build it where their existing dock is. Where there are two other boat hoist roofs Buchanan and Winnick would be in a row with those. She said it would block our view, which is not true because she already has the Buchanan boat house and Winnick boat house some are blocking their northern view and then she goes up on her balcony where she can see the whole lake. Moving the boat

house to the south would actually impact their view more than if they had built it to the north. There is about 35 feet on the south side of the real point, and they have about 80 feet on the north side. They have plenty of space to do whatever they want and not impact all their neighbors. As Bruce said we made it a point not to do that to each other and block the views. They could have a boat station with a hoist, but it does not have to be a towering roof or they can just build it on the north side. People are emotionally attached to their lake properties and when something like this happens, as you know better than I, it is heart wrenching. I have been down there 20 years, and we have always had good neighbors. The person they bought the house from Mrs. Perkins and her husband, Ed, I got to know very well. I helped take care of them. We welcome the new neighbors, but we just hope they realize that they do have options. They can build whatever they want but our view should be considered in this process. It is kind of an unspoken rule that if you are able to and you have other options that you minimize the impact of the views for everyone else. I know there are certain requirements that they have to meet. I am fearful that the way their dock is going to out is going to be so close to our property line that it is going to have a major impact not just on us but on all our neighbors. These neighbors want to look north so they have to go out on their docks. This house will block that. They have other options and of course, they can do whatever they want. I thought it was necessary to come here and try and convey the reality of the situation. It is a very unique point and these plans will directly impact the rest of the Coye Point residents very negatively. We hope they reconsider like Mike said there might be some wiggle room yesterday when I spoke with him. He seems like a reasonable guy. That is my pitch. Those pictures are from my lawn and my dock. Thank you.

Sam Seymour: One of the notes on the roof is that it is a hip or gabled roof.

Greg Sarkis: That is a rough drawing. I am not an architect.

Kevin Dooley: The height is 13.6 above mean high water. We leave the option for hip or gable because either way it is still going to be at that elevation. It is a matter whether you are going to have the face of it.

Sam Seymour: The hip roof would be a lower profile.

Kevin Dooley: A little bit but not much.

Greg Sarkis: You can have a dock station without a massive roof. That is another option or just build it on the north do everyone a favor.

Kevin Dooley: Obviously per UDML we could go out 60 feet. We do not do that if we do not have to because they have good water depths. We are trying to keep it as short as we can. To try to keep everyone happy. We have to go far enough out to make they can get their boat in and out. That is the whole point of it.

Greg Sarkis: I think you have the option to put it on the north side. Sharon told me directly that would block their view.

Sharon Kubinieć: No, I didn't.

Greg Sarkis: Well, I am sorry that is what you said.

Sharon Kubinieć: I thought we were neighbors, and you can talk to me. You are coming here all aggressive.

Greg Sarkis: I am aggressive.

Sharon Kubiniec: A half hour ago you were nice as pie to us.

Greg Sarkis: This is a different deal. I am not the one who is trying to block our view.

Chairman Stahl: Let's keep it down.

Sharon Kubiniec and Greg Sarkis were having back and forth comments.

Chairman Stahl: Is there anybody else? Would you like to come up?

Sharon Kubiniec: My name is not written down, so I apologize for that.

Michael Kubiniec: I signed her in.

Sharon Kubiniec: My name is Sharon Kubiniec. We bought the house three years. The only reason we were doing two docks is because every morning that I stood on my dock to have a cup of coffee I have a boat sitting five feet from my dock. There is a shelf right there that goes fifteen feet deep, and it is a great fishing station. I think that is wonderful. The last owner let people come up to the house and fish there. We want to quarantine off so that the kids can be there with their tubes and not have a boat come in. The boats down and cut our whole corner off almost to the point they are out at Greg's dock to then get to the marina. Mike and I talked if we put two there, we could quarantine off the whole area, so the boats and jet skis don't cut that corner. They do not do 200 feet from shore by any means. That was the whole reason for it. I am a very empathetic sympathetic person. I am not here to fight with my neighbors in any way shape or form. This could have been a sit-down conversation at some point. You came to me yesterday when my tree was down, and my furniture was in the lake. It was not the time for me to talk about it.

Ruth Myers: Sharon, I found out about it yesterday.

Sharon Kubiniec: That is not my fault.

More back and forth comments between neighbors.

Chairman Stahl: That is something that you guys are going to have to discuss and work out. We are here to look at the codes.

Greg Sarkis: I can speak to the bass fisherman. They are going to come into your dock whether you like it or not. They can go wherever they want.

Sharon Kubiniec: I am not going to get into it with you.

Chairman Stahl: Time out. I searched through the codes. Did anyone see a code addressing the view of the lake – obstructing the view? I tried to find that. Now you said you saw that someplace that addressed it one way or another. I did not come across it.

Greg Sarkis: I stole it from the Canandaigua Lake guidelines.

Chairman Stahl: It is not in the codes itself?

Greg Sarkis: It is not a law. As long as they comply with mooring, dock height and length requirements they can pretty much do whatever they want.

Chairman Stahl: Basically, that is what we are looking at. We are looking at the codes and looking at what is proposed.

Ruth Myers: The view is what we all pay for.

Sam Seymour: The solution to that was determined decades ago when they wrote the code by bisecting the tie lines. It has been a hot issue over and over again.

Greg Sarkis: I feel bad that Sharon is upset. I did not mean to be aggressive. I am emotional and I apologize for that. I wanted to convey the seriousness of it. If they build a huge roof there and it blocks our view it is not going to make for better neighbors at all. We would like to be friendly. I guess in time you will get over things. If we can avoid that and there are other options.

Sam Seymour: Part of that goes to a hip roof versus a gabled roof for a lower profile.

Kevin Dooley: That is no problem. Quite frankly a hip roof is more common for us to build anyway.

Sam Seymour: That is what we can do from this end. People try to do the best they can with the waterfront they have to minimize the impact on the neighbors and that's all that anybody can ask.

Greg Sarkis: Michael was very kind to say that they would weigh their options if I understood him correctly. I think he has to deal with Sharon. He is in trouble right now. I apologize for that.

Chairman Stahl: Are there any more comments from the floor? Diane, do we have any written?

Diane Graham: We do have any written comments. No one came to see me before the meeting to see the site plan.

Greg Sarkis: There are other neighbors we are representing, Noel McStay and Joel Smith.

Chairman Stahl: Anybody on Zoom, Diane?

Diane Graham: No.

David Bowen: Any interest in responding to what has been said about considering other options? To Kevin's point in the code, it says protect the public's interest in navigation, public access, fishing, swimming, environmental and aesthetic protection, which goes to the public at large as opposed to neighbors and then lower down it says provide navigational access that minimizes overcrowding congestion and hazards and ensure the adjoining parcel owners reasonable navigational access to the lake. It does mention aesthetic protection, but it does not say with respect to neighbors. Neighbors adjoining property it talks only about navigational access, which in a perfect world everybody's boat station would be either to the north or to the south all up the lake. We have the same issues in our neighborhood. My wife is still hot about it. I appreciate where Mr. Sarkis comes from and everybody else, but it is a fact of life. Throwing it out there if you want to help your neighbors?

Michael Kubiniec: What are the consequences of changing it? Does this mean I have to put this off months and months again and write up a whole new plan and more paperwork and go through everything again?

Kevin Dooley: Yes. We would.

Greg Sarkis: If there is a cost to change the plans to make it better for the neighbors, I would be willing to pitch in.

Ruth Myers: I would too.

Greg Sarkis: Engineering or architectural costs.

Kevin Dooley: For the sake of this meeting if we just go through the approval process then you guys can get together, and we decide we want to do that we can certainly look at doing that and pull this application and start anew.

Ruth Myers: They have no incentives to make changes at that point.

Kevin Dooley: He is going to get approval the way it is. If we want to work at that we can, but I do not think it is worth trying to ask the Board to swap things around and move things. At the end of this, I must have an as built done to show I built it in the right place. I do not want to mess with that and do something that is not per plan.

Chairman Stahl: I will leave it up to Mr. Kubiniec if he wants to try to work something out.

Michael Kubiniec: I am going to go for approval tonight.

Chairman Stahl: Alright, if there are no other questions then, I will close the public hearing.

NYS DEC Threatened and Endangered Species determination is required, and we did receive a no impact letter dated September 12, 2023.

Archeological site determination is required, and we received a no impact letter dated September 12, 2023.

Chairman Stahl made a motion declaring the SEQR to be a Type II action under paragraph 617.5 (c)(9) with no further review required and asked the Board's permission to answer SEQR questions 1-11 with no or small impact and sign on behalf of the Board. Michael McCabe seconded the motion.

All in favor.

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

Motion carried.

Findings

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

Jason Inda moved to approve findings 1-5. Frederick McIntyre 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 requested a motion to approve or deny the preliminary and final site plan amended application 2023-0007 with site plan conditions:

- Add pink line label “mean high water tie line”
- Add “three feet” measurement on dock to the south
- Eliminate the word “optional” on roof section

Jason Inda made a motion to approve. David Bowen 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.

Per town code you will need to obtain a building permit and start your project within six months of board approval.

If the project has not started within six months of approval, you must submit a written request for a one-time six-month extension to the board assistant to attend the next available board meeting to receive approval for an extension.

If a year has passed from the date of approval, you will need to start the board application process over.

Thank you for your time.

Greg Sarkis: Can I ask one more question? Can we have a lower profile roof? Is that something you are okay with?

Kevin Dooley: The hip roof, yes. Unfortunately, per the code UDML we have to have a minimum of three and twelve pitch. They do not want it to be a flat roof and a party deck. No matter what I have to have that pitch on this.

Greg Sarkis: If you extend the property line. I do not know the technical term out into the water and the angle of the dock is it going to be within ten feet of our extended property line into the water.

Kevin Dooley: No. It is thirteen feet off it. Per code we need to be a minimum of ten feet off the line and we went three feet further off the line. We do not want to be right on it.

Greg Sarkis: Okay.

Chairman Stahl: I am going to break in, and you can discuss this afterwards. We are going to keep the meeting going.

Blighted Properties

Chairman Stahl shared that the Town Board has set aside blighted properties to do some more investigating before they continue it any farther.

Site Plan Approval Application 2023-0010

Chairman Stahl shared that site plan approval application 2023-0010 for 5791 Seneca Point Road has been withdrawn.

New Business

Site Plan Approval Application 2024-0001

County Planning Board Referral #: Exempt

Owner: Carl C. Widmer, Susan Masi Widmer, John J. Widmer IV,
and Erica Widmer Meier

Representative: Carl Widmer, Kevin Dooley

Property: 6977 St Rt 21

Tax Map #: 191.17-1-16.000

Zoned: LR (Lake Residential)

Carl Widmer: Thank you folks for your unseen efforts over time. Some of them are a little challenging, I am sure. Thanks Diane.

Chairman Stahl: Please describe your project.

Carl Widmer: I am 85. I am getting tired. My wife and I and my tractor have been pushing and pulling temporary docks and lifts for over 50 years. It was enjoyable. I have seven grandkids - college age, and I want to get my ducks in order. We are looking at both sides of us at permanent docks. We would like to have a permanent station for our two boats. A permanent straight dock where we have had the temporary dock for years. That is about it.

David Bowen: Is the new straight dock the same dimensions as your existing temporary?

Carl Widmer: No. It is a little bit wider. Our dock builder Kevin suggested for the dollar it was easier to build. It is six feet versus four. Our neighbor has given us the okay. It is right essentially where the old one was. The boat station is off to the north. We own a small piece of property north of that. Beyond that the Granger Point Rd breaks off into the lake and there are no structures for another three hundred feet maybe.

David Bowen: So, you own the parcel immediately to the north as well under a different deed from this one?

Carl Widmer: Yes.

David Bowen: I did go by there and there is a little hut.

Carl Widmer: That is my condo. Haha.

David Bowen: Now it is hearsay. Haha.

Carl Widmer: We depicted the water depth at low water. When you pull in your bustle the water depth is given at the low water stage. We have plenty of depth at low water for boats.

Kevin Dooley: This is another example we did not have to go sixty feet, so we didn't.

David Bowen: Is there a reason you went our sixty on the southern dock?

Kevin Dooley: That lands further into the shoreline, so we do need to go out sixty to get to four feet depth. Whereas this one is coming off a break wall so the lake drops quicker over there.

David Bowen: Is the southern dock for people to come and dock?

Kevin Dooley: Yes.

Carl Widmer: Yes.

David Bowen: It is not necessarily a swimming dock.

Carl Widmer: It could be for swimming between the two. We have a float that will be anchored in between, and kids could jump off them. We have also established the build blinds one foot away from the facility area. We are not taking any chances there. On both the south and the north docks.

David Bowen: The water depth are these the dotted line rectangles 3.2 and 10.8.

Kevin Dooley: Yes. Then the four and the two. That is what the depth would be if the lake was at low lake level.

Chairman Stahl: A quick look at your sketch here you are really lacking the address and will need that to have the record as complete.

Carl Widmer: We can do that.

Kevin Dooley: He did not put the address on this. I did not even notice that.

Carl Widmer: The tax map number is on there.

Chairman Stahl: The way they lay is out they put their address right on there for the records. Looking at Scott's remarks he did not see any problems.

Carl Widmer: We have the mean high mark on there for the single dock and the mean high to the north is a retainer wall.

Chairman Stahl: Did you happen to read the bald eagle report that they sent back on the nest that fell?

Carl Widmer: That report was requested in February, and you may or may not be aware that DEC opened up SEQR saying that the bald eagles were not a problem, but every state agency needs to look at your docks. It took from February until July to get that sign off. Essentially what the report says if the eagles re-nest within 600 feet or so then we would have to abide by certain dates to avoid the nesting.

Kevin Dooley: Cannot make loud noises during certain times of the year.

Chairman Stahl: Just wanted to make sure you were aware and saw that report. We have received an archeological site determination letter dated February 21, 2024, and we received the bald eagle report. Do any board members have any other questions? If not, we will schedule the application for a final review and public hearing on August 2, 2024, pending the receipt of the revised by August 1st.

Kevin Dooley: The only revision is add the address.

Chairman Stahl: Yes. That is all I see. Thank you for your time.

Carl Widmer: Thank you.

Kevin Dooley: Appreciate it.

Other

Application 2022-0025 for 5862 Seneca Point Road, Amanda Harris amended application we are waiting for the onsite wastewater treatment system inspection report to be placed on the meeting agenda.

Chairman Stahl shared that he will be moving out of the district and will no longer be on the Board after August.

Motion to Adjourn

Being no further business, Jill Gordon moved to adjourn the meeting. Sam Seymour seconded the motion. The motion was unanimously adopted, and the meeting was adjourned at 7:19 pm.

Respectfully submitted,



Diane Scholtz Graham
Board Assistant