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

Planning Board Meeting Agenda

Wednesday, May 21, 2025, at 6:30 pm

Meeting in-person or by joining Zoom
https://us02web.zoom.us/j/84507827513?pwd=8IOAawBXndLDEGkRUCn1GqpIGOtwbE.1
Zoom Meeting ID 845 0782 7513, Passcode 346742

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
Defer approval of Planning Board April 16, 2025, meeting minutes to the next meeting.

Old Business
Public Hearing
Site Plan Approval Application 2025-0001
County Planning Board Referral: 51.0-51.1-2025
Owners: William P. Vitek & Laurel S. Raines
Representative: Mark Schlegel
Property: 6957 Granger Point Drive
Tax Map: 191.17-1-7.000
Zoned: LR (Lake Residential)

Site Plan Approval 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)

New Business

Site Plan Approval Application 2025-0003

County Planning Board Referral: Exempt
Owners: Judy von Bucher
Representative: Erik von Bucher
Property: 6507 Longs Point Drive
Tax Map: 185.17-1-2.000
Zoned: LR (Lake Residential)

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes Approved
Wednesday, May 21, 2025

Present David Bowen
Daniel Crowley
Jason Inda
Cody Koch
Bruce Mackie
Frederick McIntyre
Sam Seymour

Excused Michael McCabe
Paul Miller

Guests In-person: Mark Schlegel, Erik von Bucher, David Crowe, Anthony Venezia, Daniel Hackett
Zoom: William Vitek

Call to Order
The meeting of the Town of South Bristol Planning Board has been called to order at 6:30 pm. All Board members were present.

Reading of Vision Statement
Jason Inda read the Comprehensive Plan Vision Statement.

Meeting Etiquette
Chairman Bowen reviewed meeting etiquette.

Other
Chairman Bowen explained for old business he was not in attendance at the April meeting to vote and planned to recuse himself from voting on the Krueger application because he is a neighbor to avoid conflicts. Sam Seymour will chair two applications for old business, and David Bowen will chair one application for new business.

Meeting Minutes
Deferred the April 16, 2025, meeting minutes to the next meeting.

Old Business
<u>Site Plan Approval Application 2025-0001</u>
County Planning Board Referral: 51.0-51.1-2025
Owners: William P. Vitek & Laurel S. Raines
Representative: Mark Schlegel
Property: 6957 Granger Point Drive
Tax Map: 191.17-1-7.000
Zoned: LR (Lake Residential)

Chairman Seymour: Diane, please read the legal notice.

Diane Graham:

Legal Notice of Public Hearing

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

2025-0001 for property owned by William P. Vitek and Laurel S. Raines located at 6957 Granger Point Drive, tax map 191.17-1-7.000. The applicant and property owners are looking for site plan approval to add a 241-square foot single-story master bedroom addition to the main house with a 64 square foot deck and steps.

Said hearing will take place on the 21st day of May 2025 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 representatives.

Chairman Seymour: I declare the public hearing open. I would ask the applicant to briefly describe the project since the last meeting.

Diane Graham: Since March 19.

Mark Schlegel: The proposed project is a single-story addition on the north side of an existing historic cottage. The roofline not to exceed anything around it. We got a variance for a setback. Just a master bedroom. It is pretty simple.

Diane Graham: What did you do with the site plan for the lot coverage.

Mark Schlegel: Oh, for the lot coverage we are going to give up some of the gravel area so that the lot coverage will remain the same.

Chairman Seymour: Based on the site plan review at the March 19th meeting of the Planning Board the Planning wrote three letters: March 24, 2025, March 27, 2025, and April 10, 2025. Those were answered with three documents received March 26, 2025 from the Zoning Board of Appeals their decision; the amended site plan by adding silt fences, flood plain elevations, floor elevations for master bedroom additions and holding tank manhole rim elevation, reduced portions of gravel area one and gravel area two back to grass to meet pre-existing non-conforming lot coverage of 29.15% that include four concrete pillars as well as the drywell plan.

Diane, did we receive any written comments?

Diane Graham: No.

Chairman Seymour: Is there anyone in the audience who would like to speak about this project? Anybody on Zoom who would like to speak about this project? Any comments or questions from the board members?

David Bowen: Just for the record, Mr. Vitek, are you present on Zoom?

William Vitek: Yes, members of the board. I am here.

Chairman Seymour: With no further questions being sought I will declare the public hearing closed.

- County Planning Board referral recommendation and comments 51.2-2025 Planning Board site plan approval was exempt.

Diane Graham: Just that portion.

Chairman Seymour: Just that portion for that paragraph.

Diane Graham: Yes.

Chairman Seymour: We have received the following items:

- Certificate of non-conformity for pre-existing non-conforming structures/uses.
- Septic system email comments from Tyler Ohle, Watershed Inspector.
- Storm water & erosion prevention drywell plan by Mark Schlegel dated April 7, 2025, and Kevin Olvany email comments April 8, 2025.
- NYS DEC Threatened and Endangered Species determination required and received letter dated December 27, 2024.
- Archeological site determination is required, and we received a no impact letter dated February 27, 2025.
- Agricultural active farms within 500 feet (vineyard). Yes. There is a vineyard on the inside of the point there.
- Floodplain determination / Floodplain Development Permit is required, and application is included and that was part of our package.

The Zoning Board of Appeals determined SEQR to be a Type II action under paragraph 617.5 (c)(11) expansion of single family; 617.5 (c)16) granting individual setback variance with no further review required. I make a motion to concur with the ZBA's determination. Motion seconded by Jason Inda.

All in Favor.

Ayes, 4 – D. Crowley, J. Inda, F. McIntyre, S. Seymour
Nays, 0

Motion carried.

<u>Findings:</u>

1. The proposed project is consistent with the comprehensive plan.

2. The proposed project is consistent with the zoning district in which the project is located.

3. The proposed project will not have an adverse impact on the physical or environmental conditions of the district.

4. The proposed project will not adversely affect the character of the neighborhood.

Jason Inda motion to approve findings 1-4. Motion seconded by Frederick McIntyre.

All in Favor.

Ayes, 4 – D. Crowley, J. Inda, F. McIntyre, S. Seymour
Nays, 0

Motion carried.

I request a motion to approve or deny the preliminary and final site plan approval amended application.

Jason Inda made a motion to approve the site plan as amended. Motion seconded by Frederick McIntyre.

Roll Call Vote
Daniel Crowley – Aye
Jason Inda – Aye
Frederick McIntyre – Aye
Sam Seymour – 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 since the date of approval, you will need to start the board application process over.

Mark Schlegel: Thank you very much gentleman and Diane.

Diane Graham: You're welcome. Thank you for your patience.

William Vitek: Thank you all.

Site Plan Approval 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)

Chairman Seymour: Diane, would you read the legal notice.

Diane Graham: Yes.

Legal Notice of Public Hearing

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

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 owner are looking for site plan approval to demolish the existing house and construct a new house, garage, permeable paver driveway with storm water infiltration chamber, deck, patio, retaining walls, walkway and stairs.

Said hearing will take place on the 21st day of May 2025 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 representatives.

Chairman Seymour: Thank you, Diane. I declare the public hearing open. I would ask the applicant or representative to make a brief re-introduction of the project.

Diane Graham: Since April 16, 2025.

David Crowe: Dave Crowe. I am an architect with DJC Architecture. I will give you a brief summary of the house. The existing home on the property is going to be demolished and propose a new build home. It is approximately a 2,000 square foot home with 806 square foot garage. It is a single-story framed home. I am trying to think of what else that would be of interest. New build, deck on the front, driveway. The road comes into driveway on the side. Side loading garage. That is a single-story building with a bonus room above. The home itself is single-story living space and master on the first floor and a basement utility space and communal gathering space and then two bedrooms. It does qualify as a basement because of the average depth below grade. The two bedrooms are walk-out onto at-grade patio at the lower level. Then a set of stairs that goes down to the lake and the dock is existing. That is the architectural plan. Dan can speak to the engineering.

Daniel Hackett: Daniel Hackett, Landscape Architect working for the Kruegers. Since the April 16th meeting the Board did ask us to specifically address a few things. Those letters were sent to the Board addressing those questions. We also went to the Zoning Board and we did receive the variance for the site on lot coverage. In general, the application is the same as what it was when we appeared before the Board on the 16th of April. I guess we can walk through the site, but if you have an general questions I think I would rather kick it to the board to answer those questions, if that is fair.

Chairman Seymour: The Board did request a few items. I will go through those and responses.

David Bowen: I do not get to vote but I can ask some questions. I could not tell from the plan and I was not here at your last presentation. I really did not get to hear. Are there trees, bushes, shrubs or anything on the cliff coming out or is everything retained?

Anthony Venezia: Most of the trees are there – one or two that will be coming out.

David Bowen: Are they sizeable trees?

Anthony Venezia: There is one that is 16-inch maple or something of that nature that is going to come out. We are trying to as many as possible. We are trying to stay away from that bank where we can.

David Bowen: Is that in the path of the stairway?

Daniel Hackett: I think to answer your question everything where the steepest bank is on the south side and that is to be preserved. There is low shrubbery where the new stairs will come up. The old stairs will come out. They are a dash on a plan around and down and cut across the bank. All those timbers will be removed. The bank will be restored and then replanted. They will be screening down the property and existing screening in the front is to remain. In general, it is to preserve the site, and we need everything that is there with a minimal impact, getting rid of the stairs on the back that are currently there.

David Bowen: Your package had some photographs, and I think Mr. Seymour talked to you about this off the record before the meeting. There were photographs of propane tanks and an air conditioner. I do not see them on the plan. Do you know where they are going?

Daniel Hackett: Propane tank as I spoke to Mr. Seymour. My proposal would be as you pull into the driveway it would be on the lakeside. There is enough room between that and the woods to put the tank in keeping it away from the road. What I do caution is that when you hire these companies and they sell you the tanks and they put them in. They have a bit of a driver, but I think that is a safe location where he can back in and actually fill the tanks. Dave, can you point to that location?

David Crowe: We are talking about this area right here.

Diane Graham: Will it be ten feet away?

Anthony Venezia: Yes. It will be ten feet away from the property line.

Daniel Hackett: The condensing units were asked about at the last meeting, and they will be on the back of the house and hung. They are not ground mount units. They are actually hung on the stem wall.

Diane Graham: Can you show Mr. von Bucher?

Anthony Venezia: They are going to be in that kind of general location where the propane tanks would have been on the old house because that is in the same northwest corner.

Daniel Hackett: They are not on your side, not on the north side. They are on the west side.

Anthony Venezia: They are on the road and the west side of the house.

David Bowen: There is enough space in there without interfering with your setback.

Anthony Venezia: Correct. Yes.

David Crowe: We will hang them up above the ground so that they do not have a surface area.

David Bowen: I cannot see that well. I am kind of way over here so when you pointed to the plan for where the propane tank is that will be fully off the driveway, correct?

Daniel Hackett: Yes.

David Bowen: Is there any other area there that you would anticipate vehicles traveling?

Anthony Venezia: Not where the propane tank.

David Bowen: No additional guest parking or anything like that?

Anthony Venezia: There is going to be a slight embankment off the east side of the driveway so it wouldn't be where anybody would actually park.

Daniel Hackett: Are you talking about people parking in the grass there?

David Bowen: Right. On top of the tank.

Daniel Hackett: Oh, I hope they do not have people pulling into the grass on top of the tank. I guess if we had to put a bollard.

David Bowen: The tank will be buried though, right?

Daniel Hackett: The tank is buried, yes.

David Bowen: That will involve all the erosion control measures as well.

Daniel Hackett: It is all within the window of grading we are proposing with the silt fence which would be on the lakeside of that.

David Bowen: Okay. Thank you.

Erik von Bucher: The air conditioner is going where?

Daniel Hackett: On the west behind the house. Hanging on the house.

David Crowe: We put those on frames and attach them to the wall above the ground, so the snow does not get in the way.

David Bowen: So, it will be sort of road level, correct? The way this is being graded.

David Crowe: It is going to be up around 30 inches off the ground or so.

David Bowen: I know they are built up on stands typically to avoid being buried by snow. Again, I am sorry.

Anthony Venezia: They will be below road level.

Daniel Hackett: The typography behind the house is 717. The typography at the road behind the house is 726. So that is nine feet difference. If we are up thirty inches and the condensing unit is usually another 40.54, let's be conservative and call it five or seven and a half. It is nine feet higher to the centerline of the road. When you sit in the car you are up above the road, when you are walking your eye level is above that. The top of that condenser unit is lower than. There is also screening that is shown along the road. The screening at the road is at 725. The general height of that is 7-8 feet that you are pulling on there. To sufficiently screen around downhill and there is also screening. So, it is not like on side of house that are up in the air. It is a great question I am trying to define when you are on the road looking at it and they are up here on the side of the house. They are down below.

Chairman Seymour: When you say screening, for the record, tell us what that is?

Daniel Hackett: We wanted to do is preserve the existing plants that are on there.

Chairman Seymour: Landscaping?

Daniel Hackett: I think Rose of Sharon and some miscellaneous shrubs. They kind of left it that way. It is not super high or tall trees that are blocking and overwhelming the road. The height of this house is really the height of what is existing right now. It will not be higher than what exists. Really what we have now, it is the same with the exception of obviously the garage. It is elongated towards the southern part.

David Bowen: The roof on this house, is it metal?

Daniel Hackett: Have you specified that with the customer?

David Crowe: Yes. We just met with them last week and they would like to do asphalt, and we are going to do asphalt.

David Bowen: Any concern about the heat pumps, air-conditioning units getting hit with snow coming off the roof. The roof slopes to the back of the house, right?

Daniel Hackett: Actually when they hang those with the width. What is your overhang? They are generally over the overhang.

David Crowe: These are 30 inches. We have 18 inches to use back there. This is the section it would be installed in this area so we can protect that nature. We show that they want to use asphalt shingles. We just changed that recently. We can make sure that it is protected.

David Bowen: Okay. Thank you.

Chairman Seymour: I will get to more questions in a minute but for our record the board requested several items:

Planning Board letter of April 17, 2025
- NYS DEC Letter of No Part 182 Jurisdiction on bald eagles
- Zoning Board of Appeals lot-coverage variance approval
- Amend references to Road on plans to Drive
- Amend SEQR question 1. Yes, to supply narrative
- Amend SEQR question 12b. to Yes
- Driveway maintenance plan

The board received items:
- Email April 17, 2025
    - Care and maintenance for the driveway (Pages 15-16)
    - Amended SEQR question 1. to No
    - Kept SEQR question 12b. No (archeological determination is not required per DEC Mapper)
- Bald eagle determination letter dated April 21, 2025
- Amended Cornerstone house design and elevation plan from Road to Drive
- Zoning Board of Appeals lot-coverage variance approval decision

Chairman Seymour: Did we receive any written comments about this application?

Diane Graham: No.

Chairman Seymour: Any other comments from the audience? Erik, would you like to say something?

Erik von Bucher: Hello, I am Erik von Bucher. I am the Krueger's next door neighbor. They are great neighbors and they have done a lot to make this house work with the environment. I want to be sure of a couple of things, if I may? The screening is those Rose of Sharon that we are speaking of?

Daniel Hackett: Along the road.

Erik von Bucher: We are not doing a wood fence or something like that?

Anthony Venezia: No. Natural.

Erik von Bucher: In the current house they have a radon system to get rid of the radon gases going out the exterior of the house. Is that going to be done away with on the new construction?

David Crowe: It is going to be done away with and we will put a vapor barrier in the slab and we are not going to need that.

Erik von Bucher: Okay. The air conditioning unit, just for clarification is along here you are saying.

Anthony Venezia: Correct.

David Crowe: It is on the back.

Erik von Bucher: Currently it is here which is in the setback and also our bedroom is here. We would love to keep the AC as far away as possible. Unless you supply ahead to our house. Exterior lighting. There is a great fad these days to have all these down lights and up lights. The beauty of the lake to see the environment. I would request that exterior lighting is minimal or for emergency sake only.

David Crowe: We have not really solved that yet. We are meeting with them weekly now so we could put that out to them.

Erik von Bucher: Great. They had a staircase that was all lite all the time that shown up to our bedroom.

Daniel Hackett: All the lighting would have to be night sky compliant at this point. It would not be pointing towards your house, if that was what was going on. The light would be pointing down and night sky compliant.

Chairman Seymour: Dave, can you expand on that just a little bit. When you say night sky compliant, what is the organization that writes that specification.

Anthony Venezia: They are full cut off.

Daniel Hackett: It is a full cut off. It is night sky compliant.

Anthony Venezia: Dark sky compliant.

Anthony Venezia: It is full shrouded lighting. Where the bulb is up inside it so that you cannot see the bulb, you just see the glow.

Chairman Seymour: It is shown down instead of out, right?

Anthony Venezia: You do not see the source of the light. You see what it projects.

Chairman Seymour: It is really nice. In Tucson, Arizona is an example city of compliance with that code. It is a spectacular city to visit to see at night because of the way the lighting is.

Erik von Bucher: One last thing, just a clarification. Currently, there is a stone wall behind the house, a pathway and shrubbery up in there is that scenario staying the same.

Anthony Venezia: The house is being pushed back to where that wall is, and the house is going to be stem walled to take place of that wall. The slope is going to come down and be a slight swale on the back side of the house, but the way that the grade comes down and hits the wall now it is going to come down and be against the house.

Daniel Hackett: The house is the retaining wall back there.

Anthony Venezia: The wall will come out and that is where the house is going to be.

Erik von Bucher: That first floor are they similar?

Daniel Hackett: Staying the same. It is really to do that so the house can slide back. The earth could be graded. The earth could be graded. There is a weird power pit back there. I imagine it gets pretty wet behind that house right now. The floor will stay the same, but the stem wall, foundation wall comes up.

David Crowe: The very dark line that is the grade line. This line that they are all referencing is actually the finished floor. We are burying the house down into the ground. Basically, the house is going to be done with a retaining wall.

Erik von Bucher: Thank you for allowing me these questions.

Chairman Seymour: Any comments or questions from board members?

Frederick McIntrye: Do you need a permit for the shore well or not?

Anthony Venezia: I talked to Kevin about it he did not think we needed one.

Diane Graham: I think he said check with the DEC. I thought Rod Buffington said something.

David Crowe: Rod is not here unfortunately but I think we could look into it.

Diane Graham: He said he was communicating with the DEC and he didn’t think he needed one, but we never got a final.

Daniel Hackett: Again, I do not want to speak out of school on it, but with the shore well. I think it is looked at when somebody draws water out of the lake. They are putting their PVC tube out and drawing. There is not a permit. Someone puts it out and it is on a sled. This is literally one pile on and drawing it out of the shale rather than having it out on a sled in the lake.

Diane Graham: What side of the mean high water is it on?

Anthony Venezia: It would be on the lakeside of the mean high.

Daniel Hackett: Yes.

Diane Graham: Isn't anything in the water their jurisdiction?

Daniel Hackett: Anything in the water, yes.

Diane Graham: That is why we are asking.

Daniel Hackett: It is on the shore. It is up on the shore. There is a peninsula. There is a spit of land that sticks out into the lake, and they were going to put it on that spit of land.

Anthony Venezia: We could put it on the other side of the mean high water and have the town approve it, possibly. Then it would be the town's jurisdiction. We can put it anywhere down there really.

Diane Graham: You can stipulate something if you want.

Chairman Seymour: The conversation with the DEC is ongoing. It is a DEC prerogative if they would require a permit. I do not think they do.

Anthony Venezia: I do not think so.

Daniel Hackett: I thought Rod called and they did not need it, but maybe we could get a letter to clarify that I guess so we could avoid a showstopper.

Chairman Seymour: What we can do is make that a condition of approval. If a permit is required, a permit has to be obtained.

Daniel Hackett: Thank you.

Chairman Seymour: Any comments from Zoom? I do not see anybody there. That being said I declare the public hearing closed.

- Application is exempt from County Planning Board referral.

- Septic system review and approval is required. Received Tyler Ohle, Watershed Inspector as-built plan letter dated February 6, 2025.

- Storm water and erosion control measures - Kevin Olvany, Watershed Manager's email review and comments dated April 8 and response email April 9, 2025.

- NYS DEC Threatened and Endangered Species determination required and received determination dated April 21, 2025.

- Archeological site determination was not required, but we received a no impact letter dated March 14, 2025.

- No agricultural active farms within 500 feet.

- No floodplain determination or floodplain development permit is required.

- Steep slopes permit application received April 2, 2025.

- Recorded easement for onsite wastewater treatment system on tax map 185.00-1-66.000 and 6511 Longs Point Drive property deed.

Diane Graham: It showed the easement for the road.

Chairman Seymour: 1987 variance for 14-foot front setback was also part of the record.

The Zoning Board of Appeals determined SEQR to be a Type II action under paragraph 617.5 (c)(2) replacement, rehabilitation or reconstruction of a structure or facility in kind on the same site; 617.5 (c)(11) construction or expansion of a single-family residence, and 617.5 (c)17) granting of an area variance for a single-family residence which requires no further review. I make a motion to concur with the ZBA's determination. Daniel Crowley seconded the motion.

All in Favor.

Ayes 5, D. Crowley, J. Inda, B. Mackie, F. McIntrye, S. Seymour
Nays 0

Motion carried.

Diane Graham: Before we go further. Jason, Fred, Sam, Dan and Bruce can vote. That is five, correct?

<u>Findings:</u>

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.

Chairman Seymour: I request a motion to approve findings 1-4. Federick McIntyre made a motion to approve findings 1-4. Jason Inda seconded the motion.

All in Favor.

Ayes 5, D. Crowley, J. Inda, B. Mackie, F. McIntrye, S. Seymour
Nays 0

Motion carried.

Diane Graham: Do you want to do condition?

Chairman Seymour: We have one condition.

Diane Graham: Just one?

Chairman Seymour: What else do you want to add?

Diane Graham: I do not know. You talked about shingles changing on the plan, some things on the plan.

Chairman Seymour: That is not something we address.

Diane Graham: Okay. Then the lighting or anything you were talking about.

Chairman Seymour: Before request for the final site plan approval, we want to log in our conditions, and these would be:

1. DEC permit for the shore well if one is required, one has to be obtained.

2. Position of the propane tank as described on the east side of the driveway.

I request a motion to approve or deny the preliminary and final site plan approval amended application.

Bruce Mackie: Mr. Chairman one clarification I apologize that I do not know this already. Shouldn't that condition for the well be by approval of a jurisdiction that it falls under regardless of location?

Chairman Seymour: We know it is the states privy. Not from us.

Bruce Mackie: Not from us.

Chairman Seymour: The question is if you are on the lake side of the mean high-water level it is state and you are inside that it is not the state. It would be the town's prerogative.

Diane Graham: Do we know for sure where they are placing it? What side is the jurisdiction?

Chairman Seymour: It is going to come down to that little peninsula and how high it is, right?

Anthony Venezia: Is there a well permit for the Town of South Bristol?

Chairman Seymour: One of the problems you are going to find is the bedrock is pretty close.

Anthony Venezia: Is there a well permit that we would need to obtain from South Bristol?

Diane Graham: He would add it to the building.

Anthony Venezia: We will put it on our side of the mean high water. That is where we will end up putting it. We will change the map to reflect that, and we will not have it in the DEC waters. How about that? Does that work?

Diane Graham: Revise site plan to show shore well?

Chairman Seymour: Is the cliff rock?

Anthony Venezia: Everything is there is.

Daniel Hackett: The cliff comes down and when you look at the map there is this spit of land that goes out. It was just on that noise to put the shore well.

Chairman Seymour: That is a bit of fill. It is not rock.

[Multiple people talking at the same time.]

Anthony Venezia: It will be hammered in.

Chairman Seymour: How deep will you go under the water level or the well itself?

[Multiple people talking at the same time.]

Daniel Hackett: I would say 45-50. They hammer them down in for it to wick up.

Chairman Seymour: I am going to guess you are bedrock a couple feet below water level.

Daniel Hackett: If that is it, they will pull up, and it would be shallow. The whole idea is they don't want to hire a scuba guy every single year to deal with zebra mussels that is all they are trying to do. There is a few on Seneca Point that I have done in the past year. The people do not have to mess with their wells.

Anthony Venezia: We will adjust the location to be above the mean high water.

Daniel Hackett: I think your municipality you need a permit for a well anyway. If it is on one side it is a DEC permit and if it is on the other side it is a municipal permit. Either way it would have to be permitted.

Chairman Seymour: I do not think the DEC requires a permit.

Daniel Hackett: I do not think they do either.

Chairman Seymour: That is the state's prerogative.

Jason Inda: Only if you excavate into the lake. If you are trying to bury the line under. As soon as that bucket hits the lake it is a stack of paperwork this big. I have been through it a few times.

Daniel Hackett: Something about those hydraulic lines in the lake.

Chairman Seymour: Do it in the lake when the water is low.

Diane Graham: How are we doing condition one?

Chairman Seymour: Would be about the permitting of the well regardless of where you put it. Let's put it that way.

Anthony Venezia: Okay.

Chairman Seymour: Which could involve the state or inland well type permit.

Diane Graham: You do not want them to update the site plan for that?

Chairman Seymour: I think it is going to one of those things where you have to do it to see where it will work.

Anthony Venezia: Right.

Diane Graham: Okay.

Daniel Hackett: Can you on the condition just say it is going to be shown on the as built?

Chairman Seymour: Yeah.

Daniel Hackett: So proper permitting and shown on the as built? Is that fair?

Chairman Seymour: Yes. Shown on the as built. That will be important for future identification of where it actually is locating it for the next guy.

Daniel Hackett: With the tank location too can we leave that with shown on the as built? It is going to be on the east side. We would show it there. There could be a tolerance of how that tank goes in 16-foot tank. They could call Venezia to come out tag it that day then it is on the as built and that final document will go to the board and filed with the town on the exact location.

Chairman Seymour: Will that have some type of manhole cover at the surface?

Daniel Hackett: Just that little brown head that comes up. Yes.

Diane Graham: You do not need a site plan change to show the location of any of that is what I am asking?

David Bowen: The shore well and the propane tank.

Chairman Seymour: On the as built.

Diane Graham: On the as built. Okay.

Chairman Seymour: Is there a motion to approve this site plan approval as amended?

Diane Graham: To approve or deny the preliminary and final site plan approval amended application. Anybody?

Daniel Crowley made a motion to approve the amended site plan. Frederick McIntyre seconded the motion.

Roll Call Vote
Jason Inda – Aye
Frederick McIntyre – Aye
Sam Seymour – Aye
Daniel Crowley – Aye
Bruce Mackie, Alt 1 – 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 since the date of approval, you will need to start the board application process over.

Diane Graham: Because some people do not know this, Chapter 84 was filed for our town. Our permitting process has changed. It is no longer two years. It is for one year. It has always been you have to start your project within six months of issuance of your building permit. It is one year not two years.

Daniel Hackett: Out of curiosity because I do not know this the starting of the project pulling the actual permit or is being vested with a shovel in the ground.

Diane Graham: Digging. Starting the project.

Anthony Venezia: The building permit is good for one year?

Diane Graham: It has always been two years it is now one year.

Anthony Venezia: Okay.

Daniel Hackett: Some of these projects go eighteen months.

Diane Graham: Then you would have to renew the permit.

Daniel Hackett: They would do a renewal of the permit.

Diane Graham: I think one time or something like six-months. It is just changed.

David Bowen: Erik, do you want to alert them to their temporary increased contribution to the road maintenance fund?

Diane Graham: That is up to the people on that road.

Daniel Hackett: Thank you very much.

David Bowen: Thank you, gentlemen.

Diane Graham: Thank you.

New Business

Site Plan Approval Application 2025-0003

County Planning Board Referral: Exempt
Owners: Judy von Bucher
Representative: Erik von Bucher
Property: 6507 Longs Point Drive
Tax Map: 185.17-1-2.000
Zoned: LR (Lake Residential)

Chairman Bowen: One item of new business and this a preliminary site plan review. Just for the record the applicant is a long-time personal friend of mine. I socialize with him frequently. He is also a neighbor. I am going to be recusing myself from this matter in terms of voting. Anyone else?

Sam Seymour: Same with me. Ditto.

Chairman Bowen: That said, Mr. von Bucher can you please describe your project for the board.

Erik von Bucher: Yes. We are requesting to build a single-story two car garage detached 24 feet by 24 feet or 576 square feet. It will be located southwest of the house. The reason for its location is to get closer to the house would be running into a telephone pole, a big hillside and the leach field. You could go south but then you block the view of the lake by people who drive down Longs Point Drive. If you were to go across the street, if is not very convenient to put it across the street, but also there is the leach field for the Krueger house that was just described. This is really the best location. It will be almost invisible as you come down the road because it would be dug into the hillside. Mostly the roof and perhaps a foot of its sides would be visible, and the ground comes down each side. We need it because we are now living in this house year-round. During the winter months we found our cars a couple of times iced over and with our Tesla could not get into it immediately. In the summer heat the Tesla's battery

needs to be kept cool and if it is sitting there in the exposed sun, it is constantly some parts, I cannot explain to you what parts are running there are things trying to keep the batteries cool. We are requesting two setbacks which were a surprise to us because we thought we were in pretty good shape. Longs Point Drive is a private drive. Instead of, for instance, a setback from our property line as in the north, east and south the line will be from the edge of Longs Point Drive. We, therefore, request a setback variance there of nine feet six inches. The setback in that area would be fifty feet, and we are requesting forty feet six inches. The other variance again because of the road is now being included in the property requires us to request a variance of lot coverage from 20% which is the allowed to 25%.

Daniel Crowley: Because of the private drive?

Erik von Bucher: Yes.

Diane Graham: May I clarify for the record the setback variance will be 9.4 feet versus 9.6 feet.

Erik von Bucher: Okay. I do not know what you all have in front of you or if it on your computers the site plan or any of the pictures, but this is the shape of the front of the garage that would be as you turn into our driveway and turn into it this is what it would like. We would have it look like the main house which I have included either in the packet that you have or it's on your computer or it is right here now. The house is hardy board. It is brown with green trim. This house has asphalt siding. We would like to look into having a black metal roof. As you come down the road, it will disappear more, what it blocks is the house except for the roof. There are a lot green asphalt shingles on that roof. We would like to have a different appearance, and we would think this would disappear more. This is a picture of our addition that you all granted us a year and a half ago or some period of time. I think we did a nice job with it and it blends in well and hoping that this garage would do the same thing. That is the scope of the project.

Chairman Bowen: Any board members have any questions or comments?

Bruce Mackie: Yes. I have one. On your site plan dated 10.15.2023. It looks like you have a small shed. Do you know what I am talking about?

Erik von Bucher: Yes.

Bruce Mackie: Do you plan on keeping that?

Erik von Bucher: Yes.

Bruce Mackie: It appears to me it is encroaching on your side yard setback.

Erik von Bucher: The foundation of that was there when we bought the property. We built upon that but did not expand the perimeter or the footprint I should say.

Diane Graham: It is a pre-existing non-conforming.

Bruce Mackie: It is pre-existing non-conforming.

Chairman Seymour: About when did you buy the property Erik?

Erik von Bucher: It was 34 years. We started building in 1990-91 anyways. I think we bought the property in 1989 or 1990 somewhere in there.

Diane Graham: It was there before you, correct?

Erik von Bucher: Yes. As is the one-story framed guest house.

Bruce Mackie: On your proposed garage you have leaders and gutters?

Erik von Bucher: Yes.

Bruce Mackie: Where is that runoff being directed to?

Erik von Bucher: There is a system that takes the water from the house and takes it down to a drywell down below. It would be this corner here and right along there is a four-inch black pipe that takes the water down over this little thing to a drywall there.

Bruce Mackie: [Asked question about drywell on the site plan.]

Erik von Bucher: Drywell I should say. No. It is not on the site plan.

Bruce Mackie: Do you know the size of the drywell? Will it take this extra runoff from the proposed garage?

Erik von Bucher: If it doesn't then, it has an overflow that has a pipe that goes all the way down to the lake.

Bruce Mackie: No more questions.

Erik von Bucher: One thing I forgot to mention the garage will have electricity, but it will not have a bathroom and not be heated.

Diane Graham: There are two things you need setbacks from - an easement for RG&E.

Erik von Bucher: The edge of the garage has to be five feet from the overhead. If you take that overhead line and if you were to drop a plum line down, it needs to be five feet away from that per the easement of the property.

Diane Graham: The other one was from Tyler Ohle.

Erik von Bucher: Tyler Ohle requested that a 15-20 milliliter polyethylene barrier be inserted between the soil and the gravel that will surround the garage. In theory even though we are 12-15 feet away from the leach field he just requested that film be put there down from grade level down to the footers. So native soil, barrier, gravel, garage wall.

Chairman Bowen: You have an application in to the Zoning Board of Appeals now.

Erik von Bucher: I do.

Chairman Bowen: That will be the June meeting.

Erik von Bucher: It is next week.

Chairman Bowen: Does it make sense to put this drywell on the plan? Probably should. If you could make that amendment to the plan Erik. Is the five-foot setback from the overhead wiring that is shown on the map?

Erik von Bucher: You can see that there are two arrows with five feet next to it. May I approach the bench?

Chairman Bowen: No. That is alright.

Erik von Bucher: It is there.

Chairman Bowen: If you could label that as setback from power line.

Daniel Crowley: The powerline is represented by the transverse line there OHW.

Chairman Bowen: I do not have it open.

Daniel Crowley: There is a transverse line across the site plan that says OHW overhead wire. It goes in between the house and the garage. The five feet is noted there from the corner.

Diane Graham: Is the easement setback electric labeled?

Erik von Bucher: It is not labeled. No. Do you want with an asterisks over on the side?

Diane Graham: In the note section maybe where the site calculations are. I do not know where do you want it.

Chairman Bowen: That would be fine.

Diane Graham: Do you know where I mean Erik?

Erik von Bucher: Yes. Okay. Alright.

Cody Koch: [Easement from foundation]

Erik von Bucher: Yes.

Cody Koch: The overhang of the building is that five feet from the setback to power lines there. You are very tight in tolerance. Is that five feet from the foundation or possible overhang of the building be encroaching.

Erik von Bucher: Good point.

Jason Inda: I do not know how it affects RG&E but setbacks in the Town of South Bristol are to the foundation wall.

Cody Koch: [Indiscernible]

Daniel Crowley: Have RG&E move the line.

[Yeah, with laughter]

Daniel Crowley: Good question.

Sam Seymour: Big line.

Chairman Bowen: My line.

Erik von Bucher: Should I get a letter from RG&E?

Sam Seymour: It is a question for your architect or surveyor.

Bruce Mackie: [Indiscernible]

Cody Koch: [Indiscernible]

Daniel Crowley: Which is already a variance.

Sam Seymour: Good question.

Chairman Bowen: Do you understand that Erik?

Erik von Bucher: When you go to the ZBA next week instead of 9.4 feet you might have to the lower that to, my math is not all that spontaneous, but it would be more, twelve feet.

Daniel Crowley: A variance of twelve.

Diane Graham: It would be less, wouldn't it?

Daniel Crowley: No.

Diane Graham: Oh, you are right.

Chairman Bowen: The 40.6 feet away so the variance they are requesting is 9.4 so it would have to be twelve. You would be roughly 38 feet from the road.

Daniel Crowley: Move it 2.5.

Diane Graham: Do you want something from RG&E as it stands.

Chairman Bowen: I do not think we need anything from RG&E and would rather not involve them I do not think.

Jason Inda: Not if you want to move quick.

Chairman Bowen: I think the better move is just moving the barn. This is generally excavated already.

Erik von Bucher: It is only a portion of it about 50%.

Chairman Bowen: You would be shoving it a little closer to the road.

Erik von Bucher: At the ZBA I just bring that up as a finding here.

Chairman Bowen: I would amend your application.

Diane Graham: I would amend your first page to what you find out when you get your site plan updated. Make it an exact distance versus less than more than on the notes. Have it specific to what it actually is so it is clear for everyone. Amend your first page and I will send it to the board.

Erik von Bucher: Oh okay.

Diane Graham: I will be back on Tuesday. I know it is a holiday weekend. They are going to need to know exactly where it would be in order to know what variance to make a decision.

Erik von Bucher: Yes.

Sam Seymour: Land Tech may be able to help you with that too.

Erik von Bucher: Help me with?

Diane Graham: The surveyor.

Sam Seymour: If he knows what the setback is from RG&E and the overhang of the garage will need to account for that in the position of the building on the plan. He can tell you exactly what your encroachment would be. Nine to twelve feet.

Erik von Bucher: Okay.

Chairman Bowen: Have him make the changes to the plan instead of you scribbling it on there.

Sam Seymour: Yes.

Chairman Bowen: Anybody else? County Planning Board is exempt for this. We have an archeological site determination letter February 26, 2025. The bald eagle determination is not required. There is already an approved septic system design, and this does not impact that since there is no plumbing in the garage so it is not required. Steep slopes and floodplain permits are not required according to the determination of the code enforcement officer.

Diane Graham: As it was in the plan right now. If that changes.

Erik von Bucher: It will not.

Diane Graham: Okay. Good. Did you mention the two things we will need?

Chairman Bowen: We will need the Zoning Board of Appeals approval for the front setback and lot coverage variances. The application will need to be amended as noted. Also, the site plan changes which would be identifying and placing the drywell on the plan as well as clearly marking the RG&E setback of five feet from the eaves of the building. Those are tentative so at this point I will consider our application complete pending Zoning Board of Appeals granting the two variances and we can schedule this for final review and public hearing on June 18 Planning Board meeting.

Diane Graham: Are you saying it is complete?

Chairman Bowen: It's complete with those two conditions. We are tentatively scheduling it.

Daniel Crowley: Potentially to save him some work. Is it an open question the five feet from RG&E to the foundation or the closest point of the building?

Diane Graham: It is their easement.

Daniel Crowley: No. I get it but I think that if he doesn't have to move the garage in order to comply with the five feet from the site plan he probably rather not. Is it an open question on is the five feet required to the foundation or is it required to the closest physical measurement of the building which would be the eave.

Diane Graham: That would be RG&E determination.

Daniel Crowley: Right. I do not know if there is a way to find that out without bringing them into the picture.

Erik von Bucher: I have a person who has been pretty responsive luckily. I know what you mean about them sometimes taking a long time, but she has been great.

Diane Graham: So, maybe get that information to know what direction to go.

Erik von Bucher: Yes.

Sam Seymour: Right.

Diane Graham: So, what we said might not be required if they say your eaves are okay.

Erik von Bucher: I am having the unfortunate feeling that it is probably the eaves. The whole thing is so their trucks can have access to the wire. If you have an overhang that goes forever and ever then it would obstruct them. I will ask.

Bruce Mackie: A point of clarification, on the short environmental assessment form. Question 17.b. [indiscernible] Should that be checked yes because it is being directed to an existing drywell?

Chairman Bowen: Yes. That should be changed. Which paragraph is that Bruce 17.b.

Diane Graham: Is it just a yes, no?

Bruce Mackie: The no I believe should be a yes and under yes to add its being directed to an existing drywell.

Diane Graham: Okay.

Chairman Bowen: We can do that change.

Diane Graham: Yes. We will amend that page in the office if you would like. Okay, Mr. von Bucher?

Erik von Bucher: Yes. Thank you.

Diane Graham: And initial it.

Chairman Bowen: Trying to find if there is any setback information on the RG&E website here.

Diane Graham: The members present tonight need to be here at the next meeting in order to vote. We have Dan Crowley, Jason Inda, Frederick McIntyre, Bruce Mackie and Cody Koch. These are the only people who can vote next month. We need four out of seven to be able to vote. We have five. Five is better than four. What?

Daniel Crowley: I will be here.

Diane Graham: Okay. I just wanted to make that clear. A quorum is four to have a meeting. If we had less, we would not be able to have a meeting. You are very important both of you [alternates]. The ones that are not here tonight will not be able to vote next month.

Daniel Crowley: I apologize I interrupted you Mr. Chairman.

Chairman Bowen: I am seeing all sorts of things for hook-ups but nothing about setbacks.

Diane Graham: Can I say this or do not want to?

Chairman Bowen: You can say it if you would like.

Diane Graham: Okay, because we need some of these things it is tentatively scheduled the application for final review/public hearing on June 18. I will need information by June 2, preferably before next week's meeting for the Zoning Board to make their decision. For the Planning Board that date we would need the information. Otherwise it will automatically be deferred to July 16 meeting.

Erik von Bucher: Okay.

Diane Graham: It would help the Zoning Board if you had everything to make the decision by next week.

Erik von Bucher: Okay.

Diane Graham: If you can. If it's possible. Thank you.

Daniel Crowley: I am seeing stuff on NYSERDA, David.

Diane Graham: I do not know if you gave us a copy of the easement that have stipulates or puts any detail in there about it.

Erik von Bucher: I gave you her email on what she found. I know it was not very specific.

Diane Graham: Do you see an email in your packet regarding the easement?

Erik von Bucher: It says "*We were able to pull the original easement from 1933 which shows a ten-foot-wide easement. Five feet on either side of the lines."*

Diane Graham: It doesn't say.

Erik von Bucher: It doesn't say the other part. Anyway, as I said this woman has been extremely responsive usually the same day so I am hoping it will not be a problem.

Diane Graham: Just when we think we have everything. You have done a lot of work on this.

Erik von Bucher: Are we all set here.

Chairman Bowen: Yes. I cannot find anything definitive quickly on this RG&E website. It talks about residential rights and responsibility and wiring clearance for wiring and hook-ups and metering, but that is about it. I am seeing anything about setbacks over existing overhead lines, but it might be in there.

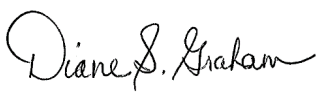
Erik von Bucher: It is an easement from 1933 so we will get to the bottom of it. Thank you very much gentlemen for your time.

Chairman Bowen: Thanks Erik.

Diane Graham: Have a good holiday weekend.

Being no further business, David Bowen moved to adjourn the meeting. Daniel Crowley seconded the motion. The motion was unanimously adopted, and the meeting was adjourned at 7:44 pm.

Respectfully submitted,



Diane Scholtz Graham
Board Assistant