

Town of Bristol
Zoning Board of Appeals
January 21, 2020

Present: Marty Snyder, Steve Smiley, John Krebbeks, Jen Sanford, and Secretary Sandra Riker

Excused: Donna Beretta

Others Present: Jason & Stephanie Barrett, Bill Grove, Glenn Hass, Ralph Black, and Janet Green

Minutes: The December 17, 2019 minutes were approved with minor changes on page 3 through a motion by Jen Sanford and a second by Marty Snyder. All Board members present agreed.

Special Use Permit: Jason Barrett advised the Board that he and his wife would like to construct a 24' x 24' seasonal use camp with an attached 1 car garage and screened porch. The structure will be built by Key Modular Homes, will contain a bathroom as well as a well and septic system. The lands will be used to grow Eastern Red Cedar (juniper berries) used by the Black Button Distillery in the making of gin. They have planted 375 plants this year and will be doubling that number next year. There is a high cost of harvesting the berries as it must be done without the use of machinery making it labor intensive.

Town Zoning Code reads in Article 18 Section 2D regarding Seasonal Camps reads: "A special use permit shall be required for seasonal camps on a minimum of (10) ten acres. A minimum of (400) four hundred square feet of living space is required. Sanitation facilities will be required to meet New York State laws. This type of dwelling shall never be used for year-round occupancy unless it has a minimum of nine hundred fifty (950) square feet of living area. This permit is not transferable. Mobile homes or trailers are not permitted under this Section."

Comments provided by Chris Jensen-CEO are as follows: "Based on this law... there is no difference between a single-family dwelling and a seasonal camp... if it is over 950 sq. ft. It will have to meet all building codes for a single-family dwelling. Energy code if it is heated or cooled. Code also does not define what a seasonal is...can it be lived in during any season? Sure...as long as they don't live in it for one day...it isn't 'year-round'. I guess it is just a law which permits 'tiny homes' between 400 sq. ft and 950 sq. ft. Which is a good idea. I think that laws which require a minimum size for a single-family home are outdated. If someone is comfortable living in a 500 sq. Ft. home... less material...less energy costs...etc.

We will just have to have the home rendered unoccupiable if they build a second home sometime in the future."

Marty expressed concern regarding setbacks for the distance from the leach field to the property line. Bill Grove replied a minimum of 10' per Article 8 of the Town's Zoning Regulations is required and the setback is actually 50' as drawn on the site plan presented. He will be providing the Planning Board with corrected drawing of the conventional septic system design for the proposed Barrett Seasonal Use Camp that is in the A-C district of the Town of Bristol.

Public hearing was opened.

Ralph Black asked what triggers a seasonal home opposed to a single-family home. The Board replied the square footage as commented by CEO Jensen. Mr. Black's second question was with regard to the commercial relationship between Mr. Barrett's business Black Button Distillery and the use of his lands for a seasonal camp. Jason Barrett explained there are two divisions to his business-farm and forestry and the distillery. He has no intention to develop a commercial venture at the farm.

Glen Haas expressed concern over the stream and the culverts that have been installed on the property. Jason Barrett said that he worked with the CEO to make sure they were installed correctly to prevent erosion issues.

Bill Grove addressed the comments from the Ontario County Planning Board. They questioned if 2 residences will be allowed on a single-family parcel once the 4-bedroom home is built. The seasonal camp will have the bath and kitchen facilities removed prior to the construction of the 4-bedroom home to create an accessory structure for Mr. Barrett's office. Their concern regarding the location in front of the primary structure (4-bedroom home) is mute as there is already a barn built in 1899 closer to County Road 32 than either the seasonal camp or proposed 4-bedroom home.

No further comments. The public hearing was closed.

Marty advised all present the Board will address Article Eighteen-Special Use Permit Findings B. 3. a-l. Points a, b, d, e, f, g, h do not apply to this application. Point C-compatibility with general character of the area-the Board agreed that the application complies. Point availability of adequate utilities including but not limited to water, sewer, electricity, gas (a utility easement, twenty feet permanent and ten feet temporary shall be granted to the Town, along all of the applicant's property frontage.) The Board agreed there was no problem with this point.

Point J-will require the approval of the site plan by the Planning Board at their next meeting so the final approval will be contingent on their decision.

SEQR-Short Environmental Assessment Review was addressed and a motion was made by Steve Smiley that a Negative Declaration be declared with a second by John Krebbeks. All Board members present agreed.

The following motion was made by Marty Snyder with a second by John Krebbeks: Motion to grant conditional approval of a Special Use Permit for a seasonal camp, to 85 WME LLC, at 7209 County Road 32, tax map: 137.00-2-14.130. The application meets all requirements set forth in Article 18, Section 1. B., of the Zoning Ordinance of the Town of Bristol, with the exception of item "j." Site Plan approval by the Bristol Planning Board. Final approval shall be granted upon approval of the Site Plan by the Bristol Planning Board. The Board polled as follows: Snyder aye, Smiley aye, Sanford aye, Krebbeks aye. Donna Beretta was excused from this meeting.

Other Business: None at present.

Meeting adjourned with a motion by John Krebbeks and a second by Jen Sanford.

Respectfully submitted,

Sandra Riker

Secretary to the Town of Bristol
Planning, ZBA and Code Office