



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

Zoning Board of Appeals Meeting Agenda

Wednesday, July 22, 2026
6:00 pm

Meeting in-person or by Zoom [Zoom Link](#)
Meeting ID 884 2152 8945, Passcode 747604

Call to Order

Pledge of Allegiance

Opening Statement

New Business

Application for Appeal 2026-0005

Applicant: Mark Boylan, 6164 Bopple Hill Rd
Tax Maps: 178.00-1-29.110; 178.14.-1-16.000
Representative: Melissa M. Valle, Harter, Secrest & Emery LLP

Owners: Clark H. Kreuter, Verner C. Kreuter IV
Property: 5884 Seneca Point Rd
Tax Map: 178.14-1-15.000
Zoned: LR (Lake Residential)

Public Hearing

Motion to Adjourn

Town of South Bristol Zoning Board of Appeals Meeting Minutes Wednesday, July 22, 2026

Present Elizabeth Caprini
Carol Dulski
Jason Fox
Martin Gordon (Arrived at 6:45 pm)
Jonathan Heiderich
Barbara Howard
Richard Riedman

Guests In-Person: Megan Dorritie, Mark & Anne Boylan, Bryan Wickman, Meg Fuller, Robert Yawman, Lisa Moore, Peter Rees, Bernie & Clifford Smith
Zoom: MJ Boylan, Nick & Clark Kreuter, David Bowen, Judy Voss, Maura, CJ, iPad, Owner

Call to Order

The meeting of the Town of South Bristol Zoning Board of Appeals was called to order at 6:00 pm followed by the Pledge of Allegiance.

Board roll call was taken with all members present except for Martin Gordon.

Opening Statement

Chairperson Howard: The objective of tonight's hearing is to listen to the facts regarding the CEO's decision to issue a Certificate of Non-Conformity to Clark Kreuter. For those unfamiliar, a Certificate of Non-Conformity is a document listing issues, employment and dimensional aspects that do not conform but are grandfathered in. The Boylan family has filed an appeal against that decision. We are here to review the ZBA location, town zoning code and pertinent documents and comments to decide whether the CEO decision to issue a Certificate of Non-Conformity was factually correct. Please remember to set aside your personal feelings when you are making a decision.

The rules of order tonight the public will have an opportunity to speak and make comments during the public portion of the hearing. We ask that you address your comments directly to the Board. Please keep your comments to about three minutes. Although we didn't have as many speakers as I was afraid we might have in terms of we have two speakers that have indicated. We ask that you address the comments directly to the Board. Keep your comments to about three minutes. Questions asked by the audience do not have to be answered. They can be but they do not have to be. With that I am going to let the first presenters.

Diane Graham: I will read the public notice.

Chairperson Howard: Okay. That sounds like a good idea.

New Business

Application for Appeal 2026-0005

Applicant: Mark Boylan, 6164 Bopple Hill Rd Tax Maps:

178.00-1-29.110; 178.14-1-16.000

Representative: Melissa M. Valle, Harter, Secrest & Emery LLP

Owners: Clark H. Kreuter, Verner C. Kreuter IV Property:

5884 Seneca Point Rd

Tax Map: 178.14-1-15.000

Zoned: LR (Lake Residential)

Diane Graham: Legal Notice of Public Hearing

Please take notice that the Town of South Bristol Zoning Board of Appeals has scheduled a public hearing on the following application:

2026-0005 for property owned by Clark H. Kreuter and Verner C. Kreuter IV located at 5844 Seneca Point Road, tax map 178.14-1-15.000.

The applicant Mark Boylan located at 6164 Bopple Hill Road, tax maps 178.00-1-29.110; 178.14-1-16.000 submitted an appeal to reverse, vacate and annul the decision to issue the Certificate of Non-Conformity 2026-0003 and deny the application in its entirety.

Said hearing will take place on the 22nd day of July 2026 beginning at 6:00 pm at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

Interested parties may provide written comments, appear in-person or by Zoom.

The application is located on the town website under important documents and notices / board meeting documents.

Chairperson Howard: That is the end of the public notice?

Diane Graham: Yes.

Chairperson Howard: At this point we are going to turn it over to Boylan's attorney. I am sorry I did not get your name.

Megan Dorritie: Thank you Madam Chairman. My name is Megan Dorritie. I am from Harter, Secrest & Emery here today on behalf of the Boylan family. We are appealing the code enforcement officer's issuance of a Certificate of Non-Conformity for 5884 Seneca Point Road. Before the ZBA tonight is a legal question. The ZBA, as a Quazi judicial body, is responsible for answering in the first instance legal questions about the town zoning code. Just like any other tribunal that may look at this case the ZBA's job is to determine if the CEO decision to issue the Certificate of Non-Conformity complies with both the town zoning law and state zoning laws. Fairness does not figure into this analysis whether a particular property looks nice doesn't fit into it. Questions of alleged hardship or future good intentions are not relevant to the question before the ZBA this evening. So, what is that question that needs to be answered. That question is was the use of 5884 Seneca Point Road legal on November 24, 2025. The short answer to that is no. To reach this conclusion the ZBA need only to look at a handful of facts and understand a couple principles of law. Starting with the law first. Non-conforming uses are disfavored. This is because

they disrupt the general zoning scheme that the Town Board establishes. We have several cases to that within the materials that we have submitted for your consideration. A legal non-conforming use can only be established if the prior use was in fact lawful. That makes sense. It is only good policy for prior non-conforming uses to be phased out. So, you want to make sure they were legal at the time that the new zoning law came into effect. Indeed, any code enforcement officer that issues a Certificate of Non-Conformity based on an illegal use is actually usurping the town board zoning function which is exclusive to the town board. Now on to the facts. November 24, 2025, was the effective date of the new zoning code that now outlaws within the lake residential district storage and use of recreational vehicles on vacant lots. That same day the code enforcement officer issued a notice of violation for 5884 Seneca Point Road saying that the wastewater system, the septic tank. I do not know what you want to call it, but the septic system there was in fact illegal because it did not comply with the previous town code on the same day that the new code was adopted and became effective. That was not the first violation. There are actually three others before that. It was a series of non-compliance with the previous zoning code at the time of the new code took effect. At no time did 5884 Seneca Point Road receive any sort of permit authorization or certificate or anything like that saying that they could keep the RV there. That includes with the particular septic system that is there on November 24, 2025, and is still there today. These facts demonstrate that the use of the property was not lawful at the time of the new law took effect and because of that the Certificate of Non-Conformity should not have been issued. For these reasons and those cited in our submission to the ZBA we respectfully request that the Certificate of Non-Conformity be annulled and vacated. I would be happy to answer any questions that the board may have.

Jason Fox: I do not have any questions.

Elizabeth Caprini: No questions.

Board Member: I am just still thinking about it.

Jonathan Heiderich: I want to hear Scott's side of things first before I have any questions.

Elizabeth Caprini: Agree.

Jason Fox: No questions at this point.

Jonathan Heiderich: Same here.

Chairperson Howard: I will leave it as such after we hear from Scott the CEO. We can go back to asking. We are not necessarily letting you off the hook already.

Megan Dorritie: Fair enough.

Chairperson Howard: Scott your turn.

Scott Martin: Well, the reason I gave them the Certificate of Non-Conformity for the use was previously our law said that the owner of a vacant lot in South Bristol may occupy and use a maximum of one recreational vehicle on their vacant lot provided that the recreational vehicle is solely owned by one or more of the owners. It is. The length of the stay is no longer 160 days, which I do not believe it was. I was not counting to know when they put it there and when they took it out. The recreational vehicle was provided with water supply, electrical service and adequate self-contained sewage disposal system. It is

not located closer than 15 feet to any building on the neighboring lot, ten feet from the side or rear lot. The big question seems to be the adequate self-contained sewage disposal system. It is my understanding that the RV itself has a holding tank and when that is full and needs to be pumped out. They cannot just come in with a truck and suck it out of the RV because of plastic lines and stuff. So, it is just drained into that tank and then immediately sucked out of that. The tank just sits there 95% of the time empty. Boylan's want to claim that it is buried. It is not buried. In my mind it is a low tank that sits low to the ground. They put landscaping around it to kind of hide it. The top is completely exposed. If it was buried no one would ever be able to see it and it wouldn't bother anybody in my mind. My deputy did send a couple of violations in the past for them to remove it because they actually had two campers there and only one was allowed. So, he sent them a couple of violations a couple two three different times to remove one of them. Anyways in my mind it is my understanding that it was a legal use for the one RV for 160 days a year previously to the code being changed. So, when they applied for a Certificate of Pre-Existing Non-Conformity I gave it to them.

Jason Fox: So, the issue of non-compliance only existed when there were multiple campers on the property?

Scott Martin: Yes. Previous.

Jason Fox: Okay. Thank you.

Chairperson Howard: Scott, can you address the issue of whether or not they were in compliance with the pre-November 2025 change in the code?

Scott Martin: The use of one was allowed in the lake residential district until the code was changed to take the lake residential district out.

Chairperson Howard: So, I guess I am asking what was it? You saw that everything was in compliance with respect to...

Scott Martin: The one.

Chairperson Howard: The one. Okay. What about the septic or sewer whatever?

Scott Martin: Come again.

Chairperson Howard: What about the septic issue? I have seen an email that Tyler basically says that.

Scott Martin: I had asked the Canandaigua Lake Watershed Inspector about that tank. He said they had no regulations on it. No permits to be given for it or nothing as far as he was concerned, it did not bother him at all.

Jason Fox: Because it is an intermediary and it's not really an overflow. The property is still in compliance because it is self-contained.

Scott Martin: It is only when the self-contained tank was full and needed to be pumped. They would drain it in that tank. It is only drained when the pumper was there.

Jason Fox: It is a method of transfer to make it easier.

Scott Martin: Yes.

Jason Fox: Okay. Thank you.

Scott Martin: Other than that, it is any empty tank that sits there.

Elizabeth Caprini: It can sit there indefinitely. It does not have to be removed according to the code.

Scott Martin: As far as I can tell. I did ask them to remove it when the Kreuters asked me. They questioned that and I told them I would look into it and just to cover it up in the meantime with a tarp or something kind of make it go away. That is when I talked to or emailed the watershed inspector and he said they had nothing about it. So, I let it go.

Jason Fox: There is no outside regulation governing that use at all?

Scott Martin: I guess not, no.

Jason Fox: Okay. Thank you.

Jonathan Heiderich: Scott, the code prior to November 2025 said 160 days and is it your interpretation that was per year even though that is not specifically said in the code?

Scott Martin: Yes. Well, there is a gray area.

Jonathan Heiderich: Interpretation, that is what I am asking you.

Scott Martin: Yes. I am interpreting 160 days a year.

Chairperson Howard: Which is what code now is.

Elizabeth Caprini: Yes.

Jason Fox: No further questions.

Richard Riedman: I am all good. No further questions.

Jonathan Heiderich: I am good for right now.

Megan Dorritie: Madam chair if I may address the code enforcement officer's comments.

Chairperson Howard: Yes.

Megan Dorritie: Thank you. Just a couple things. They deal with the substance within the record right now. There is nothing within the application materials or the code enforcement officer's decision that speaks to the nature of this tank. In fact, all we have is this November 24, 2025, violation which in fact says we have concluded that your wastewater tank that is placed on your property at Seneca Point Road is

not in compliance with town zoning. This is an official notice of violation that has all sorts of rights attached to it. Due process is evoked in all of that. This particular document is saying in fact that the tank is not in compliance with the town code on the very day that the new code went into effect. I'd also mention too that there is I understand that the code enforcement officer had submitted comments to the Zoning Board of Appeals dated June 15 of this year and attached an email from Tyler Ohle. While he recognizes that there are no regulations that say that this particular tank has to be removed. He also says right after that statement there are no regulations that permit this situation. That is the complete statement in the email that is an attachment to the June 15 submission from the code enforcement officer. That is all I have to add. Thank you.

Jason Fox: Thank you.

Chairperson Howard: Carol or Elizabeth, any comments or questions?

Elizabeth Caprini: No.

Chairperson Howard: Okay.

Elizabeth Caprini: I would like to reread Tyler Ohle. I did not read exactly as your interpretation of it.

Chairperson Howard: It is with Scott's comments.

Elizabeth Caprini: I am not sure I have a copy of that printed. If you could just read that one more time.

Richard Riedman: What exhibit is it?

Chairperson Howard: It's in Scotts.

Elizabeth Caprini: I am reading from Tyler Ohle, *"Yes. I remember I have no regulations that say it needs to be removed because there are no regulations that permit this situation."* The beginning of that sentence was I have no regulations that says it needs to be removed.

Megan Dorritie: Because there are no regulations that say that it is actually allowed.

Elizabeth Caprini: It permits this.

Jason Fox: I think by definition though by not permitting it, it is not disallowed either. Would be my interpretation of that.

Elizabeth Caprini: If you read his whole sentence there. *"The only reason I gave the okay on this is due to the fact it is in plain sight of the road and people will complain if it ever leaks. I would consider it a temporary structure of the property."* I think to read that whole sentence.

Chairperson Howard: I agree.

Megan Dorritie: If I may too, this is not just sitting on the ground. It is actually sunken into the ground. There is according to the code enforcement officer June 15 statement there was some sort of a top over it

that is removable, but it is not like this is a free-standing tank that can be picked up and moved away. It actually is sunken into the ground.

Elizabeth Caprini: Partially.

Megan Dorritie: My understanding that it is actually level with the ground and there is a top on it. Again, there is no information within the record as to what this tank looks like aside from the fact that it was in violation of the town code on November 24, 2025.

Elizabeth Caprini: I am going to say partially again because you can see it in the image. You can see that it is above. The only difference with the ground height is possibly the mulch that was agreed to.

Scott Martin: The top of the tank is completely exposed. It is not covered. It is the top of the tank. It is not buried. It's surrounded with mulch, which makes it appear something is underground.

Chairperson Howard: I am sorry. Could you speak up.

Mark Boylan: It was excavated. I just said there was it was excavated there was a hole in the ground. The tank was put into the hole. So, the top of the tank is level to grade.

Carol Dulski: According to the pictures it looks like it is above the ground.

Elizabeth Caprini: Some landscaping yes was done to make it look like.

Jason Fox: I made a site visit and drove by. It appears that was soil mulch put up around it to hide the tank to make it more aesthetically pleasing, but it certainly looks like it is above ground.

Chairperson Howard: It does bring us to the point where visitation reports would normally be going. So, does anybody else told us visitation reports all about. Anybody else visit?

Elizabeth Caprini: I did. I spoke with Clark and his wife Adrianna. It was explained to me about how the system worked that Warner's are septic pumpers from Cheshire do come. Clark was saying maybe twice a year they could probably verify that because the tank within the RV holds quite a bit itself.

Megan Dorritie: Is that testimony in the record somewhere or were those conversations you had outside of the proceeding?

Elizabeth Caprini: That was conversation when I went on site visit to the property with the owner and has been verified by the code officer that is how it works that they pump unit RV holds 200 and something gallons and a couple times a year he has Warners septic people come and pump it from the holding tank which jives from what Scott's explained. I am sorry, did I answer your question.

Megan Dorrite: Yes. Thank you.

Chairperson Howard: Any other visitation reports?

Carol Dulski: I went about a month ago when we first had to reschedule this meeting. No one was around. I just looked at the RV and underneath it just like the picture shows. I didn't talk to anybody. No one was around.

Jason Fox: That is similar to my experience. I drove by and looked at the site. What I conveyed is what I saw.

Chairperson Howard: I also did a site visit and although I did not get out and inspect the septic holding tank. It was pretty obvious to me that it was not completely buried. It was an open top. So, I guess the definition between inground and out of ground my understanding from what I heard is it is that is really a basically a holding tank. It is empty until it is full then it is full I mean empty all in a short period of time. Scott, does that fit the definition that it sits there empty most of the time and the only time it is full is when they are pumping it out.

Scott Martin: Just when the RV tank is full because they cannot hook up to the RV and suck the sewage out because of the plastic lines and whatnot that they drain it into that tank and it is immediately sucked out of that. It is a transfer tank.

Chairperson Howard: Any other questions for the CEO or the Boylans?

Jason Fox: Not from me.

Chairperson Howard: We will have a chance to discuss this. At this point I am going to open the public hearing. Jason is going to read the comments that were emailed to us.

Diane Graham: We can do that after if anybody else wants to speak.

Chairperson Howard: Okay. Yes, public hearing portion anyone wish to speak.

Diane Graham: I show one person that wanted to speak, Mr. Wickman.

Chairperson Howard: If you would like to speak please state your name and come up to one of the microphones so we can get it recorded.

Diane Graham: Yes. We need you to come forward to the microphone.

Chairperson Howard: Please give us your name and address.

Diane Graham: It is on. Oh, you just turned it off. Excuse me.

Brian Wickman: I do not hear myself. Alright, I am Brian Hickman. I live at 6233 Bopple Hill Road. I am not an expert in any of this, so I just come to express my concerns and share with you the perspective of a nearby resident. The first question came to mind as I look at it. It is an upscale trailer. It is not too bad. If somebody applied to put a house on the exact same footprint as I look at it I wonder whether it would meet the setbacks that are required. I do not know why a trailer would get away with a different setback than a house. I haven't measured it carefully so I may be wrong in my impression. My real concern whether this opens the door to more trailers. This is not a hypothetical in the mid-1960s my house is now

set back from the road, but in the 60s we were right on Bopple Hill and my father got into a bit of a tiff Dana Standish and he put a bright orange trailer right in front of our house. The town would not have it removed. We were lucky he died of a heart attack six weeks later and Dorothy moved it out. He was a kind of type A guy whose blood pressure might go up. But I wonder if this means that other people can put trailers along there. No point to this one, what if this was an old bright orange trailer rusty dilapidated It was obviously just there maliciously, but you wonder what else can other people put up if we start having trailers crammed in very tight spaces along the road. I just worry the reason the zoning laws regulations were put in was to preserve property values in the neighborhood and then to issue a variance on the very first trailer that goes in bothers me a little bit. That is what I have to say.

Chairperson Howard: Thank you. I saw another hand go up to come up to the microphone.

Clifford Smith: Hi, I am Clifford Smith. I am at 5848 Seneca Point Road. A few houses down from this property. I agree with Brian that I think this sets a precedent that I am not sure the town wants to live with. There are a number of parcels on the west side of Seneca Point Road that are currently undeveloped. If all I had to do is buy a small lot, put a driveway in and stick an RV there. He did it. How can you stop mine from. If you start saying things like well, this is a nice guy in the neighborhood. I think you open yourself up to charges of malicious criminal prosecution. I also think that the reason that zoning commissions were empaneled by the zoning rules were adopted is because you don't want someone doing something in a neighborhood that adversely affects the value of other properties in the neighborhood. I do not know if this a universal sentiment, but I would think that the vast majority of the residents of Seneca Point Road would not like to have a trailer park sitting next door. Again, I just think this is a terrible precedent to set. I hope you don't force us to live with it. Thank you.

Chairperson Howard: Was there a third person that wanted to speak?

Diane Graham: No. It was the attorney.

Chairperson Howard: Okay.

Megan Dorritie: I signed in.

Diane Graham: Yes. So, my fault. Oh, there is somebody? Okay.

Bernie Smith: Bernie Smith. I am also at 5848 Seneca Point Road. I just feel like a lot of us on this street, including a lot of people in this room, have invested a lot in their homes. I see when I walk down the road, I see people saying I would never invest in a house there because there is a trailer and there may be more trailers. I think it has a real negative impact on our group. I am sure Kreuter's are wonderful people. I do not know. I know they have been in the neighborhood a long time, but we have been there 25 years, and we've invested a lot in our house, stonework, worked on the rocks outside in the bay to make it more stable as well as the house. I feel like you're giving a very negative message to potential buyers that they are not going to be willing to take the risk. There are plenty of other places they can buy on Canandaigua Lake. On Seneca Point Road I have heard people say that is not an option for them. That is my two cents.

Chairperson Howard: Thank you.

Diane Graham: Thank you.

Chairperson Howard: Is there anybody on Zoom that wants to make a statement?

Diane Graham: Anybody on Zoom that wishes to speak at this time? They are not unchecking or not chatting.

Chairperson Howard: Okay. Then go to Jason that is going to read the written comments that were received.

Jason Fox: The first comment is from Brent Gerstner:

“Dear South Bristol Town Board,

My name is Brent Gerstner, my wife Shelly & I live at 5870 Seneca Point Rd. The Kreuter’s are 4 properties to the South of us.

We’ve been fortunate to have the Kreuter’s as neighbors & friends for over 10 years. Being the longest standing residents of Seneca Point Rd, Clark & Adrian have been great along with their son’s in helping us with our boat/jetski.

I’m concerned with the direction the Town has chosen to take in regards to the Kreuter’s motor home. As you’re aware Clark originally approached the Town to inquire about a permit to temporarily use a motor home on the property. Clark was informed no permit was required. The Town has since come back & put a 180 day restriction on the motor home usage.

I understand the Town will be hosting a meeting next Wednesday to hear an argument from another neighbor to permanently remove the motor home from the Kreuter’s property. The property is one of the nicest looking landscaped areas on the entire rd. Secondly the neighbors complaining could have come to Clark &/or Adrian to get the true story about their plans for the property. Their plan includes moving the motor home & building a permanent structure in the near future.

Please don’t consider additional restrictions on the Kreuter’s property simply because a neighbor doesn’t agree with what they’re doing on their own private land.

*Best Regards,
Brent”*

The next letter comes from Christina Plopper:

“Lisa (and others):

I’d like to share some thoughts concerning Clark and Adrianna Kreuter’s recreational trailer, which is a short walk down the road from my house. As of June 15, 2026, I have owned my house at 5935 Bopple Hill Rd for exactly 20 years. During that time, both I, and my wife Sue, always considered the Kreuters to be excellent neighbors.

When the trailer first appeared some time after they sold their house, I was a bit surprised, but not overly concerned that this might be an undesirable situation. Indeed, as I watched how much care and planning

they put into the appearance of the trailer itself, along with the other physical aspects of their property, it became clear that the Kreuters were going to respect the natural beauty of the lake and continue to be good stewards of their land. I even told them a number of times how nice everything looked!

It seems to me that a set of standards could be put in place which would allow property owners to do just what the Kreuters have done, without negatively impacting their neighbors.

Very Sincerely,

Christina Plopper”

The next letter is from Nick Kreuter and Kreuter Family dated June 23, 2026:

“Dear Members of the Board of The Town of South Bristol,

I am writing to formally address the pending appeal regarding the permit recently issued for my family’s property, 5884 Seneca Point Road, South Bristol, NY 14512. I understand the Board’s responsibility to ensure town codes are upheld, and I would like to take this opportunity to clarify the history of our property’s use and the consistent oversight under which we have operated.

Our family has been proud property owners in South Bristol since 1960. Throughout generations, we have built a lifetime of memories, maintained a positive neighborhood presence, and deeply cared for this land. Our intention has always been to remain in compliance with the Town of South Bristol’s regulations. To that end, we have acted transparently and in good faith at every single stage of this process.

Prior to ever bringing our RV onto the property, we proactively sought guidance from the Code Enforcement Officer. We did not move forward until we received explicit permission from the CEO that doing so was fully compliant with the town laws in place at that time. We also asked for a permit before bringing our RV to the property but were told that one was not needed because the code allowed for it.

Throughout the entire duration that the RV has been on our property, we have maintained open communication with the Code Enforcement Office. We met with the CEO on multiple occasions to review our situation, ensuring we obtained all necessary further approvals to continue residing on and utilizing the property legally.

Following recent changes to the town’s zoning laws, the CEO evaluated our standing history of the situation and our conformance to the old law prior to the amendments and the CEO officially issued us a Certificate of Non-Conformity in February of 2026.

The permit in question was not granted on a whim; it is the result of years of official municipal oversight, documented compliance, and a recognized lawful non-conforming Reversing this decision would penalize us for following the exact rules and administrative procedures the town put in place.

We respectfully request that the Board uphold the permit and deny the appeal, recognizing that the way in which we are using our property was legally established and remains protected under the Certificate of Non-Conformity.

Thank you for your time, consideration, and dedication to the South Bristol community. I am available to answer any questions you may have at the upcoming hearing or the phone number listed above.

Sincerely,

Nick Kreuter & The Kreuter Family.”

The next letter is from Patrick Solomon dated June 23, 2026:

“To the Board Members of the Town of South Bristol:

I am writing in support of Clark Kreuter and family and his continued use of the recreational vehicle located on his property.

My wife and I have lived at 5874 Seneca Point Road, next to the Kreuter’s property, for nearly 14 years and have had the opportunity to observe both the property and its maintenance over time. In my experience, the property is exceptionally well cared for, and the recreational vehicle has never created any nuisance, safety concern, or negative impact on neighboring properties. The camper is attractive and well maintained.

I have also known that the Kreuter family has a long history with this property. Clark’s father owned and cared for the land for many decades, and Clark himself grew up spending time here before eventually becoming the owner, along with his brother. His connection to the property is longstanding and genuine, and he has continued the tradition of maintaining it responsibly.

As a nearby neighbor, I have no objection whatsoever to the recreational vehicle remaining on the property. To the contrary, I believe Clark has been a conscientious property owner and a positive member of our community. The condition of his property reflects pride of ownership and respect for his neighbors.

I respectfully ask that the Town consider these facts and the support of neighboring property owners when evaluating this matter.

Thank you for your time and consideration.

Sincerely,

Patrick Solomon”

This next letter is from Peter and Shelley Rees:

“To whom it may concern:

We are neighbors of the Kreuters who are full time residents of Seneca Point Road. We’ve always found their property to be very neat and tidy. Their plantings are an asset to the neighborhood. We don’t find their brand new trailer to be a problem.

Sincerely,

Peter and Shelley Rees”

This next letter is from Tim and Betsy Williams:

*“To: Barbara Howard, ZBA Chair
Lisa Moore, Supervisor*

We are property owners on Seneca Point Road and we are not in favor of recreational vehicles on our street and neighborhood.

Our neighborhood consists of established single-family homes, many of which represent long-term investments. We chose to live here because of the area and the expectation that local zoning regulations would be consistently enforced. Our concern is not with any individual, but with the precedent that allowing the permanent (or even temporary) occupancy an RV could set. If permitted, it will alter the residential nature of our neighborhood, negatively affect surrounding property values, and create uncertainty regarding future enforcement of zoning and land-use regulations.

In this situation, the second generation (three owners) decided to sell part of their property. Two of the owners choose to keep the remaining property but could not agree on building a home/cottage to share. To solve their family problem and still enjoy the lake they decided on the RV solution at the expense of the neighborhood. This is a bad precedent set for future family properties that pass down from generation to generation.

We respectfully ask the town to protect the integrity of our community and ensure that all property owners are held to the same standards.

Thank you for your time and consideration of this matter. We appreciate your commitment to preserving the character and safety of our neighborhood.

Tim and Betsy Williams”

This is the last letter we received, and it is from Bernie Smith:
Barbara,

*“From: Bernie Smith
To: Barbara Howard*

I was stunned to find out that your Board recently gave the Krueter Family an unqualified approval to keep their temporary structures on the property that they own on Seneca Point Road. Is the Town Board unaware of the impact that these very inappropriate temporary structures have on the value of the permanent structures surrounding the Krueter’s property? I’ve heard our many walkers on Seneca Point Road comment that “Seneca Point Road has everything - from a Castle, just below Bristol Harbour, to a Trailer Court at the Southern end.” Your approval could set in motion other such requests for making temporary structures a permanent feature on Seneca Point Road. As a family, we have invested heavily in enhancing our waterfront and the property that we own on both sides of 5848 Seneca Point Road. We resent your decision to allow another family to avoid construction costs and, I assume, to reduce or

eliminate what could be very hefty South Bristol property taxes. I understand that the Kreuter's have in the past claimed to be planning to build a permanent structure on their property. The Town has given this family many years to develop permanent plans. We request that you require them to remove the temporary structures and present the Board with permanent building plans. Alternatively, they could present a plan to sell the property.

Cheers, Bernie"

That concludes the comments we have received.

Chairperson Howard: Thank you, Jason. One last chance before I close the public hearing?

Diane Graham: I think Nick Kreuter on Zoom wanted to speak.

Nick Kreuter: Hi, yes. Can you guys hear me?

Diane Graham: Yes.

Nick Kreuter: Yes. I can hear you. Thanks for reading my letter I wasn't sure if that was going to happen. That was the majority of my discussion points were going to be tonight. The only other thing I want to bring up is the topic or point based upon all the comments from others is that in the code 170-64 there is section A and B that are I guess more or less being overlooked right now which is storage and use of recreational vehicles on properties that have dwellings on them. So, the way it reads if you read through it is you have a house you can also have a camper stored or you can also use it as well. I feel like we are getting a poor picture or viewpoint for us because we do not have that dwelling. This is a temporary structure. We are living within the confines or boundaries of the 160 days per year making it a temporary structure. It shows up on a specific day in the spring, and it leaves before the 160 days at the end of the year which we have been compliant with as we have worked with Alan and Scott through conversations over the last couple of years. I want to point that out that if it is ruled against us that the camper on my property has to leave anybody else on the street can buy a camper and put a camper on their property and essentially use it for a certain period of time. It is just the fact of having a house on your property or not having a house and we are being looked at not having a house. That is all I have to add. Thank you, guys.

Diane Graham: Thank you.

Chairperson Howard: Anybody else on Zoom?

Diane Graham: Anybody else?

Jeff Graff: Madam chairperson, could I make a comment in response to two of the comments.

Chairperson Howard: Absolutely.

Jeff Graff: Jeff Graff for the record. Jeff Graff attorney to the town. The first speaker in public and I am sorry sir I forgot your name?

Brian Hickman: Brian.

Jeff Graff: Brian made a comment about the town issuing a variance and the last written comment that was read talked about I do not know whether that was referencing the Town Board of Zoning Board made some approval that authorized this. Just because those are legal determinations, I just want to say for the record no variance was issued, and no board made any approval to grant this. What was done was the code enforcement officer issued a Certificate of Non-Compliance which the zoning code allows him to do. I want to clarify those two points in the record.

Jason Fox: Thank you for the clarification.

Chairperson Howard: Thank you. We appreciate that. Was that two comments? Anybody else before I finally close the public hearing section. Okay. We are all set with that. At this point Diane, is there any municipal officer's documentation?

Diane Graham: Did you want me to read Scott's comments?

Chairperson Howard: Are they in part of this application, correct?

Diane Graham: Yes. Or do you want Scott to read it?

Scott Martin: I have already said.

Diane Graham: Right, but for the record I am just asking.

Jeff Graff: The written statement is part of the record.

Diane Graham: Okay.

Jeff Graff: I am asking, is it somewhere part of the record?

Chairperson Howard: It is in the application.

Diane Graham: It is part of the application, yes.

Jeff Graff: So, then it is part of the application.

Diane Graham: I did not know if there was anything other than that.

Chairperson Howard: No other municipality?

Diane Graham: And Tyler.

Chairperson Howard: Tyler is part of the record at this point. This is time for the ZBA to discuss our feelings.

Jeff Graff: Madam Chairperson just a point if you are going to close the public hearing I would officially close the public hearing.

Chairperson Howard: I officially close the public hearing. [6:49 pm] You are more than willing to stay, but you do not have to.

Richard Riedman: Do we acknowledge he is present?

Chairperson Howard: I think Diane has recognized that Marty is here.

Diane Graham: Marty is here but he missed most of the meeting, so he won't be voting.

Martin Gordon: Is that a policy?

Diane Graham: You were not here to hear all the...

Martin Gordon: When you switched the time, I knew I wasn't going to be able to be here.

Diane Graham: It was on public notice and on the agenda. So, that time is for next month.

Martin Gordon: I reviewed everything.

Chairperson Howard: I think you can certainly ask questions, but when it comes down to the vote, I think it will depend on how long the debate and discussion lasts.

Martin Gordon: We will see how the vote is. Maybe it is a moot point.

Chairperson Howard: We are not ready to vote. If you have questions or comments, you can certainly ask the board now or present them to the board now.

Jeff Graff: Can I respond to that?

Chairperson Howard: Yes.

Jeff Graff: A ZBA member can vote even if they were not present during the hearing. I also wanted to add the law does afford the zoning board 62 days after the close of the public hearing to make its decision. You are not required to decide this tonight so if the board feels it would like time to digest what it heard all the materials in front of it. Again, you are free to deliberate, but I want you to be clear that you do not have to vote tonight. You have 62 days from today to make that decision.

Elizabeth Caprini: Great. Thank you.

Megan Dorritie: Madam Chair, if I may could I make just a concluding statement at the close of the public hearing?

Jeff Graff: I would say the public hearing is closed. I do not think any further comment is allowed.

Megan Dorritie: Okay.

Diane Graham: Thank you.

Chairperson Howard: Discussion.

Jason Fox: I heard the evidence. I do not have any other questions of any of the parties. I am pleased with what we have heard from all parties involved.

Chairperson Howard: I do want to remind everybody that we have to remember what the facts are and not the emotional aspect.

Jason Fox: Absolutely.

Chairperson Howard: Comments or discussion among the board.

Elizabeth Caprini: I have comments as well. Either way. I think it is important and I know it is in all the backup documents to state that I do wish the other neighbors had stayed. The code has been changed. I can read it directly here. I think it is that important. Again, I wish they had stayed to hear the truth that *“owners of a vacant lot located in the Town of South Bristol except owners of a vacant lot in the lake residential district may occupy and use a maximum of one recreational vehicle on their vacant lot provided.”* It cannot go random and I think it is important to note that, and I wish somehow residents and neighbors would hear that. That the town did hear them and did adjust the code. Did hear their concerns about their lake residential specifically district. I would also like to say in the meeting that the setbacks were met. The question was from one of the residents, but the setbacks were considered and setbacks from 15 and the different setbacks were required there were no exception there by any means for the camper. I would like to also maybe since were discussing maybe modifying. Is there any consideration to maybe have that if it is approved to stay have that holding tank inspected that there is actually nothing in there except for the eight hours that Warner may come? Just a suggestion. That is all I have. Thank you.

Richard Riedman: I have a comment. My first time. So, we are ruling if the CEO ruled properly within the codes, not necessarily the rule that the codes might need to be potentially from feedback changed to add more restrictions around RVs, is that correct?

Chairperson Howard: That is correct.

Richard Riedman: Okay. I just want to make sure.

Chairperson Howard: We are here to determine whether or not the CEO was correct in interpreting.

Richard Riedman: Interpreting yes. Okay.

Chairperson Howard: Issuing the Certificate of Non-Conformity.

Richard Riedman: Right. Got it. Okay.

Jonathan Heiderich: I have one question for Scott to answer, and it goes to that setback stuff because I am having trouble with stuff to pull up for me right now? The setbacks that are quoted in the 15 and so forth in the certificate. Are those the same for if they were to build a building there as far as setbacks and stuff or is there any differences in that? I know you probably don't have it memorized.

Scott Martin: Yes. It is slightly different in some different districts but in LR I think...

Jonathan Heiderich: There is an acre and a half of land there. I did get that to come up, so a decent piece of property there.

Scott Martin: The setbacks I believe are 50 feet from the front, ten feet from the sides and 25 from the rear.

Jonathan Heiderich: Okay. So, based on the shape of their property it appears if they were to build a building there, they would have to be designed appropriately but they would still be able to do it?

Scott Martin: Or they could seek a variance.

Jonathan Heiderich: That's it.

Martin Gordon: Barb, I have a couple of things here. First one and I do not know if this has been brought up at all, but the character of the neighborhood issue. Has that been discussed. It has.

Chairperson Howard: We have not discussed it as a board but there were several people from the public hearing that mentioned both pro and con.

Martin Gordon: I think it's pretty obvious from the lake residential neighborhood that having an RV in that neighborhood changes the character of the neighborhood. There is no other RVs in lake residential.

Chairperson Howard: That is true, but don't forget that we have to look at the facts and the code versus how we feel about the neighborhood.

Martin Gordon: I did look at the code and the issue I have I think the Certificate of Non-Conformity was issued improperly because it was never in compliance. If we didn't change the rule or the law in the previous law still said this was a non-conformity then they should of never have been issued. I know I have brought it up to Scott several years ago when I noticed those campers. It seems to be lingering.

Scott Martin: It was allowed in the code at the time, Marty.

Martin Gordon: I don't believe it was. In my reading of the code there is storage, but there is no use.

Jason Fox: Should that be read since it's being reviewed?

Diane Graham: It's in there.

Jeff Graff: I can state for the record that the town adopted local law 1 of 2024 which became effective on December 31, 2024, when it was filed with the state of New York and one the changes that local law made was adding a new paragraph C to section 170-64 to allow the use of vacant lots in all districts and it had conditions on that. So, the use of a vacant lot in a lake residential district became allowed along with every other zoning district in the town on December 31, 2024. It then went away when local law 4 of 2025 was adopted. I do not have the effective date of that. It was November something 2025. There was a period of less than a year that it was allowed.

Martin Gordon: I believe this predates the 2024 existence of these units on that property.

Jeff Graff: I do not know that. I was just stating for the record. Your question so I included it. I wanted to make it clear that it did include it.

Martin Gordon: Yeah. Okay. There is another sort of technicality here. It talks about an adequate self-contained sewage disposal system.

Scott Martin: We have already discussed this.

Martin Gordon: You determined that it was self-contained?

Elizabeth Caprini: Do you understand how it works, Marty.

Martin Gordon: Yes. I understand.

Elizabeth Caprini: That it is pumped.

Martin Gordon: I understand. Yeah. It is pumped out.

Jason Fox: The clarification that was made that I wasn't aware of is that is not actually used as a holding tank typically would be. It is a self-contained system in that the sewage is never going in there until the day it is pumped, am I correct in that statement?

Scott Martin: That is my understanding. Yes. When the RVs tank is full and needs to be pumped because they can't just hook a pumper up to the RV and suck it. They drain into that tank, and it's immediately sucked up by the pumper.

Martin Gordon: How many gallons storage does that RV have?

Scott Martin: A couple hundred gallons I am told.

Martin Gordon: Really.

Elizabeth Caprini: 225.

Martin Gordon: Do we have a specification on that 225 on the camper?

Scott Martin: That what I was told.

Martin Gordon: That is highly unusual.

Jason Fox: Not for a 5th wheel. It is pretty typical.

Martin Gordon: I own a 5th wheel so that is why I am saying that.

Diane Graham: Nick Kreuter is on to answer.

Jeff Graff: I would be careful you are not supposed to take in any new information because you closed the public hearing.

Diane Graham: Oh. Sorry.

Martin Gordon: Okay.

Nick Kreuter: You can look up the spec for the site it will tell you exactly how many gallons it is. It is over 200.

Martin Gordon: That wasn't my point. My point was sewage disposal system in my eyes is a septic system, which this doesn't have.

Scott Martin: I guess that is open to interpretation Marty.

Elizabeth Caprini: Could you say that again Marty because it does say sewage disposal system. What are you?

Martin Gordon: It says an adequate self-contained sewage disposal system. This is a sewage storage system. It is really not disposing of anything. It is not a septic system.

Megan Dorritie: Because you have allowed testimony outside of the public hearing I wonder if I could just make one statement.

Jeff Graff: The Board can deliberate. Again, you just have to be keeping the deliberations to yourself. I understand you were not here for the hearing itself.

Martin Gordon: I am being informed by my fellow board members.

Jeff Graff: That is okay. Asking members of the audience or other.

Martin Gordon: I didn't direct my question to anybody in particular.

Jeff Graff: I guess if just keep the deliberations to the board itself. That is what needs to happen.

Martin Gordon: So, from now on if I ask a question, it's only to the board members let we make that very clear.

Jeff Graff: That is really what it should be.

Martin Gordon: Yes. Okay.

Jeff Graff: If we start opening it up, I worry pandoras box starts to get open.

Megan Dorritie: That is fair, but out of fairness I would renew my request just one comment.

Jeff Graff: I would leave it up to the board at this point.

Richard Riedman: My preference is to stay by the rules. If it closed. It is closed. Deliberation. Otherwise, as I agree, you open pandoras box.

Chairperson Howard: Carol?

Megan Dorritie: You have already received comment outside of the public hearing.

Jason Fox: You had a comment on Zoom too.

Jeff Graff: In fairness...

Chairperson Howard: I am going to allow her to speak given the fact that we have engaged with and then that is it.

Megan Dorritie: It will be one comment I promise.

Chairperson Howard: Okay. That is fine.

Megan Dorritie: I think we would all agree that there is a requirement in the version of the law that was in effect on November 24, 2025, that I think they call it a septic system, sewage disposal system needs to be self-contained. I would just query and ask the ZBA to consider whether a transfer to a tank on the property is in fact then self-contained. Thank you. That is all.

Chairperson Howard: Again, with the board.

Jason Fox: I have nothing further.

Elizabeth Caprini: Nothing further.

Chairperson Howard: Are you comfortable that we can vote and make a decision now? We have heard a lot of stuff tonight. I do not want to do something in haste if it doesn't sink in.

Carol Dulski: Can we vote on delaying this? Is that how that works? You said we have 62 days.

Jeff Graff: You do have to vote tonight. If nobody makes a motion there is no motion. Any of you could make a motion if you are ready to vote. I wanted to make it clear to you. You do not have to do it.

Jason Fox: That option exists.

Jeff Graff: If the board is ready. It is up to the board.

Jason Fox: I make a motion to call for a vote.

Martin Gordon: I do not personally think we should vote tonight.

Carol Dulski: I agree.

Chairperson Howard: Did you say we should not?

Martin Gordon: Not.

Carol Dulski: Plain and simple.

Chairperson Howard: Basis for that decision?

Martin Gordon: I think there is a lot of detail to this, and we shouldn't rush into it. We have 62 days. There is a reason we have 62 days.

Richard Riedman: I'd say we have had 60 days to read this most of this documentation. We have had all this documentation for 60 days.

Carol Dulski: We have had all the documentation, but we haven't had all these comments and that is what I am trying to digest. I thought I had a good understanding of everything that was here and then all of sudden all these comments are coming back. I would rather have more time.

Martin Gordon: I think it would be worthwhile to review the transcript of what was said tonight as well to make sure that we understand everything that was said. We won't have that opportunity if we take a vote tonight.

Richard Riedman: I would go back the whole thing which is we are ruling if the CEO ruled properly within the codes. Not to rule if the codes need to be changed to put more restrictions on the use RVs which could potentially change whatever the nature of the neighborhood. That is a different discussion.

Chairperson Howard: I want to make sure that if do it or not vote that we are voting on whether or not the CEO was right within code to issue the certificate of non-conformity. We are not here to decide whether November, December 2025 changes are any good or not any good. We are here to talk about that one issue.

Jason Fox: Simply to affirm or reverse (wholly or partly) the CEO's decision.

Chairperson Howard: Correct.

Richard Riedman: Right. What would be the procedure if we deemed as a board that the code needs to be changed.

Carol Dulski: The code had been changed.

Richard Riedman: I know they have been changed. I am hearing comments tonight that people are saying.

Martin Gordon: That is a separate issue.

Richard Riedman: That is a separate issue. I am asking how would we go about doing that. That is a separate issue. I understand.

Jeff Graff: The board can make recommendations to the Town Board. It is up to the Town Board or not the code is amended. They are the body that is empowered to amend the zoning code. Your board can

have discussions at any meeting if you feel there are sections of the code that might warrant attention then bring that to the attention of the Town Board, but there is no action that the ZBA can take itself to amend the code.

Richard Riedman: Right. Okay. We would base it on maybe the feedback we got tonight.

Jeff Graff: Make a recommendation to the board and do what they want with it.

Richard Riedman: Right.

Jeff Graff: Again, that is not relevant.

Richard Riedman: Right. It is not relevant to tonight. We are just ruling did the CEO rule properly within the codes that are listed.

Jeff Graff: To issue the certificate.

Richard Riedman: To issue. My recommendation is we take a vote because we have had the material for over 60 days. So, why drag it out for another 60 days?

Jeff Graff: I am going to ask a question. I do not know does this board have rules of procedure. I know some boards do have rules of procedure. I have seen some that has a statement of holding votes over. I do not know if that exists for this board.

Chairperson Howard: We do not have a procedure in place to hold over. In other words, to put in obeyance the hearing we have now.

Jeff Graff: If you do have them then you follow your own rules of procedure relative to holding a vote over.

Chairperson Howard: In all the time I have been on the board we have never had a hold a vote over.

Diane Graham: If there was more information you needed you could possibly carry over the hearing and note close it, but you have already closed it.

Elizabeth Caprini: Could we address some of your...

Carol Dulski: No, just thinking about everybody's comments.

Elizabeth Caprini: Would it help if we discussed it right now?

Carol Dulski: If you want.

Elizabeth Caprini: Marty, would it help if we discussed now and instead of...

Martin Gordon: Sure.

Chairperson Howard: Keep in mind we cannot meet as a group over coffee and talk about this. Nor can we have a majority of the members get together for coffee and talk about this. The only discussion that can take place has to be at a public forum. Keep that in mind.

Martin Gordon: I would suggest we look at what was presented. Look at the transcript and decide at our next meeting.

Elizabeth Caprini: Decide what?

Martin Gordon: Decide at our next meeting which would be in August.

Chairperson Howard: I will defer to Jason.

Jason Fox: I already called for a vote.

Richard Riedman: I agree.

Chairperson Howard: I will second that. All those in favor of calling a vote now.

Martin Gordon: To table?

Diane Graham: So, you called for Jason and Barbara seconded.

Jason Fox: I called for yes.

Chairperson Howard: It has to be voted on before we can table.

Jeff Graff: I do not know that it is clear. Are you just making a motion to then make an official vote?

Chairperson Howard: Yes.

Jason Fox: No, at this time.

Jeff Graff: If you are making a motion on the action itself, I think you need to be clear for the record.

Jason Fox: Since there is a dispute or a disagreement about tabling it for the 62 days versus calling for the vote this evening. I am not making a motion for a vote this evening.

Jeff Graff: Make a motion on whichever way you are leaning.

Jason Fox: I was unclear in the process.

Chairperson Howard: I think at this point what Jason wants to do is see whether or not everybody is ready to vote, which means call for a vote. If not, enough people want to hold it over or do it tonight. Did we get a second?

Richard Riedman: Second.

Chairperson Howard: That is what I thought.

Diane Graham: What?

Chairperson Howard: Jason made a motion to call for a vote tonight. In other words, he is not voting for anything. He is calling to vote for tonight. Rich seconded that.

Diane Graham: Okay. Who is going to make a motion?

Chairperson Howard: Jason already did so we need to vote on that.

Diane Graham: How are you going to vote?

Chairperson Howard: I am going to ask everyone whether or not. We have had discussion. Any other discussion relative to wanting to vote tonight? All of those in favor of voting tonight raise your hands. Okay.

Jonathan Heiderich: I do not know if my vote counts because I am an alternate.

Richard Riedman: I do not know if my vote counts since you showed up.

Chairperson Howard: It doesn't matter we have a quorum.

Diane Graham: Jeff, our alternates are Richard Riedman and Jonathan Heiderich. They were here for the whole meeting. Richard would have stepped up and voted if Martin had not arrived. He is a regular member.

Jeff Graff: There are seven people up there.

Diane Graham: We have five regular board members and two alternates. The two alternates are at the end. Martin Gordon is a regular member and he arrived late.

Jonathan Heiderich: Since this motion is for deciding whether we have a vote tonight or not.

Diane Graham: No. We already did that.

Jonathan Heiderich: No one voted on that.

Diane Graham: No, you haven't.

Jeff Graff: I did not realize that was what was going on over here. I would strongly recommend you wait until August to vote. Okay. So, whatever issue just happened here with you starting the meeting and you finishing the meeting. I do not know what the end result of that would be. If it comes to pass that is a key difference, I would hate for that to become an issue. I think it would be clearer action of the board if you waited until August so that the board that arrives at the August meeting at the beginning takes an action and that is the board. I apologize I didn't realize that.

Jonathan Heiderich: I kind of agree with that. Thinking about it as you say it because it makes things a little bit cleaner that whoever the five are that make the quorum whether it is Rich or I involved in that or the five regular members we all have the same information at that point and it is a nice clean decision one way or another. I wanted to state I agree with our town's attorney on that one to make it better.

Chairperson Howard: Now I have a question. We had a motion and a vote, and the vote was in favor of calling for a vote tonight.

Martin Gordon: No, it was not. We did not count the votes.

Chairperson Howard: Yes, I did.

Martin Gordon: I did not vote. I did not vote in favor. I only saw two members vote in favor.

Chairperson Howard: There were five hands up.

Martin Gordon: But alternates can't vote if the members are here.

Jeff Graff: I might recommend that the person that made the motion withdraw the motion.

Jason Fox: I withdraw the motion to call for a vote this evening.

Chairperson Howard: I will second or do you need a second?

Jonathan Heiderich: Do you need a second to withdraw a motion?

Jeff Graff: You don't.

Chairperson Howard: Okay. Good.

Martin Gordon: There is another point of order here. A second came from an alternate who is not allowed to second the motion.

Jeff Graff: I just realized that as well. Again, it is messy. So, prefer for everybody's sake that we not complicate what could come after this by this kind of procedure. I think it will be much cleaner.

Chairperson Howard: We have officially withdrawn the motion.

Elizabeth Caprini: Is it too late for more discussion?

Jeff Graff: The application itself? You are free to hold all the discussion. My only recommendation is hold off the vote itself until August.

Elizabeth Caprini: My point would be that for the people who were here I think what was brought up was your point what you heard from the public brought new things for you to consider. I think all that we heard from the public was reflected in the emails we received. Not that there was anything said I feel Marty that was not already brought up in the emails. I think why we are all together and fairly fresh in our minds except for what you missed I would like to discuss it further as a group.

Martin Gordon: I agree.

Elizabeth Caprini: I didn't mean to put you on the spot.

Carol Dulski: No, you are fine.

Chairperson Howard: Discussion?

Martin Gordon: The one thing that is still not clear to me I guess is the law was changed. When this situation first began.

Chairperson Howard: Are you asking the board?

Martin Gordon: I am asking the board. Do we know what law was in effect and do we know was there testimony that we heard today or any information that said when those recreational vehicles were placed on that property.

Chairperson Howard: No. It goes back to 2012 that I have seen photographs of their property.

Jonathan Heiderich: That is not in any of the records that we saw.

Chairperson Howard: That is why I said no. There wasn't.

Elizabeth Caprini: That the camper was first there you are asking?

Martin Gordon: Do we know as a board when the camper was first there? If we don't, we need to find out because that would tell us what law was in effect when this first began.

Chairperson Howard: My understanding and I could very much be wrong is that they have to be in compliance with the law that was in effect before the change. So, in other words they had to be in compliance. I hear what you are saying but I do not have the answer to that so maybe we do need it.

Martin Gordon: We need to be very clear and understand when the RV was first placed on that property so that we know what law was applicable at that moment and was it in compliance with the law at that moment and the laws that happened during the years that unit that the RV was on that property. I looking through this material before studying it pretty carefully I did not come across anything that categorically said how long that thing has been there. How long that RV has been on that property.

Elizabeth Caprini: How are we going to find that out?

Martin Gordon: That is a good question. A question for our attorney. The public hearing is over.

Jeff Graff: The public hearing is over and you have the evidence that you have. Any gaps you have are gaps.

Martin Gordon: Can we reopen the public hearing?

Jeff Graff: No, not at this time.

Jason Fox: So, we have to make a determination based on the facts that we have.

Jeff Graff: Based on the evidence that you have.

Richard Riedman: Based on the facts and based on the law in effect.

Jason Fox: Thank you.

Martin Gordon: So, based on the facts that we have. What is our understanding of the date that those RVs were first put on the property. I cannot use my photographs I guess that I took it in I do not know what year.

Jeff Graff: I would say they formulate the basis for your vote that is one thing, but you cannot share them or make them part of the record.

Martin Gordon: So, essentially discovery is closed is what you are saying? Discovery is closed.

Jeff Graff: Yes. The hearing is over.

Martin Gordon: If I would have understood that before we closed the public hearing and that we could not reopen it I would have said let's hold off. I didn't realize that.

Richard Riedman: I think we have to look at what the law is and as the lawyer said if that influences your vote or whatever that is fine, but I think we have to look at the code and based on the code what was in effect at the time that ruling was made. The non-conformity was issued.

Chairperson Howard: Jeff, can I ask a clarification of the code question?

Jeff Graff: To me?

Chairperson Howard: Yes.

Jeff Graff: Go ahead.

Chairperson Howard: I am trying to understand how far back are we going with grandfathering in and the comment that was made was that trailers RVs on the property that were not in compliance as of November whatever the day is before the 2025 change in the code. Is that the case where what Marty is talking about is when they were first placed there is that the code that would have to be under.

Jeff Graff: It is whether the trailer was lawfully existing on the date that the new local law 4 of 2025 took effect in November of 2025. Was that camper RV lawfully existing? If it is important to your decision to know that it was there for ten years or three years or two years. Again, that's your basis for a decision but if it was lawfully existing on the day it became unlawful due to the passage of the law.

Martin Gordon: I think there is a way to do this then and it has to do with the notice of violations. Notice of violations I do not believe are issued unless something is non-compliant where there is a violation. We have four notices of violation that tells me that this was not in compliance.

Elizabeth Caprini: Some of those were rectified. Two of them they had to do with a second RV. Those were rectified. One was removed. One was a repeat of those. I think that makes three of them. The fourth one just out of explanation to how many there were.

Jason Fox: That is what Scott explained to us during the back and forth was that it became in compliance as soon as the second RV was removed. Am I saying that correctly?

Martin Gordon: But before that it was not compliant. I guess my point is if we are wondering if it was in compliance with the law, it was not because there was a notice of violation. It was brought into compliance and then it was brought out of compliance and brought back into compliance. I think if we think about the purpose of the law. The purpose of the law is to guide us in what we allow to happen on someone's property. I think it is pretty clear that at least to me based on the information that we have was and we do not have know what the exact date of the placement was since there were notices of violation issued at that moment it was not in compliance.

Chairperson Howard: Any other comments?

Jason Fox: I do not.

Board Member: I do not.

Elizabeth Caprini: Any thoughts to modifying as I mentioned with inspections of the holding tank as part of any decision? Is that a concern to anyone else?

Richard Riedman: Can you repeat that.

Elizabeth Caprini: That we modify what the requirement that the extra storage tank be inspected.

Chairperson Howard: I am not sure that can come in play with our decision about whether or not the...

Elizabeth Caprini: If we modify is where I was plugging in. Okay.

Chairperson Howard: Modify what, Elizabeth?

Jason Fox: The CEO decision. That is the guidance correct? It's to affirm or reverse (wholly or partially) the decision. It allows for modification is my reading.

Chairperson Howard: Modification of his CEO?

Jeff Graff: I would note that the certification of non-conformity at the bottom contains the code enforcement officer's note which includes certain conditions itself and since this board can stand in the shoes of the code enforcement officer in rendering this decision, I would encourage you look over those notes to see if you are thinking perhaps this should have been issued with something else. Again, that may give you an area to think about modifying.

Jason Fox: Thank you.

Carol Dulski: Would we be making a decision to affirm or reverse (wholly or partly) or modify then that is something we have then too, right? Do we go all of the way, part of the way or part of the way with little twitches in there. That is what I think we have to discuss is where the line is. Affirm, reverse there is four different options here.

Jason Fox: What would the mechanism for modification look like if that was the road since that was brought up by Carol? What would that look like?

Jeff Graff: As Ms. Dulski said.

Carol Dulski: Carol.

Jeff Graff: Carol. You affirm it outright that is your first option. No changes just 100% agree with the code enforcement officer. Two, you could deny it completely, reverse it and it goes away. Three, you could modify it to basically say you agree that the certificate of non-conformity should be issued but it shouldn't have been issued as follows because he included some things in the notes that you think should be changed so you are not 100%. That is where the interpretation comes in.

Jason Fox: That is where the interpretation of the code comes into play. Okay. Thank you.

Richard Riedman: We are not in a position to create suggestions to change the code.

Jeff Graff: That is 100% correct. Your modification of the code enforcement officer's decision still has to be within the law.

Richard Riedman: Right. Okay. Thank you.

Martin Gordon: I guess I am asking for clarification about certificate of non-conformity issuance. It is my understanding that in order to issue a certificate of non-conformity the previous law being changed in other words if you have a structure that's been there forever and it doesn't conform like maybe it too close to the water and then we update our laws you can issue a certificate of non-conformity because that property was there was never something said how close you could be to the water and what the setback was. In this case there was a law and the RV did not meet the requirements of that law because there were notices of violation clearly. So, I am struggling and maybe there needs to be clarification about and I saw this in as an argument being made that this certificate the reason it should not have been issued is that the RV did not meet the code initially and there was a law. It is not like there wasn't a law. There was a law and it did not meet it. It's not like that there was never a law that said you cannot build a house on the water's edge before we had zoning laws, but there was a law that said you cannot do that and there were notices of violations issued so I do not understand how. I guess that is the whole question here is whether this should have been issued.

Chairperson Howard: That is the question, yes.

Martin Gordon: Yes. If anything, I just said anybody understands differently I would like to know from other board members like what are you all understanding of certificate of non-conformances issued.

Richard Riedman: I would say that it was pointed out to you there is use of an RV and it is all in the law as of 2024.

Martin Gordon: It was longer than 160 days it was there in the violations.

Richard Riedman: In the violations. Yes. I think she explained already that the violations were violations that they had two RVs. They removed the RV and then they took care of that violation.

Martin Gordon: There was a violation.

Richard Riedman: It was what do you call repaired.

Martin Gordon: Then it was brought back and it happened again. It was in violation again.

Elizabeth Caprini: What is the next violation you are thinking?

Martin Gordon: Again, they violated the number of days and take it offsite.

Elizabeth Caprini: We are sure the number of days five and half months?

Martin Gordon: That was in the documentation of violation.

Elizabeth Caprini: It shows specific days that it was there?

Martin Gordon: My understanding in looking through the material was that the violation had to do with exceeding the 160 days.

Elizabeth Caprini: I didn't see that was specific.

Richard Riedman: I didn't see that.

Martin Gordon: Yeah.

Richard Riedman: I go by there every other day. It was removed.

Elizabeth Caprini: It has definitely been removed.

Richard Riedman: Point to the specific section we have all this material.

Elizabeth Caprini: Did you think it was in Scott's summary because he does say the office received a complaint on the RV in October of 2024, 160 days is five and half months so that means it would had to been there mid-May through mid-October.

Chairperson Howard: I am finding the notice of violations in the packet from Boylan's, but it doesn't have the attachments with it. It just has the notice of violation not explaining the rationale attached to it and the attachment has not been submitted and that is also the case with the first one. So, it is not easy for us to tell what the violation actually was without having.

Jonathan Heiderich: I have a question. If the violations that were issued were and I do not necessarily read it that way were based off of the fact that the RV had been there for more than 160 days. That would be a

violation of the term not in the fact that it not allowed to be used in that zone, which would still mean that it would be an allowable use based off of Scott's interpretation of the law that they still have to be only there for 160 days a year. If it violates the 160 days it doesn't violate the use of one, it violates the term of time. In my way of thinking right now. Scott's interpretation it is still a permissible use if it goes 161 days then it is a violation of the term of the permissible use but not of the permissible use. I am not a lawyer. I am not pretending to be one, but that is how I am interpreting what we have heard tonight.

Chairperson Howard: What I am hearing Marty say is that you would like to know in details what the notice of violation and what section the three of the four of them that are in the packet from Harter, Secrest, & Emery do not have the attachments with them to explain the code.

Jonathan Heiderich: I think Scott addressed some of that in his comments tonight so if we are delaying the vote I misnamed Marty or Martin...

Martin Gordon: Right.

Jonathan Heiderich: Is one of the reasons is that he wanted to do this delay things is so that he can look at the transcript of the meeting or watch the video of it whatever way. Then he has the opportunity to hear those comments that Scott made explaining his rationale. Instead of all of us saying what we heard. He can hear what Scott said himself. I think that is another valid reason why delaying things since we have already decided we are going to do.

Chairperson Howard: Any further discussion about the CEO's certificate of non-conformity?

Board Members: No.

Chairperson Howard: If that is the case then next on the agenda is to approve the minutes.

Elizabeth Caprini: Do you want to discuss public comments or wait? Sorry.

Carol Dulski: I do not think it is the comments, I think it is which way I think I want to go, but we are talking about I guess it would be three different options.

Elizabeth Caprini: Affirm, reverse or we partly modify.

Carol Dulski: Exactly.

Elizabeth Caprini: Affirm, reverse (wholly or partly) or modify. I don't mean to interrupt you.

Chairperson Howard: I am sorry I couldn't hear that Elizabeth.

Carol Dulski: I think I want to discuss or have a better understanding is what we are going to recommend is affirm, reverse (wholly or partly) or modify the CEO decision. I think that just voting on yes or no is not going to get us to where we want to be. Does that make sense? I think we have to have the next step of what we want done. Like okay say we do vote for, and I am just making this up not my opinion at all. We reverse it or maybe we want to modify it. Let's modify it and see which way we want to go. I think that should be our discussion. Does that make sense?

Elizabeth Caprini: Do you have thoughts on that?

Carol Dulski: Pardon.

Elizabeth Caprini: Do you have more thoughts on that?

Carol Dulski: Modify?

Elizabeth Caprini: Yes.

Carol Dulski: Or is there a time frame like a trailer? Can we put the trailer on and give them notice for one year. I do not know. Something like that or the septic system.

Jason Fox: I think the modification is based on the guidance we were given. It just has to be and we have to review the CEO's comments, and anything based at the end of his commentary. If we are requesting a modification it's because our interpretation of the ending commentary is maybe not in compliance with the local laws and regulations. That is how I am interpreting that.

Carol Dulski: Exactly.

Richard Riedman: I agree we have to stay within the code. Code has to be our guide.

Jonathan Heiderich: Can we make a determination as to whether we are going to go one way or another or someplace in the middle modification kind statement before we even get to the point where all of us have the information we need to make a decision one way or another.

Carol Dulski: And make the appropriate recommendations. Yes. Exactly.

Jonathan Heiderich: I think the conversation of which direction it goes of those options you had mentioned Carol can't happen until everybody is able to make a final decision which would we are going to have more conversation in August. There is no doubt about it. Unless anybody has more questions or answers for each other tonight then we move on to the next agenda item and bring it back in August for conversation between all of us and then the five people that make the quorum or the five voting members will make a vote for whatever way it is going to go.

Jason Fox: I would think the point of the taking the 62 days is to absorb the commentary, review the minutes from this evening come to that meeting prepared to make a motion one way or the other.

Jonathan Heiderich: Once the motion is made there is a point of order of discussion.

Jason Fox: It would have to be seconded, and I would assume there can be multiple if we do not have enough to proceed then pivot.

Jonathan Heiderich: When you make a motion and it gets seconded then there is time for some discussion. It has to be relevant to the motion that was made at that point.

Jason Fox: It would still have to pass so if it is seconded and there are not enough votes that motion doesn't pass. We move onto an alternative.

Chairperson Howard: Do we have to table?

Jeff Graff: You do not have to officially but if the board wants to make it clear on the record what you are doing that may be appropriate.

Chairperson Howard made a motion to table this decision to the August meeting. Jason Fox seconded the motion.

All in favor.

Ayes, 5

Nays, 0

Motion carried.

Elizabeth Caprini: Just to clarify the date and time if we could.

Diane Graham: August 26th at 6:30 pm. That is our new time starting next month. The next item.

Chairperson Howard: The next item is to approve the minutes as corrected.

Diane Graham: For June 24.

Chairperson Howard: For June 24, 2026.

Meeting Minutes

Elizabeth Caprini made a motion to approve June 24, 2026, meeting minutes as corrected. Jason Fox seconded the motion. The motion was unanimously adopted by all board members present. Motion carried.

Elizabeth Caprini: I do not know if this is appropriate, Marty, are you going to be able to make that August at 6:30 pm?

Martin Gordon: I wanted to ask if because I wasn't at the meeting that you decided to move it earlier.

Diane Graham: This hearing was decided last month to be at 6:00 pm. The meetings going forward after this meeting were going to change from 7:00 pm to 6:30 pm. This was a special time just for this hearing.

Martin Gordon: If 6:30 pm is better for everybody else, then I am just an oddball. I will go with that.

Chairperson Howard: A motion to adjourn.

Carol Dulski: I will second that.

Chairperson Howard: Hang on just a second.

Town of South Bristol Zoning Board of Appeals Meeting Minutes 07.22.2026 APPROVED

Lisa Moore: Shared that there is a town supervisor town hall planned event in the large meeting room on August 26 at 6:00 pm.

There was a discussion about different meeting dates, times and Zoom remote voting. It was decided to keep the same meeting date and change the meeting time to 7:30 pm.

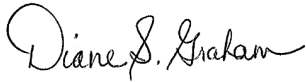
Martin Gordon made a motion to change the August 26th meeting time to 7:30 pm. Jason Fox seconded the motion. The motion was unanimously adopted by all board members present. Motion carried.

Board members requested Zoom meeting auto/visual recording after the meeting while the meeting minutes are being transcribed.

Motion to Adjourn

Having no further business, Martin Gordon made a motion to adjourn the meeting. Jason Fox seconded the motion. The motion was unanimously adopted, and the meeting was adjourned at 8:00 pm.

Respectfully submitted,

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

Diane Scholtz Graham
Board Assistant