

Planning Board Meeting
April 16, 2014

Present: Anne Caprini
Jim Ely, Chairman
Ralph Endres
Ann Jacobs
Ann Marie Rotter
Rodney Terminello

Absent: Mike Staub
Bessie Tyrrell

The regular April meeting of the Town of South Bristol Planning Board was called to order at 7:00 P.M. followed by the Pledge of Allegiance. All board members were present with the exception of Mike Staub and Bessie Tyrrell.

Board member, Ralph Endres, read the Comprehensive Plan Vision Statement out loud.

Chairman Ely called for a motion to approve the March 19, 2014 meeting minutes as written. Ann Jacobs made said motion which was seconded by Anne Caprini. The motion was unanimously accepted with the exception of Ralph Endres who did not vote due to the fact that he was not present at the board's March 19 meeting.

Old Business

Logging/Steep Slope Regulations Draft-Chairman Ely told the board that at the last meeting he had indicated that he would be sending the draft timber harvesting law to the town attorney for his review and comment but that he had not done so due to the fact that Supervisor Barbara Welch had advised him that the town board and Kevin Olvany of the Canandaigua Lake Watershed wanted to look at the draft. Mr. Ely said that Kevin had taken a look at the law and that he had received an email back from Kevin which Chairman Ely had felt to be quite affirmative to the board's efforts. He said that the board members had been given copies of that email. Chairman Ely then went on to explain that he had spoken with Barbara Welch by phone late in the day before the meeting and that she had raised a couple of questions and suggested that he coordinate with Kevin who also apparently had some additional thoughts since he sent his email to Mr. Ely. Chairman Ely said that from what Barbara had told him the town board wanted to be sure that the logging law was tightly coordinated with the town's current steep slopes ordinance. Mr. Ely then said that because he did not have the full extent of the town board's thinking and he was asked to talk further with Kevin he felt that the board should defer any further discussion on the proposed law until the board's May meeting when they should have more additional information. He also said that, in the meantime, he would get in touch with Kevin Olvany.

Animal Control Regulations-Chairman Ely then turned the board's attention to the issue of animal control. He reminded the board that, from time to time, there have been some concerns expressed with regard to loose animals going onto neighboring properties or into the highway. He added that he had circulated copies of a letter written in 2013 to the town regarding a situation involving roaming chickens and sheep over on County Road 33. Mr. Ely said that he had also spoken earlier in the day with the town clerk who had received some additional complaints about some constantly barking dogs and also some roaming sheep on County roads necessitating in some cases calling the Sheriff's Department. Chairman Ely said he was mentioning those things to show that animal control issues do come up from time to time even though not every day.

Mr. Ely said in Chapter 61 of Town Code there was a section on dog licensing and another section on dog control. He said that the section on dog control did contain some limitations with respect to what a person can do with dogs and that it did state that no dog shall be permitted to bite, chase or harass persons or livestock but that it did not address the barking/noise issue that he could see. Mr. Ely said that essentially the town had a leash law because dogs were not permitted to be at-large in the town and that there was a licensing requirement. Chairman Ely said that he felt that Chapter 61 did not speak to the issues that some people had raised and that they had indicated that they felt that the town should take a look at.

Mr. Ely went on to say that he had also circulated some material that he had assembled or had given to him over time in an effort to get some discussion going on the issue of animal control. He said one item was a copy of a dog control law from the Town of Perinton which was a far more complicated law than what South Bristol currently has. He noted that Perinton's law did specifically reference habitual loud howling or barking or conduct that annoys any person other than the owner or person harboring the dog. Mr. Ely said that was something that the board could consider including. Chairman Ely said that he had also circulated a copy of an ordinance from Carroll County, Virginia that former Town Supervisor Dan Marshall had called to his attention which specifically speaks to animals trespassing or running at large. In addition, Mr. Ely brought the board's attention to a draft of an ordinance that board member, Mike Staub, who could not attend the meeting had worked up for the board to look at. He said that Mike's draft had also referenced harboring dogs which by loud, frequent or habitual barking, howling, or yelping disturbs the peace and causes undue annoyance to individuals residing in adjacent properties. Mr. Ely then said he was open to discussion. The board secretary then said that the Town of Perinton's law seemed to focus on dogs as did Mike Staub's draft. She questioned whether the board was going to just address dogs or address all animals such as sheep, chickens, etc. as well as dogs.

Ann Marie Rotter then said that, as promised at last month's meeting, she had done some research into what other municipalities had on the books in connection with animal control. She said that she had looked at six different jurisdictional codes and that most of them had to do with cats and dogs. She said she then looked at the Town of Canandaigua which was similar to what Mike Staub had provided. Ann Marie said that ecode360 was the source for a lot of her research as each of the municipalities had their code right on their websites in an ecode360 format. Ann Marie then went on to say that in the City of Canandaigua they had broadened the definition from dogs to animals and feral cat colonies. She then quoted from the City of Canandaigua code, Section 253-2 as follows: "It shall be unlawful to harbor, house, keep, maintain, care or stable any horse, mare, donkey, mule, cattle, sheep, swine, mink, rabbits,

goats, poultry, or more than six cats per dwelling within the city limits without first obtaining and having in full force and effect a written permit therefor.” Ann Marie said that the other subsection of Section 253-2 had to do with feral cat colonies, The Colony Caregivers, a 501(c)(3) corporation formed under the laws of the State of New York in which a colony is registered with the city. She said that she felt it was an interesting ordinance template for the board to consider because it did incorporate all of the animals that the board was referencing and addressed the concerns contained in the Lombardo letter from 2013 where a neighbor’s chickens were roaming about on their property and defecating. Ann Marie went on to say that she felt that this was a way to require animals to be contained and not stray with an ordinance to cover that. She told the board that she would be willing to draft up the template for the board to consider going forward because she felt that the language in the City of Canandaigua ordinance covered more than just dogs and cats as opposed to most of the other municipalities she had looked at that only had addressed dogs and cats. She added that the board could also add language addressing cats and dogs and noise, etc. Ann Marie said that if the board could give her a generous amount of time to draft something up she would be happy to do so. She indicated that for the next five weeks she would be extremely busy but that after that she would draft something up for the board to review and discuss. The board thanked Ann Marie for offering to do so and said that would be fine. It was also noted that whatever language the board came up with could most likely be incorporated into the current Chapter 61 of town code entitled “Animals”.

Honeoye Watershed Grant Update-Ann Jacobs told the board that she had put a call in to Maria Rudzinski at the County but that Maria was on vacation. Ann said that she had emailed Maria and told her that the Planning Board was working on a timber harvesting law. Ann said that fell under Section E entitled “Adopt Forestry Ordinance” of the proposed topics for the town to choose from to work on that Maria had posted. Ann said that they had put South Bristol down for that. She added that what the Planning Board had come up with to date had already gone to Kevin Olvany so the town was already “in the loop”. Ann said that, unfortunately, she did not have anything more to report than that since Maria was on vacation. Chairman Ely told Ann that he appreciated her taking the initiative on the matter. He noted that South Bristol was in both the Canandaigua and the Honeoye Watersheds and that anything the board could do to move the grant work along they would certainly be happy to do even though he was a little unclear about the details of the grant. Mr. Ely then asked Ann if she would monitor the situation without investing too much of her time and keep the board updated. Ann said she would and added that she did not fully understand all of the details and that every time she had spoken with Maria that Maria just kept stressing the fact that they are running out of time with the grant. Ann added that when she tried to reach Maria recently she had left a message letting Maria know that if there were going to be meetings involved that she (Ann) would be happy to attend. Chairman Ely then said that, hopefully, Maria would get back to Ann once she returned from vacation.

New Business

There was no new business.

Other Business To Come Before The Board

Board Vacancies-Chairman Ely told the board that the Town Board had indicated that they are not, at this time, going to fill any board vacancies on the Planning Board or the Zoning Board until they have developed an appointment process. He also said that the Town Board had indicated that the Planning

Board would have a chance to review whatever policy they come up with. He said that Barbara Welch had informed him that the Planning Board was in pretty good shape with the recent appointment of Anne Caprini whereas the ZBA was currently having difficulties making quorums for their meetings. Mr. Ely said that Barbara told him that the Town Board was not going to move on any applications to fill the vacancies and if any priority was to be given it would be given to the ZBA. Chairman Ely said that he brought the subject up because several people had indicated to him the names of somebody they felt would be a good addition to the Planning Board. Mr. Ely said that he was not trying to discourage any suggestions of names if anyone wants to submit a name or has a friend or acquaintance who wants to submit material to the Town Clerk indicating their interest in a board position.

Board Member Training-The board secretary informed the board that she had distributed copies of information regarding the Genesee/Finger Lakes Regional Planning Council Local Government Workshop scheduled for Thursday, May 15, 2014 in Pittsford, NY. She said had included a memo with the workshop brochure which indicated the registration details and deadlines. She also said that if they wanted the town to get them pre-registered that they would need to let her know by no later than April 28 and that they would also have to let her what sessions they wished to attend.

The board secretary then said that both Ann Jacobs and Anne Caprini had attended the workshop that took place on Saturday, March 29, 2014 entitled "Ins and Outs of Variances" put on by the Canandaigua Lake Watershed Association and Ontario and Yates County Planning Departments. She asked if any of the other board members had attended. No one else attended.

Next, the board secretary distributed copies of some additional information regarding available land use training scheduled for various dates throughout the remainder of 2014 which she had emailed to the board members earlier in the year. She indicated, however, that most of the workshops had already taken place with only a couple remaining for the year.

At Chairman Ely's request, the board secretary then gave the board members who were present at the meeting an update as to how many hours of training they each had to their credit for 2014 to date as follows: Jim Ely – 3 hours; Rodney Terminello – 3 ½ hours; Anne Caprini – 3 ½ hours and Ann Jacobs - 9 ½ hours with Ralph Endres and Ann Marie Rotter having no hours credited to date for 2014. She also noted Mike Staub who was absent from the meeting had 2 hours to his credit and Bessie Tyrrell who was also absent had 2 ¼ hours to her credit to date for 2014.

Ecode-The board secretary informed the board that the town code was now available on line. She said that she would email the link to them. She said that the link was going to be made available via the town website and that it may already be there. In addition, she told the board that the recently adopted changes to the zoning regulations had not yet been incorporated into the town code as it appears on line. Also, she said that there would be an on-site joint training session scheduled for the Planning and Zoning Board members in the near future once the current ZBA vacancies had been filled.

There being no other business to come before the board, Chairman Ely called for a motion to adjourn. Ralph Endres made said motion which was seconded by Rodney Terminello. The motion was unanimously accepted and the meeting adjourned at 7:40 P.M.

Respectfully submitted,

Debra Minute
Recording Secretary