

Planning Board Meeting

March 19, 2014

| | | | |
|----------|-------------------|---------|------------------------------|
| Present: | Anne Caprini | Guests: | Dan Fuller |
| | Jim Ely, Chairman | | Steve Fuller |
| | Ann Jacobs | | Don Simmons |
| | Anne Marie Rotter | | Barbara Welch |
| | Mike Staub | | Two Other Interested Parties |
| | Rodney Terminello | | |
| | Bessie Tyrrell | | |
| Absent: | Ralph Endres | | |

The regular March 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 Ralph Endres.

Chairman Ely welcomed new board member, Anne Caprini.

Board member, Mike Staub, then read the Comprehensive Plan Vision Statement out loud.

Chairman Ely then called for a motion to approve the February 19, 2014 minutes as written. Ann Jacobs made said motion which was seconded by Mike Staub. The motion was unanimously accepted with the exception of new board member, Anne Caprini, who did not vote as she was not present nor a board member at the time of the February 19, 2014 meeting.

Old Business

PUBLIC HEARING-TROSER MANAGEMENT, INC.-APPLICATION FOR SITE PLAN APPROVAL-AERIAL PARK AND WELCOME CENTER (BRISTOL MOUNTAIN). Chairman Ely opened the public hearing at 7:05 P.M. He referenced the Legal Notice as published.

Chairman Ely: I know the board had an opportunity to visit with Steve last month but since this is a public hearing I would like invite him to come forward and to, once again, explain the project.

Mr. Fuller: Thank you very much again for having me this evening. Last month we spoke about the aerial park and I went through a slide show and showed some images about different points of the park. Is that something you would like to see again this evening?

Mr. Ely: Well, we have some members of the public and our board members, Bessie and Anne, who were not here at last month's meeting so I think it would be a good idea.

Mr. Fuller: Last month we appeared before the board and talked about the Aerial Park and the first thing we talked about was what an aerial adventure park is. The toughest thing that we've had is explaining to people what it is exactly and how it is different from a high ropes course, etc. What we are looking to do at Bristol Mountain is to construct an aerial adventure park with a total of 7 courses, 94 elements and each of those elements are constructed in between trees, over bridges, tightrope walks, zip lines, etc. all spanning from tree to tree anywhere in height from 10 to 50 to 55 feet up in the air. With the aerial adventure park we would like to include a 1300 square foot welcome center that would house the ticketing, the welcome staff, restrooms and food service as well.

As I mentioned, the toughest thing we have had is to explain what an aerial adventure park is and how it is different from the traditional ropes course. An aerial adventure park is different from a traditional ropes course in that the individuals are all on a Safety Belay System and it is an independently guided product. So, unlike the traditional ropes course that you might see at the Boy and Girl Scout Camps where a guide might take 5 or 6 scouts through the course or you might see the guide on the ground actually belaying with a rope each individual up into the trees, the individuals have a full body harness on and actually connect into the park and then they are on their own once they connect in. The neat thing about the Belay System that we are using as harnessing equipment is that once an individual is clipped into the course there is no way for them to become unattached and no way for them to have their safety line unattached from the course so whether they are five feet up in the air or 55 feet up in the air they are always going to be attached to the course. It is not until they come back down to the ground that they will be able to unattach themselves.

As I mentioned, we are going to have a total of 7 courses and 6 of those will be for ages 7 and above and we are going to differentiate them not only in terms of the difficulty of the elements but also the height of the elements. The easiest courses will be the two yellow and two green courses about 10 to 15 feet off of the ground. Then when you get into the more difficult blue and black courses you will be about 45-55 feet up in the air. As I said, there will be a total of about 94 elements with an average of 14 elements per course. On the 7th course there will be about 6 elements just for our youngest guests, ages 4 to 7 years old. For the youngest guests, there is a little bit different safety system. The harnessing will be similar. However, once the guides connect the children into the Belay Safety System they will not be unattached until the guide unattaches them at the end of their elements.

What we are looking at for Bristol is about a 3-hour tour into the park. As we talked about last time, 3 hours is usually enough for most people based on the physical limitations as it is a very strenuous, very athletic activity.

To give you a little quick history of parks, the first one was established in the United States in 2009 in Bolton Landing, NY and there was also one established at about the same time in Catamount Ski Resort which lies on the New York/Massachusetts border. Aerial parks are relatively new to the U.S. There are only about 35 parks now in the U.S. However, over in Europe, they have been in existence for about two decades or so. There are actually well over 2000 parks in Europe. Most of the parks in the U.S. are centered in the Northeast. When they first came over, they were started mostly for their natural fit with the environment and with existing facilities at the time.

There are a couple of vendors out there such as Outdoor Ventures, Outplay Adventures, and TreeMendous. They are the main distributors that have risen in the field in the U.S. A lot of them have

experience in Europe and have come over to the U.S. We have actually chosen to work with TreeMendous which is out of East Chatham in New York.

Last Spring and early Summer, my Pop and I went on a tour of aerial parks in the Northeast and in the course of two days saw about six parks and we also went to a couple of parks independently of those. In those two days we saw a lot of great things. We were just absolutely fascinated with what people were doing such as the layouts of the parks, how they were using natural resources, etc. A lot of them were at ski resorts. Of the six courses, five of those were at ski resorts. The last one we went to was a park called Adirondack Extreme which is located in Bolton Landing in the Adirondacks. That park was unique in that it was a stand-alone park as it wasn't at a ski resort and it wasn't at an existing facility. The individuals who built it, essentially built it from scratch. Most ski resorts would use the existing facilities such as the main lodge or the rental shop or some building they have used for wintertime, during the summer to house their adventure park operations out of. So when we saw this stand-alone park which had to be started from scratch because there wasn't much to go on since they were the first ones to build a stand-alone park in the U.S. we were impressed as they really did not have any guidance as to how to build a Welcome Center and develop their park. We were amazed at what they had done, not only with the facility they used, but how they had tied in the natural environment into the entire park. The three pictures that you see are all from Adirondack Extreme and you can see that the Welcome Center is a log-home type structure that fits in with the Adirondack style. They have trees actually growing up through the porch. There is a large porch covered area and also an open area on that porch. Once you walk out onto that porch you already feel like you are in the park and in the trees without even putting on your harness. So we were absolutely amazed and we agreed that if we were going to do this, we had to go beyond just building the aerial adventure park. We had to include building a Welcome Center which would really set the tone like what we had seen.

One of the neat things about the parks that we discovered during this process was how sustainable they are, not only in just the building techniques during initial build but also for operation in the future. They will erect 70 or so platforms and they won't use any nails or screws to put the platforms into the trees. They raise the platforms by hand. They don't use spikes to climb the trees. They do it all with ropes. They will climb the trees anywhere from 10 to 50 feet in the air and then they use a bracing and tensioning technique to actually wedge the platforms onto the trees. The platforms can hold up to 3 people. The platforms can hold the weight of a lot more than 3 people but the limitation is based on the size of the platform. During construction they don't use any machinery to bring into the forest so they don't cut trees down and they don't cut pathways. Everything is done by hand. All the lumber to be used will be cedar from the Northeast and not pressure-treated wood. Looking into the future, the neat thing about the park is that other than your initial check-in location involving just a couple of computers there is no electricity and no other needs of the park. I was actually talking to the manufacturers (TreeMendous), and I have shared this story with the board last month so I apologize, but when I was talking with one of the designers for the builders of the park I told him that we had electricity up there and asked if him we would need to bring the electricity into the park for the builders and he just laughed and said, "Electricity? We're in the forest up here, why would we need electricity?" It was not something that I expected to hear from a contractor.

The neat thing about these elements is as you progress from the easier to the more difficult elements it becomes more challenging. One of the best ways it was described to me was if you take a 2 x 4 and you place that on the ground most people can walk across the ground on a 2 x 4 with little concentration

other than just walking on the 2 x 4 itself but when you raise that 2 x 4 fifteen feet above the ground it becomes more difficult.

At Bristol Mountain the design that they are looking to do is two yellow courses, two green courses and then the more advanced will be in the blue and then the most difficult will be the black. The pink course is for the kids which will contain a couple of elements raised about 4-6 feet off the ground. Each of the courses will have two zip lines and every course will zip line to the ground which adds a fun element to it. They have run a couple of long zip lines. I believe 235 feet is the longest one that they have sited in. All courses begin at a main central location. You will climb onto a starting platform using a ladder system. The platform will be made out of black locust which is a very knotty, winding piece of wood so it gives you the feeling that even though you are at the starting point a few feet off the ground you are already in the trees. You will start off with the courses from that starting platform, run through the elements and then zip line to the ground and walk back to starting platform to start the next adventure.

This is a cut-out of our trail map (pointing to the map) and it kind of shows you where this is planned. It will be at the corner of Hale Bopp and Halley's Run. This is the current access road that we have for the Nordic facility that we use now. The actual 1300 square foot building will be just about here.

Mr. Simmons: So they will be using South Hill Road?

Mr. Fuller: Yes, all of the access will be via South Hill Road. So here is the site plan and you can see that South Hill Road runs north and south and it actually deadends at the property. This is the current existing gravel lot which we use for our Nordic facility. The school buses go here and this is the school bus turnaround. We are proposing putting a chipped bark pathway that will go through the woods, cross over Hale Bopp here and wind through the woods and then meander into a raised boardwalk just before you get to the Welcome Center. The Welcome Center will be about 1300 square feet. There is existing potable water up here at the Nordic facility and then sewer is existing at the Summit Patrol building. So what we will do is take potable water from the Nordic facility here and bring it into the Welcome Center here. Then we will pump up our wastewater to the Ski Patrol building which will then flow back down to our waste treatment facility. All of the potable water is actually pumped up from our water treatment facility currently into this location here.

Currently what we use for parking, is we have handicap spots up here at the bus turnaround (pointing to plan) but then we also have parallel parking alongside of the road as well at the existing Nordic facility. For example, we had high school state competition about 3 ½ weeks ago and we had about 300 participants and other people up there for that event. The usage for the park will be much smaller than that. Previously, we talked about 350 participants and that's on a maximum day with every single time slot filled so that would be at 100% efficiency essentially. What we have actually budgeted for was in the shoulder season so May leading up to 7 days in June and then after Labor Day budgeting for about 75-80 people per day is what we project so probably about 15-25 cars. For the full season, we are projecting it to be about 180 per day. Again, not quite the 350, which would be 100% efficiency.

Ms. Tyrrell: Then you would close it down after Labor Day?

Mr. Fuller: We would actually run it after Labor Day up until mid-November.

Ms. Tyrrell: So the chairlift might take you up there in the Fall?

Mr. Fuller: It could, yes. However, the majority of our participants would be coming in via South Hill Road because that is where we are going to guide them to. It probably won't be as exciting taking a chairlift ride after you have done this course.

This is a sketch of the Welcome Center we are planning to do. We plan on putting a metal roof on. There will be two bathrooms on the walkout level and we are looking to put a bathroom on the main level as well. About half of the deck area will be covered and we want to emulate the same feeling as we saw at Adirondack Extreme with the trees growing up through the deck.

Ms. Tyrrell: Who's the builder?

Mr. Fuller: We don't have a builder yet but the plans were done by Mark Muller of Bloomfield. At this time, are there any questions?

Chairman Ely: I think at this point we should see if anybody out in the audience has any questions.

Mr. Simmons: My name is Don Simmons. If they are attached, let's say a young child does fall, is there any way that the line can get tangled up around their neck?

Mr. Fuller: For the children's course, ages 4-7, the lifeline is actually going to hold them up high enough up so that there is always going to be some slight tension on that. Again, that is designed because the individual will actually be clipped in by a staff member. So once the children are clipped in they are just going to walk through the course, and I hate to put it this way, like a lead on a dog. And for the other ones, the lifeline is also appropriately set so if they do fall it is a very minimal length. Actually, they are clipped in from the waist which is where that comes out of for the regular course.

Chairman Ely: Does anyone else have questions?

Ms. Tyrrell: Is it something that some children with disabilities can do?

Mr. Fuller: It depends upon the disability. The neat thing about the children's course for ages 4-7 is that it does not require the same dexterity and mental competence that it does for the longer courses that the other individuals use. However, we see this as an opportunity for children with disabilities and depending on exactly where the lifeline is set it could also be used for adults as well. But unfortunately I don't have that information at this time as far as the height.

Mr. Simmons: I see this as covering the youth and the young and healthy. How about the old people?

Mr. Fuller: Not to embarrass my Dad, but the last time we were here I told a story about when we went to the first park in Ellicottville and we got on the green course. We stepped up a level from the yellow and started right with the green. I think they were trying to embarrass us a little which they did a good job of doing so. The first thing we did was walk up a ladder to get onto the starting platform and then from the starting platform there was a suspension bridge about 30 feet long, very stable, and we got from one tree to the next tree comfortably. Then the next element was essentially a miniature climbing wall and we are going vertical up the tree and it was relatively easy and everything was stable. We climb onto the next platform and then the third element is what they call a rolling element and it's a tightrope walk and essentially, if you can imagine a zip line with a block of wood that

you hold onto, so instead of actually zipping across or holding on and hanging, you hold onto this block of wood and you walk across this tightrope walk. I've never seen a person horizontal while walking across this and still managing to get across from tree to tree. Just watching his legs swing back and forth, I figured if he could do it, anyone could do it. He actually made it through the entire course.

Something we didn't really talk about is that not only are these courses a physical exercise but they are also a mental exercise. You can watch the same people go across the same element and yet choose a different way to get across it. Just as I talked about the tightrope walk with the block of wood on the zip line, depending upon where you hold that, your gut reaction is to hold it as high as possible. However, when you actually spread your arms out and hold the triangular block of wood out to the sides it actually becomes much more stable but it just doesn't feel natural.

Chairman Ely: Are there any other questions from the public? (None) Okay. Let me state for the record that I have not received any communications regarding this application except insofar as we have received from the County some of their thoughts about the project and I am going to suggest that we hold that for the moment and I will close the public hearing unless there is anything more to be said by the general public and then the board, I think, will want to review the County's comments. (There were no other comments from the public)

The public hearing closed at 7:30 P.M.

Chairman Ely: As I understand it, because of blizzard conditions that occurred while I was away, the County Planning Board was unable to hold their regular monthly meeting and have a discussion regarding this particular proposal and make some recommendations/comments. However, we do have some feedback from the County Referral Review Committee and I have been advised that we may go ahead with their Report effectively as the County's input. Most of their questions seemed to be about access and parking. I know you have been over that a bit already but I want to be sure that we have touched all the bases here so let me start by getting your reaction to a couple of things.

They say that due to the remote location consideration of emergency response accessibility in the event of a medical or fire emergency should be considered. They also say that consideration should be given to the capability of the gravel access road to handle traffic, parking and emergency vehicles.

Mr. Fuller: The gravel access road will absolutely be able to handle traffic, parking and emergency vehicles. (Pointing to site map) What you see here is the existing gravel road that we currently use for the Nordic facility which handles the Special Olympics as well as regional and state events. It can handle not only emergency vehicles but we do accept buses up here so there is the ability turn a bus around.

Chairman Ely: Now you did mention that there might be parking along the side of the road. Would that block or impair emergency vehicles?

Mr. Fuller: No. We have parking along side of the road now and, again, we have buses up there that are able to turn around so access is not a problem.

Chairman Ely: Okay. The second question relates to parking. They say that no designated parking area is provided except for along the gravel access road. Now that isn't quite accurate, is it, because you have just described where the buses could park?

Mr. Fuller: Yes. I apologize for not pointing this out before that we do have a few handicap spots that we will put next to the chipped bark pathway. Then we have the parallel parking and we have the ability to have some angled parking as well in some locations.

Chairman Ely: And if a group, hypothetically, came in on a bus, you could accommodate that because you accommodate buses now.

Mr. Fuller: Absolutely.

Chairman Ely: Next they say that the applicant must be anticipating a substantial number of users since a welcome center will be constructed. You have already spoken to that and I believe you said that your current estimate of users is actually less than you have now up there for the Nordic facility.

Mr. Fuller: We had estimated 350 spread throughout the day which would be at 100% efficiency with operating hours between 9:00 A.M. and 6:00 P.M. It's actually not what we expect to see but that would be at 100%.

Chairman Ely: And just to be clear, you would begin with a shoulder season then go to a full season and then back to a shoulder season.

Mr. Fuller: That's correct.

Chairman Ely: Ideally, then when would the park be open?

Mr. Fuller: This year we hope to open Memorial Day weekend and we will close mid-November. Then next year, have the ability to open the beginning of May and run through mid-November.

Chairman Ely: Will that be 7 days a week or only during high season?

Mr. Fuller: Only during high season. So we see three days a week at this time. Friday, Saturday and Sunday until we meet that 7 days a week schedule in June once school is out and then after Labor Day back to Friday, Saturday and Sunday.

Chairman Ely: I believe you said the hours would be 9:00 A.M. until 6:00 P.M.?

Mr. Fuller: That would be during the peak season and during the shoulder seasons in the Spring probably 10:00 A.M. or 11:00 A.M. until 6:00 P.M. and then in the Fall it would be more abbreviated because of the daylight.

Chairman Ely: You don't anticipate any night time operations, is that correct?

Mr. Fuller: That is correct. We don't anticipate any night operations at this time.

Chairman Ely: The County also commented that the applicant should provide information on the anticipated number of users which you have just done. They also mention peak/off peak use periods, the number of parking spaces currently available, etc.

Mr. Fuller: Yeah, so the current number of spaces we have the four that we are going to place here for the handicap spots (pointing to the site plan), we have an additional 12 that can fit in here

and then about an additional 30 going up to a little more than one third of the way down the road so we are at about 50 spots until we hit this point and I actually do have an additional site map that shows those locations for parking. I do have some 8 ½ x 11 copies but unfortunately they are very, very small. The 50 spots is what we project as what we will need.

Ms. Tyrrell: I've parked up there before and there is plenty of room.

Mr. Fuller: There certainly is and when the snow melts we will have a lot less to compete with.

Chairman Ely: They also inquire about provision for handicapped parking and you have already spoke to that by having some designated spots by the chipped bark pathway. They also mention contingency plans for overflow parking which is what you have just been addressing.

The next County comment was that all parking is provided along the gravel road which is built on highly erodible soils. Wear and tear from vehicle parking in addition to road traffic can lead to significant erosion adversely impacting water quality particularly during the summer when intense short duration storm events are becoming common. What are your thoughts on that? Is that a concern as you see it?

Mr. Fuller: The slope itself from where you turn off of South Hill Road to the bus turnaround the percent grade is about 1% and then the steepest point is about 5% grade so we don't see this as an issue. At the top of the mountain it is actually a very flat location.

Chairman Ely: So you feel that their concern is overstated, let's say.

Mr. Fuller: You know, I think with the slope of the road, I don't believe it is a concern

Chairman Ely: Now the next question, and Debbie you may have to help me, as it involves some input from our Code Enforcement Officer. The County states that the Planning Board is encouraged to contact the Town of Bristol regarding anticipated traffic on South Hill which is an unpaved Bristol town road.

Board Secretary: I had Dan Fuller speak with Phil Sommer since he is also Code Enforcement Officer for the Town of Bristol. I wasn't privy to exactly what was said when they spoke on the phone but I know that Phil felt that there were no concerns on the Town of Bristol's part.

Mr. Fuller: (Dan Fuller) When I spoke to Phil about the County's concerns he referred to our conversation with the Town of Bristol Supervisor and Highway Superintendent and that was back when we built the Nordic facility.

Ms. Tyrrell: How many visitors do you have to the Nordic Center? Sometimes up to 300?

Mr. Fuller: (Dan Fuller) Oh, yeah. For high school state competition there is probably between 300 and 400 people because there are over 200 competitors plus their families. That is probably the largest event. On any high school training night, we will have 5 or 6 buses as there are 7 teams that are there training and that encompasses about 200 athletes and their coaches.

Chairman Ely: Okay, that as far as I can see, members of the board, that exhausts all of the County's concerns. Now, let me ask you in connection with the Welcome Center whether there is any concern with regard to our recently adopted steep slopes ordinance.

Mr. Fuller: For the Welcome Center itself we are talking about a 10-12% grade for the project site. Average grade from the turnaround where our chipped bark pathway is to the Welcome Center it is about 6% and from Haley's we're at about 6%.

Chairman Ely: So this is a relatively flat area at the very top of the mountain?

Mr. Fuller: (Dan Fuller) That is correct.

Ms. Tyrrell: Will the Welcome Center be heated?

Mr. Fuller: (Dan Fuller) Yes.

Ms. Tyrrell: So you could use it in the winter?

Mr. Fuller: (Dan Fuller) Yes, you could use the bathrooms downstairs.

Ms. Tyrrell: Does the Nordic Center have porta-potties?

Mr. Fuller: (Dan Fuller) Yes, but the porta-potties aren't as friendly.

Chairman Ely: Are there any other questions from the board members before we move forward?

Ms. Tyrrell: You have time slots to go on the course. Will there be any patrollers along the course?

Mr. Fuller: What we will have is guides for the park. The guides will be at the starting platform and they will also be strategically located throughout the park to keep an eye on our participants while they are up in the trees. Again, the key thing about this activity is that it is all self-guided in the sense that you do not need to have a staff member take a certain group and walk through the course with them. Our staff members will be on the ground monitoring people up in the trees. Our staff will also be first-aid trained.

Ms. Tyrrell: If someone is acting inappropriately there will be ways to handle that.

Mr. Fuller: Absolutely. It was a very conscious choice to go with the harnessing system we are using. We are trying to take a lot of the guesswork out of it. Yes, we will have an eye on the guests and we will be very active and make sure that our guides are very safety oriented but the neat thing about the harnessing system is there is no danger of someone coming unclipped from the line.

Ms. Tyrrell: But if you need to get them out of the course, you can do that, too?

Mr. Fuller: Absolutely.

Chairman Ely: It is a double-clip system, is that correct?

Mr. Fuller: Yes.

Chairman Ely: They cannot unclip one line until they clip the next.

Mr. Fuller: Exactly. With this system, once a person first starts their course they will clip onto that initial starting point and then from that point once they lock in, the other clip will then be unlocked but they will not be able to unlock the first one until the next one is locked into a safety line. It's a pretty neat system. At no time can a person become unattached. They will always be clipped into a safety line.

Ms. Tyrrell: What about the wildlife? What about the deer and things like that up there?

Mr. Fuller: It's actually pretty amenable to deer and wildlife so we don't see it as a problem.

Ms. Rotter: I just have one question about the Welcome Center. What I am getting from you is that for someone in a wheelchair the ability to do any of the elements would be very limited.

Mr. Fuller: It would be very limited for the course. However, someone in a wheelchair will be able to access the Welcome Center via the chipped bark pathway as that pathway will lead to a boardwalk and once they are on that boardwalk it will be a ramped boardwalk that will bring them to the main level of the Center.

Ms. Tyrrell: Do you know what the ticket costs will be?

Mr. Fuller: It will be \$48 per day for access to the six courses. We will also have group pricing which will start at \$42 for 10 people. There will be a special rate for the children's course which will be \$25. The easier courses will take about 30-40 minutes to get through which are the greens and the yellows. Then as you progress up to the blue and the black it will take about 45-50 minutes.

Ms. Rotter: Can you repeat?

Mr. Fuller: Absolutely. The reason why we have the two yellows and the two greens is because most people will be comfortable at that level. If they complete one yellow, then they can do the other yellow as the courses will be very different from one another. They will be similar in height off the ground and similar in overall difficulty but with different elements. We plan on people repeating.

Ms. Tyrrell: Will you be selling beer and wine at the Welcome Center?

Mr. Fuller: We won't for the summer attractions. We want to offer healthy options such as fresh juices and fresh-blended smoothies.

Chairman Ely: So a person, in theory, could pay their \$48 and stay there for the day.

Mr. Fuller: Three hours.

Chairman Ely: That would make it possible for you to take reservations as you would have some idea as to when people would be leaving.

Mr. Fuller: That's correct. We have a limited number of harnesses, 150 total, and so we plan on having a turnover of those harnesses.

Chairman Ely: How will you police when time is up?

Mr. Fuller: We will do similar ticketing to what we do for the ski resort so it will be a time ticket.

Chairman Ely: What if someone is on a very difficult course and does not complete it in 3 hours?

Mr. Fuller: We will let them complete it. We won't pull them off it.

Chairman Ely: I think we are ready now to complete the SEQR form. It is part of New York State's environmental assessment program. All applications for site plan review require that a SEQR form be completed. This application falls into the Unlisted Action category which requires that we complete a Short Environmental Assessment Form. We need to complete Part 2 of the Short Form.

The board then completed Part 2 of the Short Environmental Assessment Form as follows:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? Response: No
2. Will the proposed action result in a change in the use of the intensity of use of land? Response: No
3. Will the proposed action impair the character or quality of the existing community? Response: No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? Response: No
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? Response: No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? Response: No
7. Will the proposed action impact existing: a. public/private water supplies? Response: No and b. public/private wastewater treatment utilities? Response: No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? Response: No
9. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, water bodies, groundwater, air quality, flora and fauna)? Response: No
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? Response: No
11. Will the proposed action create a hazard to environmental resources or human health? Response: No

Chairman Ely: Now, we have to do Part 3 – Determination of Significance. We have to explain how we determined that the impact may or will not be significant. I have some suggestions here that Deb mostly worked on and I did a little bit.

The board then discussed Mr. Ely's suggestions and others mentioned during that discussion. As a result of their discussion, the board completed Part 3 as follows:

The South Bristol Planning Board's determination that the proposed action will not result in any significant adverse environmental impacts was based upon:

1. The board's review of the Environmental Assessment Form and project plans as supplied by the Project Sponsor.
2. The board's Impact Assessment (Part 2) responses on the Environmental Assessment Form.
3. Testimony given by the Project Sponsor during the board's February 19, 2014 and March 19, 2014 meetings.
4. The fact that the property is already being used for recreational purposes and traffic concerns are manageable.

The board then checked the box at the bottom of Page 4 of the Environmental Assessment Form which indicated that they had determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Chairman Ely: We now all have to vote on this. I make a motion that we approve the SEQR form as completed by the board.

Mr. Terminello: Second.

Chairman Ely: All in favor?

Rodney Terminello – Aye; Bessie Tyrrell – Aye; Jim Ely- Aye; Mike Staub – Aye; Ann Jacobs – Aye and Ann Marie Rotter – Aye. Anne Caprini (Alternate #1) - not voting.

Chairman Ely: We now need to put together some findings. I have some here that Deb also worked on and that I would like to propose and we'll see what you think.

Chairman Ely's proposed findings were as follows:

1. The proposed project is consistent with the Town's Comprehensive Plan.
2. The proposed project is consistent with the zoning district within which the project is to be located which is zoned PD (Planned Development).
3. The proposed project will not be detrimental to nearby properties.
4. The proposed project will not have any adverse impact on the physical or environmental conditions of the district.
5. The proposed project will not adversely affect the character of the neighborhood.
6. The proposed project will have a positive impact on the expansion of tourism in the area which is of great economic benefit to the town.
7. The applicant has been thorough in his presentation of the proposed project. Any information necessary for the board to make an informed decision has been supplied.

8. No opposition to the proposed project was expressed at the public hearing.
9. The County Planning Board in their review of the proposed project considered it to be a Class 1 and their comments have been addressed.

The members of the board were in agreement with the findings as proposed.

Chairman Ely: I move that we grant preliminary and final site plan approval for the construction of the Welcome Center and the Aerial Park pursuant to the materials submitted by the applicant and reviewed by the board.

Ms. Tyrrell: I second that.

Chairman Ely: Motion has been made and seconded. Roll call vote:

| | |
|-------------------|-----------------------------|
| Rodney Terminello | - Aye |
| Bessie Tyrrell | - Aye |
| Jim Ely | - Aye |
| Ann Jacobs | - Aye |
| Mike Staub | - Aye |
| Ann Marie Rotter | - Aye |
| Anne Caprini | - Not voting (Alternate #1) |

Mr. Fuller: Thank you very much for your time. We really appreciate it.

Chairman Ely: We really appreciated your presentation. It was very thorough. People in the community who have heard about it are very excited.

Proposed Changes to the Zoning Regulations-Chairman Ely said that he had been advised that the proposed changes to the zoning regulations were now official.

Logging/Steep Slope Regulations Draft-Chairman Ely then asked for confirmation that all of the board members had received the updated version of the draft for review. They acknowledged that they had. Mr. Ely said that he had received input from CEO Sommer, Jeff Graff and former board member, Jim Schartzer. He then told the board members that in the updated draft he had incorporated some changes suggested by the town attorney and former board member, Jim Schartzer. Mr. Ely reminded the board that in previous discussions they had debated the issue of notification but that there was strong feeling that the town really should handle notifications. He said the main reasons for that were that if something was to come in the mail from the town to a property owner it would be more likely to get careful attention and that you can't always be sure that the logger will, in fact, actually send out the required notification letters which would put an extra burden on the code enforcement officer to monitor that. Chairman Ely added that the town attorney felt that the notification provision was one of the best provisions in the draft.

Chairman Ely then asked Bessie Tyrrell about the insurance section on Page 4 of the draft. He said that the board had discussed that section previously and that they had some question regarding the

numerical figures listed there. He then said that he recalled that she had discussed that section with her husband as a former insurance agent and that, based on his input, it had been agreed that the numerical figures contained in that section were correct.

Chairman Ely then said that he was open to any additional suggestions that the board members might have. He said if there were no other suggestions he would like the board's permission to send the draft back to Jeff Graff for another look with the updated changes and then perhaps at the board's next meeting they might be in a position to take action to send the draft to the Town Board for their consideration.

Mike Staub then said that he had a couple of comments. Mike drew the board's attention to page 4 of the draft, Section VI(F). He said he had a concern with regard to the language "Site reclamation shall be performed as soon as site conditions allow ..." in the first sentence. Mike said that the board might want to consider adding some definition or direction to that section as to what constitutes "as soon as conditions allow" because what the town might consider versus what a logger might think constitutes "as soon as conditions allow" could be two different things. Mike went on to say that a logger might say, "Well, I'll get to it next month" which could be too long. Chairman Ely said it could be worse than that, say perhaps, six months. The board then agreed to change the first sentence in Section VI(F) to read as follows: "Site reclamation shall be performed under the direction of the Code Enforcement Officer when site conditions allow either during or upon completion of the harvesting activity".

Mike then questioned the words "recommended" and "required" in Section VI(I). It was explained to Mike that the word "recommended" was in brackets indicating that it was to be removed and replaced with the underlined word "required".

Mike also had a question on page 5, Section VII(B)(1) pertaining to riparian areas. He said there was no definition for "riparian areas". Chairman Ely said the board could attempt a definition although he thought "riparian" ought to be defined in the dictionary which should suffice. He added that the code cannot attempt to define every term. Mike then said that it was his understanding that "riparian" should be considered a general term and not particular to the proposed law. Mr. Ely said that was correct. It was also noted that it would be a term that a logger would be familiar with.

At this point during discussion, Chairman Ely asked Town Supervisor Barbara Welch if she, in light of having extensive insurance background and knowledge, had any concerns with regard to Section VII(A)(5) with regard to insurance. She said that as long as the town was able to obtain a certificate of insurance that would satisfy the requirement.

Bessie Tyrrell then asked if there was anything in the proposed law about the logger and his qualifications/certifications. Chairman Ely said that his feeling was that the town should impose its requirements and not rely on what the logging associations might require. It was also pointed out that the loggers are supposed to adhere to the DEC regulations.

Mike Staub then said that he had one more item. He directed the board to page 3, Section VI(B), the second sentence where it now reads: "All logging slash and debris shall be promptly removed from any such channels." He said his concern was similar to his previous concern in Section VI(F). He questioned whether what constitutes "promptly" should be left up to the logger as "promptly" could mean that day, one or two days, etc. Mike went on to say that this area does get some downpours and should there be

some debris in the stream it is going to come down someone's driveway, etc. and they are not going to be too happy. The board then decided to change that sentence to read: "All logging slash and debris shall be removed from any such channels normally within two (2) days".

Bessie Tyrrell then said that within the proposed law (Section VIII(B) it states that the CEO may inspect the site upon completion of the timber harvesting operation to determine if all reclamation efforts have been completed. Therefore, she did not know if it was necessary to make a change to the law since the CEO may inspect at any time. It was then pointed out to Bessie that what she was referring to actually applied only at the end of the harvesting and that what Mike was talking about was that you could have debris in a channel at any time during the harvesting operation before it is completed.

Supervisor Welch then said that she had not read the entire draft law but that the town's current steep slopes law has some wording in it that states that the code enforcement officer can enter the property if there is any erosion apparent outside the confines of that property. She told the board that they might want to look at that law and their current proposed timber harvest law to make sure that there is something in the proposed law that mirrors that language. Chairman Ely told Supervisor Welch that he would look into that. He said the proposed law needed to be very clear, and that he thought that it was, that the code enforcement officer has the authority to enter upon the property.

The board secretary then told the board that when a copy of the Town of Bristol's timber harvest law was obtained it also included a timber harvesting permit application form. She explained that in the Town of Bristol when someone applies to do logging they are given a copy of the actual law which has the timber harvesting permit application stapled to it. She told the board that they had not looked at the permit application form to date. She distributed copies of the form to the board. The board secretary then told the board that former Planning Board member, Jim Schartzer, had looked at the permit application form and has suggested some possible changes. She pointed out a change that Jim had suggested was on page 1 of the form at the bottom which she felt was a very good suggestion. She pointed out that Jim had recommended that the names and phone numbers for the Town and County Highway Superintendents that must be called 72 hours prior to hauling onto a highway. She said Jim had also recommended that it be indicated who must contact the highway superintendents, that being the logger. The board members thought that to be an excellent idea. It was then noted that when the draft law was ready to be sent on to the Town Board for their consideration that the timber harvesting permit application form would be attached to the law.

Chairman Ely then said that the board might want to consider requesting that the Town Board consider raising the permit application fee to cover the cost of administering the proposed law. The board secretary said that perhaps when the Planning Board was ready to forward the proposed law on to the Town Board they could suggest to the Town Board that they raise the timber harvesting application permit fee because if there is a large parcel being logged there can be numerous properties that abut that property resulting in the need to notify numerous property owners and agencies. She indicated that the current fee is \$25.00. In addition, she said that perhaps the Planning Board might even suggest an amount for the Town Board to consider.

Mr. Ely then had a question about some of the wording at the bottom of page 2 of the permit application form with regard to when the CEO shall notify adjoining landowners of the logging operation and whether the language reflected what was stated in the draft law itself. He said he wanted to be sure that people were given a reasonable opportunity to express their concerns should they have any.

After looking at the language and some discussion, it was felt that the notification requirements were consistent and would allow for sufficient notice to adjacent property owners.

Chairman Ely then told the board that he would have the board secretary clean up the draft and then he would take a look at it and send it on to the town attorney for his thoughts. He added that he would have the board secretary email copies of the redraft to the board members prior to their April meeting when they would take another look at it.

Agenda Building-Chairman Ely said that there were a couple of items that he thought the board had wanted to consider moving on to once the proposed timber harvesting law gets sent to the Town Board for their consideration. He said one of the items was that of animal control. He said he had gathered a little information on the topic and that he had looked at what a few of the adjacent towns had in place. Mr. Ely said that outgoing Supervisor Marshall had also given him some materials on the topic as well. Chairman Ely said he had looked at what South Bristol had on the books and that South Bristol's control seemed to consist of little more than licensing dogs. He said that the code did not speak to the issue of animals, including those much larger than dogs, running loose onto other neighboring people's property or in the highway. Chairman Ely said that he felt that the topic of animal control might be what the board should focus its efforts on next. He then asked if one or more of the board members might be willing to undertake some of the research on the topic by contacting the supervisors from other towns to find out what they might have in their codes with regard to an animal control ordinance to address the issue. Mike Staub and Ann Marie Rotter said that they would do some research on the topic.

A question was raised about farm animals such as cows. Mr. Ely said that he felt that in that case it would seem that an economic incentive would be implied. He then added that dogs could be a problem also with neighbors complaining about dogs next door. Mr. Ely said that barking dogs could be a real aggravation but he then added that how to define it and enforce it would be a tricky matter. He said that during the board's research they might want to keep an eye open for anything that addresses regulating that type of thing. Rodney Terminello then asked if the issue of barking dogs would bring the board back to the topic of a noise ordinance. Chairman Ely said that a noise ordinance was another topic that the board was asked to consider. He added that whether barking dogs would come under an animal control ordinance or a noise ordinance he was not sure. Mr. Ely also said that writing a noise ordinance would be very difficult to do and to enforce with respect to how would one define excessive noise? He added that he had spoken with CEO Sommer who had indicated to him that a noise ordinance would be difficult to enforce. Chairman Ely said the issue had come up also in connection with the fireworks over at Bristol Harbour.

Other Business To Come Before The Board

Board member, Ann Jacobs, told the board that she had received a phone call earlier in the day from the Honeoye Lake Watershed asking that she work with them. She said they were in the middle of a grant which had been renewed and could not be renewed again. Ann said that they were asking each town that has a watershed to work with them. She said that they had a list of items from which a town could choose one to work on. She said the only deadline she knew of was that they had to know what each town had chosen to work on by April 1. Ann said that she had told the person who contacted her that she would bring the matter to the board's attention during their meeting. Some further discussion followed. It was noted that the town had done a lot of work with regard to steep slopes and it was agreed that would be the item that South Bristol could offer as its contribution.

There being no other business to come before the board, Chairman Ely called for a motion to adjourn. Rodney Terminello made said motion which was seconded by Mike Staub. The motion was unanimously accepted and the meeting adjourned at 8:30 P.M.

Respectfully submitted,

Debra Minute – Recording Secretary

