

Planning Board Meeting
May 21, 2014

Present: Anne Caprini
Jim Ely, Chairman
Ralph Endres
Ann Jacobs
Mike Staub
Rodney Terminello
Bessie Tyrrell

Absent: Ann Marie Rotter

The regular meeting of the Town of South Bristol Planning Board was called to order at 7:10 P.M. followed by the Pledge of Allegiance. All board members were present with the exception of Ann Marie Rotter.

Mike Staub read the Comprehensive Plan Vision Statement out loud.

Chairman Ely then called for a motion to approve the April 16, 2014 minutes as written. Rodney Terminello made said motion which was seconded by Ralph Endres. The motion was unanimously accepted with the exception of Mike Staub and Bessie Tyrrell who did not vote as they were not present at the April 16, 2014 meeting.

Old Business

Logging/Steep Slope Regulations Draft-Chairman Ely said that earlier in the day he had received an email from Supervisor Welch and that he had spoken briefly in person with her just before the meeting. Mr. Ely said that the board had copies of the email in front of them. He said that it seemed to him that Supervisor Welch's concerns fell into three categories. He said the first one, which he needed some time to reflect on, was that she would like to change the application to separate more clearly the basic permit from the steep slopes permit at the point of application. He said it seemed to him that they were separated at the point of application in the draft law right now so it was a little mystifying to him. He said any thoughts that the board members might have on that after they had a chance to read through it and think about it would be greatly appreciated.

Chairman Ely said Supervisor Welch's second point had to do with whether Kevin Olvany or someone else from the Watershed people would have right of entry to go on to the property and inspect how the logging is being conducted. Mr. Ely said that it seemed to him that as it stood now the Planning Board had pretty well provided for the right of entry for the town code enforcement officer in the proposed draft law and that he saw no reason why someone could not go with him that had specialty skills. He went on to say that he did not have any objection, however, to adding some language to the draft law that might clarify that having someone such as Kevin Olvany from the Watershed people enter upon the property under certain circumstances and that it may even be desirable.

Chairman Ely then said that Supervisor Welch's third concern had to do with her requesting the Planning Board to ask the Town Highway Superintendent, Jim Wight, to review Section VII(A)(5) of the proposed draft. Mr. Ely said he saw no problem with that and he said that he would get with the board secretary and try to get something off to Jim Wight the next day. He also said that the other two points of concern he would need to reflect on just a bit and maybe have some further conversation with Ms. Welch. Mr. Ely also added that he did feel that the board could come up with some language to add to the draft law regarding right of entry by the Watershed people.

Chairman Ely then said that after the board members had a chance to look over the email he had received from Supervisor Welch he would appreciate hearing any thoughts that they might have and told the board members to feel free to email him.

Ralph Endres then suggested that if the board was going to be adding language to the draft regarding right of entry that the language not be restricted to just the Watershed people and that they word it in such a way that the Code Enforcement Officer could ask anyone he deems necessary to accompany him to the site such as an engineer, etc. Board members agreed.

Bessie Tyrrell then said she thought that it had been decided that pretty much all logging in the town takes place on steep slopes. Chairman Ely said he had mentioned to Supervisor Welch that he thought most of the town qualified as steep slope with the exception of a few places so most logging applicants would have to fill out a full timber harvest application. He then said that Supervisor Welch believed that most of the people in the town would be supportive of any regulations to control erosion except for possibly the loggers who might be a bit inconvenienced. However, Mr. Ely said that he felt that the loggers could live with the law due to the fact that they were already doing so in other towns. He also said that he had called Kevin Olvany and spoke with him at length and that Kevin was very supportive of the draft law. Chairman Ely said that Kevin had indicated to him that the logging law in the Town of Bristol had come from a model ordinance that Kevin had helped to draft. Mr. Ely said that Kevin had also told him that the same ordinance was also in effect in the Town of Gorham. Chairman Ely said, therefore, he did not feel that the board was drafting something new or radically different from what was already on the books in other towns.

Animal Control Regulations

Chairman Ely said that he and the board had received an email from Ann Marie Rotter who had notified them that she would not be present at the meeting. He then pointed out that Ann Marie had indicated, however, that she would have a draft animal control ordinance prepared for the board's June meeting. Mr. Ely said that Mike Staub had come up with some language addressing the harboring of dogs that habitually bark, howl or yelp and that he (Mr. Ely) had also come up with some language that he had lifted from an adjacent town which covered some of the same ground and that he felt would fit quite easily into Section 61-15 of Town Code as a new Item E. Mr. Ely then read his proposed new Section E as follows: "E. No dog shall be permitted to engage in habitual loud howling or barking, or conduct itself in such a manner as to habitually annoy any person other than the owner or person harboring such dog". Chairman Ely said that what he had done is try to build upon what Mike Staub had come up with, tighten it up, and put it into a format that he felt would fit in with the current town code. Rodney Terminello said that he had a neighbor who has hounds and they bay. He wanted to know if the board could put "baying" in there also. Mr. Ely said he would look into that and also added that he hoped that

Ann Marie would have something for the board to review at their June meeting so that perhaps the board could conclude their work on animal control.

Honeoye Watershed Grant Update – Ann Jacobs

Ann Jacobs told the board that the board secretary had distributed copies to the board members of a Planning Checklist for the Town of South Bristol. She then said that she had gone to the Honeoye Watershed's final meeting where she had received the checklist. Ann then pointed out that under the section "Basic Planning Tools" it listed: Comprehensive Plan, Zoning, Site Plan Review and Subdivision Regulations. She then said that South Bristol had a Comprehensive Plan, Zoning, Site Plan Review and Subdivision Regulations in place. She then drew the board's attention to the section entitled "Advanced Planning Tools". Ann went on to say that some of it she thought that South Bristol had in place but that she had not had an opportunity to sit down and actually speak to Maria Rudzinski about the items in that section. The items listed were: a Stormwater and Erosion Control Law, Inspection and Setback Guidelines for On-Site Wastewater Treatment (Septic), Stream Setbacks (Riparian Buffers) to protect and separate a stream from polluted stormwater discharges, a Flood Damage Prevention Law, Wetland Buffers, and Performance or Form-Based Zoning. She said that some of the towns at the meeting that belong to the Honeoye Watershed did not even have any of the "Basic Planning Tools" in place. Ann told the board that she had indicated to Maria Rudzinski that in connection with the "Advanced Planning Tools" that the Town Planning Board was currently somewhat backed up with other work.

Ann also indicated that the time for the grant had run out at midnight on April 8 and that the grant money would have been used for studies on the lake and to educate the people as to the damage that runoff causes. She said that their main concern was Honeoye Lake and that there were some very serious issues there. Ann went on to say that they want to prevent a situation like what's happened on Honeoye Lake from happening on Canandaigua Lake. She also mentioned that the algae situation on Honeoye Lake was very bad and that the people living on the lake, understandably, were very upset. Ann also said that last year the odor down there was horrific and people could not enjoy the outside area. She added that at the workshop she had attended on May 15 they had said that one pound of phosphorus coming off the hills creates 100 pounds of weeds. Ann added that Honeoye was trying to increase the organic farming around the hills but that they have some real issues with runoff. She then said that they were going to increase the surveillance of runoff and that the Honeoye Code Enforcement Officer was going to be more ardent with people about not abiding by the rules and regulations.

New Business

Everwilde Proposal – Chairman Ely told that board that he had been invited by Supervisor Welch to sit in on an informal meeting early in May between some town officials and a group that was proposing to build an inn/hotel and spa on the old Ketmar property which was located approximately across from Bristol Harbour. He said they had a very ambitious program and had shown some slides and renderings. Mr. Ely said that they had compared their proposal to a place called Mirbeau located in Skaneateles, NY. Chairman Ely said that the first thing they were going to do was to apply to the Town Board for a change to the zoning map to a Planned Development. He went on to say per town code their application would have to be accompanied by a long list of things in order for the Town Board to deem their application for a zoning map amendment complete and accepted. Mr. Ely told the board that if and when the Town Board accepts their application then their application would be referred to the Planning Board for their

review and recommendations with regard to their application for a zoning map amendment. Chairman Ely said that his best estimate would be that the soonest the Planning Board would have their zoning map amendment application referred to them for review and recommendations back to the Town Board would be July. He also told the board that at some point during the application process the Planning Board would also be doing a site plan review for the proposed project.

Chairman Ely was asked how many rooms there would be in the hotel. He said he believed they had said 50 but that the primary thing they were going to be offering was the spa. Mr. Ely said along with that there would be an upscale dining room and a bakery. He added that some limited waterfront activities would be offered to the guests. A question was raised about sewer. Mr. Ely said that they were going to be meeting with officials at Bristol Harbour to discuss the possibility of linking in with the facilities at Bristol Harbour. Anne Caprini then added that previously Marie Kenton did obtain permission from Bristol Harbour officials to tie in with their facilities for the Ketmar project. Chairman Ely said that they had stated that their proposal would have less impact on the land in terms of the environment than the Ketmar project would have had.

Bessie Tyrrell asked if there was going to be a cart path down to the waterfront. Mr. Ely said that they had indicated that there would be a cart path but that they would be encouraging their guests to walk down. He said that there would be a limited number of boats available and only for their guests to use.

Update on Planning Board Appointment Process and Guidelines for Board Members-Chairman Ely told the board that they had been given a copy of the policy that the Town Board had developed for the appointment of board members. He then said that the Town Board had been anxious to get an appointment process in place due to the fact that the Town Zoning Board of Appeals currently only has three members. He added that the Planning Board was in pretty good shape with only one existing vacancy. Mr. Ely went on to say that the Town Board had imposed a meeting attendance requirement which was not to say that a board member could not miss a meeting or two. He said he felt that the attendance requirement most likely was imposed to prevent someone from missing numerous meetings month after month. He added that should any board member do so they would now be subject to dismissal. One other thing Mr. Ely said he had noticed was that at the end of one term a person could be reappointed to a board but that at the end of a second term individuals would be required to reapply and go through the selection process. He said he felt that was an attempt to encourage rotation in office. Mr. Ely also pointed out that the Town Board had developed an application form for people to fill out in order to be considered for a position on the Planning or Zoning Board.

Bessie Tyrrell then said that she realized that the Town Board has and always will appoint people to the boards but that she felt that it would make sense to talk to some of the Planning Board or Zoning Board members and have them be part of the application/selection process. She said she felt that something to that effect should be part of the new policy. The board secretary then said that the Town Board had already officially adopted the policy at their May meeting so any changes to the policy as adopted would require it to be amended. Bessie said she still felt it needed to be included. Chairman Ely said he would bring it to Barbara Welch's attention.

Chairman Ely then indicated that on May 28 interviews would be taking place for those people who had recently indicated they had an interest in serving on a board. He said that both he and the Zoning Board Chair were asked to attend the interview session.

There being no other business to come before the board, Chairman Ely called for a motion to adjourn. Ann Jacobs made said motion which was second by Mike Staub. The motion was unanimously accepted and the meeting adjourned at 8:00 P.M.

Respectfully submitted,

Debra Minute
Recording Secretary