

Planning Board Meeting
November 5, 2014

Present:	Mary Ann Bachman	Guests:	Ashley Champion-Nixon Peabody
	Jim Ely, Chairman		Laura Cook - Developer
	Ralph Endres		Mark Costitch-Costitch Engineering
	Ann Jacobs		Evan Gefell – Costitch Engineering
	Mike Staub		Judy Hanley – Town Clerk
	Rodney Terminello		David Hanlon – Project Architect
	Bessie Tyrrell		Howie Jacobson - Redrock
			Frank Sciremammano – F-E-S Associates
			Sue Steele – Bayer Landscape Architects
			Mark Tayrien - LaBella
			Numerous Interested Parties (See Page 40)

Absent: Anne Caprini
Anne Marie Rotter

The November 5, 2014 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 Anne Caprini and Ann Marie Rotter.

Board member, Mary Ann Bachman, then read the Comprehensive Plan Vision Statement out loud.

Chairman Ely then called for a motion to approve the September 17, 2014 minutes as written. Rodney Terminello made said motion which was seconded by Mike Staub. The motion was unanimously accepted by all board members with the exception of Bessie Tyrrell who did not vote as she was not present at the September 17, 2014 board meeting.

OLD BUSINESS

Proposed Logging Ordinance and Other Proposed Changes Dealing with Steep Slopes, Extending Site Plan Approval to the Lakefront District, Animal Control and Barking Dogs-Chairman Ely advised the board that all proposed language was now pending before the Town Board and had been drafted into local law format by the town attorney. Mr. Ely said that the Town Board had invited him to attend their November 10 meeting and that he was hopeful that following that meeting the Town Board would move forward with regard to the proposed legislation.

Watershed Land Use Work Group-Chairman Ely advised the board that he had been meeting informally with the Watershed Land Use Work Group which was in the process of working on site plan criteria especially for lakefront districts on the assumption that the Town Board will

take the Planning Board's recommendation that site plan review be required for development in the lakefront district. He said that he had attended several meetings to date and that it was quite apparent that South Bristol was rather behind other towns on the lakefront in developing adequate site plan review criteria. Mr. Ely said that he had been getting plenty of ideas to suggest for the Planning Board's consideration to then pass on to the Town Board for possible adoption.

Update re Bristol Homeowners Environmental Preservation Associates, LLC v. Town of South Bristol-Chairman Ely advised the board that the lawsuit was still pending against the town and the Planning Board with regard to further development in Bristol Harbour. Mr. Ely said that he had spoken with Jeremy Shear, the attorney handling the case on behalf of the town, who had told Chairman Ely that he hopes that there will be a decision in November and that he remained optimistic that the town would prevail.

NEW BUSINESS

Presentation – Everwilde Inn and Spa

Chairman Ely: Let me just take a moment to set the stage. I don't want to repeat what all of you may know but I think it is important that we all are on the same page. This is a proposal for a Planned Development District popularly called a PD in our code. The Planned Development District is, in a sense, an amendment to existing zoning map where the area is presently zoned residential. Since it is an amendment to the zoning map, the final decision as to whether or not the PD will be created does not rest with the Planning Board. It is a decision for the Town Board. However, under our code, once the Town Board has completed a preliminary review of the proposal they refer the matter to the Planning Board for their evaluation and recommendation. I want to be very clear that the Town Board is not obligated to accept our recommendation but we, at this stage, have just begun our deliberations with respect to a potential recommendation at some point in the future.

In terms of how we are going to proceed tonight, I am delighted to see such a large crowd here. All of our meetings, as you know, are open to the public and usually, I can tell you as a fact, not one person shows up. So it is nice to see so many faces, some of you familiar to me, sitting out there in the audience. We are going to be circulating a sign-in sheet for you sign.

I envision tonight essentially as an informational meeting. We are going to momentarily asking representatives from Everwilde to begin their presentation to us which I'm sure everyone is interested in seeing. This is an opportunity for the Planning Board for the first time to have the proposal presented to them and for the board to ask questions so the board can become better informed as to the proposal itself and what problems need to be addressed. It is not, in other words, a situation during which we will be having public comment time. I want to emphasize that there will be plenty of opportunities for public comment and public hearings if this matter

progresses. I want to further emphasize that we have already received a large amount of comments and mail. Some have been placed upon the town website and others, I believe, have been placed in a binder in the Town Clerk's office. I am well aware that this is a topic of wide community interest and we are very pleased to hear from the public and I hope that you will continue to be informed and to be involved. But tonight is not that night. Tonight is an informational session primarily for the Planning Board to learn more clearly what the dimensions of this project are.

Lastly, I would like to introduce Mark Tayrien. Mark has been engaged by the town. He is an engineer with experience in this area. He has been engaged by the town to help the Planning Board, in particular, and to fill in where we may have some gaps in our knowledge and our background and experience. So I thank you, Mark. Incidentally, I have encouraged Mark to ask questions of the proponents along with members of the Town Board. So, with that, I would like to turn things over to the representatives of Everwilde. As you come forward, please introduce yourselves into the microphone so that the minutes will be correct. Thank you.

Mr. Sciremammano: Can everyone hear me? (Response: Yes) I will primarily be addressing the board. My name is Frank Sciremammano. I am also an engineer and I am with F-E-S Associates in Rochester, NY. We have a number of team members here tonight and I would like to introduce them. First, the principal for the project and developer, Laura Cook. We also have Howie Jacobson, the spokesperson for the project. Ashley Champion is our attorney from Nixon Peabody. Sue Steele is here and is with Bayer Landscape Architects. Mark Bayer, the principal is also involved. Mark Costitch and Evan Gefell are from Costitch Engineering, our engineers. Dave Hanlon is our project architect. So we have assembled a fairly impressive team of local people brought in for their expertise and we were very fortunate because the developer of the project told us that she wanted to be sensitive to the site, sensitive to the neighbors, do her project in a way that is right and, most importantly, be transparent with the town by putting the facts on the table, not trying to hide anything and not trying to do things underhandedly. So, in that spirit, I am going to try to explain what the project is and also we will touch a little on what it is not as there have been some myths going around.

You have already covered the purpose of the meeting quite well. The next steps after the recommendation would be that the Town Board would consider the rezoning. If indeed they do change the zoning to a PD, it would then come back to the Planning Board for site plan approval.

So let me talk a little bit about the project. We tried to put the boards where people could see them and we may or may not be successful. We have also hidden the board secretary behind some of our boards. We will try and jockey the boards around so that everyone can see them. We have duplicates of a couple of board so everyone can see.

Let's talk a little bit about what the project actually is. You can see it on the plan. (Mr. Sciremammano pointed to the plan showing Seneca Point Road, Coye Road, and the Bristol Harbour golf course to the west). (Pointing) The property line goes along Coye comes down and goes down to the lakefront, 550 feet approximately on the lakefront, back up and then widens again back up to Seneca Point Road. As many of you are aware, this is a very steep wooded project site and so this project is clustered up at the top to preserve the wooded sloped areas. The project consists of an approximately 80,000 square foot building. In there will be an inn with 50 rooms, a spa with 18 treatment rooms and then a restaurant/banquet facility. The restaurant would have 75 seats plus a 25 seat more casual bakery and coffee shop. The banquet facility would have two rooms, one accommodating up to 200 and one accommodating up to 100. Obviously, we need parking. The parking lot is laid out to the north, again, in the relatively flat area of the site and there is a small patio with a pool that looks out over the lake at the end of hotel. We are also proposing to upgrade the existing road, and it is existing fairly wide, that goes down to the lake. We are not sure if it is going to be permeable or not. We have been on the site with the Soil & Water Conservation folks. They said that a permeable soft surface may not be appropriate. So we may end up paving that. It is going to be approximately 10-12 feet wide and only for golf carts. The golf carts would be operated by the hotel staff only. So this is not something where the public is going to be able to go up and down. At the lakeshore the road will terminate and there will be a very small parking lot area, just for the golf carts. There will be a seating area which will be covered but open. We are going to put restrooms down there and water service. We feel it is appropriate to have restrooms down by the lake and then an improved stairway system leading down to the water and on the water a swim platform and then a boardwalk leading to docks for 8 slips for boats and one boathouse that will contain two boats. So a total of 10 boats down at the waterfront. The slips will be for transient use for people using the inn and spa. The boathouse will have a permanent boat in it which the hotel will own and take people out.

What I would like to do now is to introduce Sue Steele from Bayer Landscape Architects. Sue is going to talk about our approach to the site and the building and how we have tried to make this thing fit into the site and screen it as best as you can screen the facility. We do have 11"x17" color sets of the plans that we are showing you on the boards for each Planning Board member.

Ms. Steele: There are several sheets and other boards that we will be introducing as the presentation goes on but that first one is the one that I will speak to. I am a landscape architect with Bayer Landscape Architecture. As Frank mentioned, one of the really unique parts of this project is our client and her interest in low impact development and making sure that this is an environmentally sound project. As landscape architects and stewards of the environment we are thrilled to be involved with the project because we get to put into practice all of the sustainable strategies that we know municipalities need, communities want, and more

importantly that the environment is starting to require more and more especially in a lake community.

So we have been challenged quite a bit to really approach the site from an environmental standpoint and one of the things that is pretty unique is that as we've been on the site we are focused on preserving and not disturbing the wooded area, not developing on the lake, and as Frank indicated really clustering the development into this upper area. So with that in mind, I'm going to talk about a few key parts of the project, key site elements that are important to the project. Before I get into those I would like to mention, and you may be familiar with the site and I assume that most of you are, the topography is such that it slopes south along Seneca Point Road but then it also slopes down to the lake. So it is a unique site and we are approaching it a little different than your traditional manner. We are not taking a flat building and putting it on the site. We are really going to work with the typography. We are going to step the building down. So essentially we will have three pods. What we are doing is we are taking them and stepping them down the building and down the site which is going to minimize the impacts from Seneca Point Road and also will do a lot for any visual impacts on the lake. We went out on the lake. Again, our client is really pushing us to study the site and understand what we are proposing with this development and making sure that we are doing right by the land. We went out on the lake and we looked at how the site is oriented and how the building is oriented. We really gave a lot of thought to it. It is oriented in the east-west direction so that if you are on the lake and looking at the building, you are looking at the short side not the long side. It steps down so that middle section is a really interesting and important part of the section of our building where the spa is. It is actually at grade on the uphill side. It is a green roof so you will see vegetation, you won't see a building of very long mass on the site. Again, it is going to step down and it will break it up so that the mass won't be as impactful when you are viewing the property. So that's the building. We have really tucked it into the landscape and worked with the site to make it so the building will have as minimal impact as possible. We are not going to manipulate the site and the land as much as would maybe be required if it were a more traditional development. So, again, our client is really focused on maximizing the environmental sensitivity of this project and not maximizing development space on the site.

One of the other elements that I want to talk about is the parking. We are working with the topography. We really approached the parking lot to be parking rooms. So we are thinking about it as rooms. For those of you who might not be familiar with what a parking island is, it is common to us, but maybe not to everyone. If you think nose to nose in a parking lot the two cars are separated by a curb or a curb with some landscaping in between. We have these parking areas and in between there is landscape parking islands. In some municipalities it is required by code to have those parking islands. They range 8-12 feet maybe. South Bristol does not require parking islands per se in parking lots. But we are going above and beyond. We are proposing 20-25 foot wide parking islands to really define these rooms and to break up the parking that is required for this type of a program. Again, working with the topography,

these rooms are stepped as you go down as you head south. So at the top of the parking lot, the northernmost end as you look over the parking lot you won't see the parking lot for our visitors to this site. The parking will be buffered. You will be looking over the cars. At the south end looking up you will see these large, expansive planted parking islands. That also has benefits beyond the property boundary because the parking lot will also be buffered to anyone surrounding the site. We have also left a generous buffer around the property. We've got 70-100 foot buffers around the parking lot where we can do some landforming that fits in potentially to the site and that we can enhance with some landscaping to really buffer the parking from Seneca Point Road and also from Coye. When we were out there recently we flew balloons and we did that to study where the ridgeline of the building was. When we were out there we were really excited because all of the work that we have done so far has proven beneficial. The ridgeline and where we have the building located, with the elevation of the site, the highest elevation of the building is within the tree line. So it is really not going to be very visible. We could tell, studying on Coye Road, that just a modest landform, a modest berm, will help buffer any parking or any activity that is on the site.

The lakefront is another key element of this project. What we are really trying to do is just provide modest amenities for the users of the inn and spa. This isn't going to be a marina. This isn't going to have the feel of a marina. This isn't going to have 25 plus boats. It is just 10 modest boat accommodations for guests of the inn.

So I guess in closing on the site elements, I just want to reiterate that our approach and what is the basis of our design to date, is really focusing on these key elements that have sustainability and environmental sensitivity in mind. If we can get that right now at the onset of the project, when we get into detailed design we can knit all of these pieces together and really create a quality product and project that is going to enhance the Seneca Point corridor and also the lake community.

Mr. Sciremammano: Thank you, Sue. So let me go a little further. We also put a lot of thought into storm water treatment as well as sewer and water service and for that I am going to introduce Mark Costitch who is going to give you an overview of how we plan on doing the stormwater management for the site and also our status in terms of sewer and water service.

Mr. Costitch: Thank you, Frank. Again, my name is Mark Costitch. I am a civil engineer with Costitch Engineering in Rochester. Very early on in the process we obviously identified that we need sewer and water to service the project. We looked at what was done in the past. I think Frank is going to talk about the fact that there was a 20-lot subdivision proposed in the past and there were accommodations made for that project to connect to the Bristol Harbour Sewer and Water Corporation which is a Transportation Corporation that was formed for the Bristol Harbour development. That's a corporation that the town is party to and it is approved and reviewed by New York State Department of Health as well as New York State DEC. So there

is an agreement in place that we feel is transferable and that agreement basically allows for 20,000 gallons per day to be drawn from the subject water and sewer and we have proposed to continue with that approach. Since June we have been meeting with Bristol Harbour sewer and water people, the sewer superintendent and the general manager and we have had several meetings, corresponded back and forth and we have dispatched surveyors and laid out sewer and water very similar to what was done in the past. We have also designed a pump station that would deliver that service over to the Bristol Harbour site. So, at that point, we have designed the system. We have submitted it to the town. We have submitted it to the Health Department, Bristol Harbour Sewer and Water as well as the DEC. So we think that is the appropriate approach. We believe the agreements are in place. There may need to be some modifications. We have asked the town to host a meeting between all of the involved groups so we can work on finalizing this.

We also do have an alternative approach in the event that for some reason we can't come to grips on using the Transportation Corporation. We have looked at sizing of an on-site type system. There are 2014 regulations on what is called a "drip system" that is approved by NYS DEC and we have estimated that we would need approximately three acres of space to facilitate providing an on-site disposal system and we could also draw water from the lake or from wells so we feel we have an alternative system. We think we have moved fairly far along on sewer and water.

With regard to storm water, Frank mentioned that we did meet with Conservation people and the Water District people. We have walked the site several times. We think we have a very good approach. The first thing we want to do is look at the developed area, what we refer to as the plateau area (the flat area) up top which would be the parking lot and the building. In this area we are obviously introducing a more impervious area so we have to look at the water, we have to look at water quality and look at quantity. The first thing that I would like to say is that we are going to design everything with all DEC and state and federal requirements in mind. So we are going to comply completely with the requirements for green infrastructure. For the upper area, the parking lots that Sue talked about are terraced and those green islands that she spoke of are going to contain bio retention areas. Those are areas where the storm water will run into. They will be planted with certain types of plants that are conducive to having water run into them. The water runs through and filters and that is called pre-treatment. Then it will be collected again and it will be conveyed down the slope to an area where we would have more of a conventional type detention facility. With time, it will probably resemble more of a wetland. That would be done in conjunction also with the green roof that Sue mentioned that will be pre-treatment for building roof areas. So that is another green infrastructure practice. The net result is that we are collecting all of the water from the developed area. We are going to hold that water. We are treating it and we are going to convey it down the slope to the lake in a very small controlled flow. It won't have any chance for erosion. It is going to be controlled within a pipe system. So we are not adding any water to the slope that could add to

erosion. That is the first phase of the storm water management. There is also the existing storm water on the slope that has eroded and resulted in erosion and sediment clogging the systems and it is very much in the interest of the County individuals as well as the project sponsor to make sure that works properly. So we are going to go through and redo the culverts along the cart path. We are going to reinforce where stone filling should be placed to stop erosion. We are going to use various techniques like plunge pools, check dams and things of that nature that will slow the water down, dissipate energy and make it so we can have a system that is maintainable and there will be less runoff as a result of what we are doing. So we have a two-tiered approach. We think that we have a very good approach and we feel that it is just the details that need to be brought forth. We did not see any opposition from anybody that has looked at it. They seem to feel that it is a viable approach.

Mr. Sciremammano: Thanks, Mark. I just want to emphasize two points from Mark's discussion. One, we feel that we do have a legally enforceable agreement with Bristol Harbour for the sewer and water. We think it is in our best interest as the applicant and in Bristol Harbour's best interest to do it that way as well as the town's. But in the event that doesn't work we could do an on-site system. There is plenty of room and we can design that to meet all of the current standards. The second thing is on the storm water. As you go down the existing road there is run-off coming from off site that crosses the site and it runs down to the lake and some of it stays on the site. Those are the culverts along there that being washed out now. We are not going to add water to that but we are going to try and fix the situation. Again, we are going to put in stone, put in new culverts and we may line the channels so that it slows the water down so that when it does cross and come out on the neighbor's property, hopefully, it is at a lesser volume, lesser velocity anyway, and it will stop any erosion problems there.

So with that I would like to move on because one of the things that has been talked about is why do a rezoning? Why not live with the current situation? Again, we will talk about how we believe that the PD zoning actually advances the town goal and is appropriate for the site. But I do want to talk about the comparison to the 20-lot subdivision which is approved which is filed which could be built tomorrow. Somebody could come in and pull building permits. It is a legal subdivision which is already filed. The lots are out there. There are no further approvals needed as far as we have been able to determine.

So this is the alternative (pointing to the 20-subdivision drawing). As you can see, that involves grading and destroying the trees and grading right down the slopes including four houses along the water, 20 boat slips and five moorings. That has all been approved already. The 20 lots exist. They could be sold tomorrow. They are all subdivided. They are all filed. Somebody could come in and pull a building permit and start building. So that is the alternative. But even if it wasn't. Even if there was the 3-acre minimum lots, you are still going to get disturbance and construction on the slopes. You are not going to be able to cluster these single family lots that want to have waterfront and want to have access up at the top. So we believe that the PD

zoning is appropriate. Moreover, in the ordinance it talks about that. It says that a PD zone is for a mix of uses that can be accommodated and developed in a unified manner. That is exactly what we are doing here. The hotel, the spa and the restaurant which are three different kinds of uses, not necessarily all permitted in one district in the town, this is an appropriate approach to doing this type of development. Clustering the development up at the top is environmentally sensitive to the site. It preserves the open space and the views on the lake. We do have some comparisons and it is a little hard to see on these tables but we have plotted them and you can see them on your copies. With regard to the amount of disturbance to the site under our proposal and under the previously approved 20-lot subdivision. You will see that in terms of site disturbance along the waterfront we are proposing .59 acres of disturbance to the wooded areas and the previous one along the bluffs with the four houses is over 2.2 acres. Coming down the slopes is where it is even more dramatic. We are proposing .89 disturbance and that is really tied into replacing the culverts and bringing the road down compared to 11.9 acres of disturbance and the woods gone. Also, the total disturbance to the wooded areas with the 20-lot subdivision is 18.51 acres and with our proposal it is 6.32 acres. Up on the plateau you can see the breakdown which is roughly the same but it is clustered.

We have some further comparisons that I would like to point out because people are being lead to believe that if you don't rezone it, it is going to remain green and somehow less disturbed than we are proposing. So we have a board showing the waterfront area. Again, under the approved subdivision you have four lots sitting at the top of the steep bluff, parking areas and roadways coming in, a cart path that goes right down to the water, storage lockers along the water and then 20 boat slips extended across the entire site and five moorings. As compared to again, a parking area, an open seating area, restrooms and water service, and a stairway with a walk so that pedestrians can get down to the waterfront. The area here along the boardwalk would be for canoes and kayaks, a swim platform and a total of ten boat slips – eight plus two in the boathouse. So we think that there is a real difference between not rezoning it and rezoning this.

We have another board which shows kind of a cross section and illustrates what this would look going down the slope with the 20 lot subdivision as opposed to what is being proposed here. You have that in your packets also. This is schematic but I think it does illustrate not only the amount of disturbance but the amount of grading that would be required on the steep slopes. If you walk the site there is very little that is level. So to create house pads and put in driveways quite a bit of grading changing the landform would have to occur all the way down the slope in order to get the houses in. Again, we avoid all of that. Then, finally, as Sue mentioned we did go out on the lake to try and illustrate the difference in the visual impact to the lakefront, to the wider public that uses the lake. So we put a boat out into the water and took some pictures toward the site and then superimposed on that what it would look like, we believe, with the housing development as opposed to Everwilde. (Pointing to photo board) Here is the existing view at the top and here is what it would look like with the cut down. The slope with the

houses in place, obviously, they would not all be white but they would stick out and then what we are going to see with Everwilde which is the tip, the tippy top, on the end of the building way up the slope. Again, with the docks down here (pointing to sketch) but not nearly as imposing as the previous one.

I know the town right now is very sensitive to economics and to the fiscal impacts of development. So we have another comparison chart that we have prepared. This has to do with economic and fiscal impacts. In terms of job creation, during the summer season part-time 60 jobs with this project and zero with the housing development. Full-time in the summer 15 jobs, zero with the housing development. During the winter, 40 part-time jobs and 12 full-time jobs versus zero with the housing development. In terms of property taxes we have done an estimate and we have estimated very high on the houses of what they might be worth which was \$1 million dollar houses down at the lake and \$500,000-\$700,000 for the rest of them. With that, under the existing approved 20 lot subdivision to the County \$75,800 and over \$102,000 for the Everwilde project. For the Town of South Bristol, it goes to \$10,300 from \$7,600. The school district goes from \$184,000 for the housing development to \$249,000 but that doesn't really state the impact because with the housing development you are also going to generate students and we project the cost to the district at about \$110,000 so their net is going to be fairly small, roughly \$75,000 as compared to a net to the school district of almost \$250,000 with our project. So the project is real positive in terms of jobs and in terms of fiscal impact to the community, to the local governments, with essentially no additional cost to the local government.

So with that, I would like to discuss fairly briefly some of the myths that have been perpetrated that we have heard about and what the actual facts are because we are sensitive to this. Again, our client told us to be completely transparent – here is what we are proposing and if the town likes it great. We think it is a good idea. Others are now spreading things that are not true. So one of things that we read very recently was that a developer is requesting a 20 lot subdivision AND additional commercial activity. Our proposal is strictly for the inn, the spa and the hotel. The 20 lot subdivision goes away. In fact, we are going to take the 20 lots and combining them into one so that can't happen. The second thing that we have heard is that the developer is asking for "relief from the Town of South Bristol zoning regulations". The PD zoning is part of your zoning regulations. It is allowed. We have to ask permission. The Town has to want to do it. They must decide if they think it is the right thing to do and if it is the smart thing to do. It is certainly in conformance with the zoning regulations. We are not asking for any relief. Of course, with the PD zoning, it is kind of moot but we don't think we need any variances. We plan on complying with the Docking and Mooring Law as well as all of the town regulations. We've heard that the proposal is spot zoning. I can let the attorney speak to this if you would like but basically spot zoning is where you zone a little area within a larger context. This project is right across the street from an existing PD zone, a very large one. It fits right in with the tourism and hospitality of that. It also minimizes the impacts to the rest of the site so it's an

appropriate clustered development up at the top. Spot zoning is actually the opposite of that. Another thing we have heard is that the project will result in excessive land destruction and increased stress on wildlife. Hopefully, our comparisons to what could happen under either R-3 or the approved 20 lot subdivision will show that we are actually going to preserve the wildlife and the steep slopes and the wooded areas by clustering. Another thing being said is that our project will result in more lakefront disturbance and use than under existing zoning. So, again, we show you the existing zoning with 20 docks and five moorings approved and permitted compared to 10 slips which are going to be just for transient use for the hotel. Another myth is that this is only the first step in a much larger development of the site. As you folks are aware and the public may not be, the PD zoning will lock this in. This is a single phase project. It is not multi-phased. So what the town approves is all that gets built on that site. The only way to expand it is to go back and get another rezoning or change that PD zoning. So it will lock in the preservation of those slopes by having the development cluster at the top. So, hopefully, that will shed some light on some of these misconceptions that are being spread around the community.

We have one more board which is a color rendering of the building. Again, we have not finalized the architecture but our anticipation is that it would have this style (pointing to board) for the main building and you can see that the spa steps down and it has the green roof. It is actually two stories but it's stepped down. The hotel then steps down. So, again, it is built into the hill and steps down.

So to go back to the purpose for tonight is for us to introduce the project. Hopefully, we have done that and not bored you to tears. We also are here to get your questions and concerns. We anticipate that you will not make your recommendation tonight. We expect that we will back here next month and we hope that you can come up with a recommendation keeping in mind that the question at hand now is should the property be rezoned to PD not the details of the project. The details will come with the site plan. However, you will fix the general outline of the project now with your recommendation and the town with the rezoning, then we will come back here and decide exactly what trees, exactly what storm water management, and so forth. We will be happy to answer any questions. We look forward to your feedback tonight, hopefully, inclusive of any questions you might have, any concerns, any problems and then we can hopefully address them before the next meeting. We did have the site walked. We expect a letter from Ontario County Soil & Water as well as the Watershed Inspector that will come to the Town Board and to you. I think we know what their comments are going to be and I think we are trying to address them. So, with that, I will sit down and listen to your comments if that is appropriate or I can stay up here and you can throw things at me.

Chairman Ely: Whatever you feel comfortable doing.

Mr. Sciremammano: So, again, we look to the board for any comments you might have or questions you might have.

Mr. Endres: All the members of the board received a letter from David Flaum stating that Bristol Harbour water and sewer were not going to be made available to you and that they were going to keep that for further building within the Bristol Harbour PD. That is the biggest single point of contention with a lot of the members of this board. I would like you to speak to what your plan is if you can't use that.

Mr. Sciremammano: First, let me introduce Ashley Champion who is our attorney with Nixon Peabody. She has reviewed the existing agreement and also the New York State Transportation Corporation Law which we feel obligates them to take our sewage. We will let Ashley speak to it.

Ms. Champion: Thanks, Frank. Just before we address your specific question on the alternative if the sewer and water districts are not available for our use, I just want to touch briefly on why we don't think that is an issue. I have reviewed the existing sewer and water contracts that benefit this property and the way that most contracts work is they run with the land. So the prior developer who owned this property, the one who proposed the 20 lot subdivision which was eventually filed and approved that Frank alluded to that could be built at any time, had signed agreements delivered and approved by the Town Board here in South Bristol agreements for service to the site not just for that particular project but to the site for both sewer and water. Those contracts are transferable and they are freely assignable. You may think that makes sense as every time a new property owner purchases a piece of property they shouldn't have to figure out how they are going to get water. The water comes with the land. It comes with the property. So we don't think that there is an issue with the transfer of the existing contracts. There will have to be a few tweaks. Obviously, it is a different project so the limits and some of the different provisions in there are not going to be exactly the same but that isn't anything we feel we can't work through. As sort of an additional layer to the availability of sewer and water at the site even if we did not have those existing contracts which are freely assignable which run with the land and which we will benefit from as the owners of the land. The New York State Transportation Corporation Law allows these type of utilities, which are quasi-public entities to be formed for the benefit, not just of a specific project, as that would be a private utility. For example, you can have your own private sewer system and have your own private water system. That is not what these are. These are quasi-public entities and they are formed for the benefit of the town and the area in which they are formed. A lot of times they are formed as an alternative to municipal services. So if the Town of South Bristol didn't have its own municipal water or municipal sewer system the Transportation Corporations act sort of on behalf of and in conjunction with the town in order to provide those services to town residents where service is available and where it makes sense. Here, with the close proximity to the existing improvements, it would be our obligation as a developer to

construct, pay for and build up our onsite system as would be needed in order to accommodate the sewer and water and then pay to tie into the existing system. So it is not a cost that the Transportation Corporations have to undertake. It is our cost to construct on site and to build the improvements necessary to connect. But the actual connection is something that is more of a right. As a quasi-public entity if they have capacity in their sewer and their water corporations, which we have no doubt that they do because Mark's done a lot of due diligence on that, then they are obligated under New York State Law to provide those services and the town is a party to that. They have approved the formation and would also have to approve the expansion of those entities. So that is how that works. Therefore, they don't get to say, "We don't want to give you sewer and water so we are not going to". If the capacity is there and we are willing to pay on our end to construct the improvements and connect then we would have the right under New York Law to connect. We have not seen the email that you are referring to. We did not receive that email. Mark, throughout the past few months, has been working diligently with the folks over at both the sewer and water Transportation Corporation utilities to figure out exactly how the connection is going to work, what our onsite improvements are going to be, how it is going to affect their existing operations and we have gotten no negative feedback from them. We have never been told by them that it's not feasible or that they are unwilling to provide us with sewer and water. So from our end there are no issues there.

Mr. Sciremammano: Could we get a copy of the email from David Flaum? We have asked for a copy but haven't been able to get it. (A copy was provided) Thank you very much. This looks like it's from South Bristol Resorts LLC which I am not sure is the actual Transportation Corporation.

Ms. Champion: It's not.

Mr. Costitch: We are speaking to the representative at Bristol Harbour who is the superintendent of the sewer and also to the general manager. I have copied and categorized all of the correspondence. We have had meetings. As a result of those meetings, we prepared meeting minutes and I have compiled those altogether and have given them to the town engineer and I can give them to you. So we have dozens of emails.

Mr. Endres: This was a letter not an email.

Ms. Champion: The letter appears to be from a limited liability company which is not, in fact, either the sewer or the water district. Those are completely separate entities. So I am not sure if maybe there is some overlap in personnel involvement from one to the other.

Mr. Endres: They are owners.

Ms. Champion: But with the actual state regulated utilities things have been moving along smoothly with them. I think Mark has just provided you with our documentation on that. So we don't anticipate any issue from a legal or practical standpoint with connecting to the existing utilities that are offered in the town but Mark can maybe speak a little bit more about the alternative as we are prepared, if it makes sense from either end, to do the onsite treatment and onsite providing of water.

Mr. Costitch: Included in those minutes, I think one thing that is important is discussions with regards to capacity. We did provide them with our flow rates. We are talking about generating about 11,000 gallons per day. The documents do talk about 20,000 per day and within the minutes ... (Mr. Sciremammano interrupting)

Mr. Sciremammano: The documents being the previous agreements with the land.

Mr. Costitch: (Continuing) In the minutes there is considerable discussion about the current operations at Bristol Harbour with the superintendent of the sewer and we can provide that to the town engineer.

With regard to alternative systems, we always look at backup approaches to things. DEC does have regulations for conventional leach field systems which I am sure you are all familiar with. Around the lake there is a variety of processes. This is obviously larger and they have regulations for that. In fact, they have brand new regulations in 2014 and there are some new technologies. I think the one that we are looking at has been about 7 years in the making of getting approvals for the drip-type system. The drip system is very good for this site because it works on sloped areas which, again, we are going to be in a flat area with our system here but it still is sloped. It works in shallow areas so it can be very shallow. It is not very disruptive to the site. You can actually install the system by hand. Basically when we say "drip", it is a lot of very small diameter pipe. It is staged and there are pumping systems that send different amounts to different beds. This is an alternative system that has been approved by the DEC. It is good for the types of soils we have. It is actually within the top soil layer. We have talked to the manufacturers and we have run some calculations and we think it is about three acres in size and that is where we would have our beds. We would have pre-treatment. It's certainly not a simple system. It is quite elaborate but it's very doable and very much regulated. So we have an alternative there.

With regards to water, water could be drawn from the lake. We would then have a package system that would look at chlorination and all the appropriate measures to meet the DEC and Health Department standards. There is a well that exists on site. We have not done any work on the well. We could look at that as an alternative approach also. Water is the easier one. Sewer is larger. To get an idea of what we are taking about with regard to generation of sewage, we're equivalent to about thirty three (33) three-bedroom homes.

Mr. Endres: That includes the bakery?

Mr. Costitch: That includes everything and that is using DEC standards to calculate.

Mr. Sciremammano: And, again, I want to emphasize that is our backup plan. We really think that we have a legal right as well as an agreement that is enforceable to connect to the sewer system at Bristol Harbour. It is better for this development and it is better for Bristol Harbour to have us hooked up and better for the town. We have gotten emails back and forth asking for information, us giving them information, and so forth. The letter was not sent to us. It is not from the Sewage Corporation. While it may be some same individuals it is a regulated Transportation Corporation under New York State Law, PSC involvement, and they have an obligation to provide service for the area.

Mr. Costitch: Beyond that, us connecting would provide year-round flow. Right now, the demand goes way down at Bristol Harbour for the residents and the facility because people don't live there year round. Many of them live there for the summer months. So we would provide more flow and more demand on the water. Both are good to systems. To use them is better than not to do so. The water quality will be better as a result. Again, these have been talked about in our meeting minutes. So we are pretty surprised, actually, about the letter that you received.

Ms. Champion: I am looking at that letter for the first time and it is not saying anything different than what we conveyed. Again, it is not from the state regulated utilities. The comment that the agreements are no longer in effect because the property was sold is incorrect. As I mentioned before, these agreements are not the type that go away when property is sold. If the developer, after the 20 lots had been created, when they sold each one the utility could not say "Never mind, we are not giving water to Lots 5, 8 and 10 anymore but we will to the rest of them". It runs with the land the same as with any other piece of property. If you have utilities available, RG&E can't say "I don't like the new owner and you no longer have electric". That's not how it works.

Mr. Sciremammano: More than that, at least one of the agreements explicitly says that it is transferable. So we are not sure where this is coming from.

Mr. Costitch: And both agreements state that there is sufficient capacity, right?

Mr. Sciremammano: Right.

Ms. Champion: For this board's review, obviously, in order to move forward with any development you have to be sure that appropriate utilities are going to be available in one form

or another. As we said, our first choice for a lot of reasons is to utilize the existing utilities that are available to the town. But, then again, we can handle everything on site if necessary and the details of those alternatives will be flushed out during the SEQR process that we are going to be undergoing with the Town Board. So, we want to assure this board that we will have adequate sewer and water at the site whether it is through the state regulated Transportation Corporations or whether it is through an on-site private system and Mark will have all of his numbers and calculations available during the SEQR process that we undergo with the Town Board to make sure that everything is environmentally adequate.

Mr. Endres: So the secondary sewer treatment plan that you are talking about is a septic.

Mr. Sciremammano: Basically, it is a septic. It is a modern version of a septic.

Mr. Endres: The land doesn't perk up there.

Mr. Sciremammano: That is why the drip system. It works in shallow soils. It is a new kind of system that people have been developing for this kind of situation.

Mr. Endres: The City of Canandaigua took almost two years to get an increase in the amount of water for 200,000 gallons a day extra because they increased their water district to the Town of Cheshire and Bloomfield, I believe. It took them two years.

Mr. Sciremammano: We think that there is adequate capacity now within the Sewer and Water Corporation.

Mr. Endres: I'm talking about your own water system.

Mr. Sciremammano: We have a well. We can draw out of the well. There is a well on the site already drilled. We haven't tested it yet. But we can if we have to.

Mr. Endres: I suggest you test it.

Mr. Sciremammano: We will do that. Again, obviously, the project doesn't happen if we don't have sewer and water. That's our assumption as well as yours. We are confident that we can get sewer and water from the utility. We think they have the obligation. If they don't, for some reason, then we have the on-site alternative. If that is the only issue we have, we can go home and work hard on it. I don't know if you have any other things.

Mr. Endres: I live at Bristol Harbour and I was told by the fellow that runs the water and sewer one morning when a house burned down across the street that the capacity for

water is not a problem because they can take 200,000 gallons a day and on average they use 41,000 gallons. The problem is that the ponds up on the golf course all have to be dredged and dug deeper for the extra flow of sewage. There is a sediment pond which has got to be made bigger. Then, from that sediment pond, they pump it up into all the golf course. The one pond takes the water from the water tower that has to be dumped after a certain amount of time because of the chlorination factor. That's where that water goes. That would have to be increased in size.

Mr. Sciremammano: He's telling you that and not us even though we are talking with their engineer.

Mr. Costitch: Actually, you are talking about Paul Lamphier, who I have met with and who has said that there is sufficient capacities and it is documented in our minutes of the meetings that we have had. He is encouraging us to connect because it would create revenue also for the sewer district which would be good because rates are high. We submitted plans to Bristol Harbour Sewer and Water, the DEC, the Health Department and to the Town. I have that submission here. I have given it to the Town Engineer. At the conclusion of that I asked that we be able to have a meeting at the Town Hall with town representatives, with DEC representatives, with the Health Department representatives and Bristol Harbour Sewer and Water people. Our goal is to bring it to a head. We don't want to sit there and have letter writing campaigns. We want to solve it and if we are all at the table I think we will.

Ms. Champion: As Mark just said, not only are our consultants involved and the engineers for the utilities, the town is going to be involved on some level modifying the existing footprint of the district and there is also several state agencies involved because they are highly regulated utilities. The agencies that are involved have already gotten involved with the process and from our perspective we are moving forward. I think it is helpful to have this dialogue right now because there are a lot of misconceptions and maybe some unhappy individuals who may be saying things that may be different than what our process actually is and what we have actually experienced so far. So I think it is good that we all know. It is good that we know what you are hearing and it is good for you to know what we are actually experiencing. With regard to sewer and water, we realize that is our burden and that is our task. We are taking it on and we are moving forward with it and we can assure you that we will have sewer and water at this site. Obviously, this board in any recommendation if you were to make one to the Town Board, and in any approval if the Town Board were to give one, would be conditioned upon us having adequate sewer and water facilities at the site. So that kind of goes away as a worry because we can't do anything without it and we would understand and expect that all involved state and local agencies, including this board if they were inclined to give any approval for this project, would condition that approval on us providing adequate sewer and water at the site.

Mr. Sciremammano: So maybe we will modify the board that we prepared that has the misconceptions and the facts to add a line with regard to sewer and water service because individuals are being told things that are not in line with what we are hearing from them. So it will be good for us to sit down with the principals and actually work that out.

Mr. Jacobson: Now I am going to add a couple of things as information for you. We have met face to face with the owners at Bristol Harbour. David Flaum is one. Phil Saunders is another. Doug Weins is another. Also with Greg Mulhearn.

Ms. Champion: So you are talking about the business entity, Bristol Harbour and not Bristol Harbour, the utilities.

Mr. Jacobson: Right. So the David Flaum you referred to is part of South Bristol Resorts. At no time has anyone said to us face to face that there is an issue. It was said to me in a group meeting that they expanded. They have capacity for 800 some odd homes. So the idea of putting 25-33 homes through which is our usage was no issue. As a matter of fact, that's what we did. I'm not an engineer. I am just listening to conversation. If somebody wrote a letter to the town, in fairness to the process here, this was emailed from what I understand. When I found out about it, because The Daily Messenger called me and said there was this email, I called the town and they told me that they had received it and were trying to figure out how to get it posted on the town website as they were having a disconnect. The town supervisor was very nice and read it to me. I know that you, Jim, had contacted us to see if we were planning to come tonight because of this email. This email came from left field. Yes, David Flaum is involved with the Resort but there are different entities.

Mr. Endres: Are you saying that Saunders, Weins and Flaum are not the principals of the sewer and water district?

Ms. Champion: I think they are involved.

Mr. Sciremammano: It is a regulated utility. It is not a personal asset.

Mr. Jacobson: They wouldn't have sent this on that letterhead because it is a quasi-public entity.

Ms. Champion: So if they did have an issue, as Howie has stated, they have not expressed that to any of us. If they did have an issue with the project for whatever reason we think that the projects are complimentary and feel that it is going to be a great area of the town where the tourist destinations are located in one place and where the local residents of the town and also people coming to the Town of South Bristol can experience the beauty that it provides. It will be a great cohesive area. But, if for any reason, the Bristol Harbour business had an issue

with the project they would have to voice that as the Bristol Harbour business because the utilities are state regulated utilities. They are completely separate entities. The DEC is involved, the Public Service Commission is involved, the Department of Health is involved, the Town Board is involved and the principals of those entities could not take their political positions and oppose projects for the sake of it. Their duty under state law is to provide water and sewer when they have the capacity.

Mr. Endres: Well, to me it is quite clear that the difference is that 20 houses does not represent business competition and your project does.

Mr. Sciremammano: That is the motivation behind the letter, obviously. On the other hand, we think that this will actually enhance Bristol Harbour. It will give people a place to go and that they will sell more houses. We feel that people will desire to be there more because of the bakery and coffee shop and not having to drive to Naples. If it's a business competition issue that is clearly something that this board should not be weighing.

Mr. Terminello: That's correct.

Mr. Endres: The only thing that I look at is if the Bristol Harbour partners fell on hard times and the sewage treatment plant and the water works corporation if they file bankruptcy then it is incumbent upon the Town of South Bristol and its taxpayers to pay for the sewage treatment and the water. I am also worried about what would happen if your business plan fails. I am not a businessman. I see what you've got here. It looks great to me. It disturbs a lot less land than the 20 lot subdivision. But, if for some reason it doesn't fly, I don't want the Town of South Bristol to be on the hook for the sewage treatment that has to be done there and the maintenance on it.

Ms. Champion: I will just add that the way that these utilities are designed is that they are not charitable so the utilities are not necessarily paying for any of this. They are collecting just the same as gas and electric companies do. They are collecting through their rate payers what they need to offset their costs. So even if the current principals of those entities were to go away and other principals had to step in or the town had to step in, it would be run in the same fashion where their costs are offset by the rate payer rates and the premiums. So if we were benefiting by those systems we would be continuing to pay for them and if not, then we are not receiving anything from them so you would not have to worry about that.

Mr. Endres: The rate payers at Bristol Harbour are paying off an \$800,000 bond issue and there is about \$410,000 left on that bond issue.

Mr. Sciremammano: This will benefit the rate payers at Bristol Harbour also. There will be more users of the system.

Ms. Champion: That is correct regardless of who is running the utilities.

Ms. Sciremammano: If the town takes it over it is a sewer district. The revenue goes in and it pays for the expenses of the sewer district just like any other sewer district.

Mr. Jacobson: And you make a profit.

Mr. Endres: We have no idea of what the profit will be.

Mr. Jacobson: That's something we don't have any control over. All I am saying is that the improvements that they made were passed on to the homeowners. We know that. We heard that at meetings because that has been a big topic of conversation. I just wanted to make sure that we were addressing the letter from David Flaum on South Bristol Resorts letterhead. He would never have sent this letter to you as a representative of Bristol Sewage Corporation. He would have been in major violation. He would have gotten himself in trouble. He didn't do that.

Ms. Tyrrell: I have question. First of all, thank you for your presentation. I am interested in the size of your operation. At one point, we heard about tents and I don't know if that is part of your plan.

Mr. Sciremammano: That's not part of it. No tents, no weddings outdoors and no fireworks. The vision of Mrs. Cook is a quiet resort, very unobtrusive where people can go and relax.

Ms. Tyrrell: When you are talking about 18 spa treatment rooms, how big will that be approximately?

Mr. Sciremammano: David Hanlon, the architect, can answer that.

Mr. Hanlon: Within the spa there are 18 rooms of about 10' x 15' in size. Those are the individual massage rooms. There is also a room you go into before the spa called the Serenity Room. It is a typical spa.

Ms. Tyrrell: So how big is that whole area?

Mr. Hanlon: The spa itself is 18,000 square feet.

Mr. Sciremammano: So of the 80,000 square foot total, 18,000 square feet is dedicated to the spa.

Ms. Tyrrell: So it looks like you can accommodate 260 cars. Does that mean that sometimes you expect 520 people?

Mr. Sciremammano: That would be the maximum that we might have if both banquet rooms were completely full, the restaurant and the hotel. So we have estimated that high and we may not need all that. Maybe we can stage the parking area so that we don't pave it all to begin with and if it is needed add more. We have looked at other places similar to this kind of operation and what the parking demand might be and that is how we have sized the parking lot. So whether it's 260 people or 520 people we are not sure. We think 260 parking spaces is going to be adequate under the worst case. We do not want people parking on Seneca Point Road.

Ms. Champion: I think also that part of the sizing of the parking lot is driven by all of the landscaping for the parking lot as Sue indicated earlier that includes all of the environmentally sensitive aspects and green infrastructure features that are going to be incorporated. It could be more condensed if it was going to consist of straight blacktop because they are spacing it in a way to make sure that there will be the least potential visual impact as possible.

Ms. Tyrrell: I guess I am interested in how much traffic it might generate in the area.

Mr. Sciremammano: We do have a traffic report under commission. We were going to present that as part of the SEQR process but basically the results say that none of the levels of service on any of the roads will be affected even under peak conditions and that there is adequate site distances so there are no safety problems. So we would be happy to give you that report. It is in draft form right now to be finalized but if you need that for your determination and recommendation we can get that to you in advance of your next meeting. Again, the way the process works is we are going to go to the Town Board and they are going to do the SEQR review and you will be involved in that. But if you need that report now we will finalize it now. We were going to do it later.

Chairman Ely: I think it would be helpful.

Mr. Sciremammano: Okay.

Ms. Tyrrell: I'm not only interested in how many cars would be there but how many people would be there at one time and what size events you might be talking about.

Mr. Sciremammano: Again, the biggest room holds 200 people and the other room holds a maximum of 100. So you would be at 200 max for one event and it would have to be two separate events for the two rooms. So if you had two weddings and one was for 200 and one

was for 100 you would have 300 people max. The hotel would be full at that point because people would stay there for the wedding.

Ms. Tyrrell: So you expect events not to be larger than 200-300 people.

Mr. Sciremammano: Yes, definitely. That's the capacity. We can't go over that. The restaurant is 75 seats and will operate all the time.

Ms. Tyrrell: To be honest, I don't know what a green roof is. Are there really plants on the roof?

Mr. Sciremammano: Yes. A green roof absorbs the water and it cools the building and it helps treat the water before it runs off the roof. It's pretty innovative. You won't see a lot of it especially in this climate. It does put some stress on the building structure so you have to design for it. Sue, do you have any ideas what plants will be on the roof?

Ms. Steele: There are a couple of different kinds and when we get into the actual detailed design of the project it could be extensive lower, think of your sedums, plant material that doesn't require as much water and are more drought tolerate plants that are thinner green or it could be a deeper system where you could actually plant trees and have a landscape. There are a lot of different options and once we get into the design we will figure those out.

Ms. Champion: The green roof area is the area that is contemplated to be where the spa will be. To Sue's point, because of the way that we are trying to fit the development in with the existing land the way that the project will be stepped all you will be able to see is that middle level with the green roof top.

Mr. Sciremammano: So that middle level will look like one story and from the road you are going to look down on that one story and then the second story will be below and then the hotel will be one story down again. It steps down as you go down the hill.

Mr. Staub: So the spa is the only one that will have the green roof.

Mr. Sciremammano: Yes.

Mr. Staub: The other roofs are all going to funnel water down to the spa roof?

Mr. Sciremammano: No. They will go into the bio retention areas and eventually into the storm water management pond or wetland area and then down. By the way, one thing that Mark did not mention was that we don't want to introduce any additional water on the slopes so the pipe leading down to lake is going to be a single fused pipe almost like a pressure main

for the storm water so it will not leak out and nothing will go into it and it will go down to the lake and we are going to have an energy dissipation device in the discharge structure at the lake for that overflow storm water from the detention pond. Other questions?

Ms. Bachman: In connection with the parking lot when we talked about the parking islands that are not required and that are to be 20-25 feet. Is it for aesthetics or can they be removed and the pavement condensed or can you move it further south so it is less visible from the road?

Mr. Sciremammano: The key is that these islands are going to make it less visible from the road because it is going to step down and these are going to be very wide. We are also going to have the berms. Part of the design here is that we want to have those islands available for the storm water treatment. In addition, if you look at a cross section, the parking lot starts up here (pointing to plan) and the island steps it down and we minimize the slopes and therefore slow down the storm water runoff. If we did it like in a strip mall where there is just blacktop we could make that smaller but I think it would actually be more visible because you are not going to have the screening of the vegetation.

Mr. Costitch: You also would have to have a considerable grade change which would be very unnatural. Just as the buildings are being stepped, each one of these islands is stepping down and creating a much more natural grade so we are not going to be moving a lot of dirt and not going to change the topography.

Ms. Bachman: It's more than just grass islands?

Mr. Sciremammano: Oh, yes. There will be substantial plantings including trees.

Mr. Endres: How high is the berm?

Mr. Sciremammano: We haven't done the detail yet but we want to make it so that it will screen the parking lot completely. (Pointing to plan) Coye Road is going to have this landscaped area buffering. It is not going to go all the way to Coye Road. We are going to have a large area where the fill was placed as part of this.

Ms. Steele: Again, this is really early but when we were out there studying the site and standing up at Coye Road and even further north looking at the balloons we had people from the team where the parking lot would be and we were sitting there trying to figure out where and how high these berms or the landforms would have to be. For screening parking because, again, of stepping down as you go south and with some enhanced landscape materials and shrubs and trees we are going to be able to fill that in and really make it fit the site. We don't want to come in with a hedgerow to screen parking. That's not what we want to do. We

don't want to come in with an arborvitae screen and say that we have screened the parking. We want to go in now and do those landforms and make it look like it fits the site and it did not just fall out of the sky.

Ms. Bachman: More subtle.

Ms. Steele: Yes, much more subtle.

Mr. Sciremammano: So the short answer to that is that those islands do a lot more than just the storm water and separate the parking.

Ms. Champion: There is the buffering in the parking lot and also surrounding it.

Mr. Endres: You will have 200 or 300 people there for two weddings and I suspect that if you build this you will have two weddings many, many days of the year.

Mr. Sciremammano: Hopefully.

Mr. Endres: Well, the existing building does anywhere from 3 to 5 a weekend from May 15 until October.

Mr. Sciremammano: My daughter was recently married and we could not find a spot either.

Mr. Endres: I am not disagreeing with your business plan. I'm saying that there is probably a need for it and you could probably fill it. But what I am saying is with that amount of traffic and that amount of cars there, the last thing that I think a lot of the people that drive down Seneca Point Road want to see is a parking lot or the roofs of cars because in the existing parking lot for Bristol Harbour Resorts as you are traveling south on Seneca Point Road your eyes are drawn directly to the lake coming down that hill and I never get tired of seeing that view. I don't want to see the roofs of cars.

Mr. Sciremammano: And you won't. That is the idea. That is why we are doing all this work up front and stepping down the landscaping and so forth. It is why we went out and flew the balloons so that we could see exactly what would be seen from different vantage points and to decide how we could screen it. We will have visual simulations to show you later on.

Mr. Endres: Is that parking lot lit?

Mr. Sciremammano: It will be lit. We haven't decided exactly what the lighting will be yet and part of that will be the site plan review during which you can tell us your wishes. We anticipate bank lighting so that we don't light it unless we need it. For the restaurant, maybe we would

do the first two rows and make sure they are lit while it is open. If you have a banquet, then you obviously light the rest of it. During the week or in the winter we can turn them off. That's the plan.

Ms. Steele: The fixtures that we would look at would be dark sky compliant and we would focus everything so that we are not trespassing beyond property bounds or uplighting the sky. We would just be looking at LED fixtures and things that are low.

Ms. Champion: We would maintain all the lighting on site.

Mr. Sciremammano: Those kinds of details we will get into during site plan review and then we will show you cut sheets for that and we can even go out in the field and demonstrate some of those.

Ms. Champion: That's a perfect example of why we are excited about the project and why we think it's great for the site and for the town. We are able to bring this exciting project to the Town of South Bristol while having less of an environmental impact than you would have with that same view and that same drive if you were coming down to a 20 lot home subdivision.

Mr. Sciremammano: Or if you had a developer that wasn't quite as sensitive to it and didn't care about these things.

Ms. Cook: In fact, may I speak?

Mr. Sciremammano: I'm sorry. This is Laura Cook.

Ms. Cook: I am Laura Cook and I would like to think of myself not as just a developer. I am a co-owner. My husband and I started a primary business in the area. We have been here for 18-20 years now. When we started the business, the business was our baby. Then we had three children. This is a very sensitive thing to me because I have lived in this community now for 13 years. I have a primary residence in Mendon which is a horse farm that I enjoy as a hobby with my family but I love to do well by the things that I develop. Being that I am a community member here, it does matter to me that the community is proud of what I do and that I listen to the neighbors, to the community, and to the town board members. We are here to say that this is an idea. This is a vision. This is a love that I would like to give back to the community. I would like to offer something that I think would do well by this area. But we do really want to be thoughtful, considerate and make changes to make it better. We look for input from neighbors and board members as that helps us to develop a better project. That is my word and I look forward to hopefully making people proud, even those that are my opposers, that down the long run will say "Hey, Laura Cook you meant what you said and did what you said you would do" because I do believe in this project. I believe in this area and I

believe strongly that this area needs a project like this to bring people to a destination spa. So thank you for the time and I am very proud of my team that I have assembled. If you notice, they are all Rochesterians. Many of them are Canandaigua people because I want them to have the same care that I do.

Mr. Sciremammano: In light of that I just want to point out that we believe also that the rezoning decision should be in compliance with the master plan. The master plan calls for cluster development to preserve large expansive areas. We are doing that. The master plan calls for increasing the visibility of the Town of South Bristol and the economic vitality especially for the tourism industry. We are doing that. So we think this fits in and we believe it is property sited being right next to another resort. We are not doing it someplace else in the middle of a cornfield.

Ms. Bachman: There will be a lot of undisturbed, unused land. Is there any way that the land that is not being used could be deed restricted and that transferred to any subsequent owner in the future so it remains forever wild?

Mr. Sciremammano: No. First of all, the zoning would require that it remain forever wild. Second, if the town wishes, the owner has indicated that she would be willing to put restrictions on there whether it be conservation easements or something like that. Obviously, once this project goes through the process of taking the 20 lots and combining them into one, any subdivision again is going to have to go through the whole process again. So there is very little chance that that slope could get developed and I think the owner has indicated that she would be willing to put in conservation easements or whatever the town thinks they need to assure that.

Ms. Champion: In just following up to that. I think the important thing to keep in mind, not only for the board but also for community members, is that this is all there is. I know we've heard some comments that this isn't so bad but what are you going to do next and that whatever is coming next is going to be worse. This is a very long and involved process that we are going to have to go through. We are going to be going through an in-depth environmental review. We are going to be before this board. We are going to be before the Town Board. There are also other state and local agencies involved. Once this project is approved we are locked in to the footprint. The way a PD rezoning works, it is not just a general commercial rezoning and we can now use the project for any commercial use that we desire. The PD rezoning is specific to this project and any approval would permit only the development of this project. So in order to do anything in the future with any of that other land it would have to come through this board again and the Town Board again and County Planning again and all of the other involved agencies and you would all have to think that it was a good idea. So we couldn't just, on our own, develop more than what we are showing you right now. So I am hoping that is comforting to the board and also the community members who are nervous that

there is more to come as we would have to have a whole new rezoning, a whole new amendment to the PD, in order to have any development in the future and we don't have any intention of doing that.

Mr. Staub: With the green roof on the spa, how much background did you go into on that? That is flat, right?

Mr. Sciremammano: I think it is going to be slightly sloped but I am going to ask either Sue or Dave to talk about that. I have not been involved with the details on that.

Mr. Hanlon: It will have a slight pitch to it. It won't be perfectly flat as you want a little drainage going across it. Like Sue said, it will have natural grasses and it will be low maintenance. (Pointing to plan) It will actually be sloping back this way so that you get full benefit of that stream running by north of the site.

Mr. Staub: Flat roofs work well here in the summer and the fall but usually winter and spring are really hard on flat roofs.

Mr. Sciremammano: I agree.

Mr. Staub: What about snow removal from that roof?

Mr. Hanlon: The structure is designed to handle the snow load. The green roof is actually very expensive. You don't have many clients that are willing to go to those measures.

Mr. Staub: I just want to make sure that forethought goes into that ahead because people tend to underestimate the snow levels that we get up here and it is elevation related so it can be raining in Rochester but we could get three feet of snow here and heavy snow is a lot of weight.

Mr. Costitch: The actual structure associated with the roof has to maintain quite a bit of water. So the structure itself is holding water because the plants obviously need water. So you have a considerably larger structure associated with this as well as a significant stormwater main system because the water is collected and then after it has been treated through the plants through the system it is conveyed. So it is a much different system than when you think of a flat roof and you think of the icing and a membrane or something. This is a lot more elaborate.

Mr. Sciremammano: And, again, we are fortunate that the owner has the vision for this and is willing to pay to have the structure to support it.

Ms. Champion: Those are exactly the type of comments that we were hoping to get tonight because it is good for us to hear and take them back to be sure that we have considered all of those elements of the site.

Mr. Terminello: I am still concerned about the drainage when you are talking about coming from one high point down to a low point and you have the green roof in the middle and then if you have to put in your own septic system that these things would be in conflict in the areas that you have been talking about where you are sending this water. Where is the water off the end structure going to go if it's lower than the other structure?

Mr. Sciremammano: Remember, this is higher than the stormwater basin would be.

Mr. Costitch: (Pointing to plan) The basin would be in here which would be lower.

Mr. Sciremammano: Quite a ways down and it would be piped from the outlets around and down into here (pointing) so that if we did need the septic system it would be quite a bit higher than the detention pond.

Mr. Endres: This year in May and again in August we had two episodes where we received in excess of 6 inches of rain in an 8 hour period. I find it hard to believe that you can put a septic system in and have all of that water come down from the parking lots, roofs, etc. (Mr. Costitch interrupting)

Mr. Costitch: (Pointing to plan) There will be no runoff going to this area whatsoever. The runoff is going into this area and that is going to be a closed system all the way down. So we will be taking all of the runoff now that is leaving this area and going down the slope and we are going to put it into a closed and fused system, there are no joints in the pipe and we have done this along different bays where you have highly erosive soils because after awhile no matter how good this storm pipe is the joints leak. So we put the solid pipe all the way down and it keeps it from leaking. It is more like a water main really than a storm sewer.

Mr. Endres: What is the diameter of the pipe?

Mr. Costitch: We typically use between 8 and 12 inches.

Mr. Staub: That's an extruded pipe?

Mr. Costitch: It is an extruded fused pipe.

Ms. Champion: Will the pipe travel generally along the same pattern?

Mr. Costitch: We are going to have the utility corridor within the existing disturbed area that will have a water service, a very small sanitary force main like a storm system and then we are doing all of the changes on the slope to take care of the water that we have already reduced so we are taking all of this water out of the equation. We are still going to go down and fix the problems that exist today.

Mr. Sciremammano: And if you haven't been there and you want to go for a walk, let us know, because it will open your eyes to see what is happening with that road now and the improvements we can make that will benefit the neighbors in terms of stormwater runoff and the destruction that is going on.

Mr. Terminello: How are you going to handle sewer and water at the bottom?

Mr. Sciremammano: There is going to be a water line down of small diameter and a force main picking it up. It is just for a men's' and women's' restroom and maybe some water service. In the winter that is all shut down. The road basically is closed in the winter. This is just a summer operation at the lakeshore.

Mr. Endres: It will be pumped up?

Mr. Sciremammano: It will be pumped up from the lake to the sewer system.

Mr. Costitch: It is a very small package ejector pump. They are very high head but the force main would probably be in the order of an inch.

Mr. Sciremammano: Then, again, the existing 20 lot subdivision had those ejector pumps and a force main for all of the lots going down the hill. It was going to be collected in stages. So this is a lot less prone to any kind of problems in the future. It is a very small system. But we did feel that we needed to provide restrooms at the lake. We will have food service. So, basically, in the mornings maybe they will bring down some coffee and Danish. People will walk down there and they can sit there and look at the lake and have their breakfast or whatever. So to have restroom service there we need water.

Ms. Tyrrell: If you had most of your approvals, how long would it take to build your project?

Mr. Sciremammano: It would depend on when we start. I think we anticipated 12 months.

Ms. Cook: 18 months.

Mr. Sciremammano: 18 months.

Chairman Ely: Would emergency vehicles be able to use the cart path?

Mr. Sciremammano: Our plan is to allow something up to the size of an ambulance. We don't think it is necessary to bring fire trucks down there. There is really not going to be much to burn. If there is a boat on fire you let it burn or you bring in a fire boat. We don't want to have a big road as that is just going to increase the amount of stormwater we have to handle and the amount of runoff and it is also going to be an attractive nuisance for people that may want to drive their 4-wheeler down there.

Mr. Costitch: Of course, we have to take into consideration the comments of the fire people during the SEQR process and design accordingly. We can accommodate an H2O loading and heavier load if need be.

Mr. Sciremammano: But what we anticipate is a super duty pickup type thing or an ambulance to be able to access it not a hook and ladder.

Ms. Champion: Again, we are trying to keep with the rural feel of this part of the site as much as possible.

Mr. Sciremammano: And no other vehicles. Just golf carts. No service vehicles. No trucks.

Ms. Tyrrell: How many golf carts?

Mr. Sciremammano: We have parking, I think, for 4 or 6. They will be operated by the hotel personnel only. So they may be one of those golf carts that seats 6 or 7 people. We would be happy to answer any other questions.

Again, our process will be that once you make your recommendation to the Town Board the Town Board will initiate the SEQR process. They will conduct that in conjunction with you and all of the other involved agencies. If they decide that the rezoning is a good idea and do it then we will be back to you with all the detailed site plans.

Ms. Champion: And during the SEQR process some of the particulars about the stormwater, the drainage, and the traffic will all be included with our submissions and this board will have the opportunity to formally comment to the Town Board as the lead agency and we will have to address any specific comments that you all have regarding those particular concerns.

Mr. Sciremammano: We will get the traffic report to you though before your next meeting.

Mr. Endres: When do you anticipate this meeting with the sewer and water people?

Mr. Costitch: I sent the memo and the plans to all the agencies last week and requested that they email me back to have a meeting next week. I am going to follow up tomorrow with more calls and emails.

Mr. Endres: Have you gotten any responses from the sewer and water people?

Ms. Champion: Oh, yes, throughout this whole process.

Mr. Costitch: Not to this particular memo, no.

Ms. Champion: But Mark has been back and forth with them throughout the process.

Mr. Sciremammano: But the town through the Town Board and through the Town Supervisor should have a fair amount of influence over this quasi-public corporation and, hopefully, can bring them to the table so that we can air this out and get it settled.

Mr. Terminello: Do all of these quasi-public corporations work under all the same restrictions?

Ms. Champion: Yes. It's State Compilation Statutes. It's the New York State Transportation Corporations Law and those govern several types of transportation corporations.

Mr. Terminello: They couldn't have been set up for residential only?

Ms. Champion: No, and we actually have, and have seen, their organizational documents and they were organized under these particular statutes. There is a separate one for sewage corporations. There is a separate one for water districts. Those are the state law provisions that they were organized under and those are the state provisions that govern them. That is why when they entered into the contract with the prior development they had to go through the whole PSC, Department of Health process, and the Town Board had to put its stamp of approval on it. That is the same process that will have to be dealt with here and that is why we have already involved all the state agencies in the process for this particular project so that is moving forward on both the local utility level and the state level as well.

Mr. Sciremammano: And this is not like somebody owns a parking lot and you want to use it so you enter into a private contract. This is a quasi-public transportation corporation.

Mr. Costitch: Last time with Ketmar in the previous proposal it went to the Health Department and DEC. That then was forward to the Public Service Commission looked at it, reviewed it and commented on it. The Public Service Commission has done extensive reviews of Bristol Harbour. There are separate fee schedules for commercial versus residential. It is all in place. It is all there.

Ms. Champion: That's all public information. It has to be.

Mr. Costitch: It takes awhile to find it.

Mr. Staub: Will the town get a copy of the minutes of the meeting you have scheduled next week?

Mr. Costitch: We are hoping the town will participate and host it.

Ms. Champion: So you can ask the supervisor about it.

Chairman Ely: Mark, do you have any questions?

Mr. Tayrien: I've got just a few. It is kind of a mix of questions and suggestions and it is really driven by the criteria that the Planning Board is given in the code to guide them at this stage of the game. I feel strongly that the traffic report should be available because it will be a great help to the board as there is a direct reference in the criteria to that sort of thing. I concur with Ashley's statement that it's likely that your recommendation of approval or approval with modifications to the Town Board will include a condition regarding the sanitary sewer in particular. I think you are going to have a choice at some point as to whether that condition goes back just referencing the quasi-public sanitary sewer or whether it goes back articulating a condition that either that be available or this alternative system and, if you are thinking of that condition being phrased in the alternative, I think you may want to get a little bit more information about the alternative system. The types of things I wrote down were: 1- what kind of permits would be required to withdraw water from the lake and what would the approximate timing be to get the permits and 2- what kind of maintenance would be required for one of these systems. Just a little bit more general information about the drip system for which regulations have just been issued in 2014 to give you a little more background on that so the board would feel free to phrase that condition in the alternative if you are of a mind to do so would be helpful. I had the toilet facilities at the lake on my list but you answered that question. I wanted to confirm that it's going to be just one lot.

Mr. Sciremammano: It's 20 lots now and we are going to combine them into one lot. The Town Board asked us to do that and we said that we would do it at the time of the rezoning

because if the rezoning is not approved the current owner wants to maintain his rights to the 20 lots. So we will do it at the time of the rezoning but we are committed to one lot.

Ms. Champion: So that would be an appropriate condition that you want the 20 lots resubdivided into one lot.

Mr. Tayrien: There will be no other roads other than the cart path down to the lake.

Mr. Sciremammano: Yes, that's correct.

Mr. Tayrien: And then my final one, there is some language in the criteria that includes the word "annoyance" which can mean a lot of things to a lot of different people but that got me to thinking that maybe it would be helpful to have a little bit more information on the lighting. Not the design but maybe some more background about what kind of illumination levels you will be using in different areas such as the parking lot will be lit this way and the fact that you are going to use the full cutoff fixtures and that they will be dark sky compliant. That kind of stuff I think will be helpful.

Ms. Champion: So would it be helpful to provide maybe not the details of where and what but the perimeters that we would operate within for the lighting?

Mr. Tayrien: The concept. Yes.

Mr. Sciremammano: I think people will be pleased to see the level lighting at the lakeshore, in particular, compared to the existing homes along the lake and how they are lit.

Mr. Tayrien: I think down there it is a very dark area in general and something that was very lit in stark contrast could be an annoyance. I am assuming you are going to have a very easy-on-the-eye kind of natural lighting. So some more information background on paper on that would be helpful to the board.

Ms. Champion: I think it is really telling of the simulations that we did of the impact on the people of the lake. So just to reiterate so we are all on the same page and prepared to be back with you all next month, you want to see more details on the types of lighting and the anticipated areas where the lighting will be, a traffic report and also some more details on the alternative sewer and water systems as to what those will look like, where they will be placed on the site and some more details on those.

Mr. Sciremammano: But, again as Mark mentioned, if you don't want us to pursue that we will not. That is not our choice. It is a backup. It is up to you whether you want us to pursue that now or later on if we stumble.

Mr. Endres: Before we do all this dancing up here we would like to know if you've got sewer and, if so, where it comes from. Who provides it is not the problem.

Mr. Sciremammano: That's what I am saying. Is it worth it for us to give you all the details about the alternative system if that is not something you desire for next time?

Mr. Endres: It would be at the next meeting if you want us to forward this, I think, to the Town Board.

Mr. Sciremammano: We will plan on giving you a submission of all those items.

Mr. Endres: And some idea as to whether you have come to an agreement with Bristol Harbour Sewer and Water.

Ms. Champion: And if we are still in the process, which we may very well be, I think it makes a lot of sense for us to give you enough detail for you to feel comfortable enough to say the first choice is the Sewer and Water Transportation Corporations but, if not, in the alternative you will provide your own on site system as was expressed to the board.

Mr. Terminello: Could we get some examples of the type of landscaping you are talking about for the parking lot?

Ms. Champion: The buffering around or the islands?

Mr. Terminello: Actual examples you can show us, not your conception.

Mr. Sciremammano: Places in the field.

Mr. Terminello: Yes.

Mr. Sciremammano: We will try and find something but, again, usually we do that at site plan.

Mr. Terminello: It is a large concern with people going back and forth and seeing that parking lot.

Mr. Sciremammano: That is why we are doing the visual simulations. So you can see exactly what it is going to look like from the road.

Ms. Steele: So you are talking about seeing what the parking islands would look like and the buffering?

Mr. Terminello: Yes.

Mr. Sciremammano: We have some cross sections.

Mr. Terminello: I've seen examples of permeable soil like this. They were talking about this at one of the workshops I went to and there is actually a site that is not quite the same as yours in Dallas where the road went down and they put another road over the top to be level with the street and they actually put a park there and all that pavement is permanent so all the water drains. So there are examples of the kind of things you are talking about.

Ms. Steele: We can pull those images just to ease your concern with the visual impact.

Mr. Costitch: Just with regards to sewer and water. Our intention is to move forward with the meeting and meet with the appropriate agencies. In the event that Bristol Harbour is not available for some reason, we are still going to try and meet and resolve any issues with the agencies and get opinions on how we are approaching this because we can't be in a position where we are waiting for a party that does not necessarily want to come to the table.

Ms. Champion: Right. So I think that is why we will provide enough information on the alternative and I think what I am hearing is that this board is going to be satisfied as long as we can show that we will have sewer and water.

Mr. Costitch: We will be proceeding with an approach.

Chairman Ely: I understand that. I just think, to reiterate Ralph's point, it will be helpful to have at some point an update as to your conversations/negotiations with the utilities at Bristol Harbour.

Mr. Costitch: The town will be talking to me tomorrow with regard to the meeting scheduled for next week.

Ms. Champion: And we will continue to update this board throughout the process.

Chairman Ely: Thank you.

Ms. Champion: So Frank will get everything to you in advance of the meeting next month and we will plan on being back here then.

Mr. Sciremammano: We will plan on getting it to you about two weeks before the meeting so you will have plenty of time to review it beforehand. We thank you for your time.

Chairman Ely & Board: Thank you.

Ms. Champion: Please let us know between now and then if there is anything else that you would like us to include with that.

Other Business To Come Before The Board

2014 Training and Town Email Accounts-The board secretary reminded the board members that they needed to obtain their 4 hours of training for 2014 before the end of the year. She noted that all of the board members except for Mike Staub and Ann Marie Rotter had gotten their 4 hours of training for the year. She said that Mike and Ann Marie both just needed another 2 hours. She gave Mike Staub some on-line training sites that he could use to study in order to obtain the 2 hours of training he still needed. She said she would get the same information to Ann Marie as well.

The board secretary also reminded the board members that as part of the new board member policy established by the Town Board in 2014 that they were expected to be using the town email addresses assigned to them for all communications having to do with town business and not their personal email addresses. She pointed out that not all of the board members had set up their town email accounts and that not doing so could be reason for them not being reappointed to the board. She said if anyone needed the instructions as to how to set their account up she could email another copy to them and that she also had Jim Bachman's phone number who could be of assistance to them in doing so also.

Next Board Meeting Reminder-The board secretary then reminded the board that there was to be no meeting on November 19, 2014 (the night before Thanksgiving) since they had their November meeting that evening. She also then said that their next meeting was scheduled for December 17, 2014 at 7:00 P.M.

Board Discussion Re Everwilde Project-The board then had some discussion regarding the Everwilde project with town engineer, Mark Tayrien, before adjourning the meeting.

Ralph Endres asked Mark what he saw as the time line for the Everwilde team to obtain state approval for their own system and drawing water out of Canandaigua Lake. Ralph said he, personally, thought it could take years. Mark said that he did not know about it taking years but that it would certainly take much longer than just a month or two. Mark said that was why he had asked them to give the board that information. Mark did say that he could see the board at some point, if all their other questions were answered and if they felt comfortable doing so, sending a recommendation to the Town Board stating that it is all conditioned on either them

gaining access to the quasi-public system or that it is all conditioned on them gaining access to the quasi-public system or putting in a suitable private system. He said that was why he asked them to give the board more information about them because he said the board wouldn't want to send any recommendation back to the Town Board unless they really know what they are. He said it provides more flexibility going forward with the process so it can move along. Rodney Terminello then said if they were anxious to move the project forward, in light of the Flaum letter, what was to prevent them from becoming tied up in a lawsuit. Mark said that could happen and that it could possibly tie things up for a year or so.

Bessie Tyrrell then said that she felt that it would behoove the board to move things along. She said the board had helped other businesses in the area by making the approval process as easy as the board could. She said, therefore, she felt that if there was other information that the board would like to have that they should let the Everwilde team know now. Mary Ann Bachman said that she thought the town representatives would be meeting with the Everwilde people next week as Mark Costitch had indicated. The board secretary told the board that she was aware the Supervisor Welch had been invited to that meeting but that she did not know if an exact meeting date had been agreed upon by all involved parties.

The board secretary then cautioned the board to take whatever time they needed in order to feel comfortable moving things along. She told the board that back in August, based on discussions with the Everwilde team and at their request to get the process moving along, the Town Board had agreed to and did forward the Everwilde PD rezone application to County Planning who had then advised the Town Board that the application was incomplete at that time. She said it was going to be a long, lengthy process and that the board should not feel that they have to rush in getting their recommendation back to the Town Board regarding the PD rezoning. Ralph Endres said that he agreed and that it was better to proceed with caution.

Bessie Tyrrell then said she questioned whether the Ketmar project was still viable as they no longer own the property. The board secretary then told the board that those 20 lots are currently in place and are shown on the town tax map for that property as a result of the map of survey that was filed by Ketmar at the County Clerk's Office. She said that was what Danny Wegman now owns. Bessie then said she was confused because, since the Ketmar project, the town had changed the zoning there from R-1 to R-3 and she also noted that the Docking and Mooring Law had been changed as well so she did not understand why the Ketmar project details were still valid.

Bessie Tyrrell then said that even if the 20 lots were still in place today that said she would like to know for sure whether the Ketmar dock details were still valid in light of the change to the D&M law because by the Planning Board members not questioning the Everwilde team's statement about the docks, people could be have been misinformed during their presentation.

Rodney Terminello then said that he felt that even though the Planning Board had nothing to say about business or economics he felt that some of their assumptions noted on the Everwilde team's economics presentation board may have been incorrect. He said, for example, they had said that if there were 20 houses there nobody there would pay any sales tax which was a false assumption.

The board secretary then said that she had spoken with Maria Rudzinski at County Planning with regard to the docks who had advised that two separate site plan reviews would need to be conducted by the Planning Board: a regular site plan review for the upland area and one for the docks due to the fact that the upland area comes under Town Law jurisdiction and the docks come under the jurisdiction of the Navigational Waters Law. She said that Maria had also advised that there was site plan review criteria in The Docking and Mooring Law to be used when doing site plan review for the docks. She said Maria had also indicated to her that Mr. Sciremammano and the Everwilde team had been advised of this and the fact that the Docking and Mooring variances that were granted back in 2008 to Ketmar by the town do not transfer to them as they were granted on a residential use in a residential district based on a particular site plan whereas Everwilde's proposal will be a commercial venture with a totally different site plan and the zoning will be PD. She said Maria had also told her that the Town Board would need to determine what Tier within The Docking and Mooring Law the docks would fall under.

Mike Staub said that they were correct in stating that if their project doesn't go through that there are 20 lots there that can be developed. Ralph Endres then said that they would then have to come in for site plan approval. Mark Tayrien then said that the town currently does not require site plan approval for residential lots. He pointed out that those residential lots were on record at the County Clerk's Office so they do exist.

As discussion continued it was stated that it was thought that the Town Board had to approve the Bristol Harbour sewer rates but that it was not clear whether the Town Board ever signed off on the sewer and water agreement at Bristol Harbour. Ralph Endres said that the Town Board does have to approve the rates and that they also have the ability to get the books opened to find out what everybody is being charged. Mark Tayrien then said that he thought, and was pretty sure, that the town also has to approve any change in the service area. He said that was established originally just to serve Bristol Harbour and then, at some point, the service area was extended to include the subdivision and they could not have done that without the town's involvement.

Ralph Endres then said that if they should go with their own sewer and water then their SEQR form would need to be updated. Mark Tayrien agreed that they would have to redo it if they went back to the Town Board with a recommendation from the Planning Board that it is conditioned on doing one system or the other. He said he thought that they would have to

amend their SEQR form to state that it is one system or the other. However, he said he did not think they would have to necessarily do that now.

Ralph also said he had told people that he had spoken to who were against the Everwilde project that the site disturbance would be much less with this particular plan than it would be with the 20 lot subdivision. It was then noted by the board that the Everwilde team was pretty convincing of that during their presentation and that they did, indeed, give a very good presentation.

In addition, Ralph said that one thing he was glad to hear was that Mrs. Cook would not have any problem with having a deeded conservation easement on the property that is not developed on the site. He said he saw that as a real positive thing for that property. Board members agreed.

Chairman Ely said he felt that the absolute earliest the board could make a recommendation back to the Town Board would be January and that would be dependent upon whether all of the issues/concerns of the board were discussed with the applicant and resolved by then.

There being no other business to come before the board, Chairman Ely called for a motion to adjourn which was made by Mike Staub and seconded by Bessie Tyrrell. The motion was unanimously accepted and the meeting adjourned at 9:30 P.M.

Respectfully submitted,

Debra Minute
Recording Secretary

Note: See Page 40 for a list of meeting attendees in addition to those listed on Page 1.

Meeting Attendees

Mike May
Wade and Joscelyne Sarkis
Bub Seymour
Alan & Kristie Braun
Carol Endres
Maria Baird Couch
Cecilia Danahar
Dolores Perkins
Bob & Melanie Eisenberg
Jim Hicks
Valerie Knoblauch
Jack Bartlett
Chris Plopper
Mark Mastro
Cindy Marshall
Lee Wiltse
Dick Gray
Bob Bacon
Maddie Bicknell
Bernice Caprini
Leo Caprini
Elizabeth Caprini
Craig Golisano
Tom Pollack
John Holtz
Steve Lewandowski
Fred Sarkis
Joe Kohler
Betsy Williams
Tom Deisenroth
Brett DeTingo
John Meisch
And
Several Other Interested Parties

