

Planning Board Meeting
April 15, 2015

Present:	Mary Ann Bachman Jim Ely, Chairman Ralph Endres Ann Jacobs Ann Marie Rotter Mike Staub Rodney Terminello Bessie Tyrrell	Guests:	Mark Tayrien, LaBella Associates Laura Cook, Developer Frank Sciremammano, F-E-S Associates Howie Jacobsen, Redrock Jodie Allen, LaBella Associates Steve Metzger, LaBella Associates Ashley Champion, Nixon Peabody Law Firm (See Attached List)
Absent:	Ann Caprini		

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

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

Chairman Ely called for a motion to approve the March 18, 2015 minutes as written. Mike Staub made said motion which was seconded by Rodney Terminello. The motion was unanimously accepted by all board members.

Chairman Ely called Debbie Minute up to the front of the room. He presented her with a card and gift on behalf of the Planning Board, to show their appreciations for her years of service. He also welcomed Colleen Converse who will replace Debbie as Secretary of the Planning Board, Secretary of the Zoning Board and Assistant to Code Enforcement Officer.

As Chairman of the Board, he also made some announcements to the Board to bring everyone up-to-date on the developments.

Old Business

The Town Board adopted the proposed Animal Control/Barking Dog regulations.

The proposed Logging Ordinance and Other Proposed Changes Dealing with Steep Slopes, and Extending Site Plan Review Approval to the Lakefront District, were delayed to the May Town Board Meeting.

Also the proposed Tightening of the Lot Coverage definition has been sent to County Planning for their review.

Chairman Ely forewarned the Board that he and Code Enforcement Officer, Phil Sommer, think there are several other areas where the code needs tightening, and they will be making a series of proposals over time. The next proposal will be to define structures in a way that is actually coherent.

Bopple Hill Road

Chairman Ely mentioned that there had been a series of concerns by residents of the Community about heavy traffic on Bopple Hill Road which resulted in a very bad accident last summer. He sent several communications from various people onto the Highway Superintendent. He explained that the control of the roads lie within the purview of the Highway Superintendent and the Planning Board simply only makes recommendations. He further reported that this was a positive step as Jim Wight has written to him stating that he had some signage that will be posted on Bopple Hill in an effort to keep big truck-traffic away from there. He is also going to post weight limits. He felt that this was a constructive response to the legitimate concerns.

Training for Board Members

The Chairman reported that Debbie had sent around a list of who needs additional training hours. To refresh the Board's recollection, a Finger Lakes Regional Planning Council training will be held in Bushnell's Basin, a very convenient place to obtain training hours.

Everwilde PD Rezone Application

As he had before, Chairman Ely, informed everyone he wanted to make sure they were on the same page. He explained that the Planning Board has been asked to make a recommendation with respect to bid proposal. The Town Board will be making the rezoning decision, not the Planning Board. The Planning Board will only be making a recommendation. Whatever they decide will only be a recommendation to the Town Board--which they are at liberty to disregard whatever recommendation the Planning Board makes.

In respect to this evening's meeting, Chairman Ely informed those in attendance that they had a number of meetings devoted to the Everwilde project and this meeting was the Planning Board's opportunity to deliberate and hopefully come to some resolution. He further stated that this was NOT going to be a public comment meeting. However, all meetings are open to the public and usually no one shows up. If the project goes back to the Town Board, the Town Board will advertise a public hearing in which everyone will be able to communicate and speak, as well as written communication. That would be the appropriate forum for those in attendance to express their views.

Chairman Ely: I'm not trying to dictate what this board does. It seems to me that a good place to start our conversation is to focus on whether the proposed Everwilde PD request is compatible with the Comprehensive Plan. We have discussed a good deal about arterial services and traffic issues, but we haven't really focused on the Comprehensive Plan. Well there is a certain reason for that, because if you look at the Town Code, it's not very clear that the Planning Board really is suppose to be addressing the Comprehensive Plan, believe it or not. However, on advice from counsel, I think it would be a very wise move for us to consider whether we feel it is compatible with the Town Comprehensive Plan and express our views to the Town Board.

So I would like to suggest that we initiate our conversation at that point. I have a sense that some members of the board have different feelings about this and I would like to get everything on the table so we can actually have a conversation.

Ralph Endres: Can I start it? My name is Ralph Endres and I have been on the Planning Board for 15 years. And since Debbie stepped down today, I am the ranking member on the Board. I want to read to you the Vision Statement of the Town of South of Bristol Comprehensive Plan.

"Preserve and protect our safe, clean naturally beautiful rural and scenic environment with carefully and fairly planned commercial, residential, agricultural and recreational development."

I have been a member of the Town of South Bristol Planning board for 15 years. Back in 2004, the Town Board charged the Planning Board with reviewing and updating the Comprehensive Plan. In conjunction with this, the Planning Board sent out a survey to residents, in which 33 percent responded to this survey. This is an overwhelming amount of people to respond to a survey of this nature.

In this survey, the overwhelming majority said that it was important for lake quality and for the Town to remain rural in nature. The property we are talking about today is quintessential what the vast majority of those people responding were concerned about. This property is presently zoned R3 (Residential 3 Acres). There is only one zone that is higher, that being R5 (Residential 5 Acres). To change this zoning, as is requested by Everwilde, may do irreparable harm to the Comprehensive Plan itself. They want it changed to Commercial Planned Development which is at the other end of the spectrum from R3 and R5.

If this change goes through, the Town may be challenged in Court, in the future, by others seeking changes in zoning using this decision we are contemplating tonight. Section 170.20 C (3) with respect to PD districts says that the district shall be appropriately located near arterial and collector streets, be so designed as to provide direct access without creating adverse effects along adjacent streets and roads. State Route 21 is designated a major collector road and County Road 16 (West Lake Road), although not being in the Town, is a minor collector road. Seneca Point Road is neither an arterial or major/minor collector road, as the Code 170.20 C (3) requires. This most certainly will bring increased traffic on Seneca Point Road, not only to home owners but also to pedestrians and cyclists who also frequently use this road.

My other concern is that a 50-room hotel, bakery, restaurant, spa and a meeting room capable of hosting a wedding reception of 300, will be using a septic system for sewage with a massive leach bed that sits on a shale base near steep slopes that already leach directly into the lake. Another concern is that a marina is planned for that lake front property, on a pristine part of the Lake, that has had very little build-up in at least the last 50 years. That's my statement. Thank you.

Michael Staub: I'm a relatively newbie here, about a year I think, but I've been in the area since 1980 and my wife's family has owned property up here since 1955, so I'm well familiar with the area.

South Bristol's Comprehensive Plan is a vision of the town's future. It identifies community goals, and suggests strategies to be employed, and recommends the actions to achieve these goals. I feel it should be viewed as a broad framework, allowing us to establish the validity of a project, rather than a narrow tool which allows its exclusion. In a narrow view, this rejection, would result because it failed to align with one or two pieces of the document which may be vulnerable to subjective interpretations. It is only the first step in a process that permits us to establish the general scope and impact of a proposal, before we agree to proceed to the next of several steps in the process. I see nothing in this first stage of the proposed Everwilde Inn & Spa that conflict with our Vision Statement: *Preserve and protect our safe, clean naturally beautiful rural and scenic environment with carefully and fairly planned **commercial**, residential, agricultural and recreational development.*

Furthermore, I agree to the Everwilde's project view of their compliance to many line items in our town's Comprehensive Plan. By the advertisement of their business, they would naturally comply with section I.

- I. Enhance Town Identity
 - Ensure that the Town of South Bristol is placed/advertised in local tour guides. Based on our current review process, the elegant design of Everwilde's project proposal, I believe they would also meet conditions selected in section II.

- II. Preserve the Rural Character of the Town of South Bristol
 - Continue to review zoning as approved for a rural country setting
 - Ensure that commercial and residential development are in harmony with the surrounding neighborhoods

I feel that the unique concept and stylish design of the project would blend seamlessly into our community, preserving open spaces and encouraging tourism as referred to in Section IV.

- IV. Ensure that Future Generations Desire to Live in South Bristol
 - Encourage and support community business when and where needs have been identified and provide guidance as to where they would be most appropriate
 - Encourage tourist-related businesses
 - Encourage preservation of open spaces because of their small footprint and the way the design will be built in the side of the hill.

I can empathize with the traffic concerns of the residents who are in close proximity to the project, and their reluctance to see any change in their surroundings. However, the project as proposed, a “light Commercial Development”, more than complies with the needs of the majority of our residents as stated in Section VIII.

VIII. Support “Light” Commercial and Industrial Development to the Extent it is in Keeping With the Rural Character of the Town and Consistent with the Expressed Needs and Desires of our Residents

In my opinion, the Everwilde project has done everything in their power, at this stage of the project to review, to diffuse any concerns over water and sewage issues. It is now necessary for the Planning Board to pass this on to the Town Board for their decision, before we could be able to judge the execution of these proposals and the actual designs of the system they would put on site.

I see no problem in our approval of the Everwilde Project, at this state of the process, as long as some consideration is given regarding subjects we have brought up in previous meetings. It would allow the Town Board to have its input as the sponsors of the project to get started on the working aspects of their endeavor. We can’t expect them to tie up their capital indefinitely, and this venture, at least on paper appears to be a valued asset to our community.

In past, we’ve also discussed the bond that would be in place, in case of any circumstances and we’ve also talked about our ‘forever wild’ area along Coye Road, I believe, that was also part of it. So this was all in an attempt, and there were other suggestions, walking paths, etc., to eliminate pedestrian traffic along the road to make it easier egress for people to go up and down the road.

So in my opinion, this would be a good fit with our existing Comprehensive Plan. Thank you.

Ann Jacobs: I read the stuff over and over and it’s perplexing, because I understand what we do tonight sets precedence. But I truly believe that everything these people have set forth here, they’ve studied, they’ve researched—they meet criteria through the DEC, through the Canandaigua Lake Watershed—I believe it fits the Comprehensive Plan.

Bessie Tyrrell: I’ve been on the Planning Board a long time—in fact, I helped write the Comprehensive Plan. And I believe that after we studied the responses from the people in the Town and heard many of the people bring up their concerns, this plan does not comply with the Comprehensive Plan. And I’d like to give you a little history of why the Comprehensive Plan came into effect to begin with.

Many, many years ago, there was no Comprehensive Plan in the Town of South Bristol and we had some development in the Town that not everyone was in favor of. That's partly why the Town and Planning Board, as directed by New York State, came up with a Comprehensive Plan. It was a long process, we spent many, many years actually writing it. I believe these are very fine and very capable people in charge of this project, but to change a piece of property from Residential 3 to Commercial is, I believe, not a good idea looking 25-50 years down the road; and also there are better places for commercial development within our town than within that area.

Rodney Terminello: I've been on the Board about 2 years. I've had property and lived here about 9 years, had property here for about 14 years. I, too, have been listening to presentations. All this material, except this book here, is all the material Everwilde presented to us. I think they have answered all the questions that we put forward and what I looked at was the issues of war, the issues with the septic. I believe they met all those criteria from the previous meetings we've had. I looked at our Comprehensive Plan and I, like Mike, think they've met a lot of the goals and not only the action plans, but statements before the action plans. They're actually going along with the Comprehensive Plan.

When I look at the plans for R3, currently or just recently was 15 or 20 homes, which would have taken up more land usage, than the plan that Everwilde presented. Their footprint is very negligible compared to the footprint the homes were on. So at this point, I would have to say it looks like we should move on.

Anne Marie Rotter: I am a newbie to the Planning Board so this is probably the biggest and most overwhelming project for me to have to put my feet into, so I've had to rely very heavily on Ann and Rod to help me navigate.

I did review the Comprehensive Plan and while I certainly appreciate that, I'd love to hear more of your elaboration on why you don't like the idea of R3. Because that is a contentious area and I'd like to hear more.

What I do feel, is that item VIII, *supported by commercial and industrial development to the extent that it is in keeping with the rural character of the town and consistent with the expressions and desires of our residents*, what Everwilde has proposed, as Rod has explained, does seem to be a smaller impact than the R3 housing development that was in place prior. So to request a zoning change did not seem to me to be inconsistent with the Town Comprehensive Plan.

I am not an engineer, Ralph, so I can't really discuss your feelings about the impact in terms of the water and sewage, but we did ask Everwilde to bring in an evaluation and contingency plans that could take the politic out so it seems somewhat compliant, and applicable to code. So, I have confidence in our other mechanisms such as our Watershed and our CEO.

Mary Ann Bachmann: I've been on this Planning Board for less than a year and I think what Mike has outlined, was very detailed on the Comprehensive Plan. We are having, relationship to having a smaller impact, I would focus specifically on the traffic. I live on Hicks Road, we have property at Bristol

Harbour, I see this as having an impact on the level of traffic coming down to any street that enters into Seneca Point Road—Bopple Hill Road, Hicks Road, Seneca Point Road. I've seen it over the years with Bristol Harbour resort, when that was first built. I can't really pinpoint anything in here, because it was not really addressed here in the Comprehensive Plan and maybe that's telling in itself, because back in 2008-2009 when it was written, traffic wasn't really an issue in the Town. I just think the Eastside is more congested, the traffic is heavier on the Eastside—I understand the need to put it on the Eastside because of the attraction of the lake. I appreciate all the hard work, it's just traffic, in my opinion, is an issue with the resort at the hall with the 300 guests.

Ralph Endres: I first want to say that the 15 years I've been a member of this Board, that this group from Everwilde is the most professional group that has ever appeared before this Board—they got there "i's" dotted and there "t's" crossed. I like the plan, just not on this piece of property.

Bessie Tyrrell: We keep comparing Everwilde to the 20 houses that might have gone up, but that's part of why I got on the Board, and shortly after that we changed the requirements of what needed to happen at the lake. That particular proposal, if it were to change hands again, would have to comply in a different way. In other words, when we saw that, and I cast no blame on the people that recommended that plan, there were some laws that we did not have in place at that point. But if that proposal were to come together to us today, we would have a different scrutiny than it had the eight years ago.

So I think it is not fair to necessarily compare Everwilde to it because it isn't right. And I think there has been plans for other folks to buy that property and make it "forever wild" and I don't think that's the point either. To me the point is, we are introducing in an R3 area, a commercial development. We have commercial areas here, near the Town Hall. We have a very good restaurant, there are other areas, but we have never introduced in the middle of an R3 area, a totally commercial, totally surrounded by other R3 areas in this town. And I'd like to look down the road, I have grandchildren that love coming here and these are fine people—25 years from now I can see other spots there, ones that were defined as commercial from R3.

Ralph Endres: Comparing these two projects, the one project, the reason the property was up for sale because the people who owned the project before who could of build houses, who build houses for millions of dollars, felt that it wasn't feasible to do it on this piece of property. So what we are looking at, forget about the R3 and forget about the 20-lot subdivision, what we are dealing here with is Everwilde's proposal. And, I just think that if we go from R3, which is up here, to being commercial, which is down here, and I would like to know—don't know how we would find this out, I bet that in the whole State of New York there hasn't been more than a handful of zoning decisions that were made by zoning R3 to commercial. That's a big jump! And what it says to anybody else who comes along that sees a piece of property, no matter what it's zoned, says we can fight this because precedent has already been set.

Another thing that happens tonight, if we make a recommendation in favor of this project, chances are the Town Board will approve it. If they approve it, all we can do, when they come back to the Planning Board, is to make sure there "t's" are crossed and "i's" dotted. It's going to happen. So that's why this

decision to the Town Board, if we put a negative on it, the Town Board could still have their public hearing and go ahead with it. I don't think there is enough here, \$20,000 in added revenue to the Town in taxes—there are four houses down there on Seneca Point Road under construction right now that will have close to \$17-20 million dollars in assessed evaluation. So that's not the project, it's not going to lower anyone's school taxes. They will go through that money like a tin horn.

Mike Staub: I agree with Ralph's assessment of the Everwilde team, they are top-flight in every way. They have answered every question that we've had, they've gone the extra mile to prove points and have gone back and reviewed septic systems and be very open and compliant and transparent with this Board. There was no animosity and it's a pleasure to work with all of them in this endeavor.

As far as, arteries go-- there relation to major transportation-- it says the PD district shall be located near arterial and collector streets, not **on** arterial/collector streets and that's in the Town Code. As far as, how it complies with our Comprehensive Plan, I went through and estimated, and called out at least several different ways where they did comply to the Comprehensive Plan.

Our job is not to totally restrict every kind of endeavor in this area. The Planning Board makes a recommendation, that's what we do. We just look at the site and say can it support this proposal. And as far as I'm concerned, the site can support the proposal. It will be up to the Town Board to go into great detail and find out all the other concerns and that's where the public venue comes in. That's where you have a public meeting and you can discuss it, plus it would allow working relationships as far as the septic systems and the roads, and other guarantees, bonds to be considered and brought out in a public forum. So this is just a first step, then even if the Board does approve it, this Planning Board has oversight and SEQR is still involved. There are a lot more hoops that these people have to jump through and they are fiery hoops—this is not an easy thing. And this is an outlay of financial endeavor that's somebody's dream, just like we dream-- we build our house. This is a small commercial development, it isn't a Wegman's, big commercial development, it isn't an industry. It's going to bring people into the Bristol Hills. And it's going to give them a positive view of our environment.

I love this place! This is where they're going to carry me out of my house in a pine box. I'm never leaving here—I don't want to leave here, it's beautiful. If they put this on my road, I would accept it, because of the design and the hard work these people do. That's just my belief.

Chairman Ely: Let me just say a few words myself. I started with the premise that I think this lot, this area, likely will be developed at some point, I think it's a pipe dream to think it will go undeveloped indefinitely. So then the question becomes 'what is the best type of development', and we think that can be encouraged. It seems to me that there are a good many positive features to the proposal that is before us, there are also some concerns.

I think some of the positive features to me, are the fact that, and this will definitely be in our recommendations, if we make one; that portion of this land will be set aside for priority one. That they are not proposing construction on the slopes. Any residential development, I'm sure will not be built on

the slopes. So it seems to me that those are positive features that we could not necessarily guarantee with any other form of development.

The Comprehensive Plan is a most interesting document actually. It seems rather aspirational, like a vision statement, it doesn't unfortunately offer a very concrete solution to particular problems. And it talks in terms of recreation and it talks in terms of light commercial development, talks in term of open spaces. Like a certain number of documents, you can cherry pick it to find whatever you want in there. But it seems to me, that on the whole, and what I think are realistic alternatives, on the whole, this project would fit within the Comprehensive Plan. But maybe a failure to the Comprehensive Plan, take that view, but I don't see how you can immediately say well simply that does not fit.

I am not an Engineer, and I don't understand the first thing about how septic systems work—if I have a problem with a septic system, I call someone. But I have consulted, at some length, with Mark, who has told me that in his view, the system is viable. I am also heartened by the fact that there will have to be DEC approval and I'm sure there are far more experts than I can claim to be, in that septic area. They are going to go through extensive, if it is recommended, or even if it is not, it is going through an extensive SEQR process, in which, in fact I am told will take some time. I believe people far more expert than I feel I am, will have a chance to pass, based upon a septic arrangement. I simply don't know beyond that. I'm very hesitant to substitute my view, my prelimited view, to that of people who will be much more accurate than I and who will be reviewing it down the road. Therefore, we come to the bottom line which is this: I'm inclined on the whole to think that this does stick to being in the Comprehensive Plan.

The traffic issue is a concern. I think, it is a fair concern. It's the (Highway) Superintendent's responsibility like the Bopple Hill problem. I don't think he's unaware of these issues. I have no doubt that additional traffic will be generated. I walk on Seneca Point Road pretty regularly. Much of the year you can walk by yourself, yet I know in the summer months it is very congested. I am aware of it. This past summer was particularly bad because we had several construction projects that seemed to go on forever. I don't know how to support that except by banning construction on Seneca Point Road, which is not before us. So the matter is, I am not convinced that traffic problems would not be surmounted.

I haven't noticed that the operations at Bristol Harbour, where I've also had some occasions to spend some time, have really overwhelmed Seneca Point Road and I have no reason to see why this project would be significantly different.

So in any event, that's my view of it. I think that, for my money, this does meet the Comprehensive Plan.

Shall we take a vote?

Michael Staub: I make a motion that the plan be approved and forwarded to the Town Board for their recommendation. Ann Jacobs seconded the motion.

Vote:	Chairman Ely-	Aye
	Ralph Endres-	Nay
	Ann Jacobs-	Aye
	Ann Marie Rotter-	Aye
	Mike Staub-	Aye
	Rodney Terminello	Aye
	Bessie Tyrrell	Nay

Chairman Ely reported that there was several ways to discuss the findings to make a recommendation to the Town Board. Mark (Tayrien) has worked up a template and the Chairman offered the idea to work together with Mark, by phone and email the actual proposal to the members for critiquing and amending. Then a Special Meeting will be held to review it. However, Chairman Ely reiterated that he was very open to ideas. The members agreed to have the Chairman and Mark work on it together, then Colleen would type it up and email it to the members, prior to the meeting. It was also agreed that the Special Meeting will be held on Wednesday, April 29th at 7:00 pm, at the Town Hall.

Chairman Ely circulated a copy of the Docking and Mooring proposal.

Upon a question from Ralph Endres regarding the progress of Ski Valley, Chairman Ely reported that the proposal is still with the Town Board. The Town Board wrote a 3-page letter as to what needed to be done and they have not received a response.

New Business

There was no new business.

Being no further business, the meeting adjourned at 7:55 p.m. Motion was made by Mike Staub, seconded by Rodney Terminello.

Respectfully submitted,

Colleen Converse,
Recording Secretary

Guests

Tim McWilliams
Cathy & Kevin McWilliams
Robert & Barbara Lindquist
Laurie Bittner
Rose Tanner
Ted Russell
Kevin Parker
Bob & Melanie Eisenberg
Jeff G.
Karl Ruggles
Ray Hasnauer
Robert Johnson
Eva Johnson
Dolores Perkins
Cecelia Danahar
Joscelyne & Wade Sarkis
David Marsh
Janet & Greg Felosky
Mich Dorschell & Wife
Jim Hicks
Karl Kessler, Atty
Betsy Williams
Bub Seymour