

Planning Board Special Meeting
April 29, 2015

Present:	Mary Ann Bachman	Guests:	Mark Tayrien, LaBella Associates
	Jim Ely, Chairman		Frank Sciremammano, F-E-S Associates
	Ralph Endres		Howie Jacobsen, Redrock
	Ann Jacobs		Ashley Champion, Nixon Peabody Law Firm
	Ann Marie Rotter		Jack Bartlett
	Mike Staub		Charles Blake
	Rodney Terminello		Nadir Harvienx
	Bessie Tyrrell		

Absent: Ann Caprini

A special 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, Ann Marie Rotter, then read the Comprehensive Plan Vision Statement out loud.

Everwilde PD Rezone Application

Chairman Ely: As you will recall, the Board, by a vote of 5 to 2, recommended the adoption of a resolution recommending the Everwilde Proposal to the Town Board. That body, of course, as I have explained before, would be the Board deciding this matter, not the Planning Board.

We decided to delay, adjourn if you will, the actual adoption of a report to give us an opportunity to pull together something formal, which with your approval, I will forward on to the Town Board.

I have to tell you, I have no pride of ownership in this document. In fact aside from a few tweaks--this is Mark Tayrien's work, who has helped us through this process. So if you have any complaints, or criticisms, direct them to Mark. Seriously, Mark, I want to ask, do you have anything to comment on, because you and I looked it over and tweaked it a little bit.

Mark Tayrien: I really don't. I take full credit or responsibility for it being as wordy as it is. I will mention, just real quickly, there are five, what you might consider non-routine provisions in there that don't necessary flow directly from the Code.

One is, and I won't give you the page numbers, presumed you have encountered these if you looked at it. There is a provision in there that notes the intent to reserve some open space and notes the need to

take steps to make sure that open space is set aside in some fashion going forward. Somewhere in the document it notes the sensitivity of the site and the steepness of the site and makes a strong recommendation regarding bonding, letters of credit performance bond. Those types of things, should the site finally get approval and be developed, ensure that any sign of erosion or sedimentation control improvements and facilities are actually completed. The document notes that the Planning Board's finding, that the proposed project is in compliance with the Code, does not necessarily preclude the Planning Board making comments regarding environment impacts during the SEQR process that will be conducted by the Town Board. The document also notes that the Planning Board's findings and recommendations are based on the assumption that the project going forward with the onsite permit, water and sanitary sewer systems, and notes should that change in at any point in the future, should the proposal to connect instead of the Bristol Harbour facility resurface, the Planning Board, since it has not evaluated those potential connections, be given an opportunity to once again look at it and make some recommendations. I think that's it. I think those are the five, what I would consider, a little bit, non-routine provisions in there that don't flow directly from the Code.

Chairman Ely: I'm open to suggestions, comments from Board members, criticisms.

Ralph Endres: I thought we were going to go over this and read it line-by-line?

Chairman Ely: You want to go over it line by line?

Ralph Endres: Absolutely.

Chairman Ely: Well, I thought that was the purpose of our circulating the document in advance.

Ralph Endres: Well, I have some questions *regarding to the physical character of the site, which is on page 8, regarding suitability of the site for development in the manner proposed with creating hazards to persons or property from probability of flooding and erosion, the Planning Board finds that there is much in the record regarding plans for stormwater management and associated improvements as well as comments and recommendations from various authorities such as the Canandaigua Lake Watershed Council and the Ontario County Soil & Water Conservation District. One such comment indicated the eventual need for development, review and approval of a complete Storm Water Pollution Prevention Plan (SWPPP) as well as weekly inspections during construction.*

Who's going to conduct those? My question.

Mark Tayrien: Typically what would happen, I believe in this instance, in Ontario County, because you are in the Canandaigua Lake Watershed District, that that will be overseen by George Barden, or one of his Associates.

Ralph Endres: *In addition to the requirement for a full SWPPP, it is also true that NYS requirements will require improvements designed to maintain or improve the quality of stormwater runoff and limit the peak discharge rate from the site following development to a stormwater runoff and*

limit the peak discharge rate from the site following development to a rate no greater than the existing rate.

Who's going to monitor that?

Mark Tayrien: Well, there's two answers to that.

It will be monitored in part, in construction, again by George Barden. But, what will actually happen is that the construction requires a general construction permit, that's authorized and administered by the State. And that in turn requires, before any ground is disturbed, over the threshold, which in this instance the threshold disturbance will be easily exceeded. That, in turn, requires preparation of this SWPPP, or those of us who work with this routinely call it SWPPP. So when you hear SWPPP that's what they are talking about.

So for developments like this, a SWPPP is always prepared before, generally before any actual development permits are issued by the local municipality, certainly before any ground is broken. If ground is broken before a SWPPP has been prepared and filed, which is a condition of the general permit, being in compliance with the general permit, then you aren't in compliance and DEC will eventually show up on the site.

So what typically happens, is a SWPPP is prepared before ground is broken and a SWPPP describes all the steps and measures that will be taken to ensure these things that are included here actually take place. So the water quality is improved, that the peak discharged rates don't exceed the development conditions, George Barden will certainly be coming out to the site to perform those inspections that are called for there and ensure that all the proper measures are taking place.

Did I answer your question?

Ralph Endres: With regards to the onsite sewer system, have the proper perk tests been started on that?

Mark Tayrien: I don't believe. Sanitary sewer/storm sewer, in my mind, are different topics. So with respect to the sanitary sewer, and the proposal to serve the site with a private pond-side system in lieu of connecting to the existing Bristol Harbour system, my understanding is that there are still two open issues.

One is the character of the soil. And going forward, both in terms of getting any other permits from State, Department of Health, or DEC, and complying with the SEQR process, additional information will be needed on the character of the soil, and, the suitability to accommodate the system.

She's not here tonight, unfortunately, but one of our engineers who was here at the last meeting—I spoke with her in detail. She's got a lot of experience with these type of systems. Her estimate is that we are somewhere in the neighborhood of a 95% probability that that information's going to confirm any kind of reasonable doubt that there is some sufficient quality of this kind of system on this site.

She told me that her assessment was that it was highly unlikely that it would prove to be the case that you would not be able to develop a system like the one being proposed, on this site, because of the quality of the soil.

But there is still some information that will have to be provided to the Department of Health, DEC—I think in this instance because of the volume. DEC will require that information before they issue any permits and this project cannot go forward without the DEC permits for that pond-site system. So that's one open question. There's a very narrow band in terms of potential outcomes there. It appears that, it is much more highly likely than not, that the soil will prove to be adequate, but It hasn't been proven to a certainty.

The other one is actual configuration and layout of the onsite sanitary sewer system itself—collection system and treatment system. So I understand that there are certain requirements in the regulations that require that limit the tapers. They have to bring in fill to build these raise-beds, and their requirements regarding how steep the tapers can be back to the natural terrain, and our engineer looking at concept drawings that had been provided and the depth has not been proven to a degree of uncertainty—there still is some work to be done there. That will have to be vented and confirmed according to the environmental review process.

She had the same kind of response when I asked her about 'what do you really think in terms of the probability that they're not going to be able to accommodate those tapers on the site?' It hasn't been proven to a degree of certainty, but it is highly unlikely, that they are not going to be able to accommodate that. They'll have to move some things around here and there, but she felt, based on her experience, that it was much more likely than not, that the soils are going to prove to be adequate and there is sufficient room on the site to come up with a more detailed design that will meet the DEC requirements for tapers.

Ralph Endres: Okay, I want to take this a little further, to the Town Board. They have their SEQR, they have their public hearing and they vote to change the zoning.

At what point, do we know that this works? Before they change the zoning or after?

Mark Tayrien: In my opinion, and my recommendation will be, and I think there is even language in this document that eludes to that, those two issues should be confirmed at any potential for either the soils proved not to be adequate or for there to be insufficient room on this site to accommodate those DEC requirements on tapers. Those should be all confirmed and any uncertainty there, eliminated before SEQR's completed.

The Town Board cannot take action to rezone or take any other action to finalize in respect to this project until SEQR is completed. So, assuming the Planning Board adopts this document tonight and forwards it on to the Town Board, my expectation is that, what will be the next step is the process—will be SEQR. The Town Board will be lead agency, the Planning Board will be an involved agency—that's why there is kind of a 'heads-up' in this document to the Town Board saying, 'just because we rendered

this with respect to conformance, under the Code, doesn't necessarily mean that we don't have some issues remaining that we think are environmental concerns and as an involved agency it's our intent to convey those to you in the comment during the SEQR process." So that's the next stage in the process is the SEQR, the Town Board will lead it, the Planning Board will be a participant; and in my opinion, those two open questions need to get to that 100% certainty stage before the SEQR process concludes. The SEQR process has to conclude before the Town Board can take any action on the rezone.

Ralph Endres: Will the hearing be after the SEQR?

Mark Tayrien: You're asking me to anticipate a little bit only because there are two different paths that can be taken by SEQR. There is a short path and a long path. In the short path, there is no public hearing, there's no public comment, the lead agency, which in this instance is the Town Board, simply looks at the record and comes to the conclusion that there's no potential for any significant adverse impacts and closes the SEQR process.

In the long path, the lead agency looks at the record and comes to the conclusion that there is a potential for a significant adverse impact. And because of that, requires preparation of an environmental impact statement and conducts hearings and has written comment periods.

My expectation is it's going to be a Town Board decision. My expectation in this instance is you'll probably see the latter path. It's customary for a project of this scale and scope to lead to a determination by lead agency, which in this instance, is the Town Board, to come to the conclusion that there is a potential for at least one significant adverse impact. That being the case, requiring preparation of this document, then leads to a public hearing, which includes the opportunity for people to submit written comments outside the public hearing. That would be my expectation in this instance. And so all of those steps: submission of a document, the refinement of the document, the hearing, the public comments, and then the lead agency, the Town Board again, will actually issue a final version of that document. That all has to precede the Town Board taking any action to rezone the property.

Ralph Endres: Thank you.

Mary Ann Bachman: Just to follow up on...the second part of this is a little thinner and that's the findings and recommendations. At the top of page 13, as it applies to traffic, it clearly states 'that although we find that it's not technically in compliance, there are concerns that may be raised at the Town level during the SEQR process. So I think your concern would be raised in the same way.

Ralph Endres: Ok, I want to go down to '*Physical Character of the site, relation to surrounding property, other dangers, annoyances or inconveniences: Regarding the suitability of the site for development in the manner proposed, without creating hazards to persons or property from probability of other dangers, annoyances or inconveniences, the Planning Board found the location proposed for parking to be appropriate and that the location, topography and screening would obstruct much of the visibility of the lot from the adjoining road and minimize annoyance to traffic and passers-by. Regarding lighting, the Planning Board found the concept lighting plan and associated lighting levels submitted by the project sponsor to be appropriate and keeping with the semi-rural setting...*'

There is nothing semi-rural about that setting. Its 48 acres of openness, surrounded by another 100 acres with maybe 6 houses on it, or cottages. I object to 'semi-rural'. I think it should be rural, because that's what this is.

We are not talking about across the street where Bristol Harbour is located. We are talking about across the street where this project is located.

Another thing I have some concerns about is sound. I see there are couple people here Bristol Harbour that can testify that they know every wedding song, every word of every wedding song that's played. I would like something in there that would preclude them from holding outdoor concerts and that music would stop by 11 p.m. so the people who live in this area right now, can at least go to bed without some wedding carrying on.

Mark Tayrien: So let me just respond by first saying that my position in developing a document like this is somewhat tricky, in that many of these things are not the kinds of things you can go back to the office and compute. Right? You can't come back and say 2 plus 1 equals 3 and that's the way it is, and I don't care how many of you tell me it's 4, it's always going to be 3. And so, typically what I do, probably most consultants in this role would do, is try to anticipate what the majority of the Board is going to feel, because many of these things are subjective. Quite frankly, they're judgments. Get that down on a piece of paper so that you have an opportunity to look at it and edit it. So there are probably very few things in here where I can stand up and say what I've drafted is kind of a ghost writer for you, is definitely right, and any alternative version or any modification to it would be definitely wrong. It's just simply not the case. It may sound like me trying to get myself off the hook, but the truth of the matter is, that the Board, as a whole, ought to be modifying any of this that they're not in agreement with, rather than thinking that some expert from Rochester has come down and told us what to write in here.

There's nothing in there right now about noise, in particular. The semi-rural thing, I understand. If you agree you want to change that wording, I would suggest you change it.

In respect to the noise, if everybody on the Board, majority of the Board, has the same sensitivity to noise that you just expressed, my suggestion would be either add something to the document tonight to reflect that, or the other alternative would be to not do so and raise it during the SEQR process as an environmental concern, or do both. I mean it's just a matter of how much you want development suspended. But I think both of them are options. You can add something in there tonight and it doesn't have to be as wordy as this stuff that I offer.

Ralph Endres: I want to thank you for this, because I thought when we left here two weeks ago that you were going to provide a broad template for us to look at. I'm not throwing stones at what you are doing. It isn't a huge thing going from a semi-rural to rural. But those are the things I wrote down that stuck out. The things I'm talking about right now, are things, I read this 3-4 times, and when I read this, these are the things that stood out to me that I think we need to change the wording.

Mark Tayrien: In my mind, as a planner, probably thinking back on why I used the terminology semi-rural probably has to do with the presence of Bristol Harbour and the golf course there, and that may be an inadequate reason.

Ralph Endres: Even the golf course, other than a couple of fairways way to the back of the property, is rural.

Mark Tayrien: So that may be more appropriate wording.

Rodney Terminello: Can I offer a comment about the noise? I think if we are going to start talking about noise, we need to talk about noise the other way in terms of the current facility. Right? There's noise. We can't say one facility has to limit the noise and another one doesn't.

Ralph Endres: Let me put it to you this way. The facility that was there, that's making the noise now, was there before those houses were there. You can't complain about an airport, when you build a house near it, if the airport was there for 75 years! You can't complain about Bristol Harbour with their restaurant. If the houses are complaining, most of the people living in the houses that are adjacent to that, that do complain about the noise, those houses were built after. So that's my feeling about that.

Rodney Terminello: I don't think it's all black and white as that. I think we are all neighbors and we all try to get along. And if there's a lot of noise late at night, I think everybody needs to clear out at a certain time. I know we talked about that before, the fireworks.

Ralph Endres: That's why I'm trying to having something put in here: (1) no outdoor concerts (2) there's no noise after 11 o'clock at night. I don't think that's unreasonable.

Bessie Tyrrell: I don't either. I agree.

Rodney Terminello: That's what I'd like to see him do to Bristol Harbour too.

Bessie Tyrrell: Doesn't mean we can't.

Ann Marie Rotter: That would be a separate issue.

Ralph Endres: We aren't talking about Bristol Harbour here today. (I'm just going through my notes here.) One of the things down here on "*Physical character of the site, relation to surrounding property- reduction and addition to minimum area generally required, recommendation to rezone smaller areas.*" The next paragraph says "*On a somewhat related topic, the Planning Board notes that while the entire site has been proposed for rezoning, only a relatively small portion of the site will actually be developed and that the project sponsor has referenced plans to incorporate some or all of this remaining land in a conservation area intended to serve as a buffer as well as to preserve open space and viewscapes.*"

What they were talking about at the last meeting was the section that butts Coye Road, which is now a dump. It has been a dump on the property from the previous owner. I've walked that property, I know what's on that property. What I would like to see—I would like to see a conservation easement on all the property that doesn't have footprint, as they proposed, including the steep slopes and the cliff area.

What they want to build there, that would be fine, but nothing more. What's the rest of the Board think?

Bessie Tyrrell: I think it's a good idea.

Ralph Endres: Let's try to incorporate that in what we forward to the Town Board, if it's possible.

Bessie Tyrrell: I like the idea of changing it from semi-rural to rural. I think it's a good idea to put something in here. It doesn't preclude us from doing something with Bristol Harbour, about the noise level. This is a good place to address that, as well as, in the SEQR process. And to be honest, I think we also need to say the Planning Board did find the proposal consistent with the Town Comprehensive Plan, that there were two descending votes which was 29% of the Board.

Chairman Ely: That would be part of the public information. There's no secret, the minutes show what the vote was. That was in the Messenger.

Bessie Tyrrell: It needs to be in the cover letter or in this document.

Mike Staub: As far as the semi-rural and rural goes, I think it's a matter of scope, and how far out you look at this project, or how narrow you want to become. I agree with Ralph, this is a very well-prepared document—it's a good instrument and a lot of the things we've talked about as far as the bonding and everything else are already incorporated in it. The group has already said that they would set aside a forever green area. I think that it's the property owner's property and I wouldn't want anyone come down and tell me I couldn't put something on my property, because it's already been designated as some swamp area or whatever. The landowner owns the property. They decided to put this project on. Does it fit and that was our purview to go over and does it fit, and is it appropriate for the proposal? We agreed, as a Board. We can talk about rural, or semi-rural, it's semantics. We all live in South Bristol. I live on County Road 33, between Naples and Honeoye. Bristol Mountain is right over the hill from me—their lights light up my front yard every night during the winter. Not a problem. I've been there before the lights were there, still not a problem. But, the thing is, I wouldn't want to go and tell Bristol Harbour, or Bristol Mountain, or any other landowner in the area, they couldn't use their property, in the vision that they wanted to. If it was appropriate and met all the requirements, in the Comprehensive Plan and others.

Now, I don't want this to become a seed bed for words, semi-rural or rural. If there is already a facility there, as you mentioned people moved in afterwards, as far as Bristol Harbour, that makes noise. Now, I agree with you—after 11 o'clock, the noise, any kind of outside noise, should be limited, except with a

special permit like fireworks for Bristol Mountain. But I don't know if there would be any plans for an outside concert, I don't think the venue merits an outside concert, it's a spa.

Ralph Endres: How do you know what's going to come before this Board in the future?

Mike Staub: Well, if it comes before the Board in the future, then we can say no. This is a project, this is the proposal and nothing in the proposal was there for outside concerts, of any kind. So I think we are just—this is an excellent document, and it's a recommendation, it is not the final approval. We are going to go through SEQR and as you saw, when you go the long way, there's a lot of things, involvement in the Town Board, and in the Planning Board, in the SEQR environment.

I'm just afraid that if we go in and we start seeding this document with special phrases, or certain pre-conditions, that would turn up later, to be a point of reference, as a point of contention. I think it's just do we recommend, do we commit, and we already voted, that it meets the planned development for that site.

Now, as far as the 11 o'clock curfew on the noise, or limit the noise, I agree with 100%.

Ralph Endres: What I'm saying to you, is the time to put these restrictions on this piece of property, the way it's going to be used, is when they are trying to change it from R3 to Planned Development Commercial, not after it's been rezoned. That's what we are here to do. You may have a different idea. I've been here for 15 years, I'm not going to be here that much longer. But I can tell you, based on what you did two weeks ago, every time a piece of property comes up, and somebody buys it with a contingency to change the zoning, you've opened the Town up to lawsuits. Because you've already made this huge change. All I'm trying to do is, if this changes here, I believe these people are good people, I believe they are going to do the right thing—I just want to make sure that if for some reason their business plan doesn't pan out, that we don't get new owners coming to us after they are in bankruptcy saying that we need to develop this property with more houses in order to make it viable. What I'm saying is I want what they are proposing now, to be the end of it. It doesn't come back before us for rezoning or anything else.

Mike Staub: Why would it?

Ralph Endres: I'm telling you I've been here long enough to tell you that it does come back. And I think there's other people on this board who have the same opinion.

Chairman Ely: I don't see anything in this report that says rezoning is the resolution.

Ralph Endres: If they put conservation covenant on the property, they can't develop it anymore. It kind of keeps the property the way it is. They are only developing the part on the road. Actually the best piece of that property is what they are developing.

What I am saying is that I would like to see the rest of that property be put in a conservation zone so that it cannot be developed--whether they're the owner or whether there's a new owner, that comes before us in the future.

Bessie Tyrrell: I think that that's in there.

Ralph Endres: I don't think it is.

Bessie Tyrrell: Well, that's a language thing, Mark can you comment on that?

Chairman Ely: Somewhat apprehended on the thought that the Town Board would be the appropriate agency to negotiate and drive home what exactly should be covered. I've already had this conversation with our Town Supervisor, Barbara Welch.

Bessie Tyrrell: Never the less, last week, they've asked us to make a recommendation.

Ann Marie Rotter: I like the recommendation.

Bessie Tyrrell: I do too. They asked us for a recommendation and even if we recommend it be approved, we all know that they don't have to agree. And I think that's part of their job, is to be sure that we agree on putting certain things in there, even if it does make a change and clearly our engineers are very open to changes, and I think it is our job to do that if we agree.

Ralph Endres: And the only other thing that I have is that the waterfront development, that we make a suggestion that it remain Tier I.

Chairman Ely: I think it has the most restrictive tier in there. That's Tier I.

Ralph Endres: Well, if it is rezoned commercial, then Tier 1 doesn't fit. It goes to something else.

Chairman Ely: The recommendation to the Town Board is that they assign the most restrictive Tier. I have also talked to Barbara Welch about this.

Bessie Tyrrell: I don't see anything wrong with saying Tier I. Do you see any problems with stating that?

Chairman Ely: No.

Bessie Tyrrell: I don't either.

Chairman Ely: But I think they are word games, when we say most restrictive. I think Tier I is the most restrictive, right?

Bessie Tyrrell: Not necessarily. Once it's commercial, the most restrictive could be II or III, I don't know that.

Ralph Endres: Yes, that's exactly what happens.

Bessie Tyrrell: To me, the most restrictive is I, see what I'm saying Jim?

Jim Ely: I have no problem, no problem.

Ralph Endres: Could I ask a question of the developer? I see the developer is here. Where are you going to have this place up on the cliff to look out on the lake? How are the people going to travel down to the lakefront to what you've developed down there?

Frank Sciremammano: To get to the look-out place?

Ralph Endres: No, no. To get from there down to the lake.

Ashley Champion: Walking paths.

Frank Sciremammano: Stairs and walk.

Howie Jacobsen: No elevators.

Frank Sciremammano: And I can address your concern regarding the conservation easement. The applicant has already indicated that the entire slope, except for the road, and what she wants to do there, she is happy to put whatever the Town Board feels is necessary to allow her to build on.

In addition to rezoning, it's for this plan. If you want to change this plan, the rezoning goes away—it goes back to R3. Then they start all over again. That's the safety net that is built into your Code. That you are approving, with rezoning, this plan and nothing else.

Ashley Champion: Which is the difference between rezoning to a PD (Planned Development), which is for a particular plan for a particular project, like this, versus a general commercial rezone, which is not what this is. That would give you the flexibility for any other types of commercial development.

Ralph Endres: Like I said the other day—at the meeting 2 weeks ago—I think the plan is wonderful. I just don't like the location. Now that the location has been chosen, I just want to make sure that all things that you've said to us, and the reasons we've had, come to fruition in this document we pass on to the Town Board.

Frank Sciremammano: We've said the same things to the Town Board and I assume they are going to incorporate all this in their rezoning conditions, including no fireworks and no outdoor concerts.

Ann Marie Rotter: Ralph, did you have a comment about lights as well?

Ralph Endres: Lighting? I think they can actually do the lighting if they do the way, the expert said at one of the first meetings. It's sequential, if they got a group of 100 coming, they know they are only going to use the bottom two or the closest two—those would be turned on as needed to be. Those are all bottom-lit. If you were going to put an observatory across the street, you would be upset. But there isn't.

You know, we've been sued on this Board for the same project when it was houses, by people across the lake, because of the light! They weren't invited to a Town Board meeting or a hearing. I said when that lawsuit came to us, that if that suit was ever upheld in court, the people in Charlotte should be upset about the CN Tower in Toronto, because they weren't advised of what was going up there.

Bessie Tyrrell: The way I see it, you made 4 recommendations: one's the rural, one's the Tier I, one's the noise level and one's the conservation easement.

Ralph Endres: I'd like to see those be incorporated in the statement that we forward to the Town Board.

Bessie Tyrrell: I agree.

Ann Marie Rotter: I agree.

Chairman Ely: Let's consider rural versus semi-rural. Want to speak further to that?

Mike Staub: Like I said, it's just a matter of scoping, and how far out you go and what areas are surrounding. There's already Bristol Harbour there and I've been down there, a lap drive around, and it's a beautiful scenic route. I don't see where this project invades that same kind of development.

Ralph Endres: Have you been down that Seneca Point Road in the last 3 weeks?

Mike Staub: About 3 weeks ago.

Ralph Endres: You should take a look at it now.

Bessie Tyrrell: You should take a look at it now.

Chairman Ely: I walked down there today and if that is not semi-rural, I give up.

Ralph Endres: When it came before this Board for a rezone, it was better than the 5 buildings, like building 5 that could have been built there without coming to the Board. So the Board looked at 45 duplexes as a bonus compared to the other 400-500 units that could have been built.

What you see is going to take years before it is pleasant to the eye.

Chairman Ely: I'm sure.

Ralph Endres: I don't think these people are going to take that long. Because I don't think they're going to be disturbing the ground as much.

Chairman Ely: Not to that extent, no.

Mike Staub: Again, it's the plan that we had privy over to send to the Town Board. We approved this plan development at this site. This is the document with the recommendations we've already made. Now, the one thing I do agree with that we could put in was that sound abatement after 11 o'clock, but as they have already mentioned that they talked to the Town Board and the Town Board said that there would be no fireworks, no outdoor concerts or anything. That would be in the Town Board's purview.

Ralph Endres: Can I call for a vote on the floor, for 4 amendments?

Bessie Tyrrell: Yes, anyone can call a motion.

Ralph Endres: And you can call roll call and we will vote.

Chairman Ely: Which one you going to do first?

Ralph Endres: Let's start with rural and semi-rural.

Proposed changes to recommendations to Town Board:

- 1) Rural vs. Semi-rural. Bessie Tyrrell made a motion, seconded by Ralph Endres to change the wording from semi-rural to rural.

Voting

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

Chairman Ely: Second motion?

Ralph Endres: The second motion is a motion that an easement for—conservation easement be stated that it's for all the property on the steep slopes and property that isn't going to be developed, by the development as proposed to the Planning Board.

Chairman Ely: All the property on the steep slopes and property not being developed.

Ralph Endres: 'All' the property not being developed have a conservation easement put on it.

Chairman Ely: Okay, that would take out the wording which suggests that they would incorporate some or all of the remaining land. You want to be more specific, in other words?

Ralph Endres: I want 'all', not some.

Chairman Ely: I understand. *All the property on steep slopes and not being developed as part of the plan...*would that do it? Okay?

- 2) Conservation easement on all land; steep slopes and property that is not going to be developed by the Development. Ralph Endres made motion, seconded by Bessie Tyrrell

Voting

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

Chairman Ely: Third motion?

Ralph Endres: The third motion I'd like to make, is that the property, in regards to the waterfront--the property be held as Tier I property as far as the docking and mooring law go.

- 3) Property regarding Waterfront regarding Docking and Mooring be Tier I. Ralph Endres made motion, seconded by Bessie Tyrrell.

Voting

Chairman Ely-	Aye
Ralph Endres-	Aye
Ann Jacobs-	Aye
Ann Marie Rotter-	Aye
Mike Staub-	Aye
Rodney Terminello-	Aye

Bessie Tyrrell- Aye

Chairman Ely: The fourth one?

Ralph Endres: The noise level. After 11 o'clock there be a noise abatement.

Bessie Tyrrell: *Code section 170-20 D. Physical character of the site: relation to surrounding property...*

Chairman Ely: Physical character of the site?

Ralph Endres: Yes, up here, physical character of the site. I know that they don't hold concerts up there, but I just want something on that piece of property that says we aren't going to have huge amount of noise after 11 p.m.

Chairman Ely: Do you have some wording?

Ralph Endres: In relation to surrounding property, I'd like to make a motion to put 11 p.m. curfew, on bands and excessive noise.

Chairman Ely: Bands I understand, but excessive noise--that's going to be a matter of a judgment call. We've discussed as a Board noise ordinances and I know our code officer is going to look at it.

Ralph Endres: All music must end by 11 o'clock.

- 4) All outside music, outside the property limits, must end by 11:00 p.m. Ralph Endres made motion, seconded by Bessie Tyrrell.

Voting

Chairman Ely- Aye

Ralph Endres- Aye

Ann Jacobs- Aye

Ann Marie Rotter- Aye

Mike Staub- Aye

Rodney Terminello- Aye

Bessie Tyrrell- Aye

Chairman Ely: Do we have a motion to approve this document subject to the amendments we just adopted

Mike Staub: I make a motion to approve the document, going to the Town Board, as amended.

Ann Jacobs: I second it.

5) Approval of document to Town Board with amendments. Mike Staub made motion, seconded by Ann Jacobs.

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

Being no further business, Ralph Endres made a motion to adjourn, Mike Staub seconded it. The motion was unanimously accepted and the meeting adjourned at 7:55 p.m.

Respectfully submitted,

Colleen Converse,
Recording Secretary