

Planning Board Meeting
August 20, 2014

Present: Mary Ann Bachman
Anne Caprini
Jim Ely
Ann Jacobs
Ann Marie Rotter
Mike Staub
Rodney Terminello

Guests: Dan Fuller

Absent: Ralph Endres
Bessie Tyrrell

The regular meeting of the Town of South Bristol Planning Board was called to order at 7:00 P.M. followed by the Pledge of Allegiance. All board members were present with the exception of Ralph Endres and Bessie Tyrrell.

Rodney Terminello read the Comprehensive Plan Vision Statement out loud.

Chairman Ely then said that he had one change to the July 16, 2014 minutes. He requested that on page 8 of those minutes where it stated that "Mr. Ely called for a motion to adjourn the December 19, 2012 public hearing" be changed to read: "Mr. Ely called for a motion to close the December 19, 2012 public hearing". He then called for a motion to approve the July 16, 2014 minutes with that correction. Mike Staub made said motion which was seconded by Ann Jacobs. The motion was unanimously accepted.

Old Business

Update Regarding Proposed Logging/Steep Slope Regulations, Proposed Animal Control Regulations and Proposed Barking Dog Language-Chairman Ely advised the board that he had spoken with Supervisor Welch a couple of times and that the matters were still pending at the Town Board level due to the fact that the Town Board had been very much preoccupied with the Everwilde proposal so they had not had a chance to review the Planning Board's proposed legislation.

Chairman Ely said that he would continue to follow up on the status of the Planning Board's submittals.

Update on PD Requests-Chairman Ely advised that the Everwilde PD application was on the Town Board's agenda for their August 11 meeting and that during that meeting the Town Board did not deem their application complete and, therefore, did not refer their application to the Planning Board. He said that meant that they could not possibly refer the application to the Planning Board until September. Mr. Ely said that if that was the case the board could have some preliminary conversation with the Everwilde people but that the board would not be able to take any action on their application at that time. Mike Staub then told the board that he was at the August 11 Town Board meeting and that the Town Board had a flow chart for people to see and that it appeared that the Planning Board was going to be very busy starting in October. Mike said that the Town Board was moving forward to establish lead agency status for SEQR and that they were also going to be referring the application to County Planning. Chairman Ely then said that in connection with the SEQR review, the Planning Board had received a letter from Barbara Welch stating that the Town Board was going to take Lead Agency responsibility for the SEQR review and that if the Planning Board had any objections that they should so indicate that objection within 30 days of the date of the letter. The board members indicated that they had no objection. It was agreed that since the board had no objections that it was not necessary to send a memo back to the Town Board.

Chairman Ely then advised that the Bristol Ski Valley people were not on the Town Board's agenda for the August 11 meeting. Therefore, he said he did not anticipate them coming before the Planning Board anytime in the near future.

New Business

Chairman Ely advised the board that there was a slight modification to the items of new business due to the fact that since the agenda was prepared the Code Enforcement Officer had been advised that there had been a change to the access road that was shown on the plans for the Galaxy townhomes at Bristol Mountain that the Planning Board had approved a year ago. He said the board secretary then had been in touch with him and Dan Fuller and it was agreed that Mr. Fuller

would come in before the board to see if the board felt that the access road change was significant enough to require that he go through another site plan review process. Chairman Ely then turned the floor over to Dan Fuller.

Dan told the board that he appreciated being allowed to come before them. He said he would like to take a minute to bring everyone up to speed with regard to where things stand at the Mountain. Dan said he wanted to thank anyone who had attended their ribbon cutting ceremony for the Aerial Park a month or so ago. He said it was very well attended. He said he hoped that everyone who had attended got a glimpse of what they were trying to accomplish there. Dan said it was an effort on their part to further their mission to make sure that people get a sense of being in the outdoors. He said it was, hopefully, family-oriented and also expands many age groups.

Dan then said that with regard to the Galaxy townhomes, which the Planning Board had approved about a year ago, they had found it necessary to change the location of the access road. Dan then directed the board's attention to a couple of drawings he had brought with him to the meeting to orient them with regard to the change. He showed the board on the drawings where they originally had planned to have the access road and where they now planned on having it which would provide for direct access off of State Route 64 which they felt would make for better access. He said that they had spoken with a lot of the Northstar Village people and that some of them were concerned about where the access road was to be located and to some it did not really matter. Dan said that all of the existing units and the location of the units were exactly the same as before so the change only related to the access road.

Dan told the board that access would be directly off of Route 64 and that they currently had a curb cut right there that they use for maintenance and also that they have a small helicopter pad there where Mercy Flight or others can land to transport patients. He then went on to say that the road would come off of Route 64 and go around the west side of their existing pond across Mud Creek and then access the development down by Building K located directly behind the Galaxy chair. Dan said all of the remaining area and access was to remain the same as before. He also mentioned that with regard to the existing pond that they

planned on expanding the pond at some point in time. Dan went on to say that they felt the change to the access road would satisfy the concerns of the Northstar Village people and probably in the long run would provide a nicer entry into the area. The board secretary then added that after seeing the new access road layout CEO Sommer, who was also Assistant Fire Chief for the Bristol Fire Department, had wanted her to advise the board that he felt that the new layout for the access road would provide for much better access for emergency vehicles. Chairman Ely then asked if the access to Northstar Village would just dead end. Dan said that was correct. Mike Staub then asked Dan if he might want to consider leaving a little access road in there in case something happened to the bridge over Mud Creek, for example, so that either way people could get in. Dan said they could do so and added that there was a very gentle area that contained grass that could provide access also. Mike said he was thinking of egress or if they should have a fire then people could be routed around another way and would not be in the way of the vehicles. Dan agreed that it might be nice to have two ways.

Chairman Ely then asked Dan what the status was regarding the Galaxy project. Dan responded by saying that this past Spring they received approval from the Attorney General's Office to test the market which would provide them the opportunity to speak a little more specifically about the project with various people that are interested in it. He said they were not allowed to take checks for deposits or anything like. He said they were allowed to find out the level of interest and what areas and what units people would be interested in. Dan said then they would probably work on a reservation base so that maybe they would have first choice when the time comes. He said they have about ten parties that have indicated they have an interest. Dan then said that their plan was to finish up their final offering plan by the first week in September at the latest so they can present that to the Attorney General resulting, hopefully, with a turn around in November or December so that they can go to contract with the idea that if they have enough contracts in place they can start construction in the Spring of 2015. He added that at this point there was no long term commitments involved for any of their contacts expressing interest. He said that was as far as they could go right now under the current filing with the Attorney General's Office. Dan said that they could produce marketing materials and that they have a website now. He

said that they could do those things and that each one of those things had to be approved by the Attorney General's Office.

Chairman Ely then asked Dan how long he thought it would take for them to complete the road. Dan said that it would probably take a couple of weeks to rough it in. He said he thought that they anticipate at some time putting a binder in there so the road could be paved right from Route 64 to the new development. He said he was not quite sure at what stage that would be done as that would depend upon the site people and when they feel a lot of the site work has been completed so they would not damage the road that has already been built.

Mary Ann Bachman then asked if it was obvious where everything is and if it had been engineered. Dan said it had been and that all of the drawings had been completed and that the drawings showing the roadway as now anticipated would be inserted into those drawings and the previous ones would be removed. He went on to say that the cut and fill drawings were done as were the elevations, mechanicals, utilities, etc. Mary Ann then asked if she were to drive in to the Mountain whether she would be able to tell what's going on. Dan said right now she would not be able to tell but if she were to look at the Galaxy lift, then she could orient herself from there. She then asked how the Galaxy project would impact skiers. Dan said it would be just above. Mike Staub then asked if they were going to expand the pond in conjunction with this. Dan said that would be a project independent from it. He told the board that they had just met with the folks from NYSERTA so, hopefully, they would be working on trying to expand the pond and work with NYSERTA. Dan said that by expanding the pond it would make more water available which hopefully would make their system more efficient than what it is currently.

Chairman Ely then asked if there were any more questions. There were none. He then said that the board needed to decide whether they felt the access road change was significant enough to require that Dan submit another site plan review application to the board and go through the process again along with a public hearing, etc. or whether it is a relatively reasonable modification to the existing plan that the board had approved previously.

Mary Ann Bachman said that it sounded to her like a necessary access road. Ann Marie Rotter said that she felt it was an enhancement but not to the point of requiring a public hearing. She also noted the safety aspect of it. Mike Staub then pointed out that the area was already being used as a helicopter pad and emergency access and the cut was already there from Route 64. Chairman Ely noted that it was within a Planned Development, the whole purpose of which is to give some flexibility to the developing parties, and that they had already received site plan approval from the Planning Board. Rodney Terminello then asked if they had any neighbors to the north of where the project was planned. Dan said that to the north there was one neighbor, Mr. Vanderbrook, which was the ranch that was set back from the road and that then beyond that it was their property that goes up to Lock, Stock and Barrel. Rodney asked Dan if Mr. Vanderbrook had any problem with the project. Dan said that he did not. Mike Staub then made a motion that the proposed change to the access road is accepted within the existing previously approved plan without any need for further action. Ann Marie Rotter seconded the motion. All in favor – Aye. Opposed – No one.

Discussion regarding Current Steep Slope Law as compared to Proposed

Logging/Steep Slope Law-Chairman Ely reminded the board that they had some discussion previously regarding the town's current steep slope law as compared to the proposed logging/steep slope law due to the fact that the town supervisor very much wanted to be sure that the code enforcement officer had full authority to enter upon property in connection with a steep slopes permit. He then told the board that he had drafted some modifications in both the steep slopes law itself and the steep slopes permit application which drives home the point that by signing the application form the property owner consents to the CEO entering the premises for the purpose of inspection and the law was modified to say the same thing. Mr. Ely said that the language he had used was taken from the proposed logging law that the board had just sent on to the Town Board.

The board was given copies of the law and application form as modified. The change to the town's current steep slope law was to Section 148-10(D) adding the following language: *"By signing the permit application or letter, the property owner consents to the Code Enforcement Officer (CEO) entering the premises for inspection purposes. The property owner further consents that the CEO may seek*

inspection assistance from any persons deemed necessary, including but not limited to, the Canandaigua Lake Watershed Manager, the Canandaigua Lake Watershed Inspector, and the Ontario County Soil and Water Conservation District.”

The modification to the steep slopes permit application form was to add a property owner signature line and date line as well as the following language to the bottom of the last page of the application:

“The property owner MUST sign the Steep Slope Permit Application Form OR write and sign a letter to signify that he or she has reviewed the application and is in agreement with its contents. By signing the permit application or letter, the property owner also consents to the Code Enforcement Officer (CEO) entering the premises for inspection purposes. The property owner further consents that the CEO may seek inspection assistance from any persons deemed necessary, including but not limited to, the Canandaigua Lake Watershed Manager, the Canandaigua Lake Watershed Inspector, and the Ontario County Soil and Water Conservation District.

It shall be the property owner’s responsibility to secure all other permits that may be required. The property owner, agent and logger will all be jointly responsible under this local law.”

Chairman Ely then said if the board was in agreement with the modifications he would entertain a motion to refer the proposed changes to the Town Board. Mike Staub made said motion which was seconded by Rodney Terminello. All in favor – Aye. Opposed – No one.

Discussion regarding Site Plan Review-Chairman Ely told the board that there had been a great deal of construction on Seneca Point Road this year all along the waterfront. He noted that for some years there had not been any but that there seemed to be an explosion this year. He said that a number of issues had come up including construction taking place on a high hill and water coming down and flooding people down below as well as putting mud and other debris down into the lake. Mr. Ely said that the DEC had been down there and was not happy.

Chairman Ely went on to say that some discussion had been raised as to whether or not the Planning Board might want to anticipate problems such as this in the future by requiring site plan review for construction taking place in the Lake Residential (LR) District. Mr. Ely said he had a conversation with Kevin Olvany from the Watershed Council regarding the matter. He said the Kevin told him that Middlesex, Canandaigua and Gorham already require site plan review for any construction on the lakefront and that Kevin had sent him some of their material. Chairman Ely said that he would like to suggest that the board simply modify the list of uses requiring site plan review in Town Code to add "LR" (Lake Residential) to the other districts that currently require site plan review. Mr. Ely said the board may want to develop some special criteria for that review and that Kevin Olvany was working with the Watershed Association and with both the Ontario and Yates County Planning Departments to formulate some better criteria and that Kevin had invited him (Mr. Ely) to participate in that discussion if his schedule permits. Chairman Ely said that he felt that the first step would be, if the board agreed, to recommend to the Town Board that the Town Code be amended to add "LR" (Lake Residential) to the districts that require site plan review. He noted that would mean more applications coming before the Planning Board in addition to the board's other on-going tasks. Mr. Ely then said his suggestion was out there for the board's consideration. The board members felt that it was a good suggestion. Chairman Ely then called for a motion that the board recommend the suggested change to the Town Board. Rodney Terminello made said motion which was seconded by Anne Caprini. All in favor – Aye. Opposed – No one.

The proposed changes were as follows: Change Section 170-94(A)(3) to read as follows: *"(3) All uses in the I-1, LC, LR and PD Districts, including uses not requiring a zoning/building permit."* AND Change Section 170-22(E)(17) to read as follows: *"(17) All uses in the I-1, LC, LR and PD Districts, including uses not requiring a zoning/building permit."*

Anne Marie Rotter then asked if the changes would apply to those properties that had already begun construction. She was advised that it would not apply to construction that had already commenced as the proposed change, if the Town Board should act on it, would not become law for a few months and would not be retroactive.

October Meeting Date-Chairman Ely told the board that he would be away for most of the month of October and that it had occurred to him that the board might combine the October and November meetings and hold a meeting on Wednesday, November 5. It was noted that could be the meeting when the Everwilde people would be coming before the board regarding their proposal. Chairman Ely added that when the Everwilde's proposal did come before the board he would engage to have the town's newly-hired engineer for the Everwilde project in attendance. It was also noted during discussion that there was going to be a very long review process taking place over the next several months for the Everwilde project so if they were to normally come before the Planning Board the third week in October and have to wait until November 5 instead to do so, it did not seem to be a major factor in the review process. Rodney Terminello then made a motion that the Planning Board combine their October and November meetings and meet on Wednesday, November 5, 2014. Mary Ann Bachman seconded the motion. All in favor – Aye. Opposed – No one.

Noise Ordinance Newspaper Article-Chairman Ely drew the board's attention to an article he had cut out of The Daily Messenger with regard to East Bloomfield potentially developing a noise ordinance. He said he had the board secretary make copies for the board just as a matter of information since the board had talked about a noise ordinance off and on and the fact that there could be difficulties in crafting such a law. Mr. Ely then said that there had subsequently been another article in the paper that indicated that East Bloomfield had decided not to go forward at this time. He explained that several people had come to the town with regard to a band playing and making a lot of noise and apparently that situation had improved.

Other Business To Come Before The Board

Agenda 21/Home Rule Discussion-Chairman Ely turned the floor over to Ann Jacobs and Mary Ann Bachman. Ann Jacobs told the board that Agenda 21 was quite involved and was over 1,000 pages. She said it was being moved along and gathering speed. Ann said that it had been approved by the presidents and that it started in 1992 with the elder President Bush and that it had now been approved by Executive Decision by President Obama. She said that there were certain things in it that she agreed with and others that she did not. Ann told the board

that one thing that was of great concern to her was the use of our fresh water that is being syphoned out of the Great Lakes and sold. She said the George W. Bush enacted the Great Lakes Compact supposedly to protect the Great Lakes but that it had been violated and that they have continued to drain the lakes. Ann said she was concerned because if New York gets a new governor during the election and he is very supportive of hydraulic fracturing that would put a drain on our water. Ann said that there were droughts in our country, that everyone was aware of, and that there may be a need to supply parts of our country with fresh water. She said it was a resource that New York State and the other states around the Great Lakes were lucky to have but that, meanwhile, it was being impacted. Ann said that she had done a lot of research on it because, to her, it was very alarming. Jim Ely then asked that since the Great Lakes Compact would involve Canada whether they were in on it. Ann said that they were, as they supposedly signed the agreement under President Bush, but that they were allowing it to be syphoned out. She added that, unfortunately, there was no dotted line across the lakes showing which side is Canada and which side is the United States. Ann then told the board that they were heavily syphoning off Michigan and that Michigan was at an all-time low according to what she had been reading.

Ann then told the board that Agenda 21 not only affects the Great Lakes but that it also talks about where people can live. She said what they want to do is select certain areas of our country and return them to natural wild. Ann said they want to pull people in and put them in 30-unit housings in the cities. She said they would be infringing upon a person's right to own land. Ann said that Texas and California were in agreement with this and moving towards this at a fast rate. She said the way it works is the state buys the land and takes it under eminent domain.

Ann said that Agenda 21 also impacts other things like education. She said that the Common Core that the board may have read about in the newspaper lately came out of Agenda 21. She said what they were trying to do is impose upon the people a new world order. Ann said they want one world government, a global economy and global currency. She said parts of it may be good but there were parts of it that she found alarming.

Ann then said that there was a lot about this that people just aren't aware of just like the Common Core – all of a sudden you wake up and there it is. Jim Ely agreed that there was very little publicity about that.

Mike Staub then said that Agenda 21 had been going on for a long time and that it had not received a lot of publicity. He noted that there had been some documentaries about it. Mike said there were some parts in it that were like “the bait on the hook” because you see the juicy worm but you don't see what is inside. He said the biggest hook that was in Agenda 21 was that it gives control of all of our waterways to the United Nations, not to the people. Mike said, therefore, they could dictate and control our waterways through legislation regardless of our sovereignty. He said he believed that the stumbling block now, before it goes any further, was the Senate. Mike said even when the Democrats were in control of the House and the Senate and with a Democratic president they still could not push it through. He said that they just keep nibbling away at it by pushing it or repackaging it and bringing it back until they finally get it through and signed. Mike said it would be a treaty which means that the people would have to honor it and it would give up our sovereignty as a country to the United Nations to control our waterways to include the Great Lakes and the Mississippi.

Ann Jacobs then said that another thing they were trying to do was equalize the wealth in the world by having the wealthier countries support the third world countries by taking our wealth and our resources and distributing it to them. She said their main goal was to make everybody equal.

Mary Ann Bachman then said that the subject was talked about on a very popular radio talk show. She told the board that West Chester County was the fourth most diverse county in New York State. Mary Ann said that Housing and Urban Development (HUD) was the strong arm behind it and that they will take away your funding if you don't abide by their certain rules. She said that they require you to have a certain number of units (around 750), you have to have proof of diversity, show proof of targeted areas, etc. Mary Ann said it has been found that they have complied but they have threatened to remove funding. She said that they were trying to promote diversity in urban areas through housing.

Mary Ann told the board that it talks about sustainability and that what she found very interesting was that they found such things as grazing cattle and ski slopes to be unsustainable. She said that they were putting those things in the same category as paved driveways, electrical wires and things like that. Mary Ann said if they had their way they would keep the open fields and move everybody into a concentrated area. She said they want sustainable development; they want to sustain the population by control.

Chairman Ely then said that Amy Charlton had given a presentation to the Town Board regarding Agenda 21. Mary Ann said that was correct and that was what prompted the discussion at the meeting tonight. She said that Amy was at the July Town Board meeting and that either the Town Board or Barbara Welch had asked Amy to do some further research into this to see if it is just window dressing or if it is something that they are going to follow through on. Mary Ann said what she was referring to were resolutions prepared by the Town of Gorham and Village of Rushville rejecting potential infringement by bureaucracy on property rights and condemning violation of home rule. Mr. Ely asked if the resolutions had been passed by the towns. Mary Ann said that they had been. He then asked if they had sent them to state officials. She said that they had sent them to both County and State officials so they were on record as being opposed. She said that when Amy came before the Town Board in July her goal was to ask the Town of South Bristol to do the same.

Mr. Ely then asked what Mary Ann and Ann saw as the role of the Planning Board with regard to Agenda 21. Mary Ann said it was important for the board to be aware that this is happening and that as the board is presented with information to keep that in mind. She said it was important for the board to maintain their philosophy and their goals with regard to ecological integrity which she felt was the biggest component of the issue. Mary Ann said she felt it was important to maintain the town's integrity. She then added that she owned 20 acres on Hicks Road and that they would love to turn her 20 acres back into "green" and have her move elsewhere and control what she does with it.

Ann Jacobs then said that essentially they want to tell you where to live, how to live, what to eat, what to grow and to tell some farmers to stop production altogether.

Mike Staub then told the board that the most important thing to do was to get educated about this and to make people aware of what is going on. He said it had actually been on the docket for decades and that it had been working its way slowly through the Senate and Congress. Mike said they never reject it, they table it so they can bring it back at any time and push it through. He said, therefore, it was incumbent upon us to be aware of what is going on. Mike pointed out, however, that Agenda 21 was a treaty so it would be out of the town's jurisdiction if the treaty were to be approved and signed by the president. He said it would give our sovereignty over to the United Nations. Mike also said if that were to happen we would lose any rights we now have and that it would be a long, hard-fought battle to come back from it. He said the board members should educate themselves, their friends, relatives and neighbors and contact their state representatives (especially the state senators) and tell them as individuals that they don't want any part of it. Mike said that we are a sovereign nation and we should not let the United Nations or any other world agency control what our country does.

Jim Ely then asked Mary Ann Bachman if she thought the Town Board was considering following in the footsteps of the Town of Gorham and the Village of Rushville. Mary Ann said that the Town Board was not at that point yet but that Amy had been asked to do some citizen volunteer work and was going to be meeting with State Senator Nozzolio. Jim then asked Mary Ann if she would be willing to keep the Planning Board informed. She said that she would do so.

Mary Ann then told the board that she had read somewhere that the Republican National Committee had put it on their platform several years ago but that it does fall across party lines. She said it started in 1989 but wasn't signed into treaty until 1992. Mike Staub then told the board that it had never been signed into treaty and that it had to go through the Senate first. He added that even back when they had the super majority they could not get it through.

Chairman Ely then asked Mary Ann if she would speak with Amy Charlton about coming to a future Planning Board meeting to speak to the board. Mary Ann said that she would be glad to do so. Mr. Ely noted that the board might not be able to accommodate her at their September meeting but that they would be able to do at some point in the future. Mary Ann then said that she felt that Amy would appreciate being asked to speak to the board during a meeting to raise awareness.

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

Respectfully submitted,

Debra Minute
Recording Secretary