

Planning Board Meeting
December 9, 2015

Present: Jim Ely, Chairman
Ann Jacobs
Ann Marie Rotter
Mike Staub
Mary Ann Bachman
Ralph Endres
Rodney Terminello

Absent: Bessie Tyrrell

Guests: Barbara Welch, Town Supervisor
Dan Marshall, Incoming Town Supervisor

The 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 except Bessie Tyrrell.

Board member, Ann Jacobs, then read the Comprehensive Plan Vision Statement.

Chairman Ely called for a motion to approve the October 14, 2015, minutes as written. Ann Jacobs made said motion which was seconded by Mike Staub. The motion was unanimously accepted by all board members present.

Chairman Ely called for a motion to approve the October 21, 2015, minutes as written. Rodney Terminello made said motion which was seconded by Mike Staub. The motion was unanimously accepted by all board members present.

Supervisor Barbara Welch

Chairman Ely: Barbara has asked for the privilege of the floor.

Barbara Welch: Thanks a lot for allowing me to come and say a few words. I just want to thank the Board for their service particularly on Everwilde. I don't know if you caught the newspaper today, but I'll give you a brief update of the status of the FEIS (Final Environmental Impact Statement).

The Town received 560 pages of documents through written correspondence during the public comment period. There is also 140 pages of transcript from the public hearing. Those all went upon the website today, so you can access them. Where it says on the bottom, 'Planned Developments', then you will see 'Everwilde' and I think 'Bristol Mountain' is next to that. So if you hit that button, it will take you

there, in case you are up in the middle of the night and want to read all of those. When you go in there you will see the amount of work that they have done, just to collate those comments, because those comments become very critical in the preparation of the Final Environmental Impact Statement, as I know Kathy (Spencer from LaBella) shared with you last month.

Because of the volume, and those of you that were at the Public Hearing, I can remember one woman asking about 30 questions, so those are all 30 comments. That process has taken longer than anticipated. There will also some letters that showed up someplace they weren't supposed to be, so Judy Voss had to search for 3 letters. Anyway, the long and short of it is, they are still continuing to work on the Environmental Impact Statement, but it has now gone over to their project sponsor, their engineering firm so the Environmental Impact Statement is being worked on. The Town Board approved, and the project sponsor approved a timeline of bringing it out sometime in April—the anticipated date that the Environmental Impact Statement will be done. I wanted to share that with you because I know your comments are in there. Actually it was a pretty good article in the paper. It was pretty accurate.

I did want to let you know, I did talk to Dan too, that I've your minutes from the October 14th meeting, they were very well done, thank you Colleen, you did a great job. There are four (4) items in this that was asking for the Town Board's input. I've talked to Dan and I'll make sure he has this and that is something he will do come January, whenever he chooses to.

I had been asked about an appointment to the Town Planning Board. I believe the vacancy of Anne Caprini took place a couple months ago. We don't have any intentions of filling that Board position or appointing anyone to a Board position this close to changing. That is something the next Board will address. I did share that with you Jim (Ely), but in case there were any questions.

I will say this while Dan's here. The Comprehensive Plan, Dan and I both agreed, we put \$8,000 into the budget for 2016, which was at your request. You had requested that amount of money. Dan and I talked about this, but we think you are going to need more money than that, in order to work on the Comprehensive Plan. I'm sure that is something Dan will address next year. But I did want you know there is money in the 2016 budget.

My reasons for thinking you are going to need more money is that you have a very keen sense of public interest in the Comprehensive Plan. Comprehensive Plans have made quite a lot of progress in the last decade. I shared some information with Jim (Ely), today, on the Manchester Plans and the level of detail that they are giving to a future development. They are getting very specific with maps and drawings on their Plans, so you are probably going to need to rely heavily on professional help there.

The last thing is, I just want to 'thank you' for your service and wish you all a Merry Christmas and a Happy New Year, and thanks again for everything you've done on Everwilde. It's been interesting. If I drive by and your lights are on, I'll know what you are reading. I will not be reading them! Thanks!

One more thing. Dan and I will be meeting with LaBella next Tuesday, to start working on the transition.

Dan Marshall: If I may say a word while Barbara is still in the room. If I may reiterate what Barbara just said, thank you very much for your service. We appreciate it.

We are already transitioning as far as the two biggies. Obviously Everwilde, and we are also looking in and getting information, as we speak, relative to the Bristol Sewer issue as well. So, we have already started on that. Barbara has just mentioned that we are meeting with Kathy Spencer and Steve Metzger, from LaBella, on Tuesday, up in the City. Hopefully we will be learning more about the transitions and suggestions from them as well. I do expect that we will be planning some type of either workshop, or special meeting, for the new Town Board so that they can be educated by LaBella so that they know exactly what we need to be aware of and how we should be proceeding. None of us on the Board, take the two issues, Everwilde particularly at the moment, very lightly. It's a big one. Obviously, we don't have any intentions of dropping the ball.

I do want to say to Barbara, while you are here, while we may have a few differences on a few other things, one thing that I think the current Town Board and Planning Board has done remarkably well is Everwilde. It is huge. It is a huge project and all the proper steps have been taken up to this point using LaBella, was obviously the only thing to do and we are still a long ways from the answer. But up to this point, I think the job has been done just the way it is supposed to be done. I was called by a reporter the other day expecting me to be critical of the fact that the current Board has extended the decision on the FEIS (Final Environmental Impact Statement) until April. I said to her 'hallelujah'. I think we are going to need that and a little bit more. I don't know where she thought that. In fact, I had it explained to me, that in essence it was not an extension, it is the option of the Town Board to decide when that date's going to be.

I've seen the document that Barbara is actually referring to—500 plus pages on line. It pretty much ties up your computer. It is a massive document. It is pretty impressive and I got to give them a lot of credit for the work they have already done.

Ralph Endres: Dan, you didn't get any push back from the developer either, did you?

Dan Marshall: Which Developer?

Ralph Endres: On Everwilde. They aren't pushing.

Barbara Welch: The Town Board, last month, sent out a document saying this is what we are asking for. We want you to sign saying you agree with us. They signed that that and sent it right back.

Don Marshall: Quite contrary. They were pretty much in full agreement.

Ralph Endres: That's what I am saying. I read the newspaper article. It looked like they wanted Everwilde to say that this is taking way too long.

Dan Marshall: The newspaper tries to create situations that don't exist. Thank goodness for the extension. It was going to be needed. If it hadn't happened actually when it did happen, we would

probably be asking for it ourselves right after the first of the year. To be realist, let's think about it. We need some time.

Ralph Endres: Absolutely.

Chairman Ely: Thank you, Dan. Thank you, Barbara.

Barbara Welch: You're welcome.

Iversen Project- South Bristol Villas

Chairman Ely: Now, Members of the Board. Our new business this evening was supposed to be a preliminary application by Chrisantha, Inc., relative to extending the deck sizes on their proposed condos in the South Bristol Villas. No one has favored us with their appearance this evening, so my suggestion is that we should defer this item until January. In the interim, Colleen, I would like to get together with you and Phil. I think we should address a letter to them, expressing our unhappiness that they did not show up. Secondly, now we will consider their preliminary application in January. They can't be in a terrible hurry if they didn't bother to send anybody.

And also, Phil had raised a number of questions for them to answer. For example, on the application, number of parcels is one. Phil calls it a 'mother parcel'. In order to sell each individual unit, which I'm advised would require a survey, and a tax map. None of which has been done. So, I think that is something they are going to have to consider down the road before they start selling off any of their units.

I haven't heard the presentation yet, but Phil does not regard the slight increase in the deck size, in itself, a major issue. I will tell you that this matter has already been sent to County Planning and Maria Rudzinski has told me that the County has not raised any concern, they have passed it. She said she would send me their minutes but I have not received them yet, so we will see. So I think this can be handled rather routinely, but I must say it is a little aggravating since they made a big thing of coming in, that no one could come by here and spend 20 minutes with us.

Ralph Endres: I think, having seen that project every day, since the second week of April, they started construction on the first basement and it's the longest basement construction I have ever seen in my life. It's been three weeks, they have been pouring cement and they are doing things down there, but there is nothing visible from the road. You would have to step out in the mud which I'm not about to do.

Rodney Terminello: Have any units been sold?

Ralph Endres: No. The two that they are building from specs, it's like 'if come'. It's like if you were a gambler, and you are betting on the 'if come'. You are betting this much this much on those two houses, then 'if they come' you take the profits and go to the next. That is a very difficult area that they have to build on. I wanted to stop in and see our Building Inspector and see what he thinks because

we've had some protracted discussions before he had his shoulder surgery on how they were going to anchor those to bedrock. Because there is two ways of doing it, by steel or by cement. Either way, it's going to add thousands to the cost of the house.

Chairman Ely: They are going to be very expensive properties I believe, very expensive.

Mike Staub: Pouring cement for three weeks.

Ralph Endres: They have been shooting the cement down, and the thing extends up about 60 feet into the air. I can actually see it from my dining room, when they are blowing the cement.

Mike Staub: They have been pouring cement for one foundation for three weeks?

Colleen Converse: I do know that there was a problem with the post holes not being in align with each other, or something like that, and Phil was not happy about that.

Chairman Ely: Phil was not happy with that. He impressed upon me this question about the mother parcel and then the individual units. They have a long way to go before we can actually approve anything for them.

Ralph Endres: I saw Chris Iversen at a BHVA meeting, back in October and he presented this whole thing to the BHVA Board and he asked me. He said, 'We have some minor things that need to be done on the decks.' I said, 'We have to get the dimensions better defined', and they were going to be a little different than they were in the original plan? I said, 'I believe that has to go back before the Planning Board.' At that time, we had no meetings scheduled in November. He said, 'Well, we'd like to because start construction as soon as we can.' I didn't have the heart to tell him, that if the units that he's talking about the deck, he can't start the units without the Planning Board acting on it. I don't see it as a problem, because as he explained it, it's only a matter of less than a foot on some of the lots.

Chairman Ely: I don't see it as a big issue, he just hasn't followed through on this, and since it is an amendment to an approved site plan, I was going to set it up for a public hearing. It may be a pro forma public hearing, but that's what the Code requires. So, in any event, I'm less than happy with their performance.

Mike Staub: Let's just disapprove it and go on.

Proposed Site Plan Review

You may recall we discussed that, and even voted to recommend something to the Town Board at our meeting some time ago. I've since had it reviewed for me, by Maria Rudzinski from Ontario County Planning, and also Kevin Olvany. They have raised a number of issues that I think will require some type of modification and perhaps a referral back to Jeff Graff, to rework it a bit. So, I don't have anything further to report to you, tonight. That is going to have to go on for a future meeting.

Comprehensive Plan Update

Well, we have already had discussions from our outgoing and incoming Supervisors. I don't know what else I could add. I think we would be well served to sit tight until the new Board gets situated.

Dan Marshall: We have a number, but do we have a firm yet? Has any firm been chosen yet to help work with you?

Chairman Ely: No. As I understand it, no firm has been chosen. I asked Barbara that today. LaBella made a presentation to us at an earlier meeting and gave us some parameters. Was probably based on their estimates that we recommended the \$8,000, part of which is to be earmarked for a capital survey of the building and so forth; so it isn't all for the Comprehensive Plan update. After speaking with Barbara and with Dan and with Maria at County Planning we will be probably going to need additional monies.

Dan Marshall: I had read recently several towns require 2-3 years for the Comprehensive Plan so there may be money this year and next year.

Chairman Ely: Barbara mentioned what the Town of Manchester is doing and they have had extensive work with professionals to get their plan together.

Dan Marshall: You have to remember the Town of Manchester includes 3 villages.

Ralph Endres: And you don't know what their Comprehensive Plan was before and you don't know how close they stuck to the Comprehensive Plan. That may exacerbate the problem and cause it to be more extensive than normal.

Quiet Places

Chairman Ely: This is from our Code Enforcement Officer; what are Quiet Places? In your packet you have some material relative to this. This got triggered when a resident of the town came in and expressed concern to Phil; there are rental properties near where this person lived and Phil traced it to Quiet Place Getaways, rental properties in the Finger Lakes. This is apparently a clearing house for rentals. Phil raised the question with me, there seems to be nothing in the Town Code preventing rental. Should there be something in the Town Code? The resident was concerned that this was essentially a commercial operation. Now, is it desirable that we should get into the business of trying to deal with rental property, rental residences? We all already know that there are properties for rent on Seneca Point Road below me. I know people that have rented there and I always figured that one of the things you can do with your property was rent it. When Phil came in and said some neighbor was upset about this I didn't understand because it was not commercial in nature. It is a residence. They are not running a store or any of that character.

Rod Terminello: A commercial operation runs these cabins.

Ann Marie Rotter: All the Quiet Place guy does is provide an avenue for these pieces to be rented. He gets a cut of the fees.

Ralph Endres: I think if you get into putting stuff into our Town Comprehensive Plan and the town code. Bristol Harbor has had issues with rentals for years and years; it is a very thorny situation and the basic premise of telling someone what they can and cannot do; if you are not in a Planned Development it is very difficult to do; if you want to make the whole town a planned development and have authority to do what you are going to do. It is almost like looking at the Scenic Vistas this Board looked at. We thought it was going to be an easy thing and turns out to be very, very difficult.

Chairman Ely: My personal take is we should advise Phil that there is no prohibition against rentals. People, generally speaking, may elect to rent their property. For many people that is important as rental income for part of the year.

Ann Marie Rotter: I know a couple of people that have these Quiet Places and they are strictly like bed and breakfast places. They don't live there; these are not their homes. Business men go that are on business during the week, families on the weekend and vacation rentals. It is like a vacation rental.

Chairman Ely: The lakeside residential permits bed and breakfasts.

Dan Marshall : The Quiet Place are mostly rented by couples trying to get away for the weekend; not like a year-long rental. The properties are still owned by somebody else. You don't want to discourage tourism. Folks who actually run the Quiet Place are very particular. My neighbor wanted to do the same thing and because a bedroom was in the basement they weren't approved.

Chairman Ely: I will advise Phil accordingly. Tiny Homes, homes on wheels that would be brought in to sit on various sites, sites not yet identified, what permits, codes they would have to go through and what approvals they would have to obtain. Phil likened this to a situation where you have camp sites which would require a site plan showing infrastructure, septic, electric, number of sites and would also go to the ZBA for a Special Use Permit. I don't have any quarrel with any of that; he has not heard from the person since he advised her of these requirements. I don't think any action is required but wanted you to be aware that Phil has raised this; I think he is dead-on. If she wants to do this she is going to have to comply with our existing code requirements.

Dan Marshall: Is this the 720 square foot minimum requirement for a residence?

Chairman Ely: Tiny houses on wheels, 150 to 400 square feet; secondly, creating 4 – 5 of these homes on her property.

Dan Marshall: Couldn't have a Camping Trailer for more than 3 weeks.

Chairman Ely: I don't think we will hear from this person again but Phil wanted me to bring this up.

Being no further business, Ralph Endres made a motion to adjourn, seconded by Mike Staub. The motion was unanimously accepted and meeting adjourned at 7:35 p.m.

Respectfully submitted,

Colleen Converse,
Recording Secretary