

Planning Board Meeting
December 17, 2014

Present:	Mary Ann Bachman	Guests:	Ashley Champion-Nixon Peabody
	Anne Caprini		Mark Costitch-Costitch Engineering
	Jim Ely, Chairman		Ed Flynn – LaBella
	Ralph Endres		Judy Hanley – Town Clerk
	Ann Jacobs		Howie Jacobson – Redrock
	Ann Marie Rotter		Steve Metzger – LaBella
	Mike Staub		Frank Sciremammano – F-E-S Associates
Absent:	Rodney Terminello		Sue Steele – Bayer Landscape Architects
	Bessie Tyrrell		Mark Tayrien – LaBella
			Numerous Interested Parties (See Page 28)

The regular December 17, 2014 meeting of the Town of South Bristol Planning Board was called to order at 7:00P. M. followed by the Pledge of Allegiance. All board members were present with the exception of Rodney Terminello and Bessie Tyrrell.

Board member, Anne Caprini, then read the Comprehensive Plan Vision Statement out loud.

Chairman Ely then called for a motion to approve the November 5, 2014 minutes as written. Mike Staub made said motion which was seconded by Ralph Endres. The motion was unanimously accepted by all board members with the exception of Anne Caprini and Ann Marie Rotter who did not vote as they were not present at the November 5, 2014 board meeting.

OLD BUSINESS

Proposed Logging Ordinance and Other Proposed Changes Dealing with Steep Slopes, Extending Site Plan Review Approval to the Lakefront District, Animal Control and Barking Dogs-Chairman Ely told the board that the changes to town code proposed by the Planning Board had been forwarded to County Planning for their review and comment by the Town Board and that he expected that the town would have something back from the County fairly quickly but that it would not be available for any further review at the meeting.

Site Plan Review Workshops-Watershed Council-Chairman Ely said that as some of the board members already knew he had been meeting informally with the Watershed Council once a month as had Code Enforcement Officer, Phil Sommer. Mr. Ely said that they had had the opportunity to look at some of the codes from the various towns around the lake to get a sense of how South Bristol's code stacks up against other towns. He said, as he had mentioned at the last meeting, that South Bristol seemed to be rather behind other towns in terms of tightening the code with regard to lakefront protection activities. Mr. Ely said that, therefore, he and Phil were working on as a first step to tighten the definition of lot coverage. He said there was nothing for action by the board at the meeting but that he just wanted the board to know that it was "in the works" and would be available for the board's deliberation at a future meeting.

Update re Bristol Homeowners Environmental Preservation Associates, LLC v. Town of South Bristol-

Chairman Ely told the board that he had received an email the day before the meeting from Jeremy Sher, the attorney who had been handling the lawsuit against the Town Board and the Planning Board with respect to the proposed Iverson development at Bristol Harbour. He said Jeremy had advised that the homeowners who have been suing the town and who had lost at the first two rounds of the state judicial system had now filed a motion to have the case reviewed before the Court of Appeals. Mr. Ely said that Jeremy was fairly confident that the Court of Appeals would not grant review of the matter. Chairman Ely then said that was, of course, out of Jeremy's hand as well as the town's and that he would keep the board posted.

Hydrofracking News-Chairman Ely told the board that he had just learned that the Governor's Office through the NYS Environmental Commissioner had decided to extend the state-wide fracking ban evidently for an indefinite period. He noted that the town had already taken action on a fracking ban but said he felt that the information would be relevant to the board because it essentially reinforced what the town had previously done.

Everwilde Inn & Spa – PD Request-Chairman Ely thanked the Everwilde team for having been so responsive by getting back to the board in a timely manner with substantial reports with regard to traffic and the proposed alternative septic system along with other things prior to the meeting. He indicated that the materials had been very helpful. Mr. Ely said that some of it he had turned over to LaBella Associates so they could help the board unravel the details.

Chairman Ely then said that he felt that perhaps the best way to proceed would be to have the board members ask any questions that had occurred to them about the proposal and see if they could hone in on any issues of concern they might have to see if they could get some responses and/or to see what areas the board might need to get more information about.

Mr. Staub: My first concern was with the septic drip system as an alternative since we still don't have, as far as I know, a decision as to which way you are going to go. By looking at it and reviewing those systems, generally it is for homes, small farms and a small business-type of application and what you are looking at here is a rather expensive hotel/spa management which would increase the flow tremendously for a slow drip system. So I am interested in your appraisal of the flow rates and how big a field that you are going to have for that slow drip system.

Mr. Sciremammano: Mr. Chairman, if you would like we could address these things in order or all at once. I think it might better to address them in order.

Chairman Ely: I think it would be better in order.

Mr. Costitch: That's a very good question. Let me just give you a little history. This is the document that came out from DEC in 2014. It is entitled *New York State Design Standards For Intermediate Size Wastewater Treatment Systems*. I think it was about 7 years in the making and in Appendix E is the design criteria for a drip system. It is very, very detailed. New York State actually is a bit more stringent than other places with regard to design. The company that we are working with is

called American Perk Rate Systems. They worked very closely with the DEC. They are one of the larger ones. This document is entitled "Engineering Design Guidelines for Community Sized and Commercial Disbursement Systems". So this is actually designed for very large systems. What we are designing to is not a very large system for them. We included in our supplemental engineer's report some preliminary calculations and they came up with our bed being about 2.8 acres for the system and that is depicted on the drawing that was included with that report. (Pointing to drawing) This area right here being the leachfield system.

Mr. Staub: That's just the leachfield.

Mr. Costitch: That's correct.

Mr. Staub: You are still going to require a pumping system and a filtering site and there will be access points for maintenance, correct?

Mr. Costitch: Absolutely. We have a rather large storage tank which will be incorporated as a component in either the on-site system or the connection to Bristol Harbour. In both cases, we would want the ability to store and have emergency flow continuation. Then we can also dose if that is necessary and certainly within our drip system dosing is necessary. So we have shown here an 8,000 gallon tank and above ground pumping system. All pretty much state-of-the art.

While we are on the subject, we did also since our last meeting spend quite a bit of time pursuing the Bristol Harbour approach to water and sewer. We had a very good meeting here at the town. Representatives of the town, LaBella, the Health Department, NYS DEC and Bristol Harbour (both the manager and sewer and water treatment plant operator). The minutes of that meeting I believe have been distributed to you. It was a very positive meeting. So that is by far our preferred approach. We are pursuing this drip system and water from our own site as a backup because you have asked us to do so. The on-site system, just for the record, would require that the septic be reviewed by the Health Department and DEC. The water would not need a permit for less than 100,000 from DEC but would require approval from the Department of Health. If we are talking about Bristol Harbour, the sewer connection would not require any approval from the DEC. It would just be considered a lateral and the water would require approval from the Health Department. So we think we've got some pretty good alternatives and we are pursuing both just to make sure that the board is satisfied.

Mr. Sciremammano: I just want to emphasize that our first choice is the connection to Bristol Harbour. We believe that we have an agreement that is enforceable to connect to that. We also think that they have an obligation under the Transportation Corporation Law to provide service. In addition, at our meeting they stated that it would be good for their system to have this additional flow especially in the winter and that they had sufficient capacity both on the water and sewer side. So we don't really see a big obstacle there except perhaps negotiation over price.

Mr. Staub: I'm just worried about Murphy. He shows up occasionally and throws the best plans out the window. So my concern was that, in the event that Murphy shows his ugly head, you are

making the proper effort to back that system up. This is a rather high maintenance system that you are talking about. Are you going to maintain it or is that going to be off site?

Mr. Sciremammano: That will be private. It will be maintained by the inn.

Ms. Champion: I just wanted to add that I think this was a really good exercise for us to go through to be sure as we go forward that we have this as a backup option and that it is feasible. Mark has done a nice job of working through the preliminary details so we do have the comfort moving forward that even though we are very optimistic, regardless of how things work out with the Transportation Corporation, we have options. I just wanted to remind the board that we will also be coming forward with all of the details of whichever option we go forward with at the site plan review phase. We will have to be very nitty-gritty at that point as to how we will be providing sewer and water. At this point in time, we are still at the conceptual phase of the rezoning. We are hopeful that we've made our showing at this point that in some way or another we will have sewer and water at the site whether it's through the utilities or through our on-site systems.

Mr. Staub: Thank you.

Mr. Endres: My concern is, and Kevin Olvany mirrored it in a letter that I received copy of which was dated December 15, 2014, that the thorough analysis of the Bristol Harbour Sewage Treatment Plant needs to be completed by a third party.

Mr. Sciremammano: We also got that letter. We agree with every one of his points regarding the stormwater and the sewer and water. I think we're premature in some of the things that he has brought up. Those are site plan issues and real nitty-gritty but I think the review of Bristol Harbour is important and I understand that they are pursuing that right now.

Mr. Endres: Who is pursuing it?

Mr. Sciremammano: Bristol Harbour. They are doing an engineering study now looking at their ultimate build out and their ultimate capacity.

Mr. Endres: That is not what I would consider a third party.

Mr. Sciremammano: Again, they are going to bring in an outside engineer and everybody will have a chance to review that.

Ms. Champion: I am not exactly sure what that means that a third party should look at it. Just like with any other project, I am not sure who the third party would be but obviously the stakeholders are the utility provider and the end user (us). We are both engaging in and pursuing a lot of engineering work to make sure that, first of all, the alternative is feasible and, second of all, desirable. From our perspective, the utilities are Transportation Corporations and they don't get to pick and choose who they provide utility services to. I don't know if this board has an idea about a particular third party or if the third party would just be your town engineer reviewing all the documentation and making sure that

it makes sense. Otherwise, I don't know who the third party would be. Again, I wish to say that we agree with everything that is in that letter. The points raised are overall project concerns not necessarily recommendations at the rezoning phase. Of course, all of those points will have to be addressed throughout the project process and before we can receive any final approvals and before we can pull a building permit. We are currently working with all of the interested parties on all of those.

Mr. Endres: The town has just engaged a private consultant to look at the sewage and prepare a report.

Ms. Champion: Mark's been very transparent regarding all of our communications with the utilities and also the town so we are all on the same page. Our hope is that if everybody knows what everybody else is doing it will be much easier and that is why we have provided the meeting minutes and invited the town to our meeting and we have requested and received from your town clerk documentation on some of the other issues that are going on with the utilities so we are aware of those. We are working through all of that.

Mr. Endres: You might be transparent but Bristol Harbour has not been transparent for the past 8 years. That's the problem. They refused to provide flow charts and make the pertinent information available as far as the rate increase goes. Because of that, there is distrust throughout the community regarding what they can do and what their ability is.

Mr. Sciremammano: Hopefully, this project as well as their rate increase will shed the light that you need regarding their operations. One thing that was very clear from our meeting and from the minutes is they stated unequivocally that they have the capacity right now with access to handle this project. The only question is this nebulous build out for Bristol Harbour and if they will have the capacity at the end. But right now they were very clear that they have plenty of capacity to meet the needs of this project and the foreseeable future.

Ms. Champion: Again, we are working through all of those details. Obviously, should the town give any approval, it would be conditioned upon us having adequate sewer and water services. It is our burden to work through those details and to figure it out and show the town in the end how we are going to do it. That is what we are actively working through. Even though I understand that the town and some of the community members' prior experiences with the utilities haven't been great, I can say from our perspective and Mark can correct me if I am wrong they have been pleasant to work with.

Mr. Costitch: The sewer and water people are excellent. They are very knowledgeable with regard to their system. We actually did a flow test and we broke their hydrant and left them with a broken hydrant even though we felt bad. But just to add to what Frank was saying. They were saying at the meeting that there is sufficient capacity. Also, in the previous agreement, they said that there was sufficient capacity and, in fact, guaranteed it. They are on the hook right now for 20,000 gallons per day in an agreement and that agreement says there is capacity.

Ms. Champion: Again, our personal experiences with the utilities have been good to date and we hope to continue forward and we hope that any prior experience that the town may have had with

the utilities won't negatively affect that way that you view us or our project because we are working hard to be as open and transparent as we can with all of this.

Mr. Endres: As far as your drip system, how much earth has to be brought in? How many cubic yards?

Mr. Costitch: It is a very unique system. It is designed to be a very shallow system.

Mr. Endres: By shallow, how deep?

Mr. Costitch: The manufacturer talks as little as six inches. In New York they are looking at wanting to have eighteen inches for frost and you do some techniques for insulation. It is not like a sandfill system. It is a trenched system. The pipes are only half inch and there is just a lot of it. I've seen the system. I saw one in Skaneateles. It was a trial system that was put in about ten years ago. It is in a very low lying, wet area and it has been working marvelously. If you go online and google Skaneateles sewage experiment or something like that it will come up. It was one of the systems that is utilized there. Their watershed is the drinking water for Syracuse so there are some really interesting solutions that they have put forward in there and this is one of them.

Mr. Endres: How do you keep it from freezing if it is in the top couple of inches?

Mr. Costitch: Again, we are talking eighteen inches in New York.

Mr. Endres: But the frost just up the road from here this past spring was down almost three feet.

Mr. Costitch: I am not a scientist but it is a function of the design that it does not freeze. It is insulated, too. You use insulation in the design. Again, if you want to get the DEC's version, it is probably about 50 pages regarding the design, installation and the operation of these systems.

Mr. Staub: Is there a document number on that?

Mr. Costitch: If you just google "New York State DEC waste water treatment systems 2014" it comes up on top. It is Appendix E. It sometimes is referred to as "irrigation" which is incorrect. It is a drip system and it is called low profile because it is very shallow. Again, New York State requires it to be deeper.

Mr. Staub: Because it is a drip system it is constantly flowing and that is why it doesn't freeze. It would be like leaving your faucet open a little in the wintertime to keep that water moving. The system is designed to be slow and to be a drip system and to just continually move the water so it is less likely to freeze. We get pretty cold around here but eighteen inches should be more than enough.

Mr. Endres: I have a question about the marina that you want to put in. Actually, there are 13 properties north of the Bristol Harbour Village lakefront in the Town of South Bristol and they cover

nearly 4,000 feet and there are five permanent docks on that 4,000 feet. Beyond that, the total going north into the Town of Canandaigua for 6,100 feet there are eight permanent dock slips. Your proposal is for how many?

Mr. Sciremammano: Ten.

Mr. Endres: So your proposal is for ten docks on 550 feet which is one for every 55 feet.

Mr. Sciremammano: Correct.

Mr. Endres: Which is way out of line with what is there now.

Mr. Sciremammano: But certainly in compliance with the Canandaigua Lake Docking and Mooring Law. Part of the reason that there are so few docks on the adjacent properties is because they are large lots. Again, this is conceptual until we get to the Town Board and they give us a tier designation under the Docking and Mooring Law. We can't finalize anything. So we are waiting for that. We propose 10 and that is going to be subject to us being in compliance with the Docking and Mooring Law and while this may be more dense than what is immediately north and south, it is certainly a lot less dense than the other PD which is just down the way and has a very dense real marina. So we think this will be a very low impact. These are transient. These are for people coming to the spa. There is only going to be two boats that sit there on a regular basis and those will be owned by the spa. The others will be for people wanting to come in and go up the hill to visit the facility.

Mr. Endres: I thought you were going to rent paddle boats or kayaks.

Mr. Sciremammano: No. There will be kayaks and canoes but not for rent. They will be just for the use of the guests. We don't know the number yet. Again, that is very preliminary.

Ms. Champion: They will be stored on site.

Mr. Sciremammano: They will be stored on the shoreline for use by the people in the hotel.

Ms. Champion: It is definitely not a marina or a marina-feel that we are going for.

Chairman Ely: No power boats?

Mr. Sciremammano: There will be two power boats in the boathouse assuming we get the tier designation. (Pointing to plan) These will be available for power boats to come in for transient use. Everything else will be unit power.

Ms. Champion: We are not seeking any variance or any deviation from what is permitted under the Docking and Mooring Law.

Mr. Sciremammano: By the time this comes around it might be standup paddle boards rather than kayaks or canoes. It depends on what is popular at the time.

Mr. Jacobson: I think it is really important to be clear that there is no marina. There is no rental and the two boats that will be there are for the guests that want to take a ride and see the lake. We will take them. They can't use the boats. They will be passengers. Everything else will be canoes, paddle boats, kayaks in order to have that experience on the lake other than people coming that want to visit the spa. It is certainly a small number of docks based on what's in the law.

Mr. Endres: I take it then that you have not received any assurances from Bristol Harbour yet that you will be able to use their sewer and water.

Mr. Sciremammano: Not yet. What we were told is that they have sufficient capacity now. We believe that we have an enforceable agreement, that they have to provide the service and that under the Transportation Corporation Law we believe that they have an obligation. So, we are pretty confident that they now have the capacity and that they also have an obligation. But we do not have an agreement with them yet. I mean we do not have something formalized with them yet. But they did tell us in no uncertain terms that they have sufficient capacity now.

Ms. Caprini: You said that they have sufficient capacity but it is undetermined whether it would be sufficient for the build out at Bristol Harbour.

Mr. Sciremammano: That's right. That's what they are working on now.

Ms. Caprini: So the stakeholders are not just you and the utility provider. It is the residents of Bristol Harbour.

Mr. Sciremammano: For the current residents there is sufficient capacity. It's for the build out which is kind of nebulous right now and that is why they are doing their engineering analysis to determine what their capacity will be relative to some eventual build out. But still, and I will leave it to the lawyers to fight about this, they committed to a certain flow to the previous developer and we believe that agreement is enforceable. They said that they had sufficient capacity for that so I'm not sure how they are going to deal with that. I will leave that to the lawyers to discuss.

Mr. Endres: We've got another attorney who was hired by some of the local residents that has said that it is not enforceable. That you will have to fight out in a court of law unless you can convince the owners that it's enforceable. The people you are working with now are people who work for the owners.

Ms. Champion: The people we are working with and having meetings with are acting directly on behalf of the utilities. The people that you all are hearing from are more the ones who are working for the owners as individuals. We are working on obtaining all of the third party correspondence that has been submitted to this board. Going forward our hope is that as the town receives third party correspondence that it can be sent on to us as the applicant without the need for us to submit a FOIL

request. We actually did submit a FOIL request last week just in the interest of timing to sort of move things along because we had heard that there were a lot of things being submitted. As the applicant we shouldn't have to do that. We should receive third party correspondence so we can deal with it appropriately and so this board can get the answers it might be looking for. But as far as the claim that we don't have enforceable agreements or that the utilities aren't willing to provide services, none of that is coming from Bristol Harbour Sewage Corporation or Bristol Harbour Waterworks Corporation. All of the communications that we have had with them and on behalf of them directly as the actual Transportation Corporations have been very positive and we are confident that we are going to be able to work toward a mutually agreeable solution there regardless of what unrelated opinions of third parties are saying whether they are stakeholders or not they are hiring outside consultants in their individual capacities to address those issues. We don't want the town to get bogged down with regard to us fighting about the legal enforceability of the agreements. What the town has to be confident about is that we are going to be able to handle our sewage and water and we are committing and telling you that if it can't be provided by these utilities, which we are confident it can, but if in the worst case scenario it can't, we have these alternative systems that we can put in place. So, hopefully, that will be sufficient for you all.

Chairman Ely: I'm sure the last thing this board wants to do is to get involved in a contract dispute and we certainly aren't equipped to solve that issue. I understand from what Frank has said is that they are engaged now to study their capacity ability.

Mr. Sciremammano: That is what they led us to believe and we understand that they are hiring an engineer to do that.

Chairman Ely: Do you have any idea when that might be brought to fruition?

Mr. Sciremammano: No.

Chairman Ely: Would it be possible then for you to obtain a letter from the utility companies stating that they are prepared to provide these services? Wouldn't that solve the problem?

Ms. Champion: We don't think we have a problem. In our opinion we have agreements that when this property is transferred they will be transferred with it just the same as when you buy your house you don't have to worry if the water is still going to be delivered to it because the water company does not like your seller so they won't provide water to you. It is the same type of situation that we are dealing with here. So we are not too concerned about it. But as far as this board and your assurances, when we get to the point where we are stamping final plans and we are coming to you with construction drawings and a site plan and showing you this is our plan, we will absolutely be able to supply whatever assurances that you need that this lateral that we are showing you as hooking into Bristol Harbour sewer and water is approved and that we have all of the requisite approvals not only from the utilities themselves but from DEC and Department of Health as needed. We will, of course, provide you with any indication that you need of that.

Mr. Endres: I will say to you that I am not prepared to vote to change the zoning unless you've got sewers.

Mr. Sciremammano: Again, we are not asking you to vote to change the zoning. This is a recommendation. Let's keep in mind where we are in this process. We are in step 1 which is this board decides whether this is a reasonable idea, whether it meets code, whether it meets the intent of PD zoning and whether it is a good location and then makes a recommendation to the Town Board. They are the ones that will make the decision. We anticipate that we are going to be months down the road before we get to the rezone decision and then come back to you for the detailed site plan approval. We are anticipating that in those months ahead we are going to solve this issue one way or another. So I hate to see that issue hold this up because I don't think it is a real issue. One way or another we will have sewer and water and that is what you need to be assured of and then make a recommendation to the Town Board that we just move forward. We still have the whole SEQR process to go through as well as the rezoning hearings and then come back to you for site plan approval. So we anticipate that we have many months of review but we can't get started without your recommendation.

Ms. Champion: It's not that the town or this board in particular is taking any risk by recommending an approval. We have to get sewer and water before we are able to move forward with the project. We just want to be able to move forward with the planning of the project and that is where we are at right now. We are at a very conceptual stage. This is step 1. It is the recommendation that we are looking for, as Frank said, that this project makes sense and that we have shown that it is an appropriate use of this land. We went the step to show that regardless of whether it comes from the semi-public utilities which are available that we are going to be able to provide it on site. It doesn't do us any benefit to spend money and move forward if we can't do it. So we are confident that we can do it. So we don't know exactly which way it is going to be done at this point but that is similar to other aspects of the project as well. We don't know exactly what type of roofing materials we are going to be using or exactly what type of gravel we use which might involve special impervious surfaces in different areas. We don't know a lot of those kinds of details. Those are all details for site plan review. This is just the conceptual stage. We think the project makes sense for this location and I think that is what we have shown at this point. Again, this board will have time to weigh in on SEQR because you are an involved agency. The Town Board has taken the lead agency role but you will be invited to comment at that point. Then, even if the rezoning were to go through, we have to come back here and answer every one of those detail questions about getting our utilities there, showing that we have the adequate agreements in place, showing you building materials and design and all details of the project to make sure that it works. This phase is just conceptual to see if you feel the project is workable and we think that we have shown that.

Mr. Costitch: Just to add a couple of things. At the meeting that we held we had the Water and Sewer Superintendent and the General Manager, who I do think has a vested interest in Bristol Harbour, so they were represented by the General Manager at the meeting. Your engineer was there and maybe he can speak to the tone of the meeting and what we've said. Just as a scenario, say Bristol Harbour for some reason falls apart and we have gone and looked at the on-site systems as you have asked us to do, the process there would be that we would design the system and we have to get approval from the DEC and the Health Department. They are not going to give us any breaks. There are

regulations and if we can't meet those we don't get a permit and if we don't have a permit we can't have a sewer. That is why the Health Department and the DEC are the approval agencies on sewers because there is no politics involved there. You have to provide evidence that you can do it according to the regulations or you can't.

Ms. Bachman: There was no documentation or anything in a contract prior that states that it's transferable? Was there anything in the original contract at the time of purchase?

Ms. Champion: Yes. Those are actually the agreements that we are referencing that we are saying are enforceable and that the utilities themselves have not said otherwise but there have been sort of third parties hired who are arguing the enforceability of those contracts.

Ms. Bachman: Can you release that documentation?

Ms. Champion: Oh, yes. We submitted that documentation to the Town Board. We have both the sewer and the water agreements that were granted to the last developer that was going to have the 20 single family homes where they committed to providing full sewer and water and that is what Mark and Frank were referring to earlier. I think it was 20,000 gallons for that prior project. Those are the agreements that we are talking about.

Mr. Sciremammano: And one of them, at least, explicitly has a clause in there that states that it is transferable. In fact, it was prior to the 20-lot subdivision when it was proposed as a 30-lot subdivision. So the sewage commitment on their part and the water supply was based on 30 lots and we believe that those agreements are enforceable. It may come down to the attorneys arguing about it. But the other layer of that is that it is a Transportation Corporation under New York State Law and they have an obligation to provide service. So if we have to go to the PSC and the Attorney General and they finally get the facts out of Bristol Harbour then that is what we will have to do.

Mr. Endres: That can take a lot of time.

Mr. Sciremammano: That's why we want to get going.

Ms. Champion: It may. But that is our burden. We are the ones that are going to have to spend the time and the money and the resources doing that.

Ms. Caprini: I think some of the confusion is due to the fact that we have received a copy of a letter from one of the owners stating that they are not going to provide sewer and water for your project.

Mr. Sciremammano: We have seen that letter. But, again, that is not from the sewer corporation.

Mr. Endres: It is one in the same.

Ms. Champion: It is not actually. It is an individual.

Mr. Sciremammano: Don't forget, that's a competitor also that may see competition for banquets and for a restaurant. That is not a sewer corporation.

Ms. Champion: I know that maybe there is kind of a lot of drama about the sewer and water which is kind of unusual and unfortunate. It is a utility company. They are just like any other utility company.

Mr. Endres: No, they are not. They are not operating like one.

Ms. Champion: Well, legally they are.

Mr. Endres: They keep information from people who are paying into their sewer district. There is nothing transparent about that corporation.

Ms. Champion: Again, that is unfortunate and I hope that it doesn't transcend on to us and who we are as a team or as a project. But we are working through all of those details.

Mr. Endres: I am sorry that you have to deal with that.

Ms. Champion: We appreciate that but so far they have not been giving us any trouble. Again, by receiving third party correspondence about the project, I would take that as just opposition to the project and that is the avenue that they are looking to in order to make a point. But from a legal perspective we are completely confident that we are going to be able to move forward and from an engineering perspective we have alternatives. This board should be confident in that we are going to have sewer and water for this project whether it be through the utilities or on site.

Mr. Staub: From our point of view, personal letters or input from concerned individuals and so forth is not relevant. The points that they may bring up may cause concern but we can't allow their emotions or their opinions to affect whether the site is right or not. So it is up to us to kind of filter that out. But it did raise the concern about the sewage system and I believe that you have addressed it correctly and you have shown that you have an alternate plan. So it does not matter which sewer system ends up being used, there is going to be sewage and water for your project and that is the bottom line.

Ms. Champion: You said it perfectly.

Mr. Endres: Now with this drip system, who will manage that? Do you have an engineer that's going to do that?

Mr. Sciremammano: It will be Everwilde's responsibility. Who they will actually hire we don't know yet. It may be under contract with the manufacturer.

Mr. Endres: It is not going to be operated by someone who works in the kitchen and throw the lever. Believe me, I've seen stranger things than that happen.

Mr. Costitch: There are people that specialize in servicing and inspecting multi-flow type systems. You have to do annual inspections. You have to meet requirements under the law. It is regulated.

Mr. Sciremammano: I'm sure the DEC will have conditions on any approval they give to insure that it is operating as required.

Mr. Costitch: You have to sign an agreement for inspection and reporting to the DEC when you get approved. Meanwhile, we can't even apply for a permit without SEQR. In the pecking order of doing things, one of the requirements is to have SEQR done which is several steps away from here already.

Ms. Champion: But, hopefully, the next one.

Ms. Jacobs: May I ask a question about the outlet on the pond?

Mr. Sciremammano: The outlet on the pond?

Ms. Jacobs: Yes. Is there an outlet on the pond to release the water going down to the lake?

Mr. Costitch: There is. What would you like to know?

Ms. Jacobs: I just wanted to know if this would be able to handle what would be released and if there is a chance of erosion in the gullies and how it is exactly going to be delivered.

Mr. Costitch: We have designed, I think, a very excellent system. What we are proposing to do, and I have done this on several sites around Irondequoit Bay and environmentally sensitive areas, is to put a fused polyethylene pipe all the way down the slope. It will be manufactured on site. It will be welded so there are no seams. There are no bands that hold it together so that over time they can leak. We will actually have one pipe that goes all the way down. This is much better than the design that was previously done. So we are going to take all of our development and we are going to treat the water quality. We are going to treat the quantity. Then we are going to slowly release it down the hill in this pipe and we are not going to add any water. We are taking away water from the slope. Then beyond that we are going to go down the slope and we are going to fix all the problems. There is a watershed that comes like this (pointing to diagram) and there is water coming through from neighboring properties. We are going to take all of this water out of that equation, put that in a solid pipe so it can no longer cause erosion. Then the water that is coming from off site we are going to deal with that, too, because there are failures out there now. If you walk down, which you might want to do before it snows, there are areas where the culverts have kind of failed and so the water overtops the road. I think we are going to be able to fix a lot and we discussed that with Kevin at length in the field. So I think we have a very good solution.

Ms. Champion: Not only a solution to our project but fixing existing issues as well.

Mr. Sciremammano: I think in Kevin's letter he called for a full SWPPP (Storm Water Pollution Prevention Plan). We are preparing that. We are prepared to put that into our SEQR review and you will see that and all the details, of course, will be reflected in the site plan when we get back here after there is a decision on whether there is a basic project or not on the rezone.

Mr. Endres: I fish off that area all the time and there is water that leaches through the cliffs all the time.

Mr. Sciremammano: We saw it.

Mr. Endres: You could have a period of no rain for three or four weeks and there is still water leaching into there.

Mr. Sciremammano: We are well aware of that.

Mr. Endres: So what you are going to do is going to release some of that?

Mr. Sciremammano: If anything, it will reduce it. But we can't guaranty that it will stop it. A lot of it is coming from adjacent properties. It is natural. We are not going to make it worse and we are going to take some of the water out of the system that now drains from the upland portion.

Mr. Endres: But you are going to create a little bit more, too, with your parking lot.

Mr. Sciremammano: But that is all going to be in the infused pipe. It is not going to go through the cliffs. It is going to be discharged through the pipe. So if anything we will help that. We are basically saying that we will take care of any additional water as well as fix the existing problems with the culverts.

Mr. Costitch: Then that water that is coming from our developed areas is also going to be going through bioretention. It is also going to be going through grass growing swales and a green roof that is part of our project. We are using all the latest green initiatives.

Mr. Sciremammano: But, again, we can't do anything about the water that is coming from here (pointing to diagram) and dripping through. What we are going to do is make sure that the stuff that is coming across is handled properly and it is not washing out the gullies. That it is stable and not washing out the road. But to the extent that it is infiltrating and then seeping through the cliff that will continue to happen.

Mr. Costitch: But we are going to remove where the culverts failed and water is overtopping the road and eroding and you're getting silt that way. We can fix that.

Mr. Staub: Fire hydrants. Where will your water supply for fire hydrants come from?

Mr. Costitch: We've shown hydrants around the site. With the Bristol Harbour plan, we have shown the connection to Bristol Harbour on Seneca Point Road.

Mr. Staub: That is to the existing water system.

Mr. Costitch: There are two methods here which I will explain.

Mr. Staub: Alright.

Mr. Costitch: The preferred method is connecting to the existing Bristol Harbour system with an eight inch main. We would bring it into our site and then we would have a water service down to our restroom area and then water around the site. We would have a fire booster pump in this area (pointing to diagram) and we would have a booster pump on our domestic line. That was the only concern that came out of our meeting with the Health Department and they came back and said that we were okay. In the scenario where we have water drawn from the lake we would have water to a pump station. We would pump it up and then we would have a fire tank. We would have to have a tank that would then have the amount of water necessary to meet all the Fire Underwriters requirements. Then we would, again, have a fire pump and hydrants around the facility.

Mr. Sciremammano: This is conceptual.

Mr. Staub: I understand. My question was directed toward the alternative method. I wanted to see where you were going to draw the water from, how you were going to do it, and whether it would be a fire tank as opposed to a reservoir or a pond.

Mr. Sciremammano: It would be a tank.

Mr. Costitch: We've done reservoirs but I think in this situation we are going to try and have a tank that could be buffered so no one will see it, obviously.

Mr. Endres: What would be a ballpark figure for the size of that tank? You've got a fifty room hotel that probably has a sprinkler system in it.

Mr. Costitch: We've done multiple tanks for commercial operations. I have done a half dozen for Lowes Home Improvements. They were on the order of about 15 foot diameter and probably 20 feet high.

Mr. Endres: But you are talking about more than one tank.

Mr. Costitch: No. This would be an above-ground surface tank and it would look just like a mini water tank like what Bristol has, just much smaller, and usually you look at a two hour rating and the flow rate would probably be on the order of 1,000 gallons per minute.

Mr. Endres: And you can draw water out of the lake as fast as you are using it.

Ms. Champion: No. It would be stored.

Mr. Costitch: That is why we have the tank. The tank is always sitting there ready and we have a fire pump that is just a diesel that says, "Okay, we've got a fire, let's give you everything we've got". This is fairly common. We do it all the time in rural situations and sometimes I've done something similar to swimming pools, too, where you have a building and it really looks like a swimming pool.

Mr. Staub: Okay. Thank you.

Chairman Ely: Questions?

Ms. Bachman: With regard to the traffic study. It was very extensive. I don't know if you were going to address any of that tonight.

Mr. Sciremammano: I can.

Ms. Bachman: A lot of it, from what I can see, is based on delay per vehicle, delay at intersections and things like that keeping mind that there are no traffic lights, no stop lights or things like that. I know you started out with the number of vehicles that would go down each road. I'm concerned about the number of axles going down these roads and not so much the delay. You will have service vehicles. You will have delivery vehicles. You will have 300 cars in the parking lot.

Ms. Champion: Hopefully, on a good day.

Ms. Bachman: I know that there is a banquet hall that will hold 300. Weddings, typically, you have two people per car maybe but is that always the case? How did you arrive at the numbers?

Mr. Sciremammano: So, again, I apologize in advance because I didn't prepare the traffic study. It was prepared obviously by a traffic engineer. But I think that they were very conservative. We did not predict the delivery trucks and so forth. We assume that would be at about the same level as what goes to Bristol Harbour now. The focus was on peak hours of operation and under the peak hours of operation what they did was they measured the Mirbeau Inn traffic on Valentine's Day. We assume that it is a conservative estimate and then they upped it based on the number of rooms. At the same time they assumed that both banquet rooms were completely full and the restaurant. So I think it's unrealistically conservative. Even with that, it comes out to during the peak hours, an extra 199 vehicles which works out to about 3 ½ vehicles per minute for this development for that short time that it is actually going on. It is per hour but it is really the peak 15 minutes that they used. So, again, traffic engineers always work with delays and it doesn't have to be a traffic light. It can be a stop sign or a delay caused by people pulling out and they got a maximum of 2.2 seconds per vehicle as the maximum extra waiting time, if you will, that people would have to wait. So we don't see that as significant. In fact, quoting from them, "No significant traffic impacts are anticipated". In addition, they looked at the sight distances because we know that was an issue for people making left and rights and they found that it far exceeded what was necessary. I know that this is a rural area and there is low traffic volume but you just don't have a lot of traffic here and this is going to add very little even during that very peak time

when both banquet halls are going and the inn is in full swing. Most of the time, it is not even going to be noticeable.

Ms. Champion: Again, this is pretty early for us to be providing something like this traffic report but we had it so we thought why not do so. I'm sure that will be a major issue focused on during the SEQR process and if there are additional things that you want to see and additional components to it that would be a great comment from this board as an involved agency and we will be more than happy to address any specific questions after going through it or any further detail that you want on it. We can go back to the traffic engineer and have them add any additional details that you want on anticipated things like deliveries and things like that. It can all be expanded on the Environmental Impact Statement.

Ms. Bachman: Seneca Point Road has a 45 mile per hour speed limit and Hicks Road has no speed limit and there is no delay.

Mr. Sciremammano: Well, the delays are at intersections. So, if you go up on Coye, how long do you have to wait to get out left or right. Is that what you are asking?

Ms. Bachman: Wear and tear on roads and things like that is what I am getting at.

Mr. Sciremammano: So we did the traffic study the way that we normally do it. We didn't get a scope of what questions to ask. We asked the traffic engineer to evaluate this project. This is the standard report. If you do have other specific questions that would be appropriate during the SEQR process to bring up and we can get him to supplement the report regarding truck traffic if that is what you need or if you want to know about morning peak hours or whatever. But at this point what he did was what they normally do for analysis for a new development.

Chairman Ely: Let me ask this playing devil's advocate. One item here that we must consider when reviewing your project in anticipation of formulating our response to the Town Board regarding your rezoning request is whether the PD shall be located near arterial and collector streets and be designed so as to provide direct access without creating traffic along adjacent streets/roads in residential neighborhoods outside the district. I suspect that the folks that live along Seneca Point Road regard that as their neighborhood. I walk down through there quite a bit and a lot of people there are very chummy and do a lot of walking there as well and already this board has been inundated with complaints about traffic there in the summer as it is. Now we come along and with whatever figure you want to take there will be more traffic. Now I realize that everybody won't come on Seneca Point Road, I understand that, but a lot of people will I suspect. So isn't that going to have, in fact, a negative impact on the neighborhood and maybe your expert could be invited to address that problem more particularly.

Mr. Sciremammano: We can certainly do that and I think, again, in the context of the SEQR process would be the appropriate place. But remember that everyone has a right to access to public roads. They may call it a neighborhood but Bristol Harbour comes off of that road. If somebody built the 20 lot subdivision it would come off of that road. That's the access point.

Ms. Champion: Right. Once the traffic study has been reviewed by the Town Board and all the other involved agencies we can add any additional information that you like. I think what is important is, obviously, just one house results in additional traffic which would be that guy pulling out of his driveway. So I think it is sort of the overall analysis and the conclusions that are reached by the traffic engineer and your town engineer will go over that as well. The conclusion that they made was that there is going to be no significant, no material increase in traffic and it's a two second delay at peak times with the conservative analysis.

Chairman Ely: I don't think it's the delay. I think it's the volume.

Ms. Champion: Well, that is how you measure volume.

Mr. Sciremammano: At the very worst case, three vehicles per minute.

Ms. Champion: So all of the additional volume is causing you to slow down maybe two seconds worth of time.

Mr. Sciremammano: And, again, there are dual goals in your Comprehensive Plan. One is to promote tourism activity. Well, if you don't want traffic, then that goal should be taken out because that's what is going to happen. You have wine tasting rooms on that road. People are going to be coming down there.

Ms. Caprini: Did the traffic study incorporate the flow that is already created by Bristol Harbour?

Mr. Sciremammano: Oh, yes. They did counts and so forth.

Ms. Caprini: I have a concern with the access to the inn and I assume that you didn't put it directly across from the Bristol Harbour entrance because of the viewscape from the restaurant.

Mr. Sciremammano: No. It had to do more with the grade of the land. So, again, this is still at a stage where it is conceptual and because of the grade change here (pointing to diagram) that is why it is coming out here. But that could certainly be adjusted.

Ms. Caprini: That one doesn't bother me.

Mr. Sciremammano: You're talking about this one (pointing to diagram).

Ms. Caprini: Yes, because that is like mid-hill and any extra amount of traffic without a traffic light, which I don't want to see either, is a hazard. It is already.

Mr. Sciremammano: I think the professional traffic engineer said that it is not a hazard.

Ms. Caprini: But practically I have lived there all my life and it is already difficult and there is a driveway to a residence there, too.

Mr. Sciremammano: Again, most of the traffic is up here (again pointing to diagram). This (again pointing) is strictly for the spa.

Ms. Caprini: Is there a reason why the traffic couldn't just continue to flow on ...

Mr. Sciremammano: (interrupting) Where to here? (pointing to diagram)

Ms. Caprini: Yes.

Mr. Sciremammano: If that's a comment from this board when we get to site plan these can be adjusted. Again, when we laid this out conceptually the developer wanted basically two entrances and looking at the grades she wanted to separate the spa from the rest of the project.

Ms. Caprini: I understand that.

Mr. Sciremammano: Those details can be worked out. They are not set in stone. We have also been talking to the neighbor here (again pointing to diagram) and the neighbor up here and they have concerns we may have to adjust for. That's the stage we are at where this is kind of fluid in terms of exactly where it goes.

Mr. Staub: There was a question about the land adjacent to Coye Road. There is some open land there. Would it be possible to get the developer or the owner of the property to set that land aside as forever wild?

Mr. Sciremammano: Well, again, when the rezoning takes place it will lock this plan in. So nothing can be done there unless we come back and go through this whole process again. Now, if the town feels very comfortable that some kind of conservation easement or deed restriction be placed on this piece or any of the rest of it the owner has indicated that she is perfectly willing to discuss that and do it. She has no intention of building anything up here (pointing to diagram) or anything down here. So whatever assurances the Town Board needs as part of the rezoning she is open to.

Ms. Champion: Again, this is the project. This is all that it is. This is all that we are proposing. It is just this one phase and that's it.

Mr. Staub: It is a concern of mine and it has been brought up and talked about that this may go in and then maybe a few years later something gets put up there or gets bulldozed down which changes things. If there is a contingency that it gets kept forever wild whoever owns the property after that cannot build anything or change things.

Ms. Champion: Particularly right here (pointing to diagram), that makes sense. I know it is kind of a misconception that people have that once we get the approval somehow we can just do something else. That is not the case. We would have to go through the whole process again.

Mr. Sciremammano: When people hear rezoning they think you are going to take this, which is R-3, and turn it into this which is commercial which allows certain uses and certain densities. PD zoning is different because you take a piece of property and you convert it to a specific plan which gets locked in and in order to change that you go back through the whole process.

Ms. Champion: That's right.

Mr. Staub: But you would incorporate the forever wild status.

Mr. Sciremammano: We can do that as part of the initial plan.

Mr. Staub: Thank you.

Mr. Sciremammano: Other questions or comments?

Chairman Ely: Mark, do you have any comments?

Mr. Tayrien: Nothing specifically. It has been very helpful to sit here and listen to the discussion. I've taken a lot of notes. I'm sitting here thinking about how I can assist the board in moving forward primarily. Looking back at the code there is a number of criteria and requirements there. I think you will probably recall when we talked about it before, the code anticipates or envisions a two or three step process at this stage of the game depending upon how you characterize it. For the three steps, the first step is the Planning Board reviewing the application and determining whether the proposed project complies with the code or not. The second step would be that in the event that the board finds that it doesn't comply with the code the board have some sort of dialogue with the project sponsor and offer suggestions back to them as to how they might modify the project to make it compliant. Then the third step is whether or not the Planning Board and the project sponsor have come to an agreement, in other words, whether or not the applicant has accepted the board's suggestions and whether or not they have come to an agreement on a project proposal that they both think meets the code and then lastly the Planning Board making a recommendation back to the Town Board. There are probably two alternatives procedurally at this point. One would be to try and go through those one by one and the other one which, quite frankly, I just thought of after sitting here looking at my notes would be for LaBella to take it upon ourselves to try and prepare for you a straw document based on what we have heard here tonight for your review at your next meeting. Your position would be that it is only a straw document that you could accept, reject, or change any way you want. I don't know but maybe that would be the best way of moving forward.

Chairman Ely: What is the pleasure of the board?

Mr. Endres: That sounds like a good idea.

Ms. Caprini: I think it is a good idea.

Ms. Champion: Would that be a proposed resolution that would then be the body of the recommendation that you are making?

Mr. Tayrien: It would be the board's findings relative to compliance with the code.

Chairman Ely: It would be the basis for the board's discussion.

Ms. Champion: That would constitute then the board's recommendation.

Mr. Staub: It would be a straw document and then we look it over and make any changes we might feel need to be made.

Mr. Endres: We would review it and tweak it.

Mr. Tayrien: I would only prepare it with the understanding that it will be reviewed by the board and mostly likely changed.

Mr. Endres: Personally, I think that is the way to go.

Chairman Ely: Okay. Can I have a motion that we invite LaBella Associates to prepare such a report?

Mr. Endres: I will make that motion.

Mr. Staub: I'll second it.

Chairman Ely: All in favor? All – Aye Opposed: No One.

Ms. Champion: When is your next meeting?

Chairman Ely: It will be in February. Let me explain about the January meeting. Several people will be away in January. Mark will be away. I will be away. Ralph will be away and I think someone else will be away as well. So I think we are going to lose continuity and Mark is going to need some time to prepare his report anyway. Therefore, I think it would be more expeditious and better use of everyone's time if we meet on our regular meeting date in February at which time the members of the board should be prepared to move forward as best we can with respect to the report that Mark will be putting together for the board's review.

Ms. Champion: Do you think it would be possible for Mark to get his draft report to you in advance of the February meeting?

Chairman Ely: Absolutely.

Ms. Champion: Then, hopefully, if you are all in agreement at the meeting you will be able to move forward that evening.

Chairman Ely: I assume that will be the case. Some things may be easy and some things may require some debate by the board but I think we will be prepared to move as best we can at the next meeting.

Ms. Champion: Okay. Thank you.

Chairman Ely: Do I hear a motion then to cancel the January meeting and meet again in February?

Ms. Jacobs: I move that we cancel the January meeting.

Ms. Caprini: I'll second it.

Chairman Ely: Okay. All in favor? All – Aye Opposed: No one. Now since the evening is not too late and in the past I have invited brief public comment time, we have a number of people here tonight, and I don't know if we can accommodate everybody but if a few people would like to come forward and offer some brief comments to the board this would be your opportunity. I want to emphasize incidentally that, when and whatever our recommendation is, this matter will eventually go to the Town Board and the Town Board will be conducting an open full public hearing.

Ms. Champion: Probably two.

Chairman Ely: Probably two and certainly one. So everybody will have a chance to speak if it takes all night. That is not what I am proposing here. So if anyone would care to come forward, please identify yourself and give us your comments. The board is just going to listen. We are not going to respond to everybody. This is just your chance to give us your thoughts. So please come forward and identify yourself.

Mr. Essler: Good evening board members. My name is Karl Essler. I am an attorney with Bond, Schoeneck and King. I think you already know from having gotten a couple of letters from me that I represent a number of the neighbors who live very, very close to this property and have very serious concerns. I'm not going to go into great detail about what's in my letters that you have already seen and read. But I just want to make a couple of points here. First of all, I find it fascinating that given the fact that this board has an obligation under the PD code to make a recommendation to the Town Board on how you feel the Town Board ought to act on this PD zoning and all I hear from the applicant's representatives is essentially, "You know what? We can deal with your questions later after this goes to the Town Board when it is in the SEQR process down the road and then comes back here for site plan approval". So what the board is hearing is not to worry about the questions you are asking because that will be dealt with later after you have made whatever your recommendation is. I really strongly urge you to make sure that you get all the answers and commitments that you are asking for before you

make a decision and not, “Oh, we considered that or “Oh, yeah we might do that” or “Yeah, we’ll think about doing that conservation thing”. I think you need some commitments from these people about your concerns and some of you have expressed some very significant concerns.

The other issue I want to address is and, again, I am sort of an outside lawyer party here but I want to talk about these water and sewer agreements. First of all, I will tell you that I have not seen a copy of either of those agreements that contains what’s called Schedule A. I don’t know if the board has Schedule A. I don’t know if the applicant has Schedule A. But if there is no Schedule A attached to those agreements, the schedule which actually describes legally the property that is involved, it’s not binding because it doesn’t legally describe the property which it affects. Again, I have not seen Schedule A and we looked really hard. If the applicant has it I would be delighted if they would provide it to me or if the board has it I would also be delighted if you could provide it to me. Having said that, I think that makes, for starters, that agreement invalid.

The other point I would make is that they have talked about great conversations they have had with “representatives” of the Water and Sewer Corporations. That may be fine but those people are not the people who run the Water and Sewer Corporations. They are run by the shareholders and by the board of directors of those corporations. Mr. Chairman, I think you made a wonderful suggestion that there ought to be something in writing from the boards of those corporations as to what their position is as to whether or not they are willing to deal with the water and sewer connection here. You have heard nothing from them. I think it should be a requirement that this board hear from them directly not from these employees who come to the meetings.

I also disagree with Ms. Champion about what a semi-public corporation under the New York Transportation Law is required to do. It is not required to provide utility services to private entities or private projects. It is required at the request of a municipality to provide general services to that municipality under agreement, not with a private person, but with the municipality. It doesn’t exist here. To the best of my knowledge, no one from the Town of South Bristol has approached the Bristol Harbour Sewer and Water Corporations about any such agreement. So I think if you take a look at the law this idea that somehow any private person can compel one of these semi-public Sewer and Water Corporations to make a deal is not true. That is not the law. Again, I encourage the board to get that commitment or get something in response directly from the actual people who control the Water and Sewer Corporations as to what may or may not go on. Having said that, I think the only other thing that I would like to point out is for you to please take a look at your Comprehensive Plan. Again, I addressed that in another one of my letters. Over and over and over again the Comprehensive Plan talks about preventing overdevelopment of land and undue concentration of population; conserving and preserving the natural beauty of the land, its scenic overviews, lakes, streams, forests and hills; and guiding future development so as to maintain the rural atmosphere of the town. One of the main goals is to preserve the rural character of the Town of South Bristol. Another major goal is to identify, preserve and protect scenic vistas. Can you imagine what this is going to look like from the lake? And then finally, support light commercial and industrial development to the extent that it is in keeping with the rural character of the town and/or consistent with the expressed needs and desires of our residents. This is not light commercial development. I think the law requires that any zoning must comply with the Comprehensive Plan and a PD rezoning here for this intense commercial project truly violates, in our

view as I tend to agree with the view of my clients, all these goals of the Comprehensive Plan. I could say much, much more tonight but I know you want the comments brief and even though I am a lawyer I will manage to shut my mouth and sit down and let a few other people speak. Thank you very much for listening to me.

Board: Thank you.

Chairman Ely: Would anybody else care to come forward?

Mr. Russell: My name is Ted Russell and I am a resident of Bristol Harbour. As you may know, the utility that serves Bristol Harbour, the same one this project is trying to get services from, has approached the Town Board requesting a 31% increase in our utility rate. What the Town Board did, as you may know, is hired a consultant. Why can't this town consultant do the study required to determine the capacity of the sewer plant? I would reinforce what Ralph said which is that this utility is not your normal utility. It is not transparent. They have not given complete financial statements to the Town Board as they are required to do. Personally, I would not trust their study as to what they come up with as far as capacity. I don't think it would be worth the paper it is written on. So why not have the town consultant who is quite qualified and who could, with the proper flow rates and so forth, come up with a conclusion as to the capacity issue once and for all?

Chairman Ely: Thank you. Is there anybody else who wishes to speak?

Mr. Sarkis: Good evening. I am Wade Sarkis. I am the immediate neighbor to the north of this proposed property and I've got some material that I am going to hand out. I am not going to read it. I just want you to have it to review later. It is just some summaries and information rather than go through it all. I also have some photos of the waterfront.

Ms. Champion: Will we be able to have a copy?

Chairman Ely: Will the Everwilde people be able to have a copy?

Mr. Sarkis: Sure, I will get them one.

Ms. Champion: Perfect. Thank you. (She received copies of the handout)

Mr. Sarkis: A lot of time was spent at the last meeting on the 20 home comparison. There was a lot of discussion about the threat of the 20 homes and how awful that would be and how much superior this proposal is compared to the 20 homes. In this workup that I gave you it will give you a little history about the 20 homes and how everything got there. Some of you were here in this room way back then. But what they've done is made comparisons and a lot of issues were brought up about concerns and inconveniences and annoyances and they consistently said that their project is a lot better than the 20 home proposal and that the 20 home proposal could go in right away. Their argument, however, is counterfactual. The 20 homes do not exist and they never will. Now, Ketmar bought the property in 2004 and originally pursued a Planned Development on that property. They pulled the Planned

Development request and on the same day filed subsequent maps at the County to come up with the map that you have attached there. They divided the parcel into 20 pieces, 10 of which have lakefront by chopping up the waterfront into 10 fifty foot sections. None of it required subdivision approval according to the powers that be at that time. So when we talk about an approved subdivision, it really was not an approved subdivision. But subsequent to that the public outcry was immediate and intense and the town immediately turned the whole northeast corner of the town into R-3 from R-1. So the intent was to go more rural, not less rural. They also changed the town law from a minimum length of required shoreline from 50 feet to 100 feet. So clearly the intent was to preserve and protect, just as the Comprehensive Plan states, and the Comprehensive Plan came out shortly thereafter in 2007. So all of this stuff happened in 2006. Incidentally, the gentleman arguing in favor of the 20 homes at that time on Ketmar's behalf was Mr. Sciremammano.

I won't spend a lot of time on the math problem here but the math doesn't work. The reason the 20 homes will never be there is because it would require \$5-6 million dollars up front money on the chance that that they could sell these properties. And you can see, I'm not going to bore you with the math details here that would include all the site work that needs to be done, the widening of the road all the way down to the waterfront, the stormwater management, the sewer and water, all the infrastructure which was estimated to be in the \$3-4 million range. Then the waterfront proposal that they are using as a threat would be about \$1 million so it's all on that sheet. The homes in there would cost \$1-1.5 million per home. I don't know anyone that would buy one in there when you could go down the lake and get a nice flat level piece of property not on the side of a steep hill and not on a cliff to the waterfront with shared docks. You could have a nice piece of property on a nice flat lot. I don't know any developer that is going to spend that kind of money up front to maybe/maybe not sell several homes in that area. So all of this argument about the 20 homes is a substantial waste of time and energy. Please look at this project on its own merits rather than as a threat that this other thing could start tomorrow. It can't start tomorrow. There is no way. It never will. It was filed 10 years ago and no one has ever started it. A successful developer owned it all this time with the backing of a very resourceful family and it never got off the ground because it can't.

Ralph mentioned some of the statistics about the waterfront. There are 8 permanent boat slips in a mile and a quarter of a stretch of land and this piece of property falls right in the middle of it. They have done a traffic study which, by the way, has multiple errors in it and if you would like to know some of them I would be happy to point them out. They didn't do a traffic study for the water. Right now, there is nothing there. There's a picture of the waterfront there. It is about a 900 foot stretch with nothing there except a pristine waterfront. In fact, it is open and uncluttered just as the Comprehensive Plan desires pieces of property in this town to be. They are saying what they want to put in is not a marina. It sure fits the definition of a marina as outlined twice in the code, once in the general zoning and once in the Docking and Mooring Law section. Then it is a parking lot on the water, if it is not a marina, designed to have traffic come in all throughout the day and evening for people to come and use their facility. It's a commercial docking facility. That does not fit with the town. It does not fit with the neighborhood. I can't even see how this can be comprehended. It violates the Comprehensive Plan which says to keep the low density and rural characteristics of the town.

With regard to Section 170-20, Planned Development, it says that the site shall be suitable for development in the manner proposed without creating annoyances or inconveniences. Well, I submit to you that there will be lots of inconveniences and annoyances to the neighbors that currently enjoy dark skies, quiet evenings, no boat traffic, no car doors slamming, no honking, no loud music, the smells of a restaurant, golf carts going up and down paths dropping people off, loud, loud boats coming to and from the marina all throughout the day. This neighborhood does not have that right now. It is not in keeping with Comprehensive Plan or the town code. The Comprehensive Plan does say the town would support light commercial and industrial development to the extent it is in keeping with the rural characteristics of the town and consistent with the expressed needs and desires of the residents. I don't know of anybody in South Bristol that has been clamoring for this facility: a wedding factory, banquet facility and high-end spa. They have clearly described it as a destination resort. A destination is where people come from far away. This is not for the people of South Bristol.

They have also claimed that it will increase tourism in the town. Most of the traffic will come from the north and go into the town about 1,000 feet and then turn around and go back. I don't know how that increases tourism for the town.

Lastly, PD's in this town have been amended in the past. They can certainly be amended in the future. When they say that there is nothing that can ever change here that's unless someone allows them to change it and that could happen down the road.

Thank you so much for your time.

Board: Thank you.

Chairman Ely: Are there any other speakers?

Ms. Danahar: I'm Cecelia Danahar. I live on Seneca Point Road directly across from the proposed project right across from where the south entrance would be. I just wanted to address the traffic study briefly. I know it was discussed but there are some issues that I just wanted to point out. One, the issue isn't the delay time. The issue is how this increased traffic will irrevocably change the rural nature of the area on Seneca Point Road. Already, there is a lot of traffic that comes down when there are weddings at Bristol Harbour and I was also curious how the peak times in the study were determined. They said that they were basically rush-hour/work time Monday through Friday, Saturday mid-day and they didn't mention Sunday. I live right next door to Bristol Harbour. Those are not the peak times. The peak times are Friday evening, all day Saturday and all day Sunday with weddings coming to Bristol Harbour. You add that to additional weddings at the same time and it would make a nice peaceful road very, very busy. They mention that there isn't very much traffic there. That's the point. It's a rural road. We don't want a lot of traffic there. Can it handle all that traffic? Can it handle all the vehicles that would come in construction? Who is going to pay for damages to the road and the additional issues that brings?

There is also some misinformation or errors in the study. It doesn't include Bopple Hill Road as an intersection off Seneca Point Road. Seneca Point Road goes right into Bopple Hill and actually most GPS

systems, if you are coming from the south, bring you down Bopple Hill to get to Seneca Point Road. Bopple Hill is not at all equipped to handle an influx of 3.5 cars per minute or whatever it would be. It also addresses the number of vehicles by using Mirbeau. They are not at all alike. It's another town that's on 5&20. It took the numbers from February, not when there is a big wedding going on and not in the summer. It's like comparing apples and oranges. They have nothing to do with each other. So I think that's very inaccurate.

In the report with regard to the existing highway system it calls West Lake Road County Road 21 when it is County Road 16. It says the speed limit is 55 on West Lake Road. The speed limit is 35 until you get past Coye Road. Then it talks about the sight distance to the entrances. That is where Anne brought up the second entrance. The sight distance is irrelevant. It does not address the fact that it is the crest of a hill. It is a rural road with hills up and down. It doesn't take into account any of that. I think all of that is extremely significant. But I really think the main point is that it will irrevocably change the rural nature of that road and that is against the Comprehensive Plan. Thank you.

Board: Thank you.

Chairman Ely: Is there anybody else who wishes to speak? (No one) Then do I hear a motion to adjourn?

Mr. Staub: I make a motion to adjourn.

Chairman Ely: Is there a second?

Ms. Bachman: I'll second that.

Chairman Ely: All in favor? All- Aye Opposed: No one

The meeting adjourned at 8:30 P.M.

Respectfully submitted,

Debra Minute
Recording Secretary

Note: See Page 28 for a list of meeting attendees in addition to those listed on Page 1.

Meeting Attendees:

Bert Crofton

Cecelia Danahar

Karl Essler

Ed Flynn

James Hicks

Frederick Howk

Lawrence Howk

Patricia Howk

Gina & Ted Russell

Wade & Joscelyne Sarkis