

Planning Board Meeting
June 18, 2014

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

Guests: W. J. Rodenhouse
Two Other Interested Parties

Absent: Anne Caprini
Bessie Tyrrell

The regular meeting of the Town of South Bristol Planning Board was called to order at 7:04 P.M. followed by the Pledge of Allegiance. All board members were present with the exception of Anne Caprini and Bessie Tyrrell.

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

Chairman Ely called for a motion to approve the May 21, 2014 minutes as written. Ralph Endres made said motion which was seconded by Ann Jacobs. The motion was unanimously accepted by all board members present who had attended the May 21, 2014 meeting (Jim Ely, Ralph Endres, Ann Jacobs, Mike Staub, and Rodney Terminello). Newly appointed Planning Board member, Mary Ann Bachman as well as regular board member, Ann Marie Rotter, did not vote as they were not present at the May 21, 2014 meeting.

Chairman Ely then explained that he was going to change the order of the agenda in order to address the two items of new business before the board commenced continued work on the two items of old business as the new business items would not take as long to discuss.

New Business

Everwilde and BSV Resorts, LLC – Requests for Zoning Map Amendments To Establishment Planned Development Status-Chairman Ely then said that he understood that both applicants had presented their applications to the Town Board at their June 9, 2014 meeting. He said it was the opinion of the Town Board that neither application was complete. Chairman Ely then told the board that once a complete application had been received and accepted by the Town Board for each of the PD proposals they would be referred to the Planning Board for further deliberations and that the next Town Board meeting was scheduled for July 14, 2014. Mr. Ely also said that he did not see how, realistically, the Planning Board could have any deliberations regarding either proposal until their August meeting at which time he would invite the components of one or both of the proposals to come forward and participate in discussions.

Chairman Ely said that after the Planning Board had a chance to see the proposals, which they had not yet seen to date, they would then submit findings to the Town Board regarding the PD zoning map amendment request. He said, therefore, he did not have anything further other than to say that he had been advised that the town had added links to the town website which were put there so that people could submit comments (pro and con), questions, thoughts, etc. which would be given to the Town Board for their deliberation. Mr. Ely said that if anyone knew of anyone who had something they wanted to convey regarding either proposal they should urge them to go to the links on the town website to communicate their thoughts. He added that people could also send letters to the Town Board.

Chairman Ely said that was all he had to report and he repeated that the Planning Board had not received anything in connection with either proposal to date.

The board then proceeded to the items listed under Old Business.

Old Business

Logging/Steep Slope Regulations Draft-Chairman Ely said that with regard to the draft logging law that the Planning Board had been working on over the past

several months that Supervisor Welch had requested that the Planning Board send the draft law to Highway Superintendent, Jim Wight, for his thoughts with regard to the insurance requirements. Mr. Ely said that he had done so and that he had not heard anything back from Mr. Wight so he was going to proceed on the assumption that Mr. Wight did not have any serious objections or he would have raised them.

Chairman Ely then told the board that he had a meeting a week ago with Kevin Olvany for about an hour in connection with the draft regulations. He said that Kevin was very much in support of the idea of having a regulation on logging that would address steep slopes and erosion as Kevin had concerns with the amount of logging taking place in the town and the impact on the lake due to erosion. Mr. Ely then said that Kevin had made some suggestions for wording. Chairman Ely said one of Kevin's suggestions that he would like to draw the board's attention to was on Page 2 of the Timber Harvest Permit Application form down near the bottom in the first paragraph following the "Property Owner's Signature" line where an additional sentence had been added at the end of that paragraph to read: "The property owner further consents that the CEO may seek inspection assistance from any persons deemed necessary, including but not limited to, the Canandaigua Lake Watershed Manager and the Canandaigua Lake Watershed Inspector". Mr. Ely then noted that one concern that had been raised by Kevin and Supervisor Welch and that the Planning Board had also discussed previously was that when someone makes an application, to ensure that the code enforcement officer was able to inspect to be sure that they are following any regulations and that he can seek inspection assistance from outside experts. Mr. Ely said that Kevin had made it clear that they would be assisting the CEO and not engaging upon an independent investigation. He noted that they may bring some expertise that the CEO may or may not have in a particular circumstance.

Chairman Ely then said that if the proposed additional language looked satisfactory to the board subject, of course, to the town attorney's review, that he would propose that the Planning Board incorporate much the same language in the law itself. He said he proposed having the same language in both the law and the application form so that no one could say that they weren't aware of it.

Mr. Ely then told the board that he was meeting with Kevin Olvany again along with Supervisor Welch the next day to try and hash through any final concerns that either one of them might have with respect to the ordinance. Mr. Ely added that after his meeting with Kevin and Supervisor Welch he would make whatever changes to the draft law they may indicate they want to see and have it ready for the Planning Board to look at and, hopefully, approve at their July meeting and send on to the Town Board for their consideration thereby bringing the Planning Board's work on the ordinance to a close. He then added that he assumed that the language he had suggested be added to both the draft law and the timber harvest permit application form to indicate that the CEO could obtain inspection assistance from experts was satisfactory but if anyone had any objection to adding that language to please let him know at any point.

Animal Control Regulations-Chairman Ely next reminded the board that they had discussed at their May meeting the issue of barking dogs and some draft language he had distributed to them in May. He then said that he had revised that language slightly to include the word "baying". Mr. Ely then read aloud the revised language that he said he felt would fit very nicely as a new Item E to be added to Section 61-15 (Article II, Dog Control) in the town code as follows: "E. No dog shall be permitted to engage in habitual loud howling, barking, baying, or conduct itself in such a manner as to habitually annoy any person other than the owner or person harboring such dog." He said he proposed adding the new Section E as there was nothing currently in the code that addressed barking dogs per se even though the code did address dogs running at large.

Ann Marie Rotter then raised the question as to what one would consider "habitual" barking. Mr. Ely said that in the first instance the code enforcement officer would have to determine that. Ann Marie then told the board that a couple had just recently bought property on Route 64 and that they have a coon hound. She said the man raises and trains coon hounds as his business. She noted that coon hounds are loud, persistent barkers by nature. Mr. Ely said that Ann Marie's question was a very good one. He added that the town could adopt an ordinance but then the question is how good the enforcement mechanism is. He then repeated that in the first instance it would be up to the code enforcement officer to decide whether he feels it is habitual or not habitual. Mr.

Ely said if people are dissatisfied with his decision they can appeal his decision. Chairman Ely added that the Planning Board had no enforcement authority and that all they can do is create a mechanism that the appropriate people can enforce. He added that some people will object if their neighbor's dog barks once and others love dogs and it does not bother them.

Chairman Ely then turned the board's attention to a draft animal control law that had been prepared by Ann Marie Rotter as a starting point for board discussion with respect to prohibiting animals other than dogs from running at large as dogs running at large were already addressed in town code. She said the key portion of the draft law was the section at the beginning which states that "It shall be unlawful to harbor, house, keep, maintain, care for or stable any horse, mare, donkey, mule, cattle, sheep, swine, mink, rabbits, goats, poultry or more than six cats per dwelling ..." She said that the rest of the proposed draft law dealt with having to apply for a permit, inspections, fines, penalties, etc. Ann Marie said that she had tried to be as comprehensive as she could.

Chairman Ely asked Ann Marie if she had modeled her draft law after other town laws. She said that she had and noted that most towns only addressed dogs. She said she had looked at towns as far west as Buffalo and as far east as Albany. Ann Marie said that there was only one that incorporated language addressing farm animals. Chairman Ely then added that South Bristol had experienced problems with sheep and poultry.

Ann Marie then said that with regard to Section 2(B), she did not know if feral cats were a problem in South Bristol but that perhaps they could be at times. Chairman Ely then said that he had noticed that there was fairly elaborate language in her draft with regard to feral cats and that he was wondering whether said language was really needed at this point in time. Ann Marie said that she had feral cats on her property. Ralph Endres said there were some at Bristol Harbour as well. Ann Marie then added that she felt that they were not real visible but that they are present in South Bristol. She added that it was probably more pertinent in cul-de-sac neighborhood situations. She said she had included language addressing feral cats rather than leave it out so that the board could make a determination as to whether said language needed to be included or not.

Ralph Endres then said that, according to what an attorney would say, if it is not put in the law then it is not allowed. Ralph then said that by putting it in the law it would be covered in the event someone does begin to harbor feral cats. It was agreed to leave the language in the draft law.

Chairman Ely then said that he had noticed that llamas and alpacas were missing from the list of animals in the draft. During discussion it was pointed out by other board members that some other animals that needed to be added along with llamas and alpacas to the list of those animals specifically listed would be ewes and vicunas. Due to the fact that there could be other animals that the board might overlook that should be listed, Chairman Ely suggested that the board add the following words to the first sentence in Section 2(A) after the word “any” and before the word “horse”: “animal other than dogs, including but not limited to”. The board felt that Mr. Ely’s suggested wording should indeed be added.

Mike Staub then pointed out that South Bristol is rural country and that the board may be getting far afield. He then drew the board’s attention to Section 10 of the draft regarding animals being prohibited from running at large. He said if the board were to use just that section and include what Jim Ely had suggested for wording to include all animals except dogs, which are addressed elsewhere in the town code, it would make the property owner responsible for any animal, livestock or otherwise, that they have on their property should it leave their property and cause any kind of danger or destruction. Mike went on to say that if the board includes the rest of the draft language which calls for a permit application, a permit, inspections, etc. it seemed to him to be more than what is necessary in light of the fact that South Bristol residents live in the country and if someone wants to have chickens that have eggs and they end up with seven chickens, it should not be a problem as long as those chickens remain on the owner’s property. He went on to say that what the board was trying to do was regulate animals from leaving the premises and causing destruction or nuisance.

Chairman Ely then said that he understood that what Mike was saying was that the board should reduce the draft law to include only language addressing animals running at large and what the penalties for offenses would be and eliminate the need for permits, etc. Mike said that was correct. Mike then added

that if the language regarding permits were to be removed then all the board would need to do perhaps is add another section entitled Animal Control to Section 61-15 to contain the language in Item 10 of Ann Marie's draft which would prohibit animals from running at large. Mike added that then it would eliminate the need for the code enforcement officer to be running around checking on someone with six or eight chickens instead of four. Chairman Ely then noted that what Mike was suggesting had the advantage of simplicity plus it would keep the workload down on the town's code enforcement officer who only works part-time. Ralph Endres then added that animal control should be a small part of the CEO's job as doing more pressing things were more important than counting chickens. It was also noted during discussion that if there had not been several complaints expressed to the town in connection with roaming animals on County Road 33 the Planning Board may not have been tasked with the creation of an animal control law. The board members felt Mike's suggestion of eliminating the need for permits, fees, etc. was a good one. They also noted that animals at large needed to be addressed as they could cause a serious traffic accident which is a matter of public safety.

Chairman Ely then said that based on the board's discussion and Mike Staub's comments, he would add a condensed version of the animal control draft law that Ann Marie had prepared to Section 61, of Town Code entitled Animals as a new Article III by taking out all language having to do with permits. He said he would 1-include the addition of those specific animals the board had mentioned when discussing Section 2(A) of the draft (llamas, alpacas, ewes and vicunas); 2-include the "catch all" language he had proposed "animal other than dogs, including but not limited to,"; and 3-include something regarding penalties for offenses.

Mr. Ely also indicated that he would have something further to report to the board in July with regard to his meeting on June 19 with Supervisor Welch and Kevin Olvany and that he planned to make any changes to the timber harvest draft law that Kevin and Supervisor Welch wanted to see and have a revised version of the draft ready for the board to look at during their July meeting in hopes of possibly then forwarding the draft on to the Town Board for their consideration.

Other Business To Come Before The Board

There was no other business.

Public Comment Time-W. J. Rodenhouse then asked the board what the time table was for the commencement of the PD projects. He said his main interest was the BSV Resorts PD application. Mr. Rodenhouse said he understood that at least one of the applicants was hoping to start in the fall. Mr. Rodenhouse was advised by Chairman Ely that it seemed unrealistic for a fall start for either PD project even if they were to come back to the Town Board in July with a complete application. Mr. Ely went on to say that due to the whole process involved with a request for a PD zoning map amendment, the need to follow the SEQR review requirements and time table, the timing of necessary referrals to the County Planning Board for their input, the site plan review process, etc. that it was going to take a great deal of time.

The board secretary then added that there was a link on the town website that people could click on that detailed the PD approval process. She also repeated what Chairman Ely had indicated earlier in the meeting that there was also a separate link for each of the two PD application proposals that people could click on and state their questions/concerns/comments (pro and con) which would be read and taken into consideration by town officials.

There being no other business to come before the board, Chairman Ely called for a motion to adjourn. Ralph Endres made said motion which was seconded by Mike Staub. The motion was unanimously accepted and the meeting adjourned at 7:45 P. M.

Respectfully submitted,

Debra Minute
Recording Secretary

