

Planning Board Meeting  
March 18, 2015

Present:	Mary Ann Bachman Anne Caprini Jim Ely, Chairman Ann Jacobs Ann Marie Rotter Mike Staub Rodney Terminello	Guests:	Mark Bayer, Bayer Landscape Architects Ashley Champion, Nixon Peabody Law Firm Laura Cook, Developer Mark Costitch, Costitch Engineering Cecelia Danahar Dave Hanlon, Architect Jim Hicks Howie Jacobson, Redrock Steve Metzger, LaBella Associates Brian and Dolores Perkins Ted Russell Wade and Jocelyn Sarkis Tom Schwartz Frank Sciremammano, F-E-S Associates Sue Steele, Bayer Landscape Architects Mark Tayrien, LaBella Associates
Absent:	Ralph Endres Bessie Tyrrell		

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

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

Chairman Ely then called for a motion to approve the December 17, 2014 minutes as written. Mike Staub made said motion which was seconded by Ann Jacobs. The motion was unanimously accepted by all board members with the exception of Rodney Terminello who did not vote as he was not present at the December 17, 2014 board meeting.

Mr. Ely then called for a motion to approve the February 18, 2015 minutes as written. Mary Ann Bachman made said motion which was seconded by Ann Marie Rotter. The motion was unanimously accepted by all board members with the exception of Anne Caprini, Jim Ely and Mike Staub who were not present at the February 18, 2015 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 Town Board held a public hearing on all of the proposed changes to the town code and that he gathered that no one had shown up to object. Mr. Ely then said, however, that apparently due to an error in the scheduling of the hearing the Town Board did not actually vote on the changes. He

said he understood and had been assured that the proposed changes would be voted on at the Town Board's April meeting which would move the matter forward.

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

Chairman Ely advised the board that the town attorneys had advised him that the New York Court of Appeals declined to hear the case so the matter is now at an end.

Proposed Changes to Section 170-9 of Town Code (Definitions) Regarding Lot Coverage-

Chairman Ely told the board that in follow-up to conversation that the board had with Code Enforcement Officer Phil Sommer at their February 18, 2015 meeting regarding a change to the town's current definition for "lot coverage" and proposed new definitions for "percentage of lot coverage", "pervious" and "impervious", he was asking the board if they were amenable to sending the proposed definitions on to the Town Board for their consideration for adoption. Mr. Ely said that at the February meeting Phil had explained to the board why both Phil and he had felt it was important to do. Mr. Ely said that he had been attending an informal group organized by the Watershed Council through which he had learned a lot about what was going on in other towns in the immediate area and that one of the most conspicuous things was that the town has a lot of work to do to bring the zoning code up to speed. Chairman Ely said that Phil feels, and that he thought Phil was correct, that what is presently in the town code is totally inadequate. Chairman Ely noted that anyone could plainly see when walking down Seneca Point Road and what is being built there it is practically cover to cover and that one did not need to be an engineer to figure that out. Mr. Ely said the proposed definitions were meant to tighten things up and that both he and Phil had worked on it and that, in addition, Mr. Ely had spoken with Kevin Olvany. Chairman Ely then said that he was not trying to rush the board in any way but that if the board felt comfortable he would like to send the proposed definitions on to the Town Board for their consideration. Mike Staub then said he had a question with regard to the definition for "structures" that was discussed at the board's February meeting as well. Mike was advised that the only definitions to be forwarded to the Town Board at the current point in time for their consideration were: "lot coverage"; "percentage of lot coverage"; "pervious" and "impervious" and that any other definitions discussed at last month's meeting would be discussed further at a future meeting. Mike Staub then made a motion that the board accept the proposed definitions for "lot coverage"; "percentage of lot coverage"; "pervious" and "impervious" and forward them on to the Town Board. Anne Caprini seconded the motion. The motion was unanimously accepted.

Bristol Mountain Considerations-

Chairman Ely told the board that he had a conversation with Dan Fuller of Bristol Mountain and that they have a couple of projects underway. Mr. Ely said that one was that they plan to add another course to their aerial park and that Mr. Ely had been asked if it would be necessary for that to come before the board. Chairman Ely said that his answer to that was that it did not need to come before the board as he felt the whole purpose of them having a PD was so that they could make minor adjustments so that every time they want to change a route within their aerial park, which was previously approved by the board, they would not need to have the board review it. Mr. Ely said that if the board felt he was incorrect they could overrule his decision on the matter and, if not, then his decision would stand. However, he wanted to report the matter to the board. Mike Staub then said that his only concern with that would be steep slopes. Chairman Ely said that it would not affect steep slopes as it would be up in the trees.

The other item with regard to Bristol Mountain was that they thought they might replace the trailer which they were now using essentially as an outdoor bathroom facility and plug it into their existing system. Mr. Ely said the question was whether that might require board approval. Chairman Ely said that he was a little less clear about that because he was not sure that he understood fully what their current system is so he wanted to raise the question with the board. Mr. Ely said that he had not gotten back to Mr. Fuller regarding the question so he was not quite sure where that idea stands. Chairman Ely said that his experience had been that a lot of times tentative ideas come up but then they are not necessarily pursued which is fine but that he just wanted to share the information with the board. Mike Staub then said that Bristol Mountain had a system up there for their Nordic ski trails and all that up there and the trailer that they are using for facilities is a temporary thing that was put in for their aerial park so they just want to tie that into the existing system. Chairman Ely said that was correct. Mike Staub then said that he felt that the board would have to look at what their flow is, etc. and if it has the necessary capacity he would have no problem with it. Chairman Ely said that based on what Mike had said that he would advise Dan Fuller that the board would like to see some further information. The board members agreed.

Bristol Ski Valley Update-The board secretary told the board that she had distributed to each of them a copy of a letter sent by Peter Vars of BME Associates, the town's engineer for the Bristol Ski Valley PD application, to Bristol Ski Valley's engineer advising him as to what the town feels is still missing from Bristol Ski Valley's PD application submittal in order for the Town Board to declare it a complete application and then forward it on to the Planning Board.

Everwilde PD Rezone Request-Chairman Ely took a moment, due to the fact that there were some people out in audience, to make sure that everyone was on the same page before going forward. Mr. Ely told those present that the Everwilde proposal was, in essence, a proposal to change the existing zoning to a Planned Development Unit, commonly known as a PD. He said that the ultimate decision as to whether to create a PD was not made by the Planning Board but by the Town Board. Mr. Ely said that the Planning Board was simply being asked to make an assessment and a recommendation back to the Town Board. Chairman Ely also said that the board had devoted quite a bit of time to the matter already and that he would like to thank the whole Everwilde team for the very helpful responses they made to the inquiries to them placed by Mark Tayrien, the town's engineer for the project. Mr. Ely said that the information was certainly helpful to him and that he had to have Mark's assistance in order to understand some of the information provided to the board. Chairman Ely told the board that he very much appreciated the Everwilde team taking the time to be thorough. He added that the board might have some additional questions or concerns but that he really appreciated their moving forward on it.

Chairman Ely then said what he envisioned taking place during the meeting was that it would be a chance for the board to ask any further questions they might have and for the Everwilde team to share any further information they might want to share with the board. Chairman Ely said that the board may have some preliminary discussion during the meeting and then the board would be in a position, and that he had spoken with the board members about it, to actually make a decision on Everwilde's proposal and make a recommendation to the Town Board at the board's next meeting. He also said that he thought it was important to be deliberate and that the board had been deliberate and that it was the

board's intent to keep moving along. He then asked if any or all of the Everwilde team had anything further that they would like to say or if they had any further information that they wished to provide to the board.

Mr. Sciremammano: Thank you very much. And, again, we do have the whole team here tonight. I just wanted to recap that the Town Board gave their referral to you in September and we came before you for the first time on November 5 and we submitted some materials to you that night and you had additional questions. We did submit a fairly large package to you on December 5 that we hoped had addressed all of your questions and then on December 17 there were some more issues raised and in the January 23 letter written by your engineer. We tried to thoroughly respond to that letter and we appreciate your kind words regarding our response. There were then a couple of other back and forths between the engineers regarding some details in connection with the site utilities and you have copies of that. We are here tonight hopefully to make it possible for you to make a report back to the Town Board with findings.

It looks like it comes down to two issues. One is the sewer and water. Our focus right now is centered upon on-site systems. We are just getting too much of a run around, it's too slow, and there is too much complication in terms of Bristol Harbour. In the future if that comes about and we can hook up to it when we are further on down, then the applicant is willing to do that. But right now, our focus is centered upon on-site systems. Mark Costitch has gone through a lot of detail and has been very conservative in his design. We are sure it can work.

The second is on the traffic. This is going to be kind of a matter of judgment for you. Technically, Seneca Point Road is not designated as a collector. On the other hand, we feel that it is a collector. It is taking traffic from one of the larger commercial developments in the town. It is also feeding into other neighborhoods. So we feel that it is functionally acting as a collector road. In addition, we don't feel that it is a neighborhood road. I live in a subdivision and the speed limit is 25 not 45 and while there are residences on that road there is also commercial and it is also one of the main arteries. So we feel that we meet the intent of that code section and that we are not funneling traffic through a residential subdivision to get to a PD and that Seneca Point Road is adequate to handle the traffic.

So I would like to just bring those two issues up and we look forward to any further questions you might have. Ashley, do you have anything to add?

Ms. Champion: No, but I would like to say that we really appreciate the time that this board and the town consultants have put in to date on this project as well. I think that it sounds like a realistic and manageable time frame that the Chairman set forth. So, hopefully, we can answer any outstanding questions that you have to your satisfaction so that by the next meeting you will be prepared to move forward and obviously it is our hope that it will be a recommendation to the Town Board for approval of the rezoning along with your reported findings. Therefore, we hope that tonight we can get to the bottom of any lingering issues and get you all comfortable with the project.

Chairman Ely: Thank you. Is there anyone else from the Everwilde team that wants to jump in?

Mr. Sciremammano: We are here to answer any questions you might have.

Chairman Ely: Do the board members have any questions or concerns?

Mr. Staub: My concern, as always, has been with the septic system and your documentation and all of your hard work has shown that it is a viable alternative. There may be some paperwork hurdles to get through with the State and so forth but the intention is there and it is well thought out and well laid out. I think that addresses the issue of the septic system. If later on you can tie in to Bristol Harbour that's the easy part and up until then you've got all the paperwork and hurdles to go through with the State to verify your system and the two can be parallel efforts and if one comes in ahead of the other it saves you some money. But they are both good, sound, and on paper looks good. So, well done.

Ms. Champion: Thank you. We appreciate that.

Ms. Cook: Thank you.

Mr. Staub: With regard to the drainage report, some of the graphs, charts and things that were in the report contained some terms and there was no index as to what those terms were that were used in there. However, most of it was in general terms that were well understood.

Mr. Sciremammano: If there is anything you would like in an index we can certainly submit that.

Mr. Staub: That was just me trying to put my head through the sifter of this thing and if I came up with an abbreviation that I did not understand normally there is an index or something you can go to but there was nothing there. But I muddled through.

Ms. Jacobs: I have a question. This is taken off of Mark's (Mark Tayrien) report. He said that a raised fill system cannot be used for site slopes that exceed 15% on every section of the system not just the average slope of the system and that he would agree that the average slope of the terrain in the area of the hotel system is under 15% but he believes the slope in the center of the system between contours 1065 and 1070 (which were on a map in the packet that we got) may exceed 15%.

Mr. Sciremammano: Mark (Costich), do you want to address that?

Mr. Costich: I am Mark Costich, Costich Engineering. It is very hard at the scale that we gave them, which is just a regular scale, to be able to say whether it is 15% or 16% and I have brought blown-up versions where we can scale it easier. But the bottom line is that it is not in excess of 15% and I think that the area that was specifically looked at was where there was a little existing swale where the contour does a little bump and we are actually able to zoom in and click on it and it was less than 15%.

Mr. Sciremammano: Our intent is to be meet every single standard for a septic system that the DEC or Department of Health has. There is no intent to skimp on it or put it in an inappropriate place.

Chairman Ely: Other questions from the board members?

Ms. Bachman: I do have a question. At the December meeting, I believe it was, it was asked about the drive to the spa which was directly across from a residential home. In viewing the plan for the sewer and septic and water, it looks like all of the land is being utilized. Are there any thoughts regarding moving that driveway so it is not directly across from a residence and possibly, I know we are not comparing it with the original 20 homes proposed for the site, but the original 20 homes has the main road directly across from what is already the Bristol Harbour Resort entrance. So I didn't know if it had anything to do with you as to why the entrance to the spa is located where it is or something to do with view or some other particular reason.

Mr. Sciremammano: We can take the site plan out so that we can point to it. So it is this second entrance that you are asking about?

Ms. Bachman: Yes.

Mr. Sciremammano: We did indicate before, that part of it had to do with topography and we also indicated that we could move that around as part of final site plan. You could make it a condition of your report that it be moved or relocated. The applicant has indicated that they are perfectly willing to do that. We haven't made that change yet because we are just not that far along. But we will be able to accommodate a change in location for that and the septic system without a problem. Even if in the end we end up having to come off out in here somewhere (pointing to the site plan) I think that is certainly doable.

Ms. Bachman: Because I know in your report you mentioned that from the traffic study there was no visual blind spot but I think as we said in December, at least I think it was the December meeting, there is a bit of a crest and a bit of a blind spot so it may not be the best place to put the drive.

Mr. Sciremammano: You mean where we have it?

Ms. Bachman: Yes.

Mr. Sciremammano: Again, what they used for the traffic study was state standards for how far down the road you can see per a certain speed and certainly if we can improve that by moving it we would do that.

Ms. Bachman: Okay.

Mr. Sciremammano: But it does meet the current standards by what I thought was a fairly wide margin in terms of how much distance you need to make a right or a left to see traffic coming. We know it is a crest but it is not to the point where you can't see vehicles coming.

Ms. Champion: I think that is a really good comment and we appreciate it and that's exactly the type of feedback we welcome particularly when we are down to the actual final design of the project.

So, as Frank mentioned, here we are really conceptual and so the idea is that we are looking to have a main entrance and a spa entrance and if it doesn't end up being located right there because of the practical reasons that you recommend and also maybe it isn't technically a DOT blind spot but practically it makes a little bit more sense to have it somewhere else, those are all suggestions that we welcome and as long as it works with the topography and it a better solution that is what we would be looking to do as well. And, again, we are just conceptual at this point.

Ms. Cook: We don't want anybody hurt. We want to have a nice happy place.

Chairman Ely: Any other questions? Frank you did pick up on a couple of good points. I do think this question of traffic is one of the things that this board will want to hash out a little bit. Mark (Mark Tayrien) prepared things in the alternative for us to consider and that's one thing we haven't really focused on as a board yet and we will want to kick that around. But we will have to come to a resolution on that. Also, speaking personally, I think you are smart at this time to put more eggs in the on-site basket rather than the Bristol Harbour connection. I continue to hear, and I have talked to our town supervisor, that there are a lot of lateral issues now with the sewer and water companies. They are caught up in what their service area is, their rates are being reviewed and I just don't see any short term resolution to these issues. So I think you are well served to put the focus where you are and I think you have anticipated things very ably. Now, let me call on this Mark (Tayrien). I know he and LaBella has done some further review regarding the viability of the on-site septic system and I was wondering if he could speak to that.

Mr. Tayrien: Steve Metzger is here with me as well tonight. I don't think I have much to add to what Mark Costitch said and you've got in your file the additional exchange that took place after their submission came a few weeks ago. I think the bottom line for us is that the ability to develop an on-site septic system there has probably not been proved to a certainty but a very, very high likelihood has been shown already especially considering the stage of the design at this point. I think Steve would agree that we would be very surprised to find that there would not be some way to develop a reasonable and reliable system on that site. From our perspective at this point that should not be an issue that would cause us to not go forward.

Mr. Terminello: Even though they will have a lot of pumping going on, I assume, for the sewage by the bottom of the hill and there are several pumping stations along the route there, that's not a concern at all?

Mr. Metzger: It's a maintenance concern, I guess, of the folks that will be in charge of maintaining the system. So it is a concern but if the proper measures are taken it should not be a problem.

Mr. Staub: You addressed that in December when I brought up the question and you said that you would have maintenance people on staff and it would be taken care of. You have the fresh water pump, the run-off pump and the sewage pump so that is a big system as you alluded to but with the proper maintenance there is a lot of big systems that run 24/7 and they run for years and years and years.

Ms. Champion: That's absolutely right. So, at this point, we are confident on the viability and liability aspects of the system and, any maintenance obligations the applicant is aware of, she will be taking those on. It will be part of running the facility if it does have the on-site system.

Mr. Sciremammano: Again, it is not in the applicant's best interest to have sewer backing up.

Mr. Staub: Not at a spa.

Mr. Sciremammano: So I think you can be assured that it is not going to be a public burden. It will be purely a private system and they will be responsible for all of the maintenance.

Mr. Terminello: My concern is that you still have a lot of run-off coming from up the hill, from the parking lot, from the buildings. We talked about this the last time. You have a storm water facility close to where you are treating the sewer. You have a lot there and it is mixed together.

Mr. Sciremammano: So you are worried about the separation of the storm system from the sanitary?

Mr. Terminello: And the water system. And then you have property adjacent to your property that is going to take a lot of the run-off.

Mr. Sciremammano: I think we have addressed that. We are actually going to reduce the flow that is occurring now in those gullies across the road by intercepting it at the top and sending it down through a closed conduit, a closed sealed pipe, right down to the lake. So we will actually be reducing the flow, and I forget the exact number, but anywhere from 34-50% I think was in my letter the peak flows that are hitting those gullies going down the hill.

Mr. Costich: And we are also improving the culvert systems on the hill that are regularly clogged so when you have surges of water they are just basically overtopping the road and creating a tremendous amount of erosion. Going back to your question about the various systems and pumping, number one, when we do a system like this it is all redundant. So you have duplex systems where if there is one pump that for some reason fails, there is a second pump that is there ready to go and we also build in other types of safeguards. We will build in storage so that if something fails, we can store it on site. As far as maintenance, the Health Department does training and certifies operators for the water and for the NYS DEC you basically go to school and learn and you are then certified by the DEC to be operators. Those are the people who would be running this type of system because, as you said, it is complicated and it is not part-time it is full-time. We've done these types of systems. I have done full shopping centers with hotels, restaurants, fast foods and Chinese laundromat all on private water and private sewer. It does keep me awake at night when we first start.

Mr. Terminello: I understand what you are saying but I was just looking at the slope and there is a long hill there and I have lived here long enough to see what run-off can do such as tearing systems out, tearing roads out and tearing culverts out.



Mr. Costich: We are working locally and I have experienced some of your same issues as an engineer on some of the residences around town. I fully understand that you can move tons and tons of material down a slope and into the lake if you are not careful.

Mr. Terminello: It does happen.

Mr. Costich: Yes, it does. So, I think we are going to really improve a lot of what is going on there because there is no one maintaining the area right now. It's natural but it is also somewhat man made now because there is a road and once you start putting in a road and conveying and channeling water you really have to keep up with it.

Mr. Champion: Our hope is what we are conveying to you is that we have thought of these issues as well and have analyzed and addressed them and we have had initial proposals as well as modified proposals so it has been a work in progress for us. We have vetted everything that the town has told us and we will continue to do that throughout the process to make sure that everything has been adequately considered and addressed and maintained.

Mr. Sciremammano: By maintaining the wooded slope and by not building downhill, and I know some people are saying that you cannot compare it to the previous subdivision, but if you compare it to the R-3 zoning somebody is going to build houses there and have a real road going down. The houses want to be on the waterfront. So you are going to cause a lot more potential for those kinds of drainage issues than you would confining the development to the plateau and addressing the storm water up there.

Ms. Rotter: It's probably been answered but it may have slipped past me. In one of these packet entries there was information about the sediment collection where the water is culverted, I guess.

Mr. Sciremammano: You mean in the storm water pond?

Ms. Rotter: Yes, but it sounded like there was going to be numerous spots that could accumulate sediment that would have to be extracted and displaced.

Mr. Sciremammano: Yes, catch basins.

Ms. Rotter: Where does that sediment end up?

Mr. Sciremammano: I think it would depend upon two things. One would be how much there is and the second thing would be whether there is room on site to put it someplace. Presumably it will come from the site so they may be able to use it to supplement where things are either eroding away or they need additional berming. But I found in the past that generally with these sediment basins, when you clean them out, there is not that much material to get rid of. Sometimes it just involves taking it to the local landfill. Mark (Costich), do you want to add anything to that?

Mr. Costich: Just that the site around the lake are unique in that the cracked shale is very erodible so that you could have an accumulation of that and that is not a silt such as something that is road runoff. So that could be used for fill and repurposed on site. Part of our SWPP is a maintenance plan and we will outline more of that as time goes on but it generally can be used on site especially in the culvert areas where we know we are going to have some build up and we are required to detail how we maintain it.

Ms. Rotter: Okay.

Mr. Staub: Just one small point. Something that came up and that has been profound this year, where your water hydrants are going in, I just wanted to put a feather in your cap or a note that if it was possible to have a maintenance crew clean those hydrants out in the wintertime because they are crucial especially this year has shown it more than any other time. If those hydrants aren't clear, then they have to run a hose a half mile down the road and your nice spa could be a cinder by then. It should be part of the normal maintenance to go out and clean those out when we get several feet of snow over the winter.

Mr. Sciremammano: And that is just the kind of thing as well as the maintenance of the catch basins that would be very appropriate either in your recommendation regarding the rezoning as a condition or as part of your site plan review. Make it a firm condition that snow has to be removed from around the hydrants.

Ms. Cook: Or you can come ring my neck.

Chairman Ely: Any other questions, comments, concerns by the board?

Mr. Staub: Was there any feedback on that forever wild portion of the property? The land that was down by, I think it was, Coye Road and that you weren't developing? We asked if it could be kept pristine so that nothing else could be developed there.

Mr. Sciremammano: We are going to look to the town for what solution that you want because that would also incorporate the hill slope going down. Whatever form of agreement you need as a town as part of either the rezoning or the site plan, I think the applicant has indicated that she is willing to go along with it. She has no intention of developing those lands.

Chairman Ely: Something in the nature of a conservation easement.

Mr. Sciremammano: A conservation easement is one option or there are other ways of doing it.

Chairman Ely: Well, I am sure that in some form it will probably work its way into our recommendation. Let me just put this out to the board and then to you as well, Frank. Jeff Graff our town attorney has advised me that, in addition to making some specific findings relative to sewer, traffic and water which we have already talked about pretty well, we also must make a finding or recommendation as to whether we think this is compatible with our Comprehensive Plan. Now, I don't

think that we all necessarily have the Comprehensive Plan right in front of us so I am not necessarily planning on having that conversation now. But I do want to impress upon the board the importance of thinking about that because we will have to have some discussion and a decision on that next time. I also did not know whether anyone on the Everwilde team wanted to speak to the issue of the Comprehensive Plan. In other words, this is your chance so to speak.

Mr. Sciremammano: I think we addressed it early on when we were at the Town Board and, while Ashley is looking for the original text because I have forgotten, let me say that I am now chairing the Comprehensive Plan committee in my town and I was also chairman of the Planning Board for awhile. In the Comprehensive Plan you can pick out a statement or a goal to either support or refute almost any development. So what we try to do, again, is pick out where we think this is furthering the goals of the town. Part of the goal is to promote tourism and the tourism industry and have compatible uses with what's existing, for example, wineries and Bristol Harbour. The other is the preservation of the slopes and the view which I think does more than any other project that could go on this site. I don't remember the rest of the arguments. If you would like we can certainly do another submission to you just on that issue before your next meeting. That would probably be the most appropriate. We haven't focused on it for tonight.

Chairman Ely: That's fine. I had not focused on it because I needed clarification from our attorney in relatively recent days.

Mr. Sciremammano: I think we addressed it in the original rezoning application to the Town Board and that was in May.

Chairman Ely: It needn't be something as comprehensive as you did before.

Mr. Sciremammano: No. It will be a two-page letter.

Ms. Champion: And I can speak to that pretty quickly. I was actually looking because I know that there have been a few times when we have actually gone through that exercise Frank was describing where we reviewed the Comprehensive Plan and pulled out the appropriate provisions in it and we can easily provide those to you, Mark (Tayrien) and whomever else at the town that would like to see it.

But basically I think that, with regard to the goals and recommendations that are part of the Comprehensive Plan, we think that the project is in conformance and furtherance of. There are several areas where it talks about responsible commercial development where it is not imposing on existing residential areas. There's a lot that talks about preservation of steep slopes and preservation of environmentally sensitive areas and I think our proposal, particularly if you look just at an aerial of what we are doing here versus the previous subdivision, we are disturbing 6 acres where the previous project was disturbing 18 acres. The same type of analysis applies for the slopes. Ours is less than an acre versus 12 acres. The water front is another area that is highlighted in the Comprehensive Plan as an area that should be developed responsibly and if it can be preserved, it should be. Here it is a little over a ½ acre versus over 2 acres for the prior project. So a lot of the environmentally sensitive areas in the

town that the Comprehensive Plan says should be preserved to the extent feasible while of course balancing planning and improvement and progress and development. We think that we meet those goals. There is also some verbiage in your Comprehensive Plan about the type of commercial development that the town is looking for and it really is more tourism than your typical shopping plaza. If there is going to be commercial development it is to be lighter commercial development that is going to make the town more of a destination attraction that will bring people to the town and not to shop at a huge chain retail location but to really experience what the town has to offer. You have beautiful sites. The land and the lake is all very lovely and the idea with the limited type of commercial development that the town is looking for is a development that balances those interests and we think that is something really special about this project. It is providing the type of amenities that we think are very appropriate to this area while also preserving, more so than the current zoning would, some of these important environmental features of the site and also offering more people the ability to enjoy the site including the lake views. I know another goal of the Comprehensive Plan is to have scenic views for more members of the public to enjoy. If this was a privately developed subdivision the only people who would be enjoying the view would be the people who live there and their guests whereas here it would be open to the public. Any patron of the restaurant, the hotel, the spa, the bakery and the banquet facilities would be able to use and enjoy the scenic overlook area down by the lake. We can put a summation of that in writing for you but there are several portions of the Comprehensive Plan that the project is definitely in conformance with and in furtherance of.

Mr. Sciremammano: And if I could add to that one other thing, a recent study of Finger Lakes' tourism pointed out, and I can get the quote for you, that for many of the lakes you either come for a weekend and rent a house or you cannot use the facilities and they called specifically for places where you come for a couple of days, hotel-type lodging and then drive away. There are very few spots in the Finger Lakes now where people can come for 2 days or 3 days instead of renting a house for a week and some people don't want to rent a house but they want to have services and there are very few places and they thought it would really boost the tourism in the Finger Lakes in general especially for the wine trails and the wineries. So we think that is another positive that this brings in terms of promoting tourism in this area.

Ms. Champion: Another thing that we really didn't touch on is the socio-economic benefits of the increased tax base that this project would provide more so than a residential development while at the same time not increasing or burdening the existing school district or some of the other costs to the town.

Mr. Sciremammano: And I believe you saw the preliminary accounting analysis and, again, the numbers go back to May and I don't remember them off the top of my head but we can summarize that also.

Mr. Staub: But that it not under our purview. We just have to make sure that proposal fits the site and what you just outlined mimics our Comprehensive Plan. If you were going to try and put this project on Gulick Road or Lower Egypt Road it would not work. But with the exclusive use of the lake by your patrons and a small footprint on the lake, the way the slope is you are not going to be a

distraction from the road. People are not going to have to look through your building. They can look over your building to see the views. So, to me, it is a good fit for what the plan says it is supposed to be.

Ms. Champion: We think so, too. Thank you.

Chairman Ely: Is there anyone else on the board who has anything to say? (No One) Now we don't have a super large crowd tonight but all of our meetings are open to the public and even though we are not holding a public hearing on this project tonight we do try to allow for public comment at our meetings if time permits. So if there is somebody in the audience who would like to just take a few moments, I would be happy to have them come forward.

Mr. Sarkis: Thank you, Mr. Chairman. I think you might remember me. I am Wade Sarkis, the neighbor immediately to the north of the proposed project at least for the lower 1,000 feet of the property.

I was able to visit the town this weekend and get copies of the documentation delivered by Everwilde. I just have a couple of questions or thoughts. As far as traffic and the town code section that defines the type of roadway that the project could be on it clearly, and they have reiterated, that Seneca Point Road is a rural road. It is defined as a rural road. The traffic study indicates that it would be a minor collector road if it had up to 3,000 vehicles per day and they currently estimate that there is 1280 vehicles per day. A major collector road has a much higher threshold and it's in the letter. So Seneca Point Road has less than half the vehicles of a minor collector road. So they are asking you to make quite a leap in the interpretation that Seneca Point Road is a collector road and not as it is clearly defined a rural road.

Mark (Tayrien) had asked in his follow-up letter for some specific details about "local data for similar sized banquet facilities" used to estimate trips for the banquet facility: exactly what facilities were used for comparison and when were the counts taken. The traffic consultant in his response letter simply says that they used comparably sized facilities in Vancouver, British Columbia in 2003. I don't know if that satisfies what Mark was looking for but it certainly caught my attention. The traffic consultant also claims that an analysis of Bopple Hill traffic from the south is not necessary as their projection for vehicles per day does not hit the normal standard used by the State. But I don't think the residents on Bopple Hill and Seneca Point Road would appreciate that and I don't know if the consultant looked at the grade of that hill. There is nothing about how the traffic will affect the Town of Canandaigua which is a point inconsistent with the Comprehensive Plan. And, of course, there is nothing about boat traffic.

The technical stuff I am not qualified to talk to you about. Although, after hearing about the drip system for a couple of hours over the past few meetings, we now have found out that because of the weather they cannot do a perk test so they are going to go with a raised bed which may satisfy the engineering aspects of the project but I am wondering if a three-acre raised sewer bed is consistent with the Comprehensive Plan and the rural character and rural nature of the town which the Comprehensive Plan strives to protect.

There was a letter submitted to the town and I am hoping that everyone got a copy. The letter was dated February 6 outlining multiple issues of the Comprehensive Plan that the proposed project is not

consistent with as far as the zoning change is concerned. I'm hoping that you have all seen that and have had a chance to review that.

But those are just the points that I wanted to bring up and I thank you very much for your time.

Chairman Ely:                Would anyone else like to offer a comment? Yes, and please introduce yourself for the secretary.

Mr. Perkins:                I am Brian Perkins. My wife and I live in the house that is in the picture there (pointing to picture). Wade did a great job of addressing the issues here and I just would like to reiterate a couple of those points. I guess the biggest is that I would really like to ask the board to consider seriously this issue of Seneca Point Road and the amount of traffic on that road. It is a rural residential road. We attempt to walk along there now and it is difficult even at best now without the additional traffic that would come from this development. So, to me, it is fairly clear in our town Comprehensive Plan that Seneca Point Road should not have another Planned Development on it. And I guess the other part of that is the term "rural character" as used in there frequently and certainly was an overriding issue in the town survey that was taken several years ago. This doesn't, in any way shape or form, fit in that character of being rural in nature. Everything that is there now pretty much does but this would really overwhelm any definition that I have ever had in my mind of rural character. And I guess the last, which is probably a minor point, my wife and I maintain virtually all of our acreage as a habitat for wildlife and birds. There are several birds that nest there that their habitat is quite threatened because developments are taking over an awful lot of the open fields in our township and others. And, certainly, the wooded portion of this wouldn't be a big issue there but the parking lot would be a monstrous issue there in gobbling up 5 or 6 or 8 acres or whatever they are planning for the parking lot there. Thank you.

Ms. Danahar:                I am Cecilia Danahar and I have addressed you before. I live in the other house that is shown on the picture right across from the proposed project. I just wanted to address a little bit the definition of collector road versus local road. It is not all defined by whether it is a subdivision or typical suburban neighborhood. A neighborhood is defined as a part of a town, people living near each other. The fact that you have three acres versus a few hundred thousand feet doesn't define neighborhood. All these people are my neighbors. So I don't think that is the defining factor. New York State defines a collector road as a road collecting local roads and connecting them with arterial roads. The closest arterial road is 64 and 5&20. Seneca Point Road is nowhere near them. The definition of a local road is defined as little thru movement. There isn't a lot of thru traffic through Seneca Point Road. People driving on Seneca Point Road are going home or going to Bristol Harbour. All of the local roads have their own access to 21 or 16. Monks does. Bopple Hill does. Hicks does. Coye does. They don't have to go through Seneca Point to get to any of those other major roads. I think that is very significant.

The other point I wanted to address is the goal of the Comprehensive Plan on retaining the rural character. As Mr. Perkins said and I totally agree, this definitely does not fit within our rural character. When you talk about scenic vistas, this is going to take away my scenic vista. When I drive down that street I am not going to see the beautiful hills and lake that I do now. When I walk my dog I am going to

see buildings. I don't know how I am going to walk my dog with the additional traffic. There is so much traffic there already. I just don't think this is the spot for it.

Another comment that I wanted to make is the fact that the Finger Lakes said that there was more hotels and that we need this. There are hotels in downtown Canandaigua and along the shore of Seneca Lake in the commercial districts. This is not a commercial district. One of the reasons there is not hotels is because most of the Finger Lakes, other than the ends of the lake, are rural and that is why they are not there because we don't want to take away that rural atmosphere. If you take away that then I think you would lose a lot of the attraction of the Finger Lakes because I do think that is what attracts people because it is beautiful and it is rural.

So those are my points. Thank you.

Chairman Ely: Thank you. Is there anyone else who would like to speak? (No one)

Well, before we have our motion to adjourn I must say, I think on behalf of the board, how much we have valued the wonderful service and the privilege to work with Debbie, as our secretary. She will be sorely missed. It is a much overworked term to say that somebody is irreplaceable but I think that, in some respects, it is true if you are dealing with a person who I know has helped me a great deal since I came on the board and especially as Chair. I wish you all the best, Debbie, in your future endeavors. I'm pleased to know that we will have you for a few more weeks so I can still harass you. But, in any event, I certainly couldn't let the meeting come to an end without acknowledging publicly and very gratefully all your help.

Board Secretary: Thank you.

Chairman Ely then called for a motion to adjourn. Mike Staub made said motion which was seconded by Mary Ann Bachman. The motion was unanimously accepted and the meeting adjourned at 8:00 P.M.

Respectfully submitted,

Debra Minute  
Recording Secretary