

Planning Board Meeting
October 21, 2015

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

Wade Sarkis and Interested Parties

The meeting of the Town of South Bristol Planning Board was called to order at 7:00 p.m., followed by the Pledge of Allegiance. All board members were present.

Board member, Rodney Terminello, then read the Comprehensive Plan Vision Statement.

Chairman Ely called for a motion to approve the September 16th minutes as written. Ralph Endres made said motion which was seconded by Ann Marie Rotter. The motion was unanimously accepted by all board members, with the exception of Rodney Terminello and Bessie Tyrrell, who did not vote, as they were absent from that meeting.

Iverson Project- South Bristol Villas

Chairman Ely: Before we turn to 'Old Business', let me share one item that should be of interest to you. In your packet, is a handout on the subject of the 'Iverson Project', which once again is back in the news. Colleen got a phone call from Jim Cayer, wanting to go ahead and enlarge the deck size, on his previously approved condominium project. Colleen had the foresight to check with Maria Rudzinski, of County Planning. As you can see from this memo, she was advised that this would have to go back through the whole process again. Maria also said to have Mr. Cayer call her if he had any questions, a very wise thought. We did that, right Colleen?

Colleen Converse: Yes.

Chairman Ely: Have we heard anything further?

Colleen Converse: No.

Chairman Ely: I suspect Mr. Cayer is not happy.

Colleen Converse: No, because when I asked him if they were townhouses or condos, he said condos. Then he said, 'Is that good news or bad news?'

Ralph Endres: When did he call you, yesterday?

Colleen Converse: No, he called me over a week ago.

Ralph Endres: They are also going to move some of the buildings a little closer to the road. I told him I thought it had to come back before the Board. I didn't see that it was a huge problem as long as they were not going any closer to Seneca Point Road. I told him it had to go before Board, but I didn't tell him we were not going to have a November meeting.

Colleen Converse: I think I did.

Chairman Ely: They will be in for a little surprise.

Ralph Endres: They wanted to start in the next week or two. I don't think that's going to happen.

Chairman Ely: I don't think that it is going to happen. According to Maria, it has to go to County Planning as well. So that's not going to happen anytime soon.

Old Business

Everwilde Draft Environmental Impact Statement

Chairman Ely: The next item we had discussed at some length, at our last meeting, the Everwilde Draft Environmental Impact Statement. I wanted to reopen that and see if anyone had any further comments before we move on.

Ann Marie Rotter: I have a question. I am wondering, are we prohibited from reviewing comments that were given on that one long evening by the citizens of South Bristol? There were like almost 90 comments.

Bessie Tyrrell: There were 21 for and 37 against.

Ann Marie Rotter: I didn't ask that.

Bessie Tyrrell: Ok. There were 68 comments.

Ann Marie Rotter: Ok, 68 comments. And of those comments, I did not write them down, but I would be interested in reviewing them again, in order to frame a recommendation to the final report. There were some very pointed comments that I felt were relevant to the plan.

Chairman Ely: Now, are you referring to the comments during the public hearing that the Town Board held?

Ann Marie Rotter: Yes.

Chairman Ely: As far as I know, perhaps they are not available yet, but they will all be available to the public.

Ann Marie Rotter: Ok, but if we wanted to ask and put them as part of the final draft—the Final Environmental Impact Statement? Because what we had at last week’s meeting, was our own thoughts about the Draft Environmental Impact Statement.

Chairman Ely: That’s correct.

Ann Marie Rotter: So these are our community’s thoughts and I’d like to review them, then frame them and create a comment. Do I have time to do that? I asked her when the comments would be available from the transcript and she thought Monday.

Chairman Ely: Is that Judy Voss?

Ann Marie Rotter: Yes, but it is Wednesday and they haven’t been published yet.

Chairman Ely: Well, I don’t know about that because that’s a Town Board matter. Certainly the comments are and will be available. We are already, as you know, past the close of the public-comment period.

Ann Marie Rotter: Correct.

Chairman Ely: I communicated to Supervisor Welch that we were going to be submitting our comments in the form of our minutes. As you recall, we discussed that last time. And I have a formal response from her that this would be acceptable. I also think that the Town Board would be quite willing to entertain any comments we make tonight. I can’t speak for it, in the indefinite future. I don’t know. Do keep in mind now, we are commenting on the ‘Draft’. When the ‘Final’ report is available, we will all have an opportunity for comments. But, that may not be out, Kathy Spencer said at the last meeting, could be closer to the end of the year before that final report is out. So, we will all have an opportunity to make certain findings at that time.

Ann Marie Rotter: Ok.

Chairman Ely: As I understand it, our tasks tonight, as at the previous meeting, are to make suggestions to the Town Board for further consideration. We are not making any findings or anything of that character.

Ann Marie Rotter: I wasn't asking that.

Chairman Ely: Ok, I understand. I think, certainly, the public comments will be made available, whenever Judy gets them from Everwilde. Our own special meeting was a week ago and I know Colleen was wrestling with the minutes. That was a pretty long session of minutes to type up. Does that answer your question?

Ann Marie Rotter: Sure.

Chairman Ely: Any other thoughts?

Ralph Endres: Yes, I have one on the septic system. Can the people that submitted this proposal, the applicant, can they please cite a commercial operation, the size of the proposed facility and operation, and which relied solely on septic in the State of New York? Is there a comparably size project that does so in the Finger Lakes Region? It's located at the top of a steep slope, on a lake that provides drinking water for 80,000 people daily. I think that should be addressed. I think they should show us where in the State of New York, the Northeast, the United States, or North America there is a project of this scope, 1800 feet of fresh water, drinking supplier for 80,000 people. I don't think you are going to find that they can cite one. That is my feeling on that.

Chairman Ely: Any other thoughts on Ralph's suggestion?

Mike Staub: The septic system is under engineering review and would have to go before the water authorities any way, in the area, if they are subject to that. So they would be the final arbiter of whether the system was sound or not from an agency. But, I share Ralph's inquiry as to whether there are other similar projects.

Ralph Endres: So that would be a question that we could ask Town Board for more information.

Chairman Ely: Yes, we could ask for more information.

Mary Ann Bachman: Just as Mirabeau has been cited in as an example, for use in their traffic study. Citing something that may be as comparable for this type of system.

Ralph Endres: I remember, but I haven't looked at the minutes of the meeting, the public hearing. There was one gentleman that spoke. He seemed to have a pedigree in wastewater disposal that basically said that there are none. That he could not find one anywhere in North America, not just the State of New York, not just the United States, or the Northeast. If that is not true, then let them

show us where this has been done before. Personally, I don't want to risk the water supply for 80,000 people.

Mike Staub: I think it is a matter of information. I think it would be good information to have when we make our decision on the final report. So just ask for the information.

Chairman Ely: I see no reason why we couldn't just ask for this information. We are going to ask the Town Board to get more information, right?

Ralph Endres: Right.

Chairman Ely: Whatever the answer might be, wouldn't necessary preclude my particular decision.

Ralph Endres: The fact is, you know, if you talk to an engineer, my son is an engineer. I'll go back to 1982-1983, he was working for the Defense Department, the Department of the Navy, and I asked him, "Is it possible?" (Reagan was going to use this missile, defense system, to shoot down missiles), and he said, "Dad, as an engineer, it is all mathematics. If they want to throw enough time, energy, and money at it, on paper it can be done." But unfortunately, they don't build these septic systems on paper.

Mike Staub: They build them according to laid-out formulas and you have to have a permit to put it in. That permit has to go through the process. It has to go through all the water authorities, make sure it's sound, and that is for any septic system, whether it is yours or mine. If an industry put a septic system in, they would have to prove to the water authority that that system was sound.

Ralph Endres: The system could be sound, but it could fail.

Mike Staub: Anything can fail. You can't build anything foolproof. Anything can fail. If we have an earthquake, it could fail. But you can't have municipal planning on worse-case scenarios that may never happen. You have to go for the general. Things are incorporated into the septic systems and under review. I know, I put a septic system in my house seven years ago. It was different than the system I put in 20 years ago. Those codes are always changing and they are always upgrading, and they are always to the strictest possible environmental concerns. So based on those, we can't supersede a government agency and request things that they don't look for. If they would come in and say that septic system is sound and viable for issues, it would be certified. If they said it is not, then they cannot continue. They are the experts.

Ralph Endres: If it was on a sewer system, the sewer system has a backup. This has no backup. It either works or it doesn't.

Mike Staub: If it is maintained properly over time, it's fine. It's just like any other septic system. I have mine cleaned every three years, some people don't. Then it backs up and they have problems.

Ralph Endres: There was a fellow at the hearing that's in charge of Red Cat, down in Naples, which is on a septic system. He states that on any given year, 15% of the septic systems fail. They may not fail for the whole year, but they fail. To me, that looks like once every six years, you almost have 100% of them that are going to fail at some point.

Chairman Ely: Excuse me. Are we debating the efficacy of septic versus sewer systems, or are we discussing Ralph's suggestion that we should request that the Town Board look into whether there are, in fact, other similar size septic systems?

Ralph Endres: Yes, that's my proposal.

Septic System

That they show us anywhere else in the United States that has a septic system of this size.

Chairman Ely: Are we comfortable with that?

Bessie Tyrrell: Yes, that's great.

Ann Marie Rotter: Did I hear you say you wanted the Town to look into this?

Chairman Ely: The Town Board.

Ann Marie Rotter: The Town Board to look into it?

Chairman Ely: All we are doing is recommending these things to the Town Board to look into.

Rodney Terminello: These are the conditions we are asking the Town Board to reconsider.

Chairman Ely: Ok?

Bessie Tyrrell: I've got one.

Chairman Ely: Bessie.

Bessie Tyrrell: At the hearing I went to, there was a wonderful woman called Delores Perkins that talked about birds. I talked to her a little bit further. She has a bird sanctuary close to the project. She spent, since 1999, mowing the area and tracking bird species. There are some species on her land that are threatened.

Chairman Ely: Bessie, who was 'they' ten years ago?

Bessie Tyrrell: The Town requested an environmental survey on that piece of property.

Ralph Endres: On that piece of property.

Chairman Ely: On that very piece?

Bessie Tyrrell: Yes.

Chairman Ely: Was this in connection with the failed Ketmar project?

Bessie Tyrrell: I think so. But I don't know that. I just know its ten years old.

Chairman Ely: Ok.

Bessie Tyrrell: I think about how much those things cost. They are not terribly expensive. I think it would be a good idea.

Chairman Ely: As I understand it, you are not just talking about birds, per say, but about wildlife?

Bessie Tyrrell: Exactly.

Chairman Ely: Any thoughts on that?

Mike Staub: Well, I thought we discussed this at the last meeting? And we said that If there were endangered species, they would have been broadcast from the State down. They would be on some form of record already. And that anything that would be in the order of an investigation would be encumbrance on that person to the state, because this is private property. I don't think it has any pertinence for us. They already did the wildlife study.

Ralph Endres: Ten years ago.

Mike Staub: For the Everwilde project, they did it in their report.

Ralph Endres: No they didn't.

Bessie Tyrrell: They are citing the survey from ten years ago.

Ralph Endres: Ten years ago.

Mike Staub: But if it had changed, the State would have notified us.

Ralph Endres: How would the State know, without doing a study?

Mike Staub: Because they have a whole department called the DEC and everything else.

Ralph Endres: They don't have enough employees to do that.

Bessie Tyrrell: We are so lucky in South Bristol that there are so many people who are experts. There is a man called Alan Hicks who lives next door to the bird sanctuary, who worked for the DEC for many, many years, and is a bat expert. He is also suggesting the survey. In the last ten years, there is a number of species that has become extinct. I think it would be appropriate to do it.

Ann Jacobs: Can you call Cornell Cooperative Extension, or call Cornell themselves?

Bessie Tyrrell: I have a list of what's extinct in New York State and there's property next to it that has seen some of those same birds on their property. I think it makes sense to be sure they are not on this property.

Ann Jacobs: Yes, but I think Cornell would be a good place to start.

Bessie Tyrrell: There are many, many people who could do this survey, including the people they have already hired. There are many people who are qualified.

Chairman Ely: Who was already hired?

Bessie Tyrrell: The people Everwilde hired, that prepared this DEIS.

Mike Staub: Are we prepared to have this done on any property that comes up for sale, or use, in all of South Bristol?

Ralph Endres: Well, when they want to build a Wegmans supermarket on a piece of property.

Mike Staub: Its private property, privately owned.

Ralph Endres: In an R-3 area, and it is still R-3. Yes, we can ask those questions.

Bessie Tyrrell: I think we have done that for any large piece of property that's for sale in the rural area. I don't think it's anything new we are asking for. We did it ten years ago.

Mike Staub: Ten years ago. And that was the last time we did it.

Bessie Tyrrell: That was the last time a big parcel of property was going to be developed.

Ralph Endres: There is a piece of property right now for sale, 40 acres, off from Bopple Hill Road. That's the next target. Someone is going to buy that and be here, and want to build another Wegman's there.

Mike Staub: This is not a Wegmans.

Ralph Endres: Well, equal to in size! Its 140,000 square feet! That's a major Wegmans Store! That's the area of disturbance.

Mike Staub: It is NOT a store. It's not going to have the same footprints as a store. It is not going to have the same size of parking lot traffic.

Ralph Endres: This piece of property dwarfs Bristol Harbour's facility. Bristol Harbour's facility is 1/3 the size of what they are proposing- 1/3. Go to Google Earth, look at Bristol Harbour and look at the property they are talking about. It's 3 times larger than Bristol Harbour.

Chairman Ely: I do think Mike has a point which we talked about earlier. We have to be very careful here that we are not singling out a particular project for this kind of review. And maybe there is a way we can frame this in a manner that will speak to that issue. I walk down Seneca Point Road as you heard me say before, about every day. I cannot help but notice that there are several tracts of land for sale down there. At least one has a sold sign on it. I'm sure, next year, we are going to have an application to build something. And judging by what people are building down there, it is not going to be small.

Now, should we expect all applicants to demonstrate that they have a survey? That they are not disturbing any wetlands, any wild animals?

Ann Marie Rotter: I guess I don't quite understand. The study was done 10 years ago, and there has been no development on that piece of property. What will the results really tell us?

Bessie Tyrrell: That many, many more species has become extinct.

Ann Marie Rotter: Due to what?

Bessie Tyrrell: Just because that's a part that has happened. If there is a species that is extinct on the property, it doesn't mean it will stop necessarily. It just means that you would have to remediate that. That you would have to be sure.

Ann Marie Rotter: But if you were not part of the elimination of that's species...

Bessie Tyrrell: Look at it this way. If I had a big tract of land, because I think this is very important, and I want to be sure we understand. I'm not trying to be irritating. But, if I had a huge big piece of property and there was a survey done 10 years ago and a lot of things have become extinct. If there was a Northern Harrier on that property, which has since become extinct, I would want to know

that to be sure I didn't remove the Oak Tree. It is not saying you cannot develop, it's just being sure you don't further disrupt that habitat. It's not like I wish it would say, Everwilde you can't build here, but it would just be sure if there was something that was disturbed or threatened, that the habitat would stay.

Ann Marie Rotter: And a current study

Rodney Terminello: We aren't asking them to 'stop work'

Ann Marie Rotter: And I think that is the way it should be phrased.

Bessie Tyrrell: Exactly.

Ann Marie Rotter: They were already in the process of doing some survey. They need an outside, unbiased survey.

Bessie Tyrrell: Anyone can do the survey. It's fine with me if they do the survey.

Ann Marie Rotter: Ok

Mike Staub: The problem is that you already know about the bat problems in New York. They are already under scrutiny. If you go down and visit the Howe Caverns you can get a whole informational packet and talk to the people and experts that are down there. They have some fungus problems related to caves and there is a whole industry out there that is researching these things and looking at them. Now, DEC may be understaffed. That's not for this Board to come up against. My problem with this is that I think we are just trying to put in higher and higher bars on something that has already been approved. We also have a larger issue before us as far as these tracts that they are going to put down, these elevated trams. It hasn't been proven, satisfactory to me, that this is something they should do.

There are a lot of issues before the Board that we can spend our time investigating, instead of worrying about endangered species that the State has already taken care of. And to keep asking them to come to a higher and higher bar than we would ask any other individual, in our own properties, to be raised to, would be to me, unacceptable. We have to consider them just like anyone of us if we are going to purchase some property and how we are going to develop that property. What is the process we should have to go through? And what bar should everyone be raised to? Now, we have already gone through that and we have gone through this Draft Environmental Impact Statement and we have a final draft to go through. To keep bringing up peripheral issues in hopes of stalling or causing them an extra burden, to what they have already been imposed, I think is a waste of this Board's time. I think the State would have authority in any case if there was any endangered species. They would step in and do something. The Northern Harrier, I had one on my property this year.

Bessie Tyrrell: Well, it is endangered.

Mike Staub: And it is beautiful bird and it just comes back. At one time, there were no black bear, now they are back. The environment has a way of healing itself. And there is also a way of overprotection. If we go on the verge of trying to save every creature upon every body's piece of property, then we get off balance, I think. So, I think it would be more logical to defer to the State on any of these state issues, as environmental species, as hazards go. To go with the guidelines that the State have already provided. Not to get worried about us, as a Board, doing that. That's a State-function, not our function.

Ralph Endres: Do you remember Love Canal? That was a State-function too.

Mike Staub: I remember Love Canal. I remember Lake Erie catching on fire too.

Ralph Endres: Did they drop the ball, from Love Canal?

Mike Staub: You are getting off the point. That is not what we are talking about.

Bessie Tyrrell: Ten years ago, this Board thought it was a good idea to do it, this government, South Bristol, asked for a survey to be done 10 years ago. And we as a Board, know that many things have become extinct, since then. I think it behooves us to do it again. I'm not asking for some crazy thing that most people don't care about.

Rodney Terminello: Can I interject a second here? We are only making suggestions with which the Town Board would say, yes or no.

Rodney Endres: Either they will ask it or they won't.

Bessie Tyrrell: Exactly. I doubt they would do anything that was against the law. And I think it is something that we would ask for from any large tract of land where we were changing the zoning.

Rodney Terminello: We are not enforcing anything, we are just asking the question.

Bessie Tyrrell: Right.

Chairman Ely: So, Bessie, back to my concern. I don't think we should ever appear to be singling out one particular project for a special burden. What trigger would you define, in terms of when one would expect a report of this character?

Bessie Tyrrell: Any large tract of land where they are asking for a zoning change.

Chairman Ely: And how would you define 'large tract'?

Bessie Tyrrell: Thirty-forty acres.

Chairman Ely: Ok. Single-family residences?

Bessie Tyrrell: If it were a, huge, big undergoing development. Well, I don't know if it would be single-family residences, but we are being asked to change the zoning.

Ralph Endres: You are asking to change the zoning from R-3 to Planned Development. I don't think it's too much to ask them to go back and find out if there are any endangered species because the last study was done 10 years ago. Things become extinct in 10 years. It should not stop this project from going forward at any rate, but it's just another question that can be answered.

As far as this Board approving anything, this thing is not approved. That is why we are all here tonight. That is what we've been doing for the last year, over a year.

Mary Ann Bachman: So, if they find something that could be endangered as a result of the project, they could make recommendations?

Bessie Tyrrell: Exactly.

Rodney Terminello: They could make suggestions.

Mary Ann Bachman: They do, according to U.S. Fish and Wildlife, the roosting area for bats, the typical bat, they have made recommendations that there may be restrictions on the cutting of trees over 5 inches in diameter during the bat roosting season which could extend from April through November. So, maybe those types of examples or recommendations could be made.

Bessie Tyrrell: Exactly. I don't think these people would have a problem with it, to be honest with you.

Mary Ann Bachman: Sounds like they are complying.

Bessie Tyrrell: Yes.

Chairman Ely: Have we exhausted this topic? Any more questions?

Ralph Endres: Oh no. No. On page 6 of the Draft Environmental Impact Statement.

Chairman Ely: Oh, I'm sorry, I meant on this topic. The bats and the birds.

Bessie Tyrrell: The Wildlife Survey.

Chairman Ely: The Wildlife Survey. Ok. And your suggestion is:

Endangered Species

I would like to ask that the project have a wild-life survey with a specific emphasis on being sure they survey Northern Long-Haired Bats. It's not uncommon, something they did ten years ago. But ten years ago is a long time. I'd like to see it happen again.

Are we ready to move forward on that?

Rodney Terminello: Yes.

Bessie Tyrrell: Thank you.

Ralph Endres: Under no impacts and compatibility, page 6 of the DEIS, 'claims and loss of open spaces not significant'. Nearly the entire open meadow area will be loss. A large portion of the forest will be sacrificed for a stormwater retention area. Some 23 acres will be developed or disturbed for this commercial facility. How can the applicant make a claim that the loss of open space is not significant?

Page 79 of the DEIS describes 'the zoning in the Town of Canandaigua, north of Coye Road, as R-1-30-Residential 30,000 Sq. Ft. That is incorrect. The zoning of the land north of Coye Road, adjacent to the site, is R-R-3. Three acre minimum residential. It is zoned that way to preserve the rural and agricultural character of the southern end of the Town of Canandaigua as identified in the Town of Canandaigua's Comprehensive Plan. The R-3 zoning to the south of Coye Road in South Bristol is compatible with the zoning in the Canandaigua and consistent with Town of South Bristol's Comprehensive Plan'. So basically, that was a mistake, that was in the DEIS.

Mike Staub: What page is that on?

Ralph Endres: It's on page 6.

Ann Jacobs: On page 79, too, Ralph?

Ralph Endres: Yes, on page 79 also.

It's just not accurate.

Mike Staub: Well, if it's not accurate, then they would have to change it. Now on page 6, you had an exception?

Ann Jacobs: Loss of open space.

Ralph Endres: Loss of open space is not significant. When you are cutting forest and doing the upland meadow space, 23 acres out of a possible 46 or 48 acres, how can they say that's not significant?

Mike Staub: Right. Significant in whose terms? That's the thing.

Ralph Endres: It's better than half the paper you are looking at. I say that is significant.

Mike Staub: Well, it depends.

Ralph Endres: An average person would think it's significant.

Chairman Ely: That might be true, but the document itself is filled with advocacy, Ralph. We can't go through and take everything out.

Mike Staub: But if there is obvious error...

Chairman Ely: Obvious error has to be pointed out. I don't think it is any secret. Kathy Spencer said last time, that this is an advocacy document. What is significant is in the eye of the beholder. I might agree with Ralph, but I think the Town Board is capable of sifting that.

Bessie Tyrrell: I do think if there are errors in there, they should be corrected.

Chairman Ely: Any factual errors should certainly be corrected. I have no problem with that.

Mary Ann Rotter: We don't have to make a recommendation that be done, right?

Chairman Ely: I don't think that is necessary.

Bessie Tyrrell: Mary Ann, can you do me a favor? Can you look at our Comprehensive Plan on page 28? I meant to bring mine. There is a comment in there that we will support and uphold the Canandaigua Lake Watershed Council. I happen to get copies of this letter, but I don't know if you all have seen it. Kevin Olvany has said in his letter to the Board, and I just want to bring it up because I think it might be something we would like to say 'Amen' to. He believes that 'any' development at the lake, other than the cart path, which is pretty much what they showed us in the beginning, is ill advised.

I think because we are signatory to, and it is part of our Comprehensive Plan, we need to bring it up to people, as it is part of the Canandaigua Lake Watershed and we should say 'Amen' to that. And it is also what they have presented to us.

Ann Marie Rotter: And the cart path versus the tram.

Bessie Tyrrell: Yes, cart path, tram, all of that. Kevin Olvany believes and he has said in his letter that only the existing road way that is there, should be all that is considered. And, I think that makes sense. And as I have said, that is the position of the Canandaigua Lake Watershed Council's issues. Because it is in our Comprehensive Plan.

Chairman Ely: Is that Kevin's personal view or something that the Council put together?

Bessie Tyrrell: I think the Council.

Mike Staub: You think?

Bessie Tyrrell: I think. You are right.

Ann Marie Rotter: Could you shoot me that email?

Bessie Tyrrell: Sure.

Ralph Endres: I also have some questions on their Docking and Mooring, in their DEIS statement. They are placing it in Tier I. I think they are completely out of the water with that. They are not compliant at all with Tier I.

They talk about going with a zoning variance, when in fact there is no zoning variance to the Docking and Mooring Law. Our Zoning Board of Appeals has no authority to give a zoning variance. Another thing is the shoreline lift. A regular lift takes 2 to 5 minutes to go up and down, another 5 minutes to do both. It carries 2 people. People come on a boat- 4, 6, 8, depending on the size of the boat. They're going to be there 20 minutes loading and unloading. What type of tram are they going to build there? Is it going to be a tram? I was in a tram in Albuquerque, New Mexico, called a standual tram, it's a ski tram. It goes up 10,000 feet, carries 60 people at a time. Is that what they are thinking of putting there? There is one in Palm Springs that takes 30 people. I've been on that.

To put a tram down there, and nowhere in this document does it tell you, what kind of tram are they going to put there.

Ann Marie Rotter: That was a new addition.

Ralph Endres: How is it going to be operated? Who's going to operate it? Are they going to have an operator there? Is it going to be lit at night so the people don't trip and fall down the cliff? There are so many questions that can be asked on that particular thing alone. It was never forwarded to the Town Board with a tram being there.

Chairman Ely: You are quite right. I think we already made that clear in our last meeting. There are already a bunch of issues about that tram. This Board never approved the tram and I think nearly everyone was very skeptical about the tram.

Ann Marie Rotter: Absolutely. And I think we framed that.

Chairman Ely: I think we made that point clear.

Rodney Terminello: As well, as with the dock and pier and everything else.

Mike Staub: If they can't build the boardwalk, they have no choice.

Rodney Terminello: They go from one tram to four trams.

Ralph Endres: They can't even build the tram, because the way the rules are, the tram has to start on land and end on land. There is no land down there.

Chairman Ely: I think we are all in agreement. I have spoken with Supervisor Welch and told her about this Board's unhappiness with the tram proposal. I don't know what we can say beyond that.

Bessie Tyrrell: I agree.

Ralph Endres: But some of the questions that could be asked are: Is this going to be operated by people from the Spa? Is it going to be operated 24 hours a day? If it's going to be operated at night, is it going to be lit? There are all kinds of questions that should be asked.

Chairman Ely: Those questions will be in the minutes, right Colleen?

Colleen Converse: Yes.

Chairman Ely: So they will be presented.

Colleen Converse: I'm working on that subject right now.

Chairman Ely: I bet you are having a good time with it. Ok, anything else we would like to discuss?

We are done with trams.

Now, all the minutes, will be forwarded, with the comments- Ralph's comments, Bessie's comments, other people's comments, will be forwarded as part of our reaction to the 'DRAFT' Environmental Impact Statement.

Training

Chairman Ely: Colleen, you have something about training that you wanted to discuss?

Colleen Converse: Yes, I handed out this brochure on training in Batavia. Everyone, but Rodney, has met all their training credits for this year. But, just a reminder that credits can carry over for next year. Just wanted to get that out to you.

Chairman Ely: Ann Jacobs certainly has some credits to carry over.

Colleen Converse: She's the leader of the pack.

Site Plan Review

Chairman Ely: You will recall that some months ago, we recommended and the Town Board adopted—a proposal to extend Site Plan Review to Lakefront Residential development (LR).

I discovered, meeting with the Council that Kevin Olvany has assembled, that we were about the only Town on the lake that didn't have a Site Plan Review on Lakefront Residential development. Actually, I discovered quite a few things, but let's focus on only one this evening.

The fact is, that I thought we should extend Site Plan Review and have the appropriate criteria to do that. Also, in looking over our existing Site Plan Review criteria, it seems to me that they left a good deal to be desired. Therefore, I gathered material from every town and I had a number of consultations with our Code Officer, Phil. Then I sent the entire package to our Attorney, Jeff Graff. What you have before you, is Jeff Graff's draft, based on the material that I sent to him. Some of it, of course, repeats what is already in there. But I think as a general proposition, he has made things clearer, he has tightened things up. We have followed the procedures somewhat, but I think on the whole, it is a pretty good document. A lot of it, I think Jeff modeled after the Town of Gorham, which I think strikes me as the most appropriate model for him to work from. You will notice that there is both a section on Site Plan Review, generally, first procedures then, subsequently, requirements. And then of course there are some particular sections dealing with Lakefront Residential (LR).

Now, when we got this back from Jeff Graff a few weeks ago, I sat down and looked at the whole thing with Phil, Code Enforcement Officer. As you may know, Phil is recovering from surgery, but I think will be back at his post Monday. Ok, we made a couple of changes. For example, on the second page, where it says six (6) copies, I changed to nine (9) copies. There are a few other suggestions that Phil made. For example, if you turn to, these should be numbered, I'm sorry they aren't. Turn to Site Plan Approval Expiration, Section VII.

Mike Staub: On the ninth page.

Chairman Ely: Ninth page. Thank you. It says, when Site Plan has been approved, unless substantial work has commenced, it is to expire in two (2) years. Now, this in some form, exists in our present code. I think this is a very important revision, because we've had a number of people, as you may know, come in and say we have attained approval way back when. And circumstances change, and I think it is very important that we should have an expiration term here, unless work has commenced. Then, Phil has suggested that, when the term ends, which has been added, it seems to me to be understood, but he wanted to button-it-up. Once the approval has terminated, the applicant may submit a new application and go through the whole process again. But if they don't get underway in two (2) years, it seems to me, they should come back to this Board to take another look. So that came up under new context.

Now, significant work has commenced, I talked to Phil about that. That means significant work on the site.

Bessie Tyrrell: I know they have driveways built...

Chairman Ely: I know, Bessie. Don't get me started.

All I can say is that we do have a different Code Officer, from the previous example that you gave us. Our attorney, Jeff Graff, did tell me, that it would require more than a couple shovels of dirt to be considered some significant progress. I'm convinced that Phil would be pretty conscientious about this and I'm not sure how useful it is to define 'significant work'. I think it would make more problems than it solves, but I wanted to call that to your attention. The only other changes were typographical-type things that we had set up.

Now, I do have one issue that I would like to raise with you. This did not come from our existing code. If you turn to page 3, I think it is. Paragraph 7, Reservation of parkland. I read that several times. I'm not clear on exactly what it is saying. It seems to say that the Planning Board 'shall' make findings and determinations that a proper case exists. Well, of course, it may or may not be a proper case. In any event, to my knowledge, we have not done any kind of these set-asides or in lieu of things. I wrote to Jeff Graff, several days ago, asking him if he could clarify this. I didn't think it was the clearest part of the statute to begin with. And I'm really unclear as to why this subject was plopped in here. I have to tell you that I have not heard from Jeff Graff, as of this very evening. So I can't enlighten you as to what he might say. I'm open to thoughts now, about this or any other part of the code.

Ralph Endres: What I think that is there for, having moved from Monroe County into Ontario County, 17 years ago. When they did Site Plan Approval for large housing tracts, they actually made the developer set aside parkland. In the event the parkland did not fit into plan, there was payment in lieu to the Town, so the Town could purchase a parcel adjacent or someplace else.

Chairman Ely: I could have guessed that that's what it was there for. It just struck me as an odd place for it and the way it was phrased. The Planning Board 'shall' make a finding and determination, if a proper case exists. What if they don't? It doesn't say it was limited to a sub-division situation, right? That I could understand. In a sub-division, you might as well say, "we want you to set aside a couple acres for open space. Fair enough?"

Rodney Terminello: Why doesn't it just give residential?

Chairman Ely: Well, that's it. Suppose it was more than residential? Suppose it was a commercial park? They do set aside land for that?

Rodney Terminello: Well, we have a case-in-point now. We are asking to change a residential to a planned development.

Ralph Endres: Not in defense of Everwilde, but they did say they would take some of that land and put it in a conservation easement, to be determined by the Town Board, should it be approved. I think this is probably akin to number 7.

Chairman Ely: This relates to residential dwelling units, so I would suggest it was not a single family situation, but a development of some type. So I think it we might want it clarified a bit to see what Jeff actually had in mind. But thank you, Ralph.

Otherwise, my slight concern about the wording of that, I think this is a big step forward from what we got. Not that that's too hard to do. But it's a big step forward. I can only tell you that it's been a shocker to go to these meetings that Kevin Olvany has assembled to see what other Towns are doing, frankly, what we are not. So this is an endeavor to tighten it up Site Plan Review for LR District.

I think this would be to our advantage, nearly everyone in the Town, except maybe some people who would want to overbuild their properties. The few people I have talked to, but I certainly haven't made a survey, but have talked to a few of my friends. They said 'why don't you hurry up and do it before someone else builds another'. Another one of these castles with the moat down there. If we could come to any agreement and move this, we could get it to the Town Board in November. Right, Colleen?

Colleen Converse: Yes.

Chairman Ely: When I say Town Board, I mean public hearing and the whole thing. So, it would be useful if we could move it forward.

Ann Marie Rotter: I just have two questions. On page 2, General Procedural Requirements, '...the Code Enforcement Officer shall inform the applicant of the deficiencies of the application.' Is that verbal?

Chairman Ely: 'If the Code Enforcement Officer determines the application to be incomplete, the application shall be returned to the applicant', in other words handed back, 'and the Code Enforcement Officer shall inform the applicant of the deficiencies of the application.' I think at this point, it would be up to the discretion of the Code Enforcement Officer. I could say 'in writing' if you think, but that may burden Phil. I think that may burden Phil more. He's part-time and he works very hard for us as it is.

Ann Marie Rotter: I just don't want it to come back on us that the deficiencies weren't well defined.

Chairman Ely: I know, I know. I understand that the Board has thoughts and that's a very fair one. I just think we should leave it at his discretion.

Rodney Terminello: If he returns it, they are going to ask what the deficiencies are, and he'll tell them. Right?

Ann Marie Rotter: I just don't want them to not be well defined.

Chairman Ely: I think her concern is they will say 'well, you didn't tell me all the deficiencies, or I didn't understand what he said.'

Rodney Terminello: They can make a request and he can reply.

Ralph Endres: I think we give him that latitude anyway, to ask questions, before it comes to us, otherwise we would be burned with these at every one of the meetings. So, he is the professional.

Chairman Ely: He is a professional. He should shoot some of these down if they are not complete.

Rodney Terminello: Right.

Ann Marie Rotter: I'm just going by the history.

Chairman Ely: That's fair. Good question.

Ann Marie Rotter: Then again, on the section regarding the Planning Board...' will mail a notice of the Public Hearing on such Site Plan Review, application required by this paragraph G, at least 10 days before said Public Hearing to owners of all properties adjoining the properties that are the subject of such application'. I think we had this kind of discussion earlier in the year. I'm not sure in relationship to what, but it had to do with the Code Enforcement Officer, in relationship to us mailing out information to neighbors.

Bessie Tyrrell: What page are you on?

Ann Marie Rotter: It's not labeled.

Rodney Terminello: Non-Conforming Buildings and Lots

Ralph Endres: What page is it on?

Ann Marie Rotter: It's towards the back. Section 7. I believe we had a discussion, like I said, previously about a year ago, and I can't quite recall exactly what it was in relationship to. But the burden of the cost was written into the law and the minimum cost would be to the applicant and I know that's implied, but I think we have to have it in here. It shouldn't be our cost.

Rodney Terminello: What page?

Bessie Tyrrell: Page 9 again.

Ralph Endres: Well I think we had this discussion, when I said some states that I have traveled in, they actually put a sign up. It's a public notice that there is something going before the Zoning Board.

Ann Marie Rotter: I think it was with the tree removal. We had the tree removal guys here and we were talking about tree removal. We asked if there was an obligation, burden, telling your neighbor

that you will be clear-cutting or doing a tree removal, and we all agreed yes. And we all agreed that the applicant would have the burden of payment, of those notices. So I'm just asking that that be included in this.

Chairman Ely: Sure. Is this where the Planning Board shall hold a public hearing?

Ann Marie Rotter: Yes.

Chairman Ely: The Planning Board shall mail notice of public hearing, at least 10 days before, to the various owners on the tax roles, right?

Colleen Converse: Yes, I mail out those notices.

Chairman Ely: Yes, for the ZBA too, I understand. It's a similar process.

Ok, so your suggestions is, we should say 'the applicant should bear the burden of the cost of printing and mailing'?

Ann Marie Rotter: We could do it on his behalf, maybe.

Chairman Ely: Well, it is easier to do it and then bill him, right Colleen?

Colleen Converse: Yes.

Ann Marie Rotter: I think that is how it was with the tree removal piece.

Chairman Ely: They just won't get their permit if they don't pay, right?

Colleen Converse: Right.

Chairman Ely: That's easy.

Ann Marie Rotter: That's easy.

Chairman Ely: If you would like me to add something, I can add something here, like the applicant should bear the reasonable cost. Right?

We'll attend to that, Colleen, tomorrow.

Ok, anything else?

May I have a motion to approve this and send it to the Town Board?

Rodney Terminello made the said motion. Motion was seconded by Mike Staub. Motion was unanimously carried.

Chairman Ely: Thank you.

This is important too, because I would like to get this in place before the next year.

Mike Staub: Yes.

Comprehensive Plan Review

Chairman Ely: A couple of updates for you all. You will recall, some meetings ago, we voted to recommend that some monies be set aside to hire LaBella Associates to help us in two aspects.

1. To help with the survey;
2. To conduct essentially a survey of building improvements for the Town.

And, I can report on those two things.

1. Supervisor Welch did negotiate a better deal.

Ralph Endres: Good, I hope so.

2. I was advised yesterday there is money in the tentative budget, for next year.

Chairman Ely: That will be two items that we will have a little professional assistance. I think we are past the amateur hour. Now, the Supervisor won't know for certain until November 20th, when the budget is finally set. So don't start spending the money yet. But, she anticipates that it will be in there for us, for next year.

Now, the other thing that has been raised—we talked about the Comprehensive Survey and, of course, we talked about the public hearing, both of what we want to do, correct?

I don't know, for one, that I have any strong feelings on it. However, it has been suggested to me, by some people from LaBella, that we might want to consider the public hearing first. I'm just throwing that out to you as an idea. I'm not promoting that and you don't have to decide tonight. Obviously, this is something that is going to have to be resolved next year, 2016, because we only have one meeting left after tonight. I just want to put that out there and hope you think about that for the moment. I think there was a general agreement that we could probably use most of the previous survey questions again. LaBella could look them over, but our thought was we could recycle a lot of those same questions. I know Bessie felt strongly that it should be mailed from the Town and returned to the Town Clerk. I think that's the way to go.

Ralph Endres: When did they want to put that survey out, before the public hearing?

Chairman Ely: No, their suggestion was to have the public hearing first.

Ralph Endres: My suggestion is that if you are going to have public hearing, it should be before June 1st and September 30th, because that's when you got most of the people that live here, here.

Chairman Ely: That's good enough. I understand your concern. We are getting into the season when a lot of people are gone.

Ralph Endres: That's right. But, if you sent the survey out first, you would have a good part of the work done and you would have an idea of what's going to come back to the public hearing. That can be done with the taxes, or in March, or April, and put it up on the website that there is going to be a public hearing and give it a tentative date or give it a couple of dates.

Chairman Ely: A couple of dates.

Ralph Endres: I understand what they are trying to do. But, if you want public input when people are here, you have to have the public hearing when they are here.

Rodney Terminello: They should get a survey first, so they have some type of idea.

Ralph Endres: That's another thing. The survey gives them an idea of what we are looking at.

Rodney Terminello: Right. What we are focusing on.

Bessie Tyrrell: There is a group of people who have already organized and have met, that are interested in giving input into the Comprehensive Plan.

Ralph Endres: I suggest that they come to the meetings when we are deciding what types of questions we are going to ask in this survey.

Bessie Tyrrell: So, they might have a little more bit more input.

Ralph Endres: Absolutely. I think that's the way to go.

Chairman Ely: Survey first?

Ralph Endres: I think it should be.

Bessie Tyrrell: We should allow public comment.

Rodney Terminello: If we bring up the topic of Comprehensive Plan, they are welcomed to come and give us their public comments.

Bessie Tyrrell: Welcome, come and perhaps have a comment time.

Ralph Endres: And they can come to a meeting. It's not a public hearing, but they will know what questions will be asked and we can take suggestions on other questions.

Bessie Tyrrell: And for those people who are not here, we can tell them that they are welcomed to submit comments in writing.

Ralph Endres: Right.

Bessie Tyrrell: I think the more people we have involved, the better.

Chairman Ely: It's fine. I'm all for it. We are just going to check out the best techniques, that's all we are going to do.

Ralph Endres: I think the idea with the Comprehensive Plan is to build consensus. And I think that is the best way to go about it. If there was any way of doing it, having the public hearing first—it's just the time, the way the calendar is.

Chairman Ely: The calendar doesn't work. The next several months are not ideal.

Bessie Tyrrell: No, but allowing for plenty of input and reading letters that makes a good document.

Chairman Ely: It is not as though we have an artificial deadline here. As long as we are making progress here. We aren't going to turn into a pumpkin here if we don't make a certain date.

Mike Staub: We want to make sure the Chairman can go.

Chairman Ely: That may be a real serious issue. About 6:30, I could be calling Bessie, telling her I can't get out of my driveway.

Rodney Terminello: We will send the Forest Ranger up there. I'll talk to my neighbor, he does Search and Rescue.

Bessie Tyrrell: I think it would be good for all of us to hear from some people, because they are still around, that created the original Comprehensive Plan—Elizabeth Caprini.

Ralph Endres: The Comprehensive Plan, if you read it, the one that is presently in effect. Bessie and I worked hard and long to do what was there. But to tell you the truth, the basis was already there from the first people who did the Comprehensive Plan. I think the surveys reinforced that we were on the right page.

Bessie Tyrrell: And that tree, that's on the inside cover. No, one more page in.

Ralph Endres: That's on that 40-acre piece of property that's for sale. It is the oldest tree in Ontario County.

Bessie Tyrrell: The Tree.

Rodney Terminello: The Tree.

Mary Ann Bachman: You can't see the tree.

Ralph Endres: I've walked back there.

Bessie Tyrrell: If you ever want to walk to that tree, just let me know. I'll take you.

Ralph Endres: They say that tree might be as old as 300 years old.

Ann Marie Rotter: It's Bopple Hill, right?

Bessie Tyrrell: Right.

Chairman Ely: Ok, gang. Moving along, that gives us good feedback on the Comprehensive Plan. I appreciate that.

Now, unless someone else has something to say, we come to the time of the evening that we would like to invite comments from the audience if they have anything to say. I know that Wade has something he would like to say, so take it away!

Bessie Tyrrell: Do we know who's here?

Ann Marie Rotter: Is there a sign-in?

Chairman Ely: No, we didn't have a sign-in tonight.

Colleen Converse: No, we don't have a sign-in.

Chairman Ely: Just introduce yourself, Wade.

Wade Sarkis: Wade Sarkis from Canandaigua and South Bristol. Thank you for the time. I did want to talk about the event that Bessie mentioned. We had it a couple weeks ago, and Ann and Mary Ann were nice enough to get us into the Granger Homestead.

Ann Jacobs: South Bristol Grange- Historical Society.

Wade Sarkis: I'm sorry—South Bristol Grange. We called it 'Keeping It Rural'. The whole concept was a community discussion about the Comprehensive Plan, to see if we could have community support and community interest in helping this Board update the Comprehensive Plan, as it was done in the neighboring Town to the North.

I think you spent some time with Doug Finch, and the process they went through, and we talked about that, in the Town of Canandaigua. What we ended up discussing was the Comprehensive Plan itself and the history outcome of the Comprehensive Plans. How people felt, in general, about the town and what they would like to do and what they liked about the Comprehensive Plan. The interest is there to assist this Board. With community input and committees and so forth. Did you speak with Doug? I don't want to tell you things you already know about what the Town of Canandaigua has done and not that our Comprehensive Plan should meet theirs or anything. Just the process that they are going through now to update their implementation steps. They have created a model that now that the New York State Planning Federation, is asking Doug Finch to come around to tell other towns how they are doing.

They have created what they are calling 'Citizens Implementation Committee', the CIC. So these are current and former members; 2 current members and 2 former members of each of the Town Boards. They have three Boards, they also have an Environmental Board. So that group of 8 has identified their top priorities for this year and for next year.

Then they created project teams for the goals. Most of the project teams are just ordinary citizens who have volunteered. They may have expertise in erosion, or they may have an expertise in legal, or whatever the case might be. So they have joined these project teams. The project teams then each look at a specific goal of the plan or maybe some implementation steps within the plan to reach those goals and come forth with idea to move those projects forward. That's where they solicit input from the public. So maybe it's the project teams that do a mini survey--'What do you think about this?' Rather than one big, huge survey. So the project team solicits the input.

What the Town has found, not only are they getting a much deeper and workable Comprehensive Plan, but they are getting 'buy-in' from all the Boards. If you are on one of the Boards and you are on one of the committees, you are also liaison to your Board. So there isn't a subject that comes up that one Board hasn't heard about. It's not a surprise to one of the Boards. They are getting a lot of cross communication, a lot of cooperation, and there is a lot of ownership in the process, and so to wrap up my long comment, the folks who attended, about 70 people, are interested in helping with that. So, you don't have to do it yourself. And, if you are indeed interested, we will maybe have a little more formal gathering and go from there.

Chairman Ely: Thank you. We appreciate it. Thank you for your comments. That is certainly good food for thought.

Now ladies and gentlemen, are you ready to adjourn?

Bessie Tyrrell: Did anyone else want to speak?

Chairman Ely: I'm sorry. Did anyone else want to speak? I'm sorry, I didn't mean to cut anyone else.

Bessie Tyrrell: Ok.

Being no further business, Mike Staub made a motion to adjourn, seconded by Bessie Tyrrell. The motion was unanimously accepted and meeting adjourned at 8:07 p.m.

Respectfully submitted,

Colleen Converse,
Recording Secretary

****The NEXT meeting will be held on Wednesday, December 9th, 7:00 p.m.!**