



Town of South Bristol
6500 Gannett Hill Road West
Naples, New York 14512-9216
585.374.6341

Planning Board Meeting Agenda

Wednesday, December 6, 2017

7:00 p.m.

Call to Order

Pledge of Allegiance

Reading of Vision Statement

Preserve and protect our safe, clean, naturally beautiful rural and scenic environment with carefully and fairly planned commercial, residential, agricultural and recreational development.

Minutes

Approval of October 18, 2017 Planning Board Meeting Minutes

Public Hearing

Final Site Plan Review

Application #2017-0005

Fields Enterprises, Inc.

Shore Drive, Tax Map #168.16-1-8.110

Old Business

Review §170-94 site plan review

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes Wednesday, December 6, 2017

Present: Mary Ann Bachman
James Ely
Ralph Endres
Ann Jacobs
Sam Seymour
Michael Staub
Rodney Terminello
Bessie Tyrrell

Excused: Ann Marie Rotter

Guests: Jeremy Fields
Cathy Fields
Tim Tyskiewicz, RA
Brooks Lyon
James Bachman
Joe Kohler
Albert Crofton
Deirdre Crofton
Charles Ryan
William La Forte, Esq.

Call to Order

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.

Reading of Vision Statement

Board member, Ralph Endres, then read the Comprehensive Plan Vision Statement.

Minutes

Chairperson Ely called for a motion to approve the October 18, 2017 meeting minutes as written. Michael Staub made said motion which was seconded by Ann Jacobs. The motion was unanimously accepted by all board members present.

Public Hearing opened at 7:01 pm

Final Site Plan Review

Application #2017-0005

Fields Enterprises, Inc.

Shore Drive, Tax Map #168.16-1-8.110

Diane Graham read the notice of public hearing:

LEGAL NOTICE TOWN OF SOUTH BRISTOL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town of South Bristol Planning Board will hold a public hearing on the following application:

Application #2017-0005 for property owned by Fields Enterprises, Inc. located at Shore Drive, Tax Map #168.16-1-8.110 is looking for site plan approval to construct a single family residence.

SAID HEARING will take place on the 6th day of December, 2017 beginning at 7:00 p.m. at the South Bristol Town Hall, 6500 Gannett Hill Road West, South Bristol, NY.

All interested parties may appear in person or by representative.

Chairman Ely: Please introduce yourself for the record. Explain to us and use the posted map as far as it may help us out here.

Tim Tyskiewicz: I am Tim Tyskiewicz, architect. I am here for Jeremy and Cathy Fields. We would like to construct the residence on this lakefront lot perched up on the hill. We are going to use all natural materials stone and cedar. We have a driveway that comes up here and the footprint of the house is about 4,000 square feet. The land is sloped downhill from where the house is. We are going to catch the rainwater and put it in a system that has a cistern that is for distributing the irrigation for the lot. The overflow from that goes into a drywell, and the overflow from that goes into another drywell. We are trying to slow down the rain from getting to the lake with this system. It is going to be landscaped naturally. We are excited to build this project.

Chairman Ely: As I understand it, the driveway has already been constructed. Is that correct?

Tim Tyskiewicz: It has.

Chairman Ely: You are waiting for site plan approval for the residence itself?

Tim Tyskiewicz: Yes.

Chairman Ely: Anything else that you would like to ask at this point from the board members?

Michael Staub: Questions over the water if that is appropriate at this time?

Chairman Ely: Yes. Please.

Michael Staub: The last time that I heard you were going to draw water from the water line, and now you have a water line going down to the lake.

Jeremy Fields: That is correct. It is a lake intake. Yes.

Michael Staub: You are going to be getting water in for the house from the lake?

Jeremy Fields: That is correct.

Chairman Ely: That is Jeremy Fields speaking, just for the record.

Michael Staub: The sewer system is going to tie into Bristol Harbour's sewer system?

Jeremy Fields: That is correct.

Michael Staub: How is the approval on all of this?

Jeremy Fields: You have copies of all the agreements from Bristol Harbour.

Chairman Ely: There were agreements for sewage and for water service with Bristol Harbour. Is that correct?

Jeremy Fields: Yes. We have both.

Chairman Ely: Since our last meeting apparently you decided not to proceed with the water?

Jeremy Fields: That is correct. Yes.

Chairman Ely: But you will proceed with the sewage?

Jeremy Fields: Yes.

Michael Staub: There will be a filtration for the sanitation system?

Jeremy Fields: Yes. It is a standard cottage intake system. It is called a DMZ. You put the DMZ in the lake. It is a submersible pump that pumps up and goes through UV light and filter.

Michael Staub: Okay. One filter, two filters?

Jeremy Fields: It is actually two.

Ralph Endres: You say it is UV?

Jeremy Fields: Yes. It is UV.

Michael Staub: The UV kills the bugs and the filter takes out the particulates. As long as you do not get any slime from the lake, you are alright.

You are tapping into the existing sewer main. Is that steel or plastic?

Jeremy Fields: It is actually the pump tap system. Bristol Harbour is gravity to Condo #1. The last building south. That is where the pump station is and then pumps up to the treatment plant. That is where we are tying directly into the pump station.

Michael Staub: The part you are tying into, is it steel or plastic?

Jeremy Fields: Bristol Harbour actually provides the tap. So we just tie into the tap. I am sure it uses PVC.

Michael Staub: Okay. So the pump head piping exists and all you are doing is running your PVC down to that and tap into it.

Jeremy Fields: That is correct. Bristol Harbour is all existing. We just tie into the tap.

Michael Staub: You have an elaborate rubber grommet around the pipe head to the existing sewer.

Jeremy Fields: They call that a vampire tap.

Michael Staub: So the premises is that pipe would be naturally only filled with about one-third of fluid on the bottom?

Jeremy Fields: Yes. I would not even say that much.

Michael Staub: So it should never come up to that rubber gasket?

Jeremy Fields: Absolutely.

Chairman Ely: Just to be clear then the proposed sewer and water lines do not cross anyone else's property. Is that correct?

Jeremy Fields: No. That is correct.

Chairman Ely: Any other questions?

Ralph Endres: Did you have any luck with the road clarification?

Jeremy Fields: As far as?

Ralph Endres: Your ability to use it?

Jeremy Fields: Yes. The other side is here tonight to speak to this if they want to. The litigation has to do with the easement and use of it for the marina. In fact, this permit came in afterwards. The point may be argued that this has something to do with the house but the irony is if you look at the date of permits we did not submit the permit until after the litigation had already started. This is a residential lot that we have all talked about before. It is a separate parcel and we actually thought we had an agreement with several people in the room here and then as of yesterday one of the members slide off and sent a letter to my lawyer and the judge that they were changing counsel. When we thought we had mediated something, now it sounds like we have not. I just got the letter myself today. They notified me yesterday.

Chairman Ely: Jeremy you referred to a permit. Would you clarify that for me?

Jeremy Fields: We submitted this application for building the house. My point was tried yesterday made to me that this was over the house property and in fact it cannot be because we did not actually submit anything for a house until after it. The dates will prove that.

Chairman Ely: So it is your position, as I understand it, that you have a lot contiguous to the right of way which amounts to an easement?

Jeremy Fields: That is correct?

Chairman Ely: Have you considered maintenance obligations in connection with this easement?

Jeremy Fields: So far I am the only one has done any maintenance this season. I put all stone on the road and graded the stone. I am happy to do it.

Chairman Ely: What about snow removal?

Jeremy Fields: We have to remove it to get in and out.

Chairman Ely: I don't believe the other residents are there in the winter months.

Jeremy Fields: They are not full-time residents. Correct.

Chairman Ely: So that will fall on you then, correct?

Jeremy Fields: That is correct. Bristol Harbour does open the road because the pump house is down there so they have to get to the elevator shaft, pump house, and water station. Between the two of us it will be open all of the time.

Chairman Ely: I note because I have been up the road there is a chain there from time to time. About half the time it is down. Would that not be an obstacle for emergency vehicles?

Jeremy Fields: Yes. It definitely can. That is not part of our thing. They had asked us to put up a gate and we had agreed but the fire company this summer had an emergency and they called me. I said run it over or cut it down whatever you have to do. Do not let somebody die over it. The liability would then fall on whoever is putting the gate up.

Chairman Ely: As far as I know the gate now is just a chain?

Jeremy Fields: It is a chain, but there is also a gate as well. There is a gate closer to the marina.

Chairman Ely: That is closer to your own property?

Jeremy Fields: That is correct. It is on my property.

Ralph Endres: It is north of your driveway.

Jeremy Fields: That is correct.

Chairman Ely: Is that gate normally open or closed?

Jeremy Fields: It is both. Half closed. Half open.

Chairman Ely: You have the same problem with emergency access there too, correct?

Jeremy Fields: Yes.

Chairman Ely: I bring this up because one of the concerns in our town code is you have to have emergency access to this parcel.

Jeremy Fields: That is a good point. We probably should give that to the judge as well. The fire company has already raised an issue.

Chairman Ely: Sooner or later an ambulance may raise the issue too.

Jeremy Fields: They did. There was an emergency this summer. That is why they phoned me and I told them do what you have to do.

Chairman Ely: You might not be available to answer the phone too.

Jeremy Fields: I agree.

Chairman Ely: Meanwhile if someone has a heart attack down on the pier, we have a bit of an issue here.

Jeremy Fields: Right. Absolutely.

Chairman Ely: I do not know who that chain keeps out at the moment? If I can figure out how to walk around it, anybody else can.

Jeremy Fields: That's right.

Chairman Ely: Alright, any other questions?

Rodney Terminello: Have we got any approval from the Ontario County Planning?

Chairman Ely: Yes. We are coming to that momentarily. Since we have a lull in proceeding. Let us turn to the next item here. As you know this application was submitted to Ontario County Planning. County Planning has in fact responded. Copies of that have been made available to everybody. Let's go over it if we may. Tim Tyskiewicz you and I have had some correspondence about this. I want to go over this for the public record as to exactly what County Planning had to say. County Planning did not make any recommendation pro or con. They made no recommendation at all but they asked a series of questions about the proposals.

OCPB Comments:

1. *The aerial photo shows the site completely wooded, but the calculation of disturbed land does not seem to include the lawn areas east and west of the proposed residence.*
2. *The cistern and dry wells are not shown on the site plan or reflected in the lot coverage.*
3. *Disturbance and other details of provided water and sewer service are not provided.*

4. *Given the preponderance of rock outcrop soil conditions, will blasting be required to construct the home or related water or sewer infrastructure?*
5. *The applicant and referring agency are strongly encouraged to involve the Canandaigua Lake Watershed Manager or the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.*

The CPB will make no formal recommendation to deny or approve.

OCPB Comments #1 and #2 Response:

Chairman Ely: I am advised by Phil Sommer, Code Enforcement Officer that County Planning was simply mistaken in their observation. That material was shown on the site plan as proposed.

OCPB Comment #3 Response:

Tim Tyskiewicz: We figured the area of disturbance. We did not include a trench for the water and sewer line because we are not digging a trench. We are drilling the entire thing. There is going to be a little bit of disturbance where we make the connections. That amount of disturbance is in the number of our disturbed soil.

Chairman Ely: What you submitted in the SEQR form? Is that correct?

Tim Tyskiewicz: Yes.

Chairman Ely: What is the difference between drilling and trenching?

Tim Tyskiewicz: With a trench you are cutting through the grade and disturbing the soil. When you are drilling, we have a drilling machine that drills boring horizontally and it all takes place underground and it does not disturb the soil.

Chairman Ely: There is no disturbance on the surface? There will be certainly some soil that pushes through though, right? It would have to.

Tim Tyskiewicz: We will pull it out and dispose of it. That is included in the area of disturbance because that is where the house footprint is anyway. We would not count that twice.

Chairman Ely: How large around pipe are we talking about? How big a space are you going to drill?

Tim Tyskiewicz: It is small. Four or two inch.

Jeremy Fields: Yes.

OCPB Comment #4 Response:

Jeremy Fields: There will be no blasting.

Chairman Ely: You told me no blasting, right?

Jeremy Fields: Yes.

OCPB Comment #5 Response:

Chairman Ely: Have you been in any contact with Kevin?

Jeremy Fields: So Kevin did the storm water plan which was before this project. So with the issues with the neighbors and the concerns they raised we are actually ahead of the game on that. So storm water has been approved and Kevin Olvany reviewed that and it was engineered and stamped. You have a copy of that as well. The County probably did not have a copy of that because you guys already had it and was already on record.

Chairman Ely: Kevin signed and stamped approval. Did that take into consideration the structure of the house, the residence?

Jeremy Fields: Yes. That is the whole site.

Chairman Ely: The whole site?

Jeremy Fields: He reviewed the whole site. If you look at the plan that he stamped and signed it included the perimeter of the site. So it had the double silt fence, the bail fence and all that stuff.

Chairman Ely: So to your mind that's been resolved?

Jeremy Fields: That's correct.

Chairman Ely: These are the five questions, concerns if you will, that county had raised. As I have said before, officially the County Planning Board will make no formal recommendation to approve or deny. That addresses the county's concerns. I have received no other communications, have we Diane?

Diane Graham: No.

Chairman Ely: In connection with this application? I have nothing further to report there. Let me then, unless there is something further the board members would like to inquire, invite members of the audience who wish to ask questions to come forward and introduce yourself.

Charles Ryan: My name is Chuck Ryan. Our family owns 5689 Shore Drive which is two properties south of Jeremy Fields property and I am accompanied by Bill La Forte who is representing our interest tonight. He can talk later about some of the legal issues, and Jeremy eluded to some of them with the road. I guess the reason I am here looking at last month's meeting minutes. We were not aware that this meeting was taking place. We understand that this is a public hearing and we did not receive notification of this. I want make a couple statements, the first one being we do not have an objection to Jeremy and Cathy building a house. If it within the regulation, within codes, within reason. Someone could read into this that part of the litigation was all tied into opposition of them building a house. We do not have an objection to that. You may or may not have a copy of the minutes in front of you but on page 6. Jeremy was asked about the litigation and he went on to say it had nothing to do with the building lot it has to do

with the marina and Bill will talk about that. Mr. Chairman you said öso at the moment though you are able to use this road access.ö Jeremy answered öyes. We are able to use it but the neighbors want to take the next step further. They do not want people walking on it.ö Wrong. We do not care if people walk on it. That is fine. öThey do not want walkerø or bicycles.ö We do not have any objection to that. öThey do not want anything.ö That is a whole other battle. What we are looking at is vehicular traffic which has been a problem. All we are looking for is to maintain the residential character of the area. However, the 1990 agreement was intended to try to preserve that. Jeremy bought the property subject to that agreement. That is our interest. Jeremy said he repaired the road. He did do work on the road which we appreciate but a lot of the damage was caused by very heavy trucks and that road is not designed to handle that type of traffic. Residential character of the neighborhood thatø our interest. Not running a business or any commercial venture out of there, not using it as a staging area to bring materials in to a tugboat or a barge to take to other properties on the lake to maintain the residential character of the area. If all that can be accomplished, I would say welcome to the neighborhood Jeremy and Cathy. Thank you.

Chairman Ely: Jeremy do you want to respond to those comments?

Jeremy Fields: Just briefly. The biking and walking was Marie Cook and obviously it was not Chuck Ryan who said that. I have known him forever and very good friends with his father. It was not Chuck that said that. For me I am one person/entity and CCL is three of them. So I hear other things from more than one person. It was stated that. My wife was present and your code enforcement officer was present so it was stated. Neither here or there. So thanks Chuck I appreciate it.

Chairman Ely: Let me pursue then one quick matter.

Diane Graham: He mentioned that he did get notice. A public notice went to your address as listed. You said you did not receive the public hearing notice.

Bessie Tyrrell: No. He heard that. The meeting before.

MaryAnn Bachman: The October meeting.

Charles Ryan: I had been asking to be notified of any meetings regarding this matter. No one was notified. We would have gladly come.

Chairman Ely: All our meetings, of course, are public meetings. Everything is open to the public and it is always advertised in the Messenger, correct? As well as on the website.

Diane Graham: It is on the website and only when it is a public hearing is it sent to the neighbors.

Chairman Ely: Only when it is a formal public hearing are we obligated to notify the neighbors individually. Now I am sorry, if in fact, you had asked to have notice and the ball got dropped. We did follow our normal procedure. Nothing here is secret. Everything is public.

Charles Ryan: So October 18 was not a public hearing?

Chairman Ely: Not a public hearing. No. Everything is open to the public but they are not formally advertised as public hearings like tonight.

Jeremy there was a question raised by Mr. Ryan about concern that you might use that right of way to bring materials into a barge or something?

Jeremy Fields: We are permitted by the 1990 document to use it for marine maintenance, construction. Bristol Harbour Resorts is allowed to use it. I think their major concern is will I run my barge operation out of the there. Obviously, I would not do that because I have a large launch at the south end of the lake. It would not make sense for me to do that from a business standpoint. That was his concern. There is no room for staging there so it's not viable business opportunity.

Chairman Ely: When I have sometimes walked up that road, I have seen a barge ó a little red barge.

Jeremy Fields: Sure. Yes.

Chairman Ely: It parked off at the marina area somewhere.

Jeremy Fields: It is at the north end.

Chairman Ely: What does that barge do?

Jeremy Fields: There is a barge there and there is a landing craft. Right now the barge is a dock for the landing craft. Neither one of them move but we will be adding 16 slips over this winter. We are waiting for the docks to come in from Canada to assemble them and put them in. There is actually concrete blocks staged down there and walk just past the gate on the right. Those are mooring blocks for the new system.

Chairman Ely: Once the new docks are put in will the barge be relocated then?

Jeremy Fields: The barge at the north end may come in and out. That has nothing to do with the launch that they are talking about. It is 1500 feet away at the very north end of the property. It will come and go.

Chairman Ely: You are adding more slips apparently. Will that generate more traffic?

Jeremy Fields: Only traffic from Bristol Harbour. Not more traffic on the road. Those such people access through the elevator.

Chairman Ely: Through the elevator. Alright then.

Jeremy Fields: There is no public parking down there so people do not drive their cars down there. That is why we have a parking garage and people come from up top.

Chairman Ely: What do people do with their boats in the winter?

Jeremy Fields: They store them in the marina. Some with us, some all different places. One person on the board here that one they put in their barn.

Bessie Tyrrell: That would be me.

Cathy Fields: And you did build racks this year that house the kayaks so over the winter there would not be increased traffic.

Jeremy Fields: It has actually decreased fifty percent because people left them in. So that is fifty percent of the traffic gone.

Chairman Ely: Anyone else in the audience that would like to comment or ask questions or observations? Please step forward and introduce yourself.

William La Forte: Good evening. My name is Bill La Forte. I am the attorney for the Ryanø, Chuck and Jenny and also for the Weaverø, Greg, Jeff and Brad. I apologize ahead of time, if I look a little wobbly I have not been drinking, I had a car accident a couple of weeks ago and my left leg is still on the mend. I cannot put a lot of weight on it. I wanted to talk about a couple of things to raise a couple of concerns and also clarify some things that were said at the October meeting. Mr. Ryan mentioned that we did not get any notice and I understand legally that you are not required to give us notice but I do want to mention that I was in communication with the code enforcement officers Mr. Sommer as well as Mr. English for months and months and months. I simply requested on many occasions that they simply let us know what is going on. I was a little disappointed to learn that there was a meeting in October that we were not made aware of. Granted I understand that legally you did not have to do that but it would have been nice to have been notified by the code enforcement officer. One of the things that I want to convey is Chuck and the Weaverø again have indicated they have no objection to the Mr. and Mrs. Fields building a house there and I am sure they will build a very beautiful house, however, there are definitely some concerns. Certainly on the engineering side. I heard obviously tonight from the architect but I do not know if an engineer has reviewed these plans. There is a very steep slope as you obviously know. There is certainly concerns about erosion. There is certainly concern about runoff. Certainly concerns with the slopes. We have not had a chance to review the plans at all. I would certainly want to have an opportunity for an engineer of our choosing to be able to review the plans. Talk with the town engineer. Talk with whoever is doing the engineering for the Fields and talk with them about it. Again, we are not opposed to a house being built. I want to make that very clear, but we want to make sure protections are there so that the Ryanø and the Weavers are not going to be harmed by the construction. With regard to the right of way and the litigation. The properties that the Fields bought. Both parcels and there were several parcels. There is this house parcel and also the marina parcels. All of the parcels are governed by the 1990 agreement. There is no separation there. The 1990 agreement addressed 450 acres which obviously a large quantity that was part of the Bristol Harbour before it became developed. So the parcel they are proposing to build a house on right now is governed by that 1990 agreement. During the several months that have transpired, as Mr. Ryan has eluded to, yes there were a lot of heavy construction vehicles going down that right of way, as you can probably see just from the boulders that are there ó the big wall. Backhoes, bulldozers, dump trucks. So there was a lot of movement going down. That obviously concerned the Weavers and Ryans. There has been an Order that was entered. I have a copy of it for the Board and I will leave it with you that was signed on August 18, 2017 by Justice Reed. During this litigation that is still ongoing, I will get into that in a second. The Order from Judge Reed states that the defendant which is Mr. Fields and his company, and its members, agents, representatives and/or employees, and all others acting on their behalf under their direction or in their stead are hereby enjoined and prohibited from continuing defendantø use of the right of way across the servient tenements, the Ryanø and Weaverø property, for any construction purposes including allowing but not limited to allowing construction vehicles to traverse the right of way until a hearing can be held on November 20, 2017. That right of way cannot be used right now for the Fields to continue any construction on that house until such time as the Order has been remanded, modified, or the litigation has been completed. As I said the litigation is still ongoing. At the request of Judge Reed we had a mediation last month and that mediation lasted for about three hours and we were unable to come to a resolution. So that litigation is

still ongoing. We do have a status hearing simply a report back to the judge on Monday the 11th at which time the judge will decide how he wishes to proceed. Whether he wishes to schedule an actual hearing, an actual trial, or he offers some other suggestion for us to pursue. We do not know what that will take, but the litigation is still ongoing so as this present time. Mr. Fields is still prohibited from using that right of way for construction vehicles. So even if you were to grant him final approval tonight he could not do anything with regards to constructing a house until such time as the litigation is resolved. I would like to get a copy of the County Planning report if I could. If I could get that at some point, I am sure that would be okay. If you could get that to me, I would appreciate that. As I indicated, we would like to have an opportunity to have our engineer take a look at the plans to talk to the engineer that is on board with Mr. and Mrs. Fields as well as the architect just to elay any concerns we may have. Again, we are not opposed to a house being constructed, but as you can image you have seen the topography you have seen that area. You can see that big hill and see the big rocks that are up there. You can see the house of the Ryans and the Weavers property obviously downhill from that house. So they are rightfully concerned about the construction and just want to make sure it is being done in a proper fashion so that they do not have to worry about as I said water run-off erosion and some of those boulders coming down. With that we will continue to advice the Board. I would like to ask the Board to not close the public hearing but to keep it open so that we could have our engineer take a look at it and then offer any comments that would be germane to my clients. I thank you for your attention. I will leave a copy of this order that Judge Reed signed so that you may have it.

Chairman Ely: Please leave it with Diane. Thank you.

William La Forte: I will say one other thing. We have tried in good faith with Mr. and Mrs. Fields to come to a resolution. We are not butting heads in the sense we cannot talk. We will always communicate because we would like to get this resolved, but there are some legitimate concerns both of Mr. and Mrs. Fields and also of the Ryans and the Weavers. Then we will continue to do what we can to get it resolved. Thank you.

Chairman Ely: Thank you. Okay, Jeremy do you want to respond to some of these questions?

Jeremy Fields: We should probably get through everybody else.

Deirdre Crofton: I have one question. I am Deirdre Crofton and I live on Seneca Point. My husband and the Hubbards own the land surrounding this. I noticed along this back wall kind of dug in straight down and I am concerned that some of these trees are going to die. Are you going to build a retaining wall back there just to prevent the run-off? Right now it this high and I am concerned about I do not want our trees dying and falling on your house.

Jeremy Fields: I can answer that. So yeah there is a retaining wall the back of house contains part of the bank and the wall comes down around the sides, but because of this litigation we are have not been able to bring any more rock in by the road. We are going to bring them in by water so then we can finish that.

Chairman Ely: The attorney raised several questions that you might try to address, if you can.

Jeremy Fields. Sure. The first thing is everything he said was correct. There is nothing wrong with what he said. We do not need to hold up the approval based on that because I can do construction by water. One thing I have over anybody else is barges so I am able to do without a right of way. I do not need the right of way. I do not need to go across the right of way. It is New York State land and I can come in by

water for anything I need to do. So we can continue to work. In fact, we are going to finish the retaining walls by water so that I do not need to stop so until this is resolved. So that handles that piece can we work while we are waiting. Yes we can.

Chairman Ely: If you bring material in by barge, you are unloading it on your own property?

Jeremy Fields: On my own property. I do not touch the right of way. I do not touch their property. I do not touch anything.

Chairman Ely: How would you get it up to the area?

Jeremy Fields: Drive up my road. Drive up my driveway.

Chairman Ely: You have a truck there already, right?

Jeremy Fields: Yes. I can come in by water with trucks. I do it all the time. We drive the truck on the barge. We drive it off at the other end. That is what we do around this whole lake and all the lakes. So that addresses that piece of it. As far as the right of way goes, I think we are going to come to a resolution and if we don't we have two back-up plans. We have right of ways. We have multiple right of ways. I have had Passero Engineering to go through and do a full plan. I have had Rocco Venezia. I have had three surveyors and three engineering companies to the tune of tens of thousands of dollars prove we have multiple right of ways to the property. I do want to resolve this with the neighbors. I do want to use that one, but if we don't I have showed them to the Board and I have showed them to everybody. We have right of ways beyond that. So that is where we are with that.

Chairman Ely: If we have no rebuttal here, I think?

William La Forte: I will try to yell. I know Mr. Fields has indicated that he believes he does have other right of ways and he well may. I do not know because I have not gotten into that and obviously he does has other right of ways that he can use. More comfort to you Jeremy. It may cause a few problems with some of the other people across those lands as right of ways go. That is a story for another day.

Chairman Ely: Okay. The second area though I think we ought to explore a little bit was the suggestion that we should delay any action tonight until there had been an opportunity for the Ryan's engineers, as I understand it, to take a look at the plan.

William La Forte: Yes. We just heard of this hearing about a week ago. So as we just talk to the architect there is an engineer that I believe you will put me in touch with and we can get our engineer to take a look at it. We understand that Mr. Fields wants to move on, but again there is that Order that says you cannot use the right of way. Unless he wants to bring in everything by boat, by barge, he really isn't going to be doing too much. We would like that opportunity to have our own engineer take a look at the plans talk with the towns engineer, and talk with Mr. Fields engineer. Again just to elay any concerns that we may have.

Chairman Ely: I am not trained as an engineer as everybody in the room is well aware. I will say I have had several conversations in depth with our code officer, Phil Sommer who on the whole seems quite satisfied with the erosion control plan as submitted on the site plan. That does not necessarily mean I am trying to convince you. I am just explaining that I have to rely on what my code officer tells me if you

know as little about engineering as I do. However, some of my board members may have more skills in this area than I do. Jeremy I take it you would not be happy with any delay.

Jeremy Fields: I do not think it is necessary. We have an architect. We have an engineer. Ontario County Watershed has stamped the plans and reviewed the storm water plan. Your code enforcer has reviewed it. Guess what our engineer and our architect in Ontario County are liable if there is an issue so to ask for the delay doesn't seem necessary.

Ralph Endres: They've signed your plans, right?

Jeremy Fields: That's correct.

Ralph Endres: Then you have two litigants right there, besides you.

Jeremy Fields: So we have to resolve it if there is an issue. This is what we do every day. I am not a homeowner asking for an applicant here. I am a builder and I build these things.

William La Forte: We have seen nothing that is signed by an engineer. These plans are not signed by an engineer. We are not aware of anything.

Bessie Tyrrell: Yes they are. They are signed by an engineer.

William La Forte: I do not believe there is an engineer signature on it.

Bessie Tyrrell: Right there.

William La Forte: That is an architect.

Mary Ann Bachman: He said an engineer.

Bessie Tyrrell: Okay.

Ralph Endres: The engineer will just stamp it. He becomes liable at that point if it slides down the hill.

Jeremy Fields: They are incorrect. The storm water plans were done by an engineer and Ontario County did review and stamp them.

William La Forte: Where are they?

Bessie Tyrrell: We have copies of those.

Jeremy Fields: They have copies of them.

William La Forte: Who does?

Jeremy Fields: The Town. We do not provide them to the neighbors.

William La Forte: We would like an opportunity to look at them.

Chairman Ely: Diane are those retrievable?

Diane Graham: Yes.

Bessie Tyrrell: We have looked at them before? The Board has seen those.

Sam Seymour: No, we have not. We have not seen the storm water plans.

Jeremy Fields: You issued a permit based on those.

Sam Seymour: Not the Planning Board.

Jeremy Fields: Oh no not the Planning Board. You are right. Your code enforcer.

Ralph Endres: So he has had to see them?

Jeremy Fields: Yes. Emails went back and forth, and back and forth.

Bessie Tyrrell: We have seen the report of the code enforcement officer.

William La Forte: Is there a steep slopes ordinance in South Bristol?

Chairman Ely: Yes.

William La Forte: Was that issued?

Chairman Ely: Yes.

William La Forte: An engineer designed that or looked at it?

Diane Graham: Bill Grove.

Bessie Tyrrell: Yes.

Chairman Ely: That is one of the first things I pursued whether there was a steep slopes permit and yes I was told there was a steep slopes permit issued based on an engineer's report. Diane if it is not here it would be in Phil Sommer's file which we cannot access tonight I do not think?

Diane Graham: It is not here.

Chairman Ely: Members of the Board how do you feel you would like to proceed at this point? One we could delay, two we could grant preliminary and final approval, and three we could grant preliminary and final approval with conditions, which would have to be met before a building permit would be issued.

Ralph Endres: One of the conditions I would be interested in to see that the plans had an engineer stamp. If we got that, then all that has to be done that we have to convey a copy of that to Mr. Ryan and his attorney then I think we could proceed today with the rest of the hearing.

Mary Ann Bachman: As far as the easement to continue building, there is a ramp near the kayak racks where marina have always have been able to utilize that ramp/launch area. So with ease materials could be brought in and out. The road is less of an issue.

Chairman Ely: Ralph what would your suggestion be then?

Ralph Endres: My suggestion would be that contingent on the engineering stamp on the plans.

Diane Graham: Are we talking site plans or are we talking what the engineer did for erosion?

Bessie Tyrrell: It was for the site development.

Ralph Endres: The site development.

Bessie Tyrrell: And the steep slopes permit.

Ralph Endres: Mr. Fields said that he had two engineering firms that he has worked with. If he has worked with them, they will stamp whatever plans they have approved.

Jeremy Fields: You guys received it on June 29th. The Director from Ontario County and from Kevin Olvany at his email. I can forward it to you again but I know you have it.

Chairman Ely: You say you guys.

Jeremy Fields: Your building department. Standard procedure.

Chairman Ely: The Code Enforcement Officer. Well of course I understand that, but I did not personally receive it. I just want to be clear.

Jeremy Fields: He addressed öErin [Joyce, PE] has provided stamped design plans that has met all steep slope law requirements.ö This is from Kevin Olvany on June 29th so I forwarded it.

Bessie Tyrrell: We have the steep slopes permit was issued.

Chairman Ely: Yes. It has been issued.

Bessie Tyrrell: Yes. So that means it was stamped.

Chairman Ely: The attorney excuse me.

William La Forte: I was just going to ask if that could be forwarded to me.

Ralph Endres: Forward it to him.

William La Forte: That would be wonderful.

Chairman Ely: Can you forward that?

Jeremy Fields: Yes. I can do that right now.

William La Forte: The engineering sign off, I mean I agree with Mr. Endres. It would be nice to see an engineer stamp on the plans.

Ralph Endres: I am sure it is there.

William La Forte: If it is, that is great.

Ralph Endres: I am sure if he paid an engineer it is there.

Chairman Ely: Diane if this is forwarded to you can you run that off on the machine.

Diane Graham: If it is big, no. The maps are usually pretty big.

Jeremy Fields: Can you print out your permits that you issued?

Diane Graham: Yes.

Jeremy Fields: When you have steep slopes permit. I would have brought copies if I had known.

Diane Graham: Would that suffice if you saw a steep slopes permit?

William La Forte: There is that. There is an erosion plan and the engineeringí

Bessie Tyrrell: No. He just needs that steep slope permit.

William La Forte: The steep slope, but if there are other things. I am not an engineer so.

Rodney Terminello: The steep slopes takes into consideration erosion. It is not a separate erosion.

Chairman Ely: That might go. Can you forward it or make a copy or not?

Diane Graham: I can make a copy. I do not have it right with me. It is in the office.

Chairman Ely: Can you go get it?

Diane Graham: Yes. I can do it after the meeting.

Chairman Ely: We need it now. We can take a five minute break.

Break

Diane Graham: Okay. I am back. For the record Building Permit 2017-0060 is a Steep Slopes Permit and I am handing it to the lawyer, Mr. La Forte.

Bessie Tyrrell: So my point we have been given every month Phil Sommerø's report what he has issued and when he has issued it so we have seen that. He told us he issued the steep slopes permit.

Chairman Ely: Does that speak to your concern at least?

William La Forte: I am sorry.

Chairman Ely: Does that speak to part of your concerns?

William La Forte: Well it does, but we will still need to have our engineers take a look at this. Look at the plans and form an opinion whether it is done satisfactory. I am certainly not anybody even close to being an expert on taking a look at this and taking a look at the plans and coming up with an opinion that all the bases have been covered. We would like an opportunity to look at the plans that have been done together with the Mr. Fields architect and whoever his engineers are and get back to you as soon as we can look at them.

Diane Graham: I do not know if Kevin Olvany is an engineer. Would that suffice?

Chairman Ely: I do not know Kevin's background.

William La Forte: Is there a town engineer?

Chairman Ely: No.

William La Forte: If the applicant's engineer will work with the town engineer and the town engineer would sign off that is your protection.

Chairman Ely: Unfortunately, we do not have a town engineer. Even though the code makes reference to it from time to time, but we do not have a town engineer.

William La Forte: Is Mr. Sommer a PE?

Chairman Ely: I do not believe so. No.

William La Forte: Since the town has not had because you do not have an engineer to look at it then it is 100% reliance on Mr. Field's engineers. Not at all denigrating Mr. Fields engineers I am sure they are fine. It is a matter of comfort to our clients to have somebody look at them other than just Field's engineers.

Chairman Ely: Kevin Olvany did review the steep slopes application which he would normally do for all steep slopes applications in our town. Of course, Phil Sommer also reviews them.

Diane Graham: And Bill Grove the engineer.

Jeremy Fields: Storm water was Erin Joyce, PE.

William La Forte: If Mr. Fields or whoever can forward me the names of the engineers, I would be happy to make contact with those engineers.

Jeremy Fields: You have the email. It is an email from here copied in Ontario County approved by Ontario County from them. Typically, I have been through a lot of these processes and they normally do not have to have other people in the room and I do not normally provide engineer drawings to everybody else for their review.

Michael Staub: When do you plan to start construction?

Jeremy Fields: As soon as I have approval on it. I am waiting.

William La Forte: Again we would make a request to give us an opportunity to review especially because there is not a town engineer to look at the plans.

Chairman Ely: Members of the Board what is your pleasure?

Bessie Tyrrell: Mr. La Forte I have been on the planning board for twelve years and I do not remember giving engineer drawings of anyone's application to anyone else. These are public records. The fact that the code enforcement officer has been there and told us in July that it was approved and these particular engineers have stamped all the plans. That's more than we ever had before for almost any of things that has come before us.

William La Forte: I can tell you based on my experience in matters like this you can have engineers who have differences of opinions and that can be very substantial.

Bessie Tyrrell: I understand.

Rodney Terminello: My thought to you sir is you are coming in late to this whole process and this is all a matter of public record. Our meetings are public.

Bessie Tyrrell: The driveway was put in a couple of months ago.

Rodney Terminello: As soon as you see land disturbance, you can come into the town and ask us if we know what is going on. It is all on the website. Our meetings are open.

William La Forte: I can respond to that if I had more communication from your code enforcement officer.

Rodney Terminello: It is not his obligation to inform you. The records are open to public.

William La Forte: It is a matter of courtesy especially because I requested it no less than five times.

Bessie Tyrrell: Again, all of our deliberations and our agendas are published. They are on the website. People come in to look at plans all the time with things that have been approved. We are more than ready to share those with people who are concerned. This has been going on since May.

Chairman Ely: Rest of you do you have any thoughts on how you would like to proceed?

Michael Staub: I think there is a reason for concern by the neighbors, but I think all of our actions have been above and beyond and public record. I do not see any reason to hold up the construction, but I am

sure since everyone is amicable in this situation there is no riff or conflict involved. It is just seeking information. If the Fields were permitted to go along with the go ahead with the construction and still provide the information, that their engineer could use the information. If there was any conflicts of interests between the engineers or points of interest, I should say, they could meet discuss it if it was valid and pertinent. Jeremy has been up front and overboard with his information to us. I do not see why he would not be amicable to any resolution in the future. So I am for approving the permit and meeting amicably with the engineers to have them look over the plans. It is not going to hurt anything and if there is a valid issue that is brought up he would be more than happy to resolve it, I am sure.

Jeremy Fields: Absolutely.

Ralph Endres: My feeling is that we should go forward with the approval. Jeremy has provided us with more than ample case to have this go forward. He needs to get started. As far as the engineers, if there is in fact engineering stamps on the storm water and the construction, there is two more litigants if something should fail. That is where I stand because if you are going to do this I can get an engineer to say anything I want him to say. Just like I can get an accountant to say two and two is four. I will show you one that will say two and two is seven. It depends on who is paying the bill.

Michael Staub: I would have to disagree with the engineering on that. Engineers are pretty straight forward. They may have differences of opinion on certain ways of doing something but you are going to get the same evaluation of any big plan with minor differences.

Ralph Endres: The big thing is the engineers stamp the plans. That is what you are paying for. He is putting his name on the line and his integrity.

William La Forte: I am just going to respond to Mr. Endres to say that I can turn that around the other way too because the only engineer we have right now is Jeremys.

Ralph Endres: We have dealt with multimillion dollar projects. If you wish to do what Bristol Harbour did, you will pay for the attorney and you as the litigant you will pay for the engineering study.

Bessie Tyrrell: I believe I should state for our code enforcement officer although he is not a trained and stamped engineer, he has resources in the County and the rest of the State that he can give things to that will agree with what he has seen and approved. Our Board has approved what he has approved.

Chairman Ely: I have a great deal of confidence in Phil. I have consulted with him at great length about aspects of this particular proposal. Yes sir. Please introduce yourself.

Joe Koehler: I am Joe Koehler at Cliffside. Distinguished Board, Madam Clerk, neighbors, and hopefully new neighbors I wish to rise and thank those who are talking about preserving the walking. We have had walking taken away from other parts of Bristol Harbour that I will not talk about. I also wish to salute this Planning Board and the Fields about talking about this gate. Chain/gate whatever you want to call it. Was it Charlie that nearly got killed? I was there. I was one of the first responders. This chain, this gate and thank goodness this Planning Board and these applicants ladies and gentlemen obviously the application is important. You cannot fit a stretcher in the elevator. Something happens on that beach today, tomorrow, this summer it can be a matter of minutes before a life is lost if they have to go through that damn chain, gate or whatever you want to call it. So I really want to compliment you Mr. Chairman

and your Planning Board for recognizing this very serious matter and the applicants. Lastly, after 43 years that marina has never looked better than it does tonight.

Chairman Ely: Thank you. Alright are we ready to move forward?

Bessie Tyrrell: I move that we close the public hearing.

Chairman Ely: Yes. Exactly. I am going to close the public hearing.

Public hearing closed at 8:00 pm.

Chairman Ely: We will now turn to our favorite form of the evening the SEQR form. I believe this would qualify as an unlisted action, but I going to run down the questions and then I am going to ask for your motion to approve my suggestions.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Will the proposed action impact existing:
 - a. public / private water supplies? No
 - b. public / private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? No
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No
11. Will the proposed action create a hazard to environmental resources or human health? No

I have answered all these questions no and make a motion to concur and Rodney Terminello seconded the motion.

All in favor.

Aye: 7 (M. Bachman, J. Ely, R. Endres, A. Jacobs, M. Staub, R. Terminello, B. Tyrrell)

Opposed: 0

Motion carried.

I am going to propose the following findings:

1. The proposed project is consistent with the comprehensive plan.
2. The proposed project is consistent with the zoning district in which the project is to be located.
3. The proposed project will not be detrimental to nearby properties.
4. The proposed project will not have an adverse impact of physical or environmental conditions of the district.
5. The proposed project will not adversely affect the character of the neighborhood.

All in favor of adopting findings.

Aye: 7 (M. Bachman, J. Ely, R. Endres, A. Jacobs, M. Staub, R. Terminello, B. Tyrrell)

Opposed: 0

I, therefore, move that we grant preliminary and final site plan approval to the application #2017-0005 and the motion was seconded by Rodney Terminello.

All in favor.

Roll Call Vote - Aye: 7, Opposed: 0

Mary Ann Bachman ó Aye

James Ely ó Aye

Ralph Endres ó Aye

Ann Jacobs ó Aye

Michael Staub ó Aye

Rodney Terminello ó Aye

Bessie Tyrrell ó Aye

Motion carried.

Old Business

Review §170-94 site plan review

The site plan review criteria highlights were reviewed.

A motion was made by James Ely to recommend to the Town Board amending town code §170 on site plan review and it was seconded by Bessie Tyrrell.

All in favor.

Aye: 7 (M. Bachman, J. Ely, R. Endres, A. Jacobs, M. Staub, R. Terminello, B. Tyrrell)

Opposed: 0

Motion carried.

RESOLUTION 2017-5

TOWN OF SOUTH BRISTOL PLANNING BOARD

At a meeting of the Planning Board of the Town of South Bristol on the 6th day of December, 2017, it was:

RESOLVED, that the South Bristol Planning Board recommends that the South Bristol Town Board take appropriate steps to amend the town code §170 site plan review by substituting the attached language.

Dated: December 6, 2017

By Order of the Planning Board of the Town of South Bristol.

Diane Scholtz Graham
Planning Board Secretary

FILING LOCAL LAW

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of South Bristol
Village

Local Law No. ____ of the year **201**__

A Local Law Amending Chapter 170 of the Code of the Town of South Bristol

Be it enacted by the **Town Board**

County
City
Town of South Bristol as follows:
Village

Section 1. Paragraph C of Section 170-93 of the Town of South Bristol Zoning Law is hereby repealed and a new Paragraph C is hereby inserted in its place to read as follows:

C. The Planning Board is hereby empowered to review site plans as authorized by New York State Town Law and in conformance with Article V and Section 170-94 of this Chapter.

Section 2. Paragraph A of Section 170-94 of the Town of South Bristol Zoning Law is hereby amended to repeal the opening sentences and insert the following language in their place:

A. Uses and structures requiring site plan review. The following uses and structures shall require site plan review in accordance with this section:ö

Section 3. Paragraph A of Section 170-94 of the Town of South Bristol Zoning Law is hereby amended with the insertion of a new subsection (4) to read as follows:

- (4) In the Lake Residential (LR) District and any parcel in the Three-Acre Residential (R-3) and Light Commercial (C-1) District adjoining Canandaigua Lake:
 - (a) Seawalls, lake shore decks, or permanent docking structures
 - (b) All new construction, additions to existing structures, and/or expansion of any impervious surface greater than 144 square feet, such as, but not limited to, sidewalks, driveways, walkways, retaining walls, patios, and decks as required by Paragraph G herein.

Section 4. Paragraphs B, C, D, E, F, G, H, I and J of Section 170-94 of the Town of South Bristol Zoning Law are hereby repealed.

Section 5. Section 170-94 of the Town of South Bristol Zoning Law is hereby amended with the insertion of a new Paragraph B to read as follows:

B. General Procedural Requirements.

1. Applications for site plan review and approval, with or without a sketch plan conference, shall be submitted to the Code Enforcement Officer in writing, in a form acceptable to the Planning Board. If the Code Enforcement Officer determines the application to be complete, the application shall be referred to the Planning Board at the next duly called meeting, provided that the materials to be submitted are received at least 10 business days in advance of said meeting. If the Code Enforcement Officer determines the application to be incomplete, the application shall be returned to the applicant and the Code Enforcement Officer shall inform the applicant of the deficiencies of the application.
2. The applicant may prepare a sketch plan for informal discussion with the Planning Board prior to submitting the official site plan for review. If the applicant does prepare a sketch plan, the Planning Board shall hold a sketch plan conference between the Planning Board and applicant to review the basic site design concept and generally determine the information to be required on the site plan. Any determinations, which the Planning Board makes at this sketch plan conference, shall in no way limit what the Planning Board may require upon receipt and review of the actual site plan.

3. The Planning Board may, when requested by the applicant in writing and when reasonable, waive any requirements for the approval, approval with modifications or disapproval of site plans submitted for approval. Any such waiver may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular site plan. In the event there is a request for a waiver of any item, a separate statement shall be attached to the application detailing the reason(s) for such a waiver. If the Planning Board shall deny the request for such waiver, the applicant shall submit an amended site plan within 30 days from such date of denial incorporating all such information required by this Section. An application shall not be deemed complete until such amended site plan is submitted and accepted by the Planning Board as being complete.
4. Ten copies of the site plan shall be submitted to the Planning Board.
5. Fees in accordance with the current fee schedule adopted by the Town shall be paid at the filing of the application.
6. The Planning Board shall conduct a public hearing within sixty-two days from the day the Planning Board receives a complete site plan application. The Planning Board shall mail notice of said hearing to the applicant at least ten days before said hearing, shall mail notice thereof to the County Planning Board, if required by section 239-m of the New York State General Municipal Law, which notice to the County Planning Board shall be accompanied by a full statement of such proposed action, as defined in section 239-m of the New York State General Municipal Law, shall give public notice of said hearing in the official Town newspaper at least five days prior to the date thereof and shall give notice in conformance with Paragraph G of this Section. The cost of preparing, publishing and mailing any required notices shall be borne by the applicant.
7. Reservation of parkland. In conjunction with its review of a site plan containing residential dwelling units, the Planning Board shall make findings and a determination that a proper case exists for requiring set-aside of parkland or payment of a fee in lieu thereof, such fee to be determined by the Town Board, in compliance with New York State Town Law.
8. Prior to taking action on the final site plan, the Planning Board shall refer the complete application for site plan approval to the County Planning Board, when required, for advisory review and recommendation in accordance with the provisions of section 239-m of the New York State General Municipal Law, as amended.
9. Final site plan approval cannot be granted for any project until the provisions of section 239-m of the New York State General Municipal Law have been followed, if required, all necessary variances from the Town Zoning Board of Appeals have been granted and the requirements and regulations of the State Environmental Quality Review Act have been followed.

10. Within 62 days after the public hearing, the Planning Board shall render a decision on the site plan application by approving, approving with conditions or disapproving the site plan. An extension of time may be granted if mutually agreed to by both the Planning Board and the applicant.
11. Within five business days of the Planning Board resolution approving, conditionally approving or disapproving a final site plan, the Secretary of the Planning Board shall certify said resolution, shall file a copy of the certified resolution with the Town Clerk, and shall mail another copy of said certified resolution to the applicant.
12. In the event the final plan is approved with conditions, said conditions must be satisfied prior to the issuance of any building permits, certificates of occupancy or any other permits issued by the Town of South Bristol.

Section 6. Section 170-94 of the Town of South Bristol Zoning Law is hereby amended with the insertion of a new Paragraph C to read as follows:

C. Site Plan Requirements.

1. Site plans shall be prepared by a New York State licensed professional engineer and/or surveyor.
2. The owner or owners of the property, which is the subject of the application for site plan approval, shall sign the application verifying that the application is made with their consent and that all information contained therein is true and correct.
3. The site plan shall be at a scale of not more than 40 feet to the inch.
4. Site plans shall show or be accompanied by the following information:
 - a. An affidavit that the applicant is the owner or equitable owner of the land proposed to be developed or their legal representative.
 - b. Information shown on the site plan shall be organized to clearly depict existing and proposed conditions and assist the Planning Board's understanding of potential impacts as well as proposed mitigation.
 - c. The site plan shall show all of the following information:
 - (1) General content.
 - (a) All dimensions shall be shown in feet and in hundredths of a foot.
 - (b) Name of the owner of the property.
 - (c) Names of owners of all abutting land.
 - (d) Name and seal of the New York State licensed professional engineer or surveyor responsible for the plan.
 - (e) Date, North point and scale. The site plan shall be at a scale of no more than 40 feet to the inch.
 - (f) A legible location map.

- (g) A map revision box.
- (h) A map legend/key.
- (i) A signature block for the Planning Board Chairperson and others as may be required.
- (j) An area for general map notes.

(2) Existing conditions.

- (a) Required building setback lines on each lot.
- (b) The boundaries and nature of all existing easements, deed restrictions and other encumbrances.
- (c) Existing contours at vertical intervals of two feet, including the source of the information. In the case of steep or unusual tracts, the Planning Board may require contours at such lesser intervals as it finds necessary for study and Planning of the tract.
- (d) Existing vegetative land cover.
- (e) Delineation of natural features, including:
 - [i] Existing watercourses, drainage ways, surface water features or other bodies of water abutting, running through or running along the boundary of the subject property.
 - [ii] Tree masses and other significant land cover.
 - [iii] Land exceeding a slope of 10%. The applicant shall show anything 15% or greater plus contours in ten foot increments.
 - [iv] New York State Department of Environmental Conservation or federally regulated wetland.
 - [v] FEMA special flood hazard zone boundaries and designations, including the flood hazard zone, Community Map Panel number and the effective date of the flood insurance mapping as shown.
 - [vi] Other natural features identified in the Natural Resources Inventory.
 - [vii] Floodplain certificate
- (f) All existing significant man-made features, including but not limited to:
 - [i] Buildings with property line setbacks.
 - [ii] Width, location, and sight distances for all private driveways.
 - [iii] Limits of pavement and parking areas.
 - [iv] Existing streets on or adjacent to the subject lot, including names, right-of-way widths and pavement widths.
 - [v] Sanitary and storm sewers.
 - [vi] Wastewater treatment systems.
 - [vii] Public and private wells, water mains and fire hydrants.
 - [viii] Drainage features, including stormwater ponds, swales, culverts, and known underground drain tiles.
 - [ix] Location of all other existing utility lines and related facilities, including, gas, electric and telephone.
- (g) Agricultural infrastructure including surface and access lanes for farm equipment.

- (3) Proposed conditions: development.
- (a) Delineation of all proposed sections or phases if any.
 - (b) Delineation of limits of any land to be disturbed in any manner including areas to be cleared of vegetation, cut, filled, excavated, or graded. The delineation shall include dimensions and other references needed to allow efficient field verification.
 - (c) Existing and proposed contours, at vertical intervals of no more than two (2) feet.
 - (d) The boundaries and nature of all proposed easements, deed restrictions and other encumbrances.
 - (e) The proposed building setback from each property line and other buildings on the same lot.
 - (f) Location and dimension of all areas to be protected as open space.
 - (g) Location and dimensions of all public buildings, public areas and other parcels of land proposed to be dedicated to or reserved for public use.
 - (h) Proposed location, boundaries, design, exterior dimensions and uses of all lot coverage items. The percent of lot coverage shall also be provided.
 - (i) Identification of any proposed uses of the subject property and whether such uses will require any permanent or temporary structures or improvements or any approvals from the Town of South Bristol or from any New York State or Federal agency.
 - (j) Location description, and plan for of all swales, ponds, basins, fences, dikes, retaining walls or other devices required to control soil erosion and sedimentation. Erosion Control measures must be equivalent to the latest version of the New York State Standards for Erosion and Sediment Control.
 - (k) Location, design and type of construction of all parking, pavement, loading and unloading areas, showing access and egress and the number and dimensions of parking spaces.
 - (l) Location and width of all proposed streets, alleys, rights-of-way and easements. The Planning Board shall have the right to name new developments and streets in accordance with historic characteristics of the community and the Ontario County 911 addressing policy.
 - (m) Typical cross-sections, street profiles and drainage details for all streets. Such profiles shall at least show the following: existing grade along the proposed street center line; existing grade along each side of the proposed street right-of-way; proposed finished center line grade or proposed finished grade at top of curbs; sanitary sewer mains and manholes; and storm sewer mains, inlets, manholes and culverts.
 - (n) Location, design, type of construction and widths of all proposed driveway intersections with streets and sight distances therefrom. Suitable means of access in accordance with Town Code.
 - (o) Location and size of all proposed water mains, laterals, hydrants, meters, and valves.

- (p) Location of any public or private wells.
- (q) Location, size and invert elevations of all proposed sanitary and storm sewers and location of all manholes inlets and culverts.
- (r) Location, size and design of proposed on site wastewater treatment systems. Site Plan Approval will not be granted until the Watershed Inspector or relevant government agency has reviewed and approved the location and design of the onsite wastewater treatment system.
- (s) Location of all other proposed utility lines and related facilities, including, gas, electric and telephone.
- (t) Proposed vegetative land cover and landscaping.
- (u) Outdoor lighting.
- (v) Location and design of all signs.
- (w) Location of any outdoor storage, if any.
- (x) Location of refuse/trash facilities, if any.
- (y) A description of all approvals required from outside agencies.
- (z) Schedule for development, including a detailed sequence of construction and estimated dates for start and completion.
- (aa) The Planning Board may require an applicant to submit additional information as may be needed to assess the potential impacts from the proposed development.

Section 7. Section 170-94 of the Town of South Bristol Zoning Law is hereby amended with the insertion of a new Paragraph D to read as follows:

D. Planning Board Review.

The Planning Board's review of a site plan shall ensure that the proposed development provides for, as appropriate, the following, which said list shall not be all inclusive:

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
2. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
3. Location, arrangement, appearance and sufficiency of on-site parking, loading and unloading.
4. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
5. Adequacy of stormwater and drainage facilities, including ownership, maintenance provisions, etc.
6. Adequacy of water supply and wastewater treatment system.

When a site plan must include a wastewater treatment system, site plan approval will not be granted until the authority having jurisdiction to review and approve such system has made such review and issued approval relative to the location and design of the onsite wastewater treatment system.

7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation and including provisions for maintenance and ownership of these areas.
8. In the case of an apartment complex or other multiple dwelling, the adequacy of usable open space for play areas and informal recreation.
9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
10. Adequacy of fire lanes, emergency access and other emergency zones and the provision of fire hydrants.
11. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

Section 8. Section 170-94 of the Town of South Bristol Zoning Law is hereby amended with the insertion of a new Paragraph E to read as follows:

E. No modification of existing stream channels, filling of lands with a moderate to high susceptibility to flooding, grading or removal of vegetation in areas with a moderate susceptibility to erosion or excavation for construction of site improvements shall begin until the developer has received final site plan approval. Construction within the Floodplain will require that cut and fill must be balanced within the limits of the 100 year floodplain as identified on the most recently released Flood Rate Insurance Maps published by the Federal Emergency Management Agency. Principal buildings and other structures shall be construed as fill for the purposes of this section. Failure to comply shall be construed as a violation of this chapter, and, where necessary, final site plan approval may require the modifications, restoration or removal of unapproved site changes.

Section 9. Section 170-94 of the Town of South Bristol Zoning Law is hereby amended with the insertion of a new Paragraph F to read as follows:

F. Site Plan Approval Expiration.

1. Where a site plan approval is granted with conditions, it shall automatically terminate one year from the date of the decision granting conditional approval unless all of the conditions therein are satisfied. The applicant may make a written request to the Planning Board for an extension of this requirement. Upon its receipt of any such extension application, the Planning Board may extend the time for the applicant to satisfy all such conditions by up to one additional year from the date the approval would have expired. Site plan approval shall automatically terminate after the passing of such extended period unless all of the conditions therein are satisfied.

2. When a site plan is approved without conditions and when a site plan is approved with conditions and all such conditions have been satisfied within the time period established by Paragraph A. of this Section site plan approval will automatically expire six months after the same is granted unless a building permit has been issued and there is physical evidence that significant site preparation, such as excavation or foundation work, has commenced. In the event that a site plan approval has expired pursuant to this section, the planning board can grant a six month extension only once upon written application by the permit holder.

Section 10. Section 170-94 of the Town of South Bristol Zoning Law is hereby amended with the insertion of a new Paragraph G to read as follows:

G. Site plan requirements applicable to the Lake Residential (LR) District and any parcel in the Three-Acre Residential (R-3), and Light Commercial (C-1) District adjoining Canandaigua Lake.

1. In addition to all other requirements of Section 170-94, in the Lake Residential (LR) District and any parcel in the Three-Acre Residential (R-3), and Light Commercial (C-1) District adjoining Canandaigua Lake, site plan review and approval of seawalls, lake shore decks, permanent docking structures, all new construction or additions to existing structures greater than 144 square feet, and/or expansion of any impervious surface greater than 144 square feet, such as, but not limited to, sidewalks, driveways, walkways, retaining walls, patios, and decks shall also be in conformance with this Paragraph G.
 - a. Administrative review through the Zoning Officer shall be required for all such construction not subject to site plan review by the Planning Board or listed as exempt from site plan review herein.
 - b. Planning Board review: Any proposed disturbance totaling more than 400 square feet in area shall require site plan review and approval by the Planning Board.
 - i. In addition to the standards of review contained in Section 170-94, the Planning Board shall consider the aesthetics and impacts of a seawall in regard to adjacent properties and the seawall's appearance from the lake. The applicant must demonstrate that natural stone and/or vegetation is not a viable option, before the Planning Board grants approval.
 - c. The applicant shall provide a site plan in accordance with Section 170-94. In addition to the specified requirements, applications for site plan approval for on-shore boat storage structures shall include a written description and/or drawings adequately demonstrating compliance with the Docks and Moorings Law along with describing the general appearance and exterior finish of the structure or any other new construction.

- d. The Planning Board shall mail notice of the public hearing on such site plan review application required by this Paragraph G at least ten days before such public hearing to the owners of all properties adjoining the property(ies) that is/are the subject of such application (including those directly across a public highway or private access right-of-way from the subject property(ies)).

2. Non-Conforming Buildings and Lots.

- a. Full Zoning Compliance.
Where more than 50% of an existing building is to be reconstructed (by floor area) or expanded (by building footprint), the entire building shall be brought into compliance with lot coverage and setbacks. Where such standards cannot be reasonably met, a variance may be sought and reviewed by the Zoning Board of Appeals in accordance with Section 170-91 and 170-92.
- b. Multiple Residences on a Single Lot.
Where more than one residence is located on a single lot AND more than 50% of an existing building is to be reconstructed (by floor area) or expanded (by building footprint), the owner shall be required to eliminate the other residence(s) on the property, unless the applicant can show to the satisfaction of the Planning Board that the lot is of sufficient size and the buildings distributed in such a manner so that the property can be subdivided into conforming lots with a single residence on each.

3. Site Plan Required.

Construction that exceeds the thresholds in subsections 1 or 2 of this Paragraph G shall require a site plan in accordance with Section 170-94, including any additional requirements of this Paragraph G. Where the removal of one or more residences on a lot is required, the Planning Board shall specify a time frame for such removal of no more than two (2) years upon approving a site plan and shall make such removal a condition of the issuance of an occupancy permit on the premises.

4. Minimum Floor Area.

Year round single-family residences shall be no less than 720 square feet. Where a pre-existing lot is non-conforming due to lot size and lot width, and a year-round single-family residence of 720 square feet cannot be built without a variance from the lot coverage requirement, a seasonal residence of less than 720 square feet, but no less than 400 square feet may be constructed.

5. Demolitions and Reconstruction of Existing Structures.

Where a legally existing, non-conforming residence or seasonal dwelling is proposed to be demolished and where such residence is the only dwelling on the parcel, said dwelling may be reconstructed. The reconstructed lot coverage shall not exceed the original lot coverage.

- a. The replacement dwelling shall be designed and constructed in accordance with the lot and building requirements set forth in the Schedule of District Regulations included as part of this Chapter and referred to in Section 170-14 A.
- b. Property owners will be permitted to replicate the former footprint of the demolished dwelling if the following requirements are met:
 - (1) The dimensions of the proposed dwelling are the same as those of the original dwelling prior to demolition (habitable floor area, width, depth, etc.). The height of the new structure must be in accordance with the maximum height established for this district.
 - (2) The replacement dwelling shall be sited to be a minimum of ten feet from the property lines.
6. The regulations governing bisected lots are set forth in the Schedule of District Regulations.

Section 11. Paragraphs K, L and M of Section 170-94 of the Town of South Bristol Zoning Law are hereby re-lettered so as to be identified as Paragraphs H, I and J.

Section 12. Paragraph A of Section 170-96 of the Town of South Bristol Zoning Law is hereby repealed and a new Paragraph A. is hereby inserted in its place to read as follows:

A. The Town Board, Code Enforcement Officer, Planning Board and Board of Appeals shall have the right to determine whether he or it needs to consult with professional outside consultants, including but not limited to attorneys, engineers, accountants, appraisers or other outside professional consultants, in order to properly review or evaluate any application submitted under this chapter for zoning permits, special use permits, variances, appeals, site plan approval, certificates of occupancy, certificates of compliance, certificates of nonconformity or Official Town Zoning Map or Comprehensive Plan amendments. The costs incurred by said officer, by the Town Board, by the Planning Board, by the Zoning Board of Appeals or by any officer of the Town of South Bristol on behalf of the Town for such consultation fees or costs incurred in enforcing or complying with this Code, including but not limited to the costs of meeting the requirements of Article 6 of the Environmental Conservation Law (SEQRA), shall be reimbursed by the real property owner before a building permit, certificate of occupancy, or other permit, may be issued. If the real property owner fails to fully reimburse such costs, then said reimbursement costs levied pursuant to this chapter shall constitute a lien and charge on the real property that was the subject of review until paid or otherwise satisfied or discharged; and, if the same are not paid within 30 days after they shall be deemed payable, they shall be collected and enforced in the same manner and at the same time as other Town taxes and charges are permitted to be collected.

Section 13. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 14. This local law shall take effect immediately upon filing with the Secretary of State. (Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.),

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the **Town of South Bristol** was duly passed by the South Bristol Town Board on _____, 20__, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the on 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____, 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or Village, or the supervisor of a Town where such officer is vested with the power to approve or veto local laws or ordinances.

of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of Ontario, State of New York, having been submitted to the electors at the General Election of November __, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the Towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the Town

(Seal)

Date:_____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Attorney to the Town
Town of South Bristol

Date:_____

Other

Next Meeting Discussion

Chairman Ely proposed that we tentatively agree to cancel the January 17 as there were no applications at this time. There is a potential application for Ski Valley that may be in February.

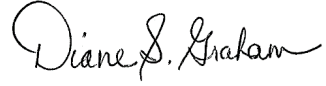
Solar Farms

Chairman Ely shared that the Town Board completed action on the Solar Farm town code and is in process with town attorney and the State.

Motion to Adjourn

Being no further business, Michael Staub made a motion to adjourn the meeting and it was seconded by Mary Ann Bachman. The motion was unanimously accepted and meeting was adjourned at 8:12 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Diane S. Graham". The signature is written in black ink and is positioned above the printed name and title.

Diane Scholtz Graham
Board Secretary