



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

Planning Board Meeting Agenda

Wednesday, August 17, 2016
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 July 20, 2016 Planning Board Meeting Minutes

Old Business

Review of draft proposal to amend town code pertaining to site plan approval

New Business

Preliminary Site Plan Discussion:

Application # 2016-05-P

Tax Map # 184.00-1-56.110

Guy Rogers

Pine View Gravel Mine

6500 Route 64

Proposal to amend section 170-94A(3) to extend site plan review to parcels in R-3 districts adjoining Canandaigua Lake

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes Wednesday, August 17, 2016

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

Absent: Ann Marie Rotter

Guests: Bill Grove, Architect
Guy Rogers, Pine View Gravel Mine
Steve Cowley

Call to Order

The meeting of the Town of South Bristol Planning Board was called to order at 6:58 p.m., followed by the Pledge of Allegiance. All board members were present with exception of Ann Marie Rotter.

Reading of Vision Statement

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

Minutes

Chairperson Ely called for a motion to approve the July 20, 2016 meeting minutes as written. Bessie Tyrrell made said motion which was seconded by Ralph Endres. The motion was unanimously accepted by all board members present.

New Business

Preliminary Site Plan Discussion:

Application #2016-05-P
Tax Map #184.00-1-56.110
Guy Rogers
Pine View Gravel Mine
6500 Route 64

Chairman Ely: I am going to propose that we proceed to the new business first because we have guests here. I am going to call upon Bill Grove, if you would make a presentation on behalf of the applicant.

Bill Grove: Sure.

Chairman Ely: Please introduce yourself again for the record. We know who you are by now, of course, but the record does not know.

Bill Grove: I am Bill Grove, Grove Engineering. I am here on behalf of Guy Rogers and the Pine View Gravel Mine. Guy is trying to get approval to expand his existing gravel mining operation by 3.4 additional acres, which would be on the northwest corner and the area behind the existing barns. So we've submitted all the required paperwork to the DEC. They are on the verge of issuing the formal approval to add that additional 3.4 acres to the existing life of mine, which I think was 14 acres or so that you have in total.

Guy Rogers: In total.

Bill Grove: In the existing life of mine area so one is able to mine the gravel out of that additional 3.4 acres. We had to go through all the DEC approvals for that which included an archeological study in that area which came back negative. We had to do sound studies on the noise analysis. That all passed. Storm water plan that was approved by DEC so they are content with it. We thought everything was good until we realized that someone at the town, I think it was Phil Sommer, realized that the addition or any expansion of the mine area would require Guy to come in for a special use permit. He was currently grandfathered because the mining operation preexisted the zoning law or least the change in the zoning law. He was able to operate under that without a special use permit but once he expands in the other area that triggers the need for a special use permit. So that is what we are here for tonight is to request that special use permit for the mining operation.

Chairman Ely: Well now let me just inject that the special use permit request would go to the zoning board.

Bill Grove: Oh okay.

Chairman Ely: You are looking for site plan approval from us, right?

Bill Grove: But don't we need both?

Diane Graham: You do. You're going to be meeting next month.

Chairman Ely: You need both. Yes.

Bill Grove: Okay. Sorry.

Chairman Ely: I do not want you to go too far down this special use avenue because I believe you have an application pending to the ZBA. Is that correct?

Bill Grove: Yes. We have to come to both boards to get the approval on that.

Chairman Ely: They will be meeting sometime in the next few weeks to address that. No?

Ralph Endres: Next month.

Diane Graham: Next month.

Chairman Ely: Next month. Okay. In September. Thank you. Okay. Go on Bill I am sorry.

Bill Grove: That is pretty much it. Guy Rogers would operate on the western edge of the existing mine operation. He would just continue that level back to the west and then up the hill. In order to not need a variance we must keep the excavation at least 100 feet from the property line so the drawing shows that the excavation does not start until that 100 foot mark from the property line to meet all the zoning requirements.

Chairman Ely: Am I correct that the DEC has also completed the SEQR review?

Bill Grove: They have yes. I do not know the terminology. It is a negative.

Chairman Ely: Negative declaration. Yes. I believe that's correct. Okay. Thank you. Any questions from members of the planning board?

Bessie Tyrrell: Sure.

Chairman Ely: Bessie is always good for some questions.

Bessie Tyrrell: So what do you use to mine gravel and is it very loud?

Bill Grove: I will let Guy talk about that.

Guy Rogers: Just a loader.

Bessie Tyrrell: Oh okay.

Bill Grove: When I did the noise calculations I had to include the loader, excavator, and dump truck.

Bessie Tyrrell: If they are all running at once.

Bill Grove: Yes. All running at the same time. There is a pretty detailed report about that I had to submit to DEC to get them to approve it. I had done one and they did not like the way I did it. So I had to go back out with a more sophisticated piece of equipment to record the ambient noise levels and then compare that to what the calculated noise would be during the mining operation. So everything came back it was within the allowable thresholds of increase. Basically the points that they were concerned with are the property immediately adjacent to where the mining operation would take place. So if you see on the map there is little speaker things, SL1 and SL2, that is where I did the noise analysis. Basically they are concerned with the neighbor's property and how loud it would be, not at the neighbor's house, but at the immediate closest property line.

Bessie Tyrrell: When you take the gravel out, what happens? I mean does it fill in with water?

Bill Grove: It doesn't because it's still a quite a bit of gravel below that level. So the water would just infiltrate into the underlying soil. There is a storm water pond there. There are a couple of them, one down below that is outside of the existing area. I guess it is in the life of mine with no mining going on there.

Bessie Tyrrell: So how do you keep on mining?

Bill Grove: I do not know.

Guy Rogers: Really there it's pretty close to clay right there. Same level as the barn.

Bessie Tyrrell: So how deep can you go?

Guy Rogers: Do you know where my red barn is?

Bessie Tyrrell: Yes.

Guy Rogers: It is basically can be level all the way back through.

Bessie Tyrrell: Okay.

Guy Rogers: Sometime if you want to look at it just drive down through there.

Bessie Tyrrell: I am sure it is fine. It's just I am curious.

Bill Grove: The proposed excavation is about 40 feet of total depth in the deepest part there from existing grade.

Ralph Endres: This is gravel? This isn't dolomite that has to be slammed and drilled? This is just gravel, right?

Bill Grove: Sand and gravel?

Ralph Endres: So you scoop it with a loader and put it on a truck?

Bessie Tyrrell: You do not shake it to get any different levels?

Guy Rogers: Yes. I shake some.

Bessie Tyrrell: Okay.

Guy Rogers: Only two days out of the year.

Chairman Ely: Any traffic impact anticipated?

Bill Grove: Nothing above existing.

Bessie Tyrrell: How far away does the gravel go? Just for local people or do you sell it?

Guy Rogers: Pretty much.

Bessie Tyrrell: í in Mexico or?

Guy Rogers: No. I do not go very far.

Bessie Tyrrell: Okay.

Bill Grove: It gets expensive to haul along way.

Bessie Tyrrell: So it's mostly local? You are not exporting gravel, it's going to be in South Bristol? Is the gravel mined now on the property?

Bill Grove: Yes. It's theí I think you guys have the smaller drawing so it would be the whole blue shaded area.

Bessie Tyrrell: Okay.

Bill Grove: Well I am sorry the blue everything within the dashed red line was at one time this whole area existing life of mine. This has all been mined in here and then back in here it's already been mined and reclaimed.

Bessie Tyrrell: Okay.

Bill Grove: Which means vegetation has been planted back.

Chairman Ely: I see an area that is marked to be reclaimed. That is an area on which vegetation will be placed in due course?

Bill Grove: Yes. Guy can probably help me with it. The permit and fee that they charge you is based on how much mining you are doing at the time. To not have to pay the fee or as much of the fee you reclaim that land. They hold a bond until you reclaim it. It is a pretty significant bond amount in my opinion that they hold just to make sure that it's reclaimed ultimately.

Chairman Ely: They is the DEC?

Bill Grove: The DEC. Correct.

Bessie Tyrrell: Is there more area in here to be mined later?

Guy Rogers: No.

Bessie Tyrrell: So this is the end?

Guy Rogers: It's going to be the end.

Bessie Tyrrell: Oh. Then what happens?

Guy Rogers: South Bristol is not going to have a gravel pit anymore.

Bessie Tyrrell: Oh.

Rodney Terminello: Are you going to leave the barn?

Guy Rogers: Yes.

Chairman Ely: I have got a copy of the exchange I think you had with Matthew Griffiths and requested renewal permit for another five years. Is that a five year permit that you are getting from DEC?

Bill Grove: I believe that's how they operate.

Chairman Ely: I am just asking for my information.

Bill Grove: Just to clarify, that is Guy's renewal on the existing operation that is coming up soon in 2017. It just made more sense instead of having two separate permits that we renew separately that we incorporate them all together.

Chairman Ely: The whole thing. So presumably the DEC would grant you permit for the existing operation plus the new operation.

Bill Grove: Yes.

Chairman Ely: For five years.

Bill Grove: Yes. They do inspections regularly to make sure he is not outside of the limits of the mining permit, the life of mine. That he is doing everything according to the regulations.

Chairman Ely: You indicate you expect approval from them shortly?

Bill Grove: Yes. I think in the correspondence that you are looking at they said that it does not matter to them which approval comes first whether it's town or DEC.

Chairman Ely: That is very clear. Shortly meaning a week?

Bill Grove: Yes. I would say. I know Matthew Griffiths was on vacation for a couple of days earlier this week so he is back now. I think since Guy gave them the application they are not waiting on anything else from us.

Chairman Ely: Surely by the time we have our public hearing you will have all the permits.

Bill Grove: Yes. I think so.

Chairman Ely: Any other questions for Bill or Guy for that matter?

Rodney Terminello: Is Al Voss okay? He is your neighbor, right?

Guy Rogers: He is.

Rodney Terminello: Is the property adjacent to you?

Guy Rogers: No.

Rodney Terminello: That's all you.

Steve Cowley: We border. I am fine with it. I am quite fine with it.

Rodney Terminello: I thought Al had about 40 acres back there or something like that.

Steve Cowley: No. Warner owns 40 acres.

Rodney Terminello: Warner. He owns about 80 acres.

Steve Cowley: It is about 38 acres or something like that. He farms it. If you want to see two different gravel pits, go see Guy's and then go see Warner's. Be quick with Warner's because you might get shot. There is a big difference between

Rodney Terminello: That's the other pit?

Steve Cowley: That's the other pit next to the state pit.

Rodney Terminello: That's his then. I live right there. I am on the other side of the ravine from Voss.

Steve Cowley: Oh you are on Phillips Road.

Rodney Terminello: That's why I was asking about it.

Steve Cowley: Can youí ?

Rodney Terminello: Yes. He has given me rock.

Steve Cowley: I cannot hear it. It is just normal noise for me.

Rodney Terminello: I do not hear him at all. I hear an owl at times.

Bill Grove: Really. The machinery has come a long way since the mine first opened. The machines were very loud and there were not many regulations on the noise that machines could put out, but now that the machines you could be standing next to them and almost not hear them sometimes.

Steve Cowley: The tractor trailers going down Route 21 are a lot louder.

Rodney Terminello: Yeah. Especially when they put their Jake brake on.

Bessie Tyrrell: What do old gravel mines, what happens to them when they are done being mined? What do they usually turn into?

Bill Grove: Usually they are reclaimed, revegetated, and then I do not know what.

Rodney Terminello: Could be a trailer park. I think the zoning is the same so. It is also the important area for the Town of South Bristol.

Ralph Endres: I like what Guy is doing better than anyone else.

Bill Grove: You laugh about it. I do a lot of septic designs and most of the trailer parks that I have worked on are all on beautiful gravel. They need it for septic systems. It is not uncommon, but I do not know if that is anything Guy would want to try to do.

Bessie Tyrrell: There are some really nice public gardens that are on gravel pits.

Chairman Ely: Any other questions for Bill or Guy? Okay. Thank you. Then I will suggest then that we set this for a public hearing at the next meeting. Diane you will send the necessary notices?

Diane Graham: Yes.

Chairman Ely: Bill, we will ask you to come back and again on the record make a brief presentation.

Bill Grove: Okay.

Chairman Ely: Presumably with any luck we will be in a position to give you your site plan approval that evening.

Bill Grove: Okay. Just if I could add one more thing. The DEC in their permit application and the way that works, Guy had to publish a notice in the Daily Messenger and then we had to wait a 30 day period for any comments. No comments came in.

Chairman Ely: As you know that is pretty much par for the course but we still have to follow the rules just the same.

Bill Grove: I understand. I just wanted to let you know.

Bessie Tyrrell: There were not a lot of outcries.

Chairman Ely: We are following a similar format here, but in any event we will see you all at our next meeting.

Bill Grove: Do you know the date of that?

Chairman Ely: Diane will know that.

Diane Graham: I will send you an email.

Bill Grove: Promise.

Diane Graham: Yes.

Ralph Endres: Third Wednesday, September 21st.

Diane Graham: If that will help you, I will send you an email with the dates.

Chairman Ely: Okay. Thank you.

Bill Grove: You are welcome.

Bill Grove: Can I address the board on a different subject?

Chairman Ely: Of course you may.

Bill Grove: I think that it is excessive to make poor Diane write all the minutes verbatim for what everybody says instead of summarizing. I know it's a lot of work for her.

Chairman Ely: I know it's a lot of work for Diane. If she wasn't such a good natured person, I would have to think twice. But actually there is a method in this because more than once I personally have had to go back and look at old minutes to see what was discussed. People come in and make claims this was approved and that was approved, he said this and he said that. I have had to go back and look at the old minutes and it has been very helpful to have them verbatim. We had a lawsuit, some of you will remember, a couple of years ago, that did not involve you at all, and it was helpful for our attorney to go back over the verbatim minutes. Certain claims were made that the minutes contradicted. So anyway it was very helpful. I am not trying to make work for Diane I just want her to feel that she is appreciated and has her time fully occupied.

Bill Grove: Oh good.

Bessie Tyrrell: We made positive comments about your work too.

Chairman Ely: We did and if this continues I may have to take those back.

Bill Grove: Right.

Chairman Ely: That way we can save a little space.

Proposal to amend section 170-94 A.(3) to extend site plan review to parcels in R-3 districts adjoining Canandaigua Lake

Chairman Ely: Now let me come back to the last item. This long stalled project to upgrade the requirements and procedures with site plan approval. I think I circulated one copy and then I had to withdraw that once again presuming on Diane's good offices and circulate a second copy because I forgot that Kevin Olvany and I had already made some changes in the first proposal. So what you have before you is the second proposal. I have met with Kevin subsequent to this being circulated. May I call to your attention on the very first page at the very bottom of the very first page Kevin has already put in any R-3 in residential district. Anticipating, of course, that there might be positive action. Now I do not know how much you had an opportunity to look this over because it only got to you fairly recently. Since this was circulated I have had further lengthy conversations with Kevin, who in a very kind but weak moment said that he would be willing to come to a meeting of this board and discuss some of these changes with us. It occurred to me that might be a very useful exercise. He is has been the primary drafter of this. We can all ask him questions and then if we can come to any kind of a consensus I can see how we should proceed. Perhaps we should send it back to Jeff Graff. He has also taken a stab at this I might add. This has been

really worked through the mill by Kevin, Maria, myself and Jeff Graff. There has been a lot of back and forth on this. If you think that would be useful, I would try to ask Kevin to come to our next meeting. I do not think the public hearing on the gravel pit will take us very long. This would give you a little better opportunity to study this too I might say. Come in with your questions and we can pepper him and then we can massage it and take it from there. Does that sound agreeable?

Board Members: Yes.

Old Business

Review of draft proposal to amend town code pertaining to site plan approval

Chairman Ely: I would like to propose that we continue with business and take a look at this draft motion that I have circulated. Allow me to take just a moment to explain the origin of that. You will recall a year or so ago the town board extended site plan review to lakefront residential. I think quite frankly and speaking for myself I think it is value to our review of LR site plans. Most of the people I have talked to down there were very pleased about it. However, it has been brought to my attention rather forcefully by none other than Maria Rudzinski, Kevin Olvany itø say nothing of Phil Sommer, that there is a bit of a gap in our lakefront coverage. That is to say the R-3. There are several segments of R-3 districting which as you can see are lakefront. We do not presently have a site plan review authority over those areas. It was strongly suggested by those three worthies as well as some other people that it is a bit incongruous and we really should extend or seek to extend site plan review to the R-3 districts contiguous to the lake. I want to emphasize that I am not talking about the whole town. That is way beyond I think anything we could handle. Just the lots contiguous to the lakefront. In other words, treat the R-3 lots contiguous to the lakefront in the same manner as we do lakefront residential. That is all this proposes to do. Obviously we cannot amend the town code, so I have simply recommended here that we urge the town board to take appropriate steps, it probably means calling Jeff Graff, to draft language simply to include the R-3 parcels contiguous to the lake within the purview of the site plan review. I think actually it will take only a few lines for Jeff to draft in the town code itself.

So, any questions?

Sam Seymour: I have a question. Just from what I understand how the county operates they have site plan review over all lakefront properties as it is. How does that fit in with this?

Chairman Ely: We send all of our site plan recommendations to county for their review. To my knowledge and I would be pleased to be corrected, county planning has been reactive to our suggestions. They would, of course, continue to have the same authority over these new items if in fact they were ultimately added to us. So county approves everything that we do. I am not aware of the county took any independent action on these.

Sam Seymour: I thought that was part of her presentation to us that they wanted to review every single lakefront parcel.

Chairman Ely: They wanted to.

Sam Seymour: Is it that they want or is it that they are required to?

Chairman Ely: My understanding was that county reviews all of our site plan approval recommendations. Basically our site plan approval recommendations extends to the commercial districts, like the mine, and

lakefront residential. That is essentially what it comes down to. Phil Sommer handles applications where we do not review site plans. So I do not believe we are making any change here in terms of county because they will still review it. Just as we will be sending the application for Guy's mine to county for their review.

Ralph Endres: Aren't there times that we send stuff to the county and then they send it back with recommendations and we can either accept those recommendations or reject them. For the most part we try to put them in when they make a lot of sense. We are going back 18 years and I do not remember ever specifically saying we are not going to do this.

Chairman Ely: We made a slight modification at our last meeting of their recommendation on the Ryan project, but what we did was quite congruent with their larger concern which was to have the approval of septic systems. I think it is great to have county take a second look at things. Moreover, county gives you a little additional ammunition and we have already had a case you recall we had to deal with where county said this application won't go. So we tell the applicant look we are sorry county just turned it down. That's all there is to it. So I am happy to have county look it over.

Ralph Endres: For me I am a layman to a lot of these things. The people in the county are dealing with a lot more than we ever deal with here and to have another set of eyes look at something is not a bad thing. It does not mean we have to agree 100% with what they do. We still have our own autonomy here as a board, but it's just like another check mark.

Chairman Ely: I agree with you.

Steve Cowley: You have home rule too though, right? The county says one thing and if you guys don't agree with it you can't

Chairman Ely: We can overrule.

Steve Cowley: You have home rule.

Chairman Ely: We have home rule. We can overrule them. What Ralph was saying though I think is that we would do that very sparingly. I would consider carefully what county has to say because usually what they have to say is pretty sensible. They do have a different perspective because they do a lot more applications than we do. Ultimately we decide. Just at the last meeting we differed from county marginally on a matter. All we have to do is have a super majority though to overrule.

Bessie Tyrrell: What do we have to do for this? Just to say that's a great idea?

Chairman Ely: You have my motion before you. Any more questions? Okay. Let me move that we adopt this and send it to the town board.

RESOLVED, that the South Bristol Planning Board recommends that the South Bristol Town Board take appropriate steps to amend the Code section 170-94 A.(3) to include any parcels in R-3 districts adjoining Canandaigua Lake requiring site plan review.

Michael Staub seconded the motion. All in favor. Aye: 7; Opposed: 0

Bessie Tyrrell: Will that take a while?

Chairman Ely: Well, it probably will. I don't know. Diane and I will probably send something off fairly quickly to the town. Don't know when they will get to it. I am guessing if they are amenable they would have Jeff Graff look at it and then they must send it to county to review the proposed change in the zoning code. Now since Maria Rudzinski was one of the ones who was pushing me to do it I do not think it's going to be a problem.

Really what I am trying to do is get us in a position for next year. This building season this year is winding down. I want to get us into a strong situation for next building season.

Other

Chairman Ely: I will mention that Phil Sommer has raised one concern and I have discussed this with Kevin. How do we define coverage in the bifurcated parcels? We have a number of lots where we have public or private roads that run right through the middle of the lot. The temptation of many homeowners is to put everything on the lakefront side. That is the very thing we try not to have done. Phil would like us to come up with some wording on that and Kevin has given me several suggestions that we could consider at another time as to how we could achieve that. I think that should be added to the definition on allowable lot coverage so it can eliminate that problem. We have a few not too many. The Town of Gorham has a lot of bifurcated lots and they have dealt with this a good deal.

Okay. Lastly, I wanted to add, let you know to my mind, the very happy news that the town board has now appointed Diane to be our administrative assistant on a permanent basis. She has been filling in. This is a very salutary move because she just loves doing verbatim minutes. In any event, I am very pleased they have made that move and she is going to be with us permanently. So now if you have a lot of questions and concerns about what's going on with our planning board you can call Diane.

Motion to Adjourn

Being no further business, Ralph Endres made a motion to adjourn the meeting and it was seconded by Mike Staub. The motion was unanimously accepted and meeting was adjourned at 7:29 p.m.

Respectfully submitted,

Diane Scholtz Graham
Board Secretary