

# Town of Bristol

## Planning Board

May 6, 2013

**Members Present:** Chairman Nate Harvey, Joann Rogers, Bob Stryker, Bob Drayn and Secretary Sandra Riker

Excused: Bob Raeman

**Others Present:** Steve Smiley, Jeremy Cassidy, Tim & Laura Fox, Aaron Pestle, and Lynn Cronise

**The meeting was opened at 7:00 pm with the Pledge of Allegiance.**

The Chairman mentioned that Bob Raeman while excused from the meeting had provided the Board with an email with comments on the applications on the agenda for the evening. These will be included with each application.

**Aaron Pestle Subdivision/Annexation:** The Board had asked for three criteria to be met at this meeting:

- Documentation of Mr. Pestle's purchase of his Mother's property a/k/a tax map # 123.00-2-2.110
- A Z line on the map presented to indicate the acreage connecting 123.00-2-2.110 and his remaining lands after the subdivision of 123.00-2-2.121.
- The correct spelling of his name on the map presented.

Mr. Pestle presented the Board a copy of the recorded deed transfer from Madeline Pestle to Aaron Pestle on April 17<sup>th</sup>. It was noted that the z line connecting the remaining acreage from 123.00-2-2.121 and 123.00-2-2.110 was present and the spelling of the Pestle's last name has been corrected.

The Chairman opened the public hearing and there were no concerns or input from the public present. The hearing was then closed.

The environmental impact study was completed with a Neg. Declaration as there are no environmental thresholds being disturbed by this application.

The following motion was then made:

***A motion was made by Bob Drayn with a second by Joann Rogers to approve the one lot subdivision of 5 acres with the house from Aaron and Bonnie Pestles' parcel map # 123.00-2-2.121 at 4121 Jones Road with the remaining 2.242 acres being annexed to his recently purchased parcel map # 123.00-2-2.110 at 7425 Route 20A creating a new combined parcel of 9.142 acres in size.***

**Muller/Fox Subdivision and Annexation:** This is a continuation of the April 1<sup>st</sup> meeting. While Bob Raeman has been excused from tonight's meeting he has provided the Board with comments on this application. They are: "even though they are annexing Lot 1B to the property they already own, they are still making provisions to build on it. I.e. existing utility easement being referenced as a proposed utility easement for Lot 1B (this easement was granted to the parcel Fox now owns by the person that owns the land it's across you can't just add additional access to an easement that was granted to you. The same goes for the ingress and egress (easement) not Right of Way as states it is already 6' narrower than code, we discussed access from parent parcel to 1B, this is very frustrating in that we have spent many hours trying to help the Foxes get control of 10 acres that they maintain is only for preserving their view and not for a building lot, so far everything that has been put on paper contradicts what they are saying. Obviously I waive my right to vote by being absent tonight although you may guess how I would vote."

The Board asked Mr. Fox again his intent and he replied not to have a building lot at this time but I do not wish to limit my options in the future.

With regard to the word proposed this does not mean it will happen, and if the parcel 1B is annexed this will not be a problem. It is up to the lawyers of Fox and Muller to look at the easements and determine how best they should be done. The Board asked Mr. Fox to speak with Mrs. Muller about the easement involved and he should be aware that it is not an easement for the 10 acre parcel only.

Regarding the 60' Right of Way: When the lands of Mrs. Muller were subdivided in 2009 the minutes of January 5, 2009 state that the applicant be aware of the regulations regarding private drives and that the right of way be at least sixty six feet in width and that each lot owner on a right way serving two or three lots shall own a fee interest in a part of the right way of a width of at least 22 feet. However, the map presented still showed the Right of Way being 60' in width and that map was accepted by the Planning Board at that time. The map presented tonight shows the Right of Way still being 60' feet in width.

The Board then did the environmental impact assessment and a Negative Declaration was declared due to the lack of any environmental concerns being brought up by this application. It was noted at the last meeting that Mr. Fox presented a signed and notarized statement from Mrs. Muller giving him consent to go ahead with this application for subdivision and annexation of 10 acres from the parcel # 109.00-1-84.110 belonging to Muller to his parcel 109.00-1-22.210.

There was no further discussion amongst the Board.

***A motion was made by Bob Stryker with a second by Bob Drayn that the application for subdivision of 10 acres from the Priscilla Muller property known as tax map # 109.00-1-84.110 with the lands then being annexed to the parcel known as tax map #109.00-1-22.210 belonging to the Foxes be approved by the Planning Board of the Town of Bristol provided the easements involved be examined by the lawyers of Muller and Fox and defined to be acceptable to all owners and the 60' R.O.W. will be accepted as is but noted to be less than the prescribed 66' by zoning.***

**Stephen Smiley Parcel Combination:**

Steve Smiley presented the Board with a map drawn up by Venezia and Associates showing the combination of parcel # 151.00-1-71.112 and 151.00-1-71.111 both owned by the applicant. He said he wished to combine them because there is no need to have two separate parcels. His utilities and barn are on 151.00-1-71.111 and his home and another garage are on 151.00-1-71.112.

The Board then reviewed the requirements for a parcel combination:

1. It is determined that all properties taxes are paid in full.
2. Both parcels are owned by Stephen Smiley.
3. Mr. Smiley has signed off as owners of both properties.
4. Mr. Smiley is aware that his parcels are located in the A-C district of the town of Bristol
5. Both parcels are in the Honeoye Central School District.
6. Both parcels are not in the Ontario County Agricultural District.
7. Both parcels are located in the town of Bristol.
8. The parcels are adjacent to one another and are not split by another parcel.
9. A new meets and bounds documents showing the perimeter of the combined parcels accompanies this application as: Schedule A.

***The Board thanked Mr. Smiley for his very complete and well done application. Joann Rogers then made the following motion with a second by Bob Drayn that the Planning Board of the Town of Bristol shall accept the parcel combination map presented by Stephen Smiley for his parcels 151.00-1-71.112 and 151.00-1-71.111 into one parcel in that the use of a solid z line indicating the combination of parcels is allowed by the Board. The Board voted as follows: Nate Harvey aye, Joann Rogers aye, Bob Stryker aye, and Bob Drayn aye. It is noted that Bob Raeman in his email to the Board regarding tonight's meeting had no problem with this combination.***

Mr. Smiley will bring in the Mylar for his map so the Chairman and Secretary can sign off on them. He will then take them to the Ontario County Clerk for filing within 62 days of this meeting and the parcel combination application will be signed by the Chairman and turned over to the Assessor for processing.

**Minutes:** The minutes of April 1, 2013 were reviewed and approved by a motion from Bob Stryker and a second from Joann Rogers. All Board Members agreed.

**Zoning Changes:** The Secretary was asked to start the process of “rewriting” some of the changes that the Town Board agreed needed to be made:

- The use of the term “similar to” included in the appropriate places to provide flexibility in Special Use Permits that are allowed in a certain zoning district other than one stated in the regulations.
- Timber Harvest letter to neighbors be added to the already existing Timber Harvest permit and an increase of \$10.00 of the permit fee to cover the cost of mailing. The letter itself has already been approved by the Town Board.

Another area that needs work is defining the term “special event” and “special event facility” and including verbiage regarding the requirements of such permits.

**Other Business:** There will be a June 3<sup>rd</sup> meeting of the Planning Board. The Chairman advised the Board he will be out of town on July 1<sup>st</sup> (July meeting date), if a meeting is necessary than one of the other Board members will need to chair the meeting.

The meeting was then adjourned.

Respectfully submitted,

*Sandra Riker*

Town of Bristol

Planning Board Secretary

These minutes were approved at the June 3, 2013 planning board meeting with a motion by Joann Rogers and a second by Bob Drayn. The Board polled as follows Nate Harvey agreed, Bob Stryker agreed, Joann Rogers agreed, Bob Drayn agreed, and Bob Raeman did not vote as he was not present at the May 6<sup>th</sup> meeting.