

Town of Bristol
Planning Board
September 3, 2013

Members Attending: Chairman Nate Harvey, Joann Rogers, Bob Raeman, Bob Stryker, Bob Drayn and Secretary Sandra Riker

Others Attending: Edie Thomas, Seth Thomas, Vanessa Jobe, Rick Bills, Joseph McGee, Eric Thomas, Pete Wojtas, Nick Cohen, Fran Morgante, Mike and Anna Koelsch

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

Minutes: The Minutes from August 5, 2013 were reviewed and 2 minor corrections made. A motion was made by Nate Harvey and seconded by Joann Rogers to approve the minutes as corrected. All Board members agreed.

Thomas Main, LLC minor subdivision:

It is noted that there was a discrepancy between the map and the application. The application was incorrectly filled out with the acreage being 261.88. This was corrected by Thomas to reflect the actual acreage as being 266.88.

The public hearing was opened by the Chairman. Eric Thomas explained to the Board and public that he had purchased the lands known as tax map # 152.00-1-38.00 in 2001 with his own funds. He now wishes to subdivide the property with the intent to eventually have a horse farm operation on the 223.88 acres on the west side of Dugway Road and a home on the 39.75 acres on the east side of the road, the third parcel consisting of 3.258 acres will be a gift to his son. The Board asked if there were any buildings on the land at this time, Thomas replied no.

The Board commented on the acreage of parcel #3 is only 3.258 acres and suggested to Thomas this might not be enough for placement of a septic system if the lands perked too well. The Chairman asked him if he wanted to make any changes to the acreage of the three parcels as shown on the application being presented. Now would be the time to do it as there is a requirement under current zoning regulations that states it would be three (3) years before he could make any additional changes in the acreage if tonight's application is approved. Thomas said he is aware of the regulations regarding a minor subdivision application and does not have a problem with them.

A question was raised by Rick Bills regarding the two smaller lots. He was concerned with where the homes might be placed. Thomas replied there will be a barn built on the larger parcel for future use as a horse farm with a small riding arena. There are already horse trails on the property established for riding. This will be a one man operation and his retirement activity. The homes on the east side of Dugway will be as follows: on the larger parcel it will be

close to the road and on the smaller parcel closer to the gravel pit site. There were no further questions or comments and the public hearing was closed.

The Chairman addressed the Environmental Assessment Review as follows:

- A. Does action exceed the Type 1 threshold? All agreed the answer is No.
- B. Will action receive a coordinated review? All agreed the answer is No.
- C. With regard to adverse effects associated with c1-c7 all agreed the answer is No.
- D. Will a Critical Environmental Area be established? All agreed the answer is No.
- E. Is there a controversy related to potential adverse environmental impacts? All agreed the answer is No.

Having determined there will not be any environmental impacts caused by this application a Negative Declaration was declared.

A motion was made by Bob Raeman to approve the application for a 3 lot subdivision of lands belonging to Thomas Main LLC on Dugway Road in the Town of Bristol based on the facts that the application submitted does not raise any concerns that were not addressed by the public hearing, a Negative Dec. was declared, and the map presented was in compliance with the Minor Subdivision Regulation requirements. This was seconded by Bob Drayn. The Board polled as follows: Nate Harvey aye, Joann Rogers aye, Bob Drayn aye, Bob Stryker aye, and Bob Raeman aye.

Mike Koelsch: 6' wide ATV trail to access the lower portion of his property.

Mike presented 7 photographs showing various aspects of the trail's formation. He also provided a project setup diagram with an approved technical plan that had been reviewed with PJ Emmerick of Ontario City Soil and Water Conservation District and Phil Sommer our Code Enforcement Officer. The trail will be 100' +/- in length and while it is not a requirement for a walking trail it will be a minimum of 10'+/- from the lot line. This will not be a driveway of any sort but will be used by the Koelsch family for walking and possibly small tractor and or ATV to access their property at the bottom of the hill. The silt fence that was originally placed at the time of STOP Work was requested by the CEO was replaced with a properly constructed one per specifications provided by PJ Emmerick.

The Public Hearing was opened. Vanessa Jobe asked how the process would be completed without affecting her Mother's property. Koelsch replied all activity would be no closer than the back of the trees at the bottom of his parcel. Edie Thomas asked why he is building a new trail when he already has an access to the lands on the far side of his parcel. Koelsch said the existing path is cluttered and unsafe and he would like to build a better and safer path for his family's use. A question regarding logging came up, and Pete Wojtas said according to our zoning laws a person may harvest 25 cord of wood a year without a logging permit as long as it is for his own use.

It was reiterated that this will be a 6' wide ATV trail and it could not possibly accommodate an automobile. Edie Thomas is concerned about how her property value will be affected and Koelsch said if anything it should help improve it as the new path will help slow down

erosion of the hillside. It was established that the criteria requested at the 7/1/13 Planning Board meeting had been met. The Public Hearing was closed.

The Board agreed to review the Site Plan criteria listed on the application and requested that Koelsch provide them with this additional information before they could go ahead and completed the Environmental Assessment Review application.

The following points were to be addressed:

- A survey map to scale of the parcel.
- With regard to #7 Site Plan Regulations
 - A cross section showing the cuts & fills necessary to construct the path including 2' contours
 - Grading and drainage plan showing existing and proposed contours,
 - Depth in bedrock,
 - Soil characteristics and watercourses
 - Location and design of all existing and proposed site improvements under #12 of the Site Plan Regulations
 - Location and proposed development of the buffer areas (10' section from property line)including existing vegetative cover
 - General Landscaping plan and planting schedule

Once this information is provided the Board can address SEQR and make a decision on the application. The Public Hearing was held at this month's meeting and will not be repeated at the time of submission of the additional information. The application is incomplete as presented and will be looked at again by the Planning Board when the additional information has been supplied. He will not need to be present at that meeting but is welcome to do so.

Noise Ordinance:

The Board reviewed the feedback from the County Planning Board and agreed with them that as the Ordinance is written it would be very difficult to enforce. This document has a lot of holes in it including the lack of a decibel based frame of reference. The Board asked the Secretary to look into the NYS definition regarding Disturbing the Peace and if there is a state law covering the same. We will hold this over for further discussion.

Article 10 size limitations: regarding the use of accessory structure for home occupation. The Board asked the Secretary to rewrite the definition on page 7 of the Zoning Regulations for Home Occupation as follows:

- ***Any activity carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A home occupation shall be conducted entirely within the principal dwelling unit and/or in a properly permitted, approved and fully enclosed accessory building.***
- The purpose of this rewrite is to remove the 750 square foot limitation of size of use in the accessory structure. The Board does not feel this is a necessary

stipulation for allowing accessory structures to be used to conduct a home occupation that is allowed in the districts of the town.

Temporary Special Event Permit will be discussed at the October meeting. The Board asked the Secretary to research the permits the City of Canandaigua must have in place i.e.: regarding the Water Front Art Festival, Riesling Festival.

Other Business:

Café Sol- The secretary provided the Board with a memo from Greg Trost of the NYS Dept. of Transportation regarding the placement of the rock wall with planting defining the entrance to access to the parcel where the business is located. The Board agreed this will probably be a better idea for drainage of the property.

The secretary said there had been much communication with the Town Attorney after the informational meetings of last month. Bob Raeman suggested that the Attorney bill be written up in such a way that the costs could be charged back to the applicants.

Additional requirements on subdivision and parcel combination maps: The secretary provided the Board with a recommendation made by the Town Attorney that Municipal and District Boundary lines should be included on all subdivision and or parcel combination maps for the Town of Bristol. He also asked that the definitions of both Municipal and District Boundary lines be added to the Zoning Regulation.

A motion was made by Bob Raeman with a second by Joann Rogers to adjourn tonight's meeting.

Respectfully submitted,

Sandra Riker

Town of Bristol

Planning Board Secretary

The minutes of September 3, 2013 were approved with modifications made at the October 7, 2013 meeting with a motion made by Bob Raeman, and seconded by Bob Stryker. The Board was polled as follows: Nate Harvey aye, Bob Raeman aye, Bob Stryker aye, Joann Rogers aye, and Bob Drayn excused.

