

# Town of Bristol

## Planning Board

Minutes of April 1, 2013

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

**Others Present:** Vern Branagan, Maurice Gladding, Lon Chase, Bob DeNome, Tim & Laura Fox, Greg & Kim Ward, Julie Woloson, Eivind Rynning, Marty McMillian, Mike Koelsch, Fran Morgante, Pat Ferguson

Minutes: The minutes of March 4<sup>th</sup> were reviewed and Bob Stryker asked that a correction be made on page 4 under concerns with property at 4503 State Route 64. He asked to have “the water to sheet onto Route 64” changed to “the water sheets toward Route 64.” The minutes were then approved with a motion by Bob Stryker and a second by Bob Raeman. All Board members agreed.

### **Final Site Plan for 4503 State Route 64:**

Julie Woloson advised the Board that they would be removing one parking space eliminating the need to cut into the steep slope area on the south east corner of the property and that no proposed grading will be necessary therefore no proposed contours were provided on the plans for review. The Chairman told the Board that the Special Use Permit and Area Variance had been approved in February by the ZBA. The Board then addressed the letter of March 14, 2013 sent to Steve Richards, Bill Grove, and Julie outlining their areas of concern. After addressing all 16 items the following conditional approval was made by the Planning Board:

***Whereas, the Memorandum of March 26, 2013 from the Ontario County Soil and Water will be addressed on a separate sheet of paper and filed with the final site plan at the time of approval and,***

***Whereas, Item # 10 of the general notes on the final site plan will be approved by the D.O.H. and inspected by the O.C.S.W. dept., and***

***Whereas, Any future buyer of the property will be made aware of the easements mentioned on the Surveyor’s Map of January 17th, 2013 presented by Jeremy Years will be reviewed and satisfied to that buyer’s approval, and***

***Whereas, there will be a silt fence or erosion protection included to protect Route 64 until such time as the shrubs showing on the Site Plan become established and,***

***Whereas, parking spaces will be painted to delineate the space locations and signs would be installed if painting was not easily maintained.***

***Whereas, the Special Use Permit and Area Variance necessary for this project have been approved by the Town of Bristol Zoning Board of Appeals, and  
Whereas, SEQR was declared a Negative Declaration by the Planning Board acting as Lead Agency at the Planning Board meeting in March,  
A motion was made by Bob Raeman with a second by Bob Drayn to approve the Site Plan on the condition that approvals are provided by the Department of Health and the Department of Transportation and the items listed above be provided prior to the Chairman's signing all of which will be filed with the Final Site Plan on record. The Board voted as follows: Bob Raeman aye, Bob Stryker aye, Bob Drayn aye, Joann Rogers aye, and Nate Harvey abstained.***

The Board agreed to give Nate Harvey, Chairman the authority to review and sign the Final Site Plan when the above has been accomplished so the applicants do not have to wait for the next meeting of the Planning Board to review all of this again.

#### **Gladding/Branagan Subdivision/Annexation:**

The secretary advised the Board that a public hearing notice had been posted in the Messenger Post Newspaper one week prior to this meeting and letters of notification were sent to all neighbor within 500' of the subdivision. The Chairman opened the public hearing and none of the people present wished to make any comment regarding the application so the public hearing was then closed.

Mr. Branagan advised the Board they had presented this map two years ago to the Planning Board and were asked to have the surveyor add the appropriate designation for annexing shown on the map. He said it took quite a bit of time before the surveyor could get back to this project but it was finally completed so they are here to finalize the process of Mr. Gladding subdividing 1.782 acres from his parcel 109.12-1-28.100 and selling it to Mr. Branagan who will be annexing it to his parcel 109.12-1-34.100. The Board asked if there were any buildings on the annexed piece and both gentlemen said no.

The Board then reviewed the SEQR process and a Neg. Dec was declared. The following resolution took place:

***Whereas, there is no public opposition to this application and,  
Whereas, there are no buildings on the piece to be transferred and,  
Whereas, the SEQR was declared a Negative Declaration  
A motion was made by Bob Stryker with a second by Bob Drayn to approve the one lot subdivision of 1.782 acres off your lands under parcel #109.12-1-28.100 so they may be annexed to Vern Branagan's parcel # 109.12-1-34.100. Your lands will be reduced by 1.782 acres and Mr. Branagan's will increase from 1.205 acres to 2.987 acres total. All Board members agreed with this action.***

#### **McKee Ward Subdivision/Annexation:**

Greg Ward is here representing the application that was presented to the Board at last month's meeting. The action was tabled so a clearer map could be presented. The map presented tonight is still confusing but the final point is that of the 35 acres owned by McKee on Buckelew

Road it will be subdivided in such a way that the 15 acres on the west side of Buckelew will be sold to Ward and he will be annexing this to his existing 7+/- acres already there. The remaining 20 acres on the east side of Buckelew will remain with McKee.

***The following resolution was passed with a motion by Bob Drayn and a second by Bob Raeman:***

***Whereas, a public hearing was held at the March 4, 2013 meeting and there was no opposition to your application, and***

***Whereas, you have presented a somewhat clearer map showing the subdivision and annexation at this month's meeting and,***

***Whereas, the SEQR was declared a Negative Declaration the Planning Board of the Town of Bristol approves the Subdivision of 15+- acres off of Scott McKee's tax parcel # 123.00-1-27.100 on the west side of Buckelew Road so those lands will be annexed to your parcel #123.00-1-56.110. This will leave Mr. McKee with 20+/- acres on the east side of Buckelew Road. All Board members agreed.***

#### **Pestle Subdivision/Annexation:**

A public hearing notice was published on March 25<sup>th</sup> and neighbor notification letters were sent out ahead of this meeting. The Chairman opened the public hearing and none of the people present had any comment on the application. The public hearing was closed.

Mr. Pestle advised the Board he would be subdividing his parcel # 123.00-2-2.121 to sell his home and 5 acres of land. This sale is to take place on April 22<sup>nd</sup>. The remaining 2.242 acres he will keep so he can combine them with his Mother's parcel # 123.00-2-2.110, that he is purchasing this coming Friday April 5<sup>th</sup>. He has an email from his Mother with regard to this purchase and the secretary has placed it with the application.

The Board advised him that in order to do this correctly he will need to own his Mother's parcel first so he will be able to annex the 2.242 acres to that parcel at the time of subdivision of the remaining lands and home to prevent that small piece from becoming land locked. The Board said they would not approve the subdivision/annexation until this was completed tabling this application until the next meeting of May 6<sup>th</sup>. Mr. Pestle said there is a clause in the sale agreement for his home stating the new owner could move in and rent back the parcel until such time as the closing could be completed, but he is hoping this would not be necessary.

The following action was taken by the Board to advise Mr. Pestle what would need to be included at next month's meeting to complete the application:

- ***Documentation of your purchase of your Mother's parcel # 123.00-2-2.110***
- ***A Z type line through the acreage connecting 123.00-2-2.110 and your remaining lands of 2.242 acres from 123.00-2-2.121***
- ***Correct spelling of your name on the map***

#### **Fox/Muller Subdivision**

A public hearing notice was published on March 25<sup>th</sup> and neighbor notification letters were sent out ahead of this meeting. The Chairman opened the public hearing. Bob DeNome, a neighbor of the property said he has a concern, that being with regard to a R.O.W. and the necessary easements that must be issued in order to make it work correctly. He said he had owned a

similar situation in the town of Naples and it became very complex and it did not end well. He wants to make sure that if there are 4 lots on a private drive now and a fifth would be created with no frontage except on the private drive the applicant should be aware of the possible effects on property values and other issues that can arise. There were no further questions or statements from the public and the hearing was closed.

The Planning Board advised Mr. Fox that they had made it clear to this point they are not in favor of granting another lot on the private drive. They are aware that with the Zoning Regulations at present it is possible for them to allow as many as 5 lots on a private drive but three is considered the recommend number. Mr. Fox said that two professionals had advised him that it was in his best interest to have two separate lots belonging to him on this private drive as opposed to the Planning Board's suggestion they would allow the parcel to be added as an annexation to the lands already owned by Fox on the private drive.

The Board questioned when the fourth lot had been approved for this private drive. The last subdivision of the land was in 2009. The map shows four parcels on the private drive but only three of them actually use it because the fourth lot had road frontage on two roads and does not need access from the private drive. Bob Raeman noted that the easement division of the 60' R.O.W. was not done correctly at the time the R.O.W. was established. First of all the R.O.W. is only 60' wide and should have been 66' and each parcel that has an easement on that R.O.W. should be 22' wide. Fox said Muller was the sole owner of the R.O.W. and he has never had to be involved with its maintenance.

The Board asked Mr. Fox his intent for this new parcel and he replied at this time it would be a buffer to protect his view from any additional action that Mrs. Muller might pursue.

Mr. Fox asked what his option would be if the Board does not approve the subdivision. He was advised it would be to take legal action in the form of Article 78. He said he did not wish to go in that direction.

At this point Mr. Fox chose to withdraw his application for subdivision and will consider adding it to the existing lands owned by him on the private drive. He will be submitting a new application next month for that process and the Board advised they would not require a second application fee.

**Karle Informational regarding Parcel Combination:**

Mr. Karle advised the Board he and his wife would like to add three individual parcels owned by them on Green Road to their main parcel of 128 acres. The new acreage would be 158 acres. He is aware that one parcel is in his name only and that would have to be changed prior to combining all the parcels. All parcels must be in the same name whether it is just his wife's name or both of them together. His question for the Board is what is necessary in order to accomplish this action. The Board told him there would need to be a new survey map showing the new boundaries of the overall parcel and it could then be filed as a parcel combination with the County.

He told the Board he has an Agricultural Exemptions on the large parcel but not on the 3 smaller lots.

Mr. Karle will consider all of this and decide what he would like to do with his lands.

**Proposed Zoning Changes:**

Fran Morgante said she was concerned with the comments made by Russ Kenyon with regard to a size limitation for use of the home occupation in an accessory structure. The research she has done makes her feel the accessory structure should be grandfathered because it is already in place. She asked the Assessor to provide a list of accessory structures in the town of Bristol. The list included buildings dating back into the 1800's (because that was when her barn was built) and it was determined the size of buildings ranged from 16' to 3888' in size.

The Chairman said he did not have an opportunity to work on the recommendations made at the Town Board meeting but did say the Town Board was pleased with the direction that Planning Board was taking regarding some changes to zoning regulations.

**Other Business:** The Secretary provided a copy of the Focus Panel Draft Report to be presented at the Town Board meeting on April 8<sup>th</sup>. He invited the Planning Board to attend the meeting in view of the fact the next phase will be directed to them and the Town Board has already charged them with the task of reviewing not only the possible zoning changes but the task of making sure the zoning is in line with the Comprehensive Plan of the town.

***A motion was made to adjourn the meeting and all Board members agreed.***

Respectfully submitted,

*Sandra Riker*

Town of Bristol

Planning Board Secretary