

Town of Bristol
Planning Board
October 7, 2013

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

Excused: Bob Drayn

Others Present: Lon Chase, Nick Cohen, Scott Needham, Luann Waden, Lynn Cronise, Fran Morgante

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

Minutes: The minutes of September 3, 2013 were approved with modifications made to them. A motion was made by Bob Raeman with a second by Bob Stryker. Board polled as follows: Nate Harvey aye, Joann Rogers aye, Bob Raeman aye, and Bob Stryker aye.

Koelsch Steep Slope Application: The following comments were given to the Secretary by Bob Drayn: “ in reading the definition of a driveway in our current Zoning Regulations he feels that the “atv path falls under this definition and should be at least 10’ from the property line. The distance would need to be verified by the CEO office.”

Definition of a Driveway: A roadway providing a means of access from a street to a property or off-street parking area. An access way may also be deemed a driveway. Said driveway/access shall be a minimum of ten (10) from the property line.

Prior to this meeting in an email from P.J. Emmerick of Ontario County Soil and Water Conservation District was shared with the Code Office and Planning Secretary. The email included two topographical maps showing the Koelsch property one with two (2) foot contours and a second with ten (10) foot contours. He also advised Koelsch that he felt the cross section drawing detail of July 22, 2013 created by Koelsch is an appropriate cross section of the proposed project. There was a reminder that the row of silt fence is properly installed on the downslope portion of the work area to prevent any sediment from leaving the property. (In speaking with our Code Enforcement Officer he cannot remember whether or not he has viewed the correction of the placement of the silt fence.

Because there has been concern raised by a neighbor the Board feels it is necessary to be especially diligent in their review of this application so as not to create a further problem. They would like the following information provided before making a final Environmental Assessment Review:

- A planting and seeding schedule provided. (or state if no plan exists or Nature to provide)
- Time frame for completing the project. (Example: end of November)

- Adequate cuts & fill detail imposed on the contour maps of the Koelsch property provided by OCSWD
- Show the location (of trail) on the contour map as well
- The land staked out where he plans to put the path so the CEO verify the 10' minimum distance is being maintained. So if the neighbor complains our CEO can explain it was checked ahead of time.

The Secretary will provide Mr. Koelsch with this information before the next Planning Board meeting so he may take action on the items requested, and the PB can complete this application.

With regard to Other Business from the September 3rd meeting the Chairman asked the Board to review the comments made by Bob Raeman and Attorney Bill Kenyon.

The Board would like to have any additional charges made by an applicant with regard to attorney and engineering advise be charged back to the applicant and paid prior to any final application approval.

They agree with the Town Attorney Bill Kenyon municipal boundaries should be included on all subdivision and parcel combination maps. The Secretary will list this on the applications and instructions for future use.

Article 12 & 14 regarding Manufactured/Mobile Homes:

Article 12 Section II Non-Conforming Use: Abandonment/Restoration are as follows: A manufactured/mobile home shall be deemed abandoned when there occurs a cessation of any use or activity by an apparent act or failure to act on the part of the owner or tenant to reinstate such use within a period on one (1) year from the date of cessation or discontinuance. Nothing contained in this Local Law shall be construed to prevent the restoration within one (1) year of any building or structure damaged or destroyed by fire or calamity. Property left vacant without calamity shall be immediately transferred to current regulations, i.e. setbacks, etc.

Article 14 Section II Manufactured Home Allowed with Special Use Permit

A. Replacement of existing manufactured/mobile home: Manufactured/mobile homes legally in existence on or before 1972 may be continued and may be replaced provided the replacement complies with Section III, A through the end of Article, except that an existing manufactured/mobile home may be replaced by a manufactured/mobile home of the same size or larger, provided the manufactured/mobile home has not been vacant or abandoned for more than one (1) year. After one (1) year all current specifications under Section III must be met. This regulation applies only to manufactured/mobile homes that are not in a designated Mobile Home Park. See Article (15) Fifteen Regulation of Manufactured/Mobile Home Parks for all regulations regarding housing in a Mobile Home Park.

Section III

J. Property left vacant without calamity shall be immediately subject to current regulations and must meet all setback requirements and conditions.

Ponds: After researching other towns and knowing of incidents of problems from not having any regulation requirements on our books the Board feels it would be appropriate to add a requirement that all ponds should have a setback of not less than 50' (fifty feet) from all boundaries, Right of Ways, and Roads. The Board would like feedback from the Town Board if they want the Planning Board to continue with this requirement. It will be necessary to determine what sort of mechanism could be used to put this in place as well as a recommendation that the applicant contact Ontario County Soil and Water District and or the DEC for input before construction of the pond.

The Chairman will draft a document for the Board to review at next month's meeting.

Temporary Special Event Permit- the Board reviewed the information provided from the City of Canandaigua regarding Temporary Special Event permits. The Chairman will provide a draft for the Town of Bristol zoning for review next month.

Home Occupation-As previously discussed the Board would like to have the size limitation of 750' removed from the definitions and Article 10 of the current Zoning Regulations.

Additional information:

A home occupation shall be carried on by a family member residing on the property and shall include not more than one nonresident person as an employee.

The Chairman will be working on a draft of this definition for next month's meeting.

Private Drives-

The Board agreed they would like to eliminate the phrase found under design standards in both minor and major subdivision regulations that with permission of the Planning Board the number of homes on a private drive could be expanded to up to 5 instead of the permitted 3 residences.

The new requirement under Minor Subdivision Regulation Article IV Section 12 Development Standards for Subdivision, B. (2) will read:

A private drive may serve a maximum of three lots. The length of the private drive may vary, but shall be designed for convenience to traffic, effective police and fire protection, safety, and ease of maintenance. It will require a R.O.W. of a minimum of 66' in width.

This will be the same for Major Subdivision Regulations Article IV Section 18 Design Standards, C Private Drives (2).

Noise Ordinance

The Secretary has received an email from Lael Locke a Community Planner with the New York Planning Federation who advised: "Don't enact a noise ordinance! First of all, there are no state laws and secondly, they are impossible to enforce. We spent nearly a year in my own community putting one together and then decided that we couldn't make it work. The noises are so variable (dogs barking, motorcycles, celebrations, lawnmowers) that each has its own

decibel level. The main problem is that enforcement requires constant vigilance—if a dog is barking at 2:00 am, the enforcement officer has to come out with a device that monitors the noise level, if a car drives by blasting music, the enforcement officer has to be there with the device to catch the offender before he/she drives off into the blue.

You can certainly Google noise ordinances to read a discussion, but I don't know anywhere where they have worked. One man's reasonable noise is another's disturbance."

In view of the many things already before the Board for consideration they have agreed to set this aside at this time.

Inter-municipal meeting-

The next meeting of the inter-muni group will be on October 16th and the Secretary will provide an overview from that meeting.

The meeting was then adjourned with a motion by Bob Raeman with a second by Joann Rogers.

Respectfully submitted,

Sandra Riker

Secretary
Town of Bristol
Planning Board

The October 7, 2013 minutes were approved on November 4, 2013 with a motion by Bob Raeman and a second by Bob Stryker. All Board members agreed.