

Town of Bristol

Planning Board Meeting

Minutes

April 7, 2014

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

Excused: Bob Drayn

Others Present: Pete Wojtas, Laura Fox, and Fran Morgante

Minutes: The March 3rd 2014 minutes were approved with minor changes made to them and then approved by Joann Rogers with a second by Bob Stryker. The Board polled as follows: Nate Harvey aye, Joann Rogers aye, Bob Raeman aye, Bob Stryker aye.

Town Attorney Response regarding Deed Restrictions:

With regard to the Fox/Muller subdivision and annexation of May 2013 the Board had approved the subdivision of lands belonging to Muller being sold to Fox on a private driveway that already had three lots on it based on the fact the new lot created would be annexed to Fox's existing parcel. In December the Real Property Tax Mapping department said they would not annex the new parcel to Fox's existing parcel because the parcels were split by the private drive owned by Muller.

The Board asked last month that the Town Attorney be contacted to advise if a deed restriction could be placed on the Fox parcels to reflect that they could not be sold separately but as one.

His response is as follows:

Mar 25

"If the county refuses to allow one tax id no, just use a deed restriction that would essentially be a new deed for both parcels with separate tax id #s and a statement that neither parcel may be sold independently and that if they are to be conveyed that they must be conveyed together unless further approval from the Planning Board is obtained."

Mrs. Fox asked what would happen if they chose not to have a deed restriction put on their lands. The Board told her they would contact the Town Attorney to see what the Town's course of action would be in that situation. The Board also asked to have Real Property Tax Service contacted to ask why they accepted a map that did not meet the conditions that were put forth by the Planning Board? The Board also feels the County should not charge Foxes if they choose to file the deed restriction as suggested.

The concern by the Board is: if nothing were done would anyone know that this was a fourth lot on a private drive and should not be allowed as a building lot. The lot is of a size that appears that it might be used for a building lot.

The Board will wait for a response from the Town Attorney to share this information with the Foxes.

Proposed Zoning Changes Reviewed by OCPB on March 14, 2014:

The Board reviewed the responses from the OCPB with regard to the changes they are suggesting to the current zoning regulations as follows:

- **Article 10:** Uses permitted in Use Districts- And Article 11: Schedule of Minimum Requirements
To be added:
Any use or business not specifically mentioned in this chapter which, in the consideration of the Zoning Board of appeals, is similar in nature and scale to a use or business permitted within the _____ District listed above.
Comment from Planning Board: 4/7/14 despite the comments from OCPB (see below) the Planning Board feels that this is okay the way it is written.

- **Article Eighteen Special Use Permits** the Board agreed they would like this written as follows: Proposed Change:
Intent. {Amended date by L.L. #. -201x}
Section 1: Because of their unique characteristics, it is recognized that certain uses require special consideration by the Zoning Board of Appeals before a permit is issued for the use of land within the town. The uses that require special permits are listed in Article Ten-Uses Permitted in Use Districts. The Zoning Board of Appeals is also authorized to consider any use not listed in Article Ten to determine its similarity to other permitted uses. All special uses shall conform to the bulk and area restrictions of the Zoning District in which it is located. An approved Special Use Permit would generate an Operating Permit that will be issued by the Code Enforcement Officer at no charge. While the Special Use Permit goes with the land the Operating Permit would not transfer with the sale of the Property and if the new owner wished to continue the use they would need to reapply for that Operating Permit. If the Special Use Permit and the Operating Permit are not used for a period of one year they become null and void.

- **Private Driveway** as follows:
Proposed: Private Driveway. 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 and the R.O.W. will be a minimum of 66' in accordance with zoning regulations.

- **Ponds:** Proposed new criteria: There is nothing in our current zoning about ponds.
Under Article Five-Construction Provisions shall read:
All ponds existing prior to January 201x will be exempt from this regulation until they are altered in any way. All ponds including farm, water conservancy and fire protection ponds will be no closer than fifty (50) feet from its high water mark to any property line or any edge of a road right of way. A site plan must be submitted with the application to the Code Enforcement Office, to protect adjacent properties the Code Enforcement Officer may require site plan review and approval by the Town Planning Board. In order

to qualify as a fire protection pond it must be reviewed and approved by the Bristol Volunteer Fire Department.

- **Home Occupations:** Under Article Three Definitions shall read:
60. Home Occupation. 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. Such uses shall not employ more than one full-time equivalent employee other than the members of the immediate family.
- **Temporary Special Event Permit.** The Board does not feel it is necessary to add this to our zoning regulations at this time. Ontario County Planning was not comfortable with the freedom and "lack of control" afforded under this proposal.

Definitions of Trail, Pathway, Access Way, and Lots will be addressed at the next regular Planning Board meeting.

CEO report for March was shared with the Board by the Secretary.

A motion to adjourn was made by Bob Raeman.

Respectfully submitted,

Sandra Riker

Secretary to Town of Bristol
Planning Board

The Minutes were reviewed by the Planning Board at the May 5th meeting and accepted as amended to reflect the term RPTS to spelled out as Real Property Tax Service and the term easily used be struck from the last paragraph and rewritten as follows: The lot is of a size that appears that it might be used for a building lot. A motion was made by Bob Raeman with a second by Joann Rogers. All Board members present agreed.