

Town Board, Planning Board and ZBA

Present: Town Board: Supervisor Green, Councilmen Dave Parsons, Jeff Bliss, and Al Favro

Planning Board: Chairwoman Patti Giordano, Board members Joann Rogers, Bob Stryker, Bob Drayn, and Bob Raeman

Zoning Board of Appeals: Chairman Marty Snyder, Board members Donna Beretta, Jennifer Sanford, John Krebbeks, and Steve Smiley

Others Present: Sandra Riker, secretary to Planning and ZBA, Linda Phillips from Ontario County Planning, Sharon Lilla of Barton and Loguidice (helping with the Comprehensive Plan Update), Kris Monzel, Liz & Ron Smith (members of the Comprehensive Plan Update Committee, Fran Morgante, Councilman elect Fred Stresing, Councilwoman elect Lauren Bolonda, and others

Supervisor Green will be the facilitator for the meeting.

He opened the meeting by talking about the **Opioid/Heroin Crisis** that is facing the Town of Bristol as well as the County, State and Country. The flyer that he provided contained the following information:

Background:

The Substance Abuse and Mental Health Services Administration (SAMHSA) awarded states grants as part of the State Targeted Response (STR) to the opioid epidemic. One of New York State's initiatives as part of the grant focuses on addressing opioid overdose related fatalities *in* counties showing very high rates of overdose deaths and emergency department visits related to opioid use disorder. This initiative involves training thousands of first responders and other likely witnesses in these counties.

Training Description:

Naloxone has been fundamental in the efforts to decrease rates of fatal overdoses. This training teaches first responders, likely opioid overdose witnesses and community members to understand, recognize, respond to and reverse opioid overdoses using a naloxone rescue kit. Participants will receive a free naloxone rescue kit after completing the training. This training is modeled after the evidence- based SAMHSA Opioid Overdose Prevention Toolkit.

The objectives are:

to increase understanding and awareness of fatal overdoses related to opioids and the impact within the community

to identify risk factors for an overdose to be able to recognize an overdose

to be able to identify the five essential steps for first responders as outlined in the SAMHSA Opioid Overdose Prevention Toolkit in the event of an overdose

to be able to correctly use naloxone to save lives

Who Should Attend:

This interactive training is tailored for first responders or other likely witnesses to an opioid overdose.

Why Attend:

to become part of the solution to solving the opioid issue in the community

to learn how to save a life during an overdose situation

to receive education on crucial information related to opioids and the surrounding community

Supervisor Green went on to say in his thirty years of law enforcement he has never seen a pandemic of this size. It affects not only our young people but those of all ages. Just recently there was a major drug arrest in our Levi Corser Park and over the past weekend he has attended funerals of two victims. This problem not

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only targets the users but the family and friends that are the survivors. He concluded by saying our community needs to be aware of this problem and help find a solution for it.

Help expand Home Based Business in our town

Councilman Tom Stevens provided us with his comments as he is unable to attend this evening. His comments are: "So much to think about. My first impression is that there are many possibilities of "home business" and zoning for some will not cover all types. One business may be able to operate in 50% of a structure while another one needs 75-100% of a structure so limiting size either by square footage or a percentage of the structure will not work for all possible home business.

Suggestion: The accessory structure shall not exceed the size of the primary dwelling.

Add an expanded list of accepted uses instead of "or similar too" as that is giving legislative power to the ZBA and Planning Boards

Add Special Event Facility definition as in Nate's February 11, 2013. (are attached at end of notes)

The regulation of alcohol is difficult as banning it could prevent an event from happening. A simple toast to the bride and groom would not be allowed. But an all-out alcohol party would also not be desired. Not sure how this could be done.

Thoughts about Maria's comments May 7 2013(are attached at the end of the notes)

If a Special Event Facility is not allowed for a home occupation then where could it be? Why would allowing a Special Event Facility be placing a second use for the property and why would that be bad? A home occupation is dependent on skill and a special event facility requires no talent, anyone can do it. This is insulting and why does that matter at all? Temporary use permit is a good idea but not for those who need to upgrade and invest before they can do the allowed business. That investment could not be recouped in just a year or two and if the permit is not allowed to continue it is a big chance a person has to take to be able to recoup their investment.

Whatever zoning code is proposed it should be clear and easy to understand so not only the public but also those involved in making decisions are able to understand the code."

Peace

Tom

Bob Raeman said he agreed with most of Tom's comments.

Comments from Ron Smith of the Comprehensive Plan update group:

To the Bristol Town Board, Planning Board and Zoning Board members,

"Home-based businesses are no longer just started in the garage or the kitchen. They may also be started by several people in the dining room with laptop computers, pads or tablets, and cell phones the main tools present around the table. The partners all work from home, communicating with email and text messages. The 'back office' is a web site like Basecamp (<https://basecamp.com>) where they have a common calendar, store documents, track action items and organize their thoughts. The 'front office' is a Facebook page and as the business grows a web site. The

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customer is anyone who needs the good or service and speaks English, even if they live in Europe, Canada or Australia, for these start-up companies, good broadband Internet access and good cell phone access is critical.

StartBox Online Scoring, LLC was started like this in the fall of 2007 in the Town of Bristol because one of the partners lived there. It grew out of work we had done at the Stuart Horse Trials in Victor. In 2008, the software we created was used to score 14 horse shows in the US. In 2017, our system was used by 375 shows in the US, Canada and South Africa.

Does the Town of Bristol want to encourage 21st century startups like StartBox?

People in those startups can live anywhere. They may choose to live in Bristol because they want to live in the country, in a quiet setting, a clean environment with beautiful views and great recreational opportunities. They may board their horse nearby, sail on the lake, ski at Bristol Mountain, ride their bike on the quiet roads or walk through the woods. They can look at the night sky and really see stars. Yes, they can visit the city when they want or need to, but at the end of the day, always come home to the Bristol Hills. All they need is good broadband Internet access and good cell phone access.

Is the town willing to work to help provide these needed services and make Bristol more of a vibrant and growing community, one that will attract other small businesses and services to our Town?"

Sincerely,

Ron Smith, Partner
StartBox Online Scoring, LLC

Supervisor Green commented we would all like improved internet service and possibly Broadband throughout the town but it all comes back to the lack of density of our housing and finding a partner who would be willing to provide the service to the town. Governor Cuomo has handed out large sums of money to providers such as Frontier, Spectrum and Empire to provide rural communities with quality internet service. Unfortunately he mandated that the providers could not charge their customers more than \$60.00 per month for this service. With the lack of density of housing in our town it would cost any provider a great deal more than that to provide service.

Sharon Lilla said the expansion of Broadband without government subsidies is almost impossible. She mentioned the Town of Savanah New York that recently was provided Broadband and said she would look into this for our information.

Bob Raeman mentioned that Spectrum last summer was canvassing the town regarding internet connection. Sandra Riker said a gentleman from Logan Road had been in to the Code Office stating the same information. To date Spectrum has not approached the Town with any proposals.

Supervisor Green said that he and Carla Jordan from County Planning had a meeting with Empire Access several months ago and again the density issue caused a problem. He has heard that they are now doing something different and are looking to expand. We will reach out to Carla Jordan for input on this issue.

Comments from Kris Monzel of the Comprehensive Plan Update group:

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“If we take all the Bristol residents who make their living as self-employed, via a micro-business, or another home-based business – as well as individuals employed by these entrepreneurs – I believe they would together represent our **largest employer**.

Furthermore, **30% of new “jobs”** in upstate New York are individuals in this category, according to the Greater Rochester Chamber of Commerce (2017).

Therefore, I believe that the Town of Bristol must not only support home-based businesses, but actively promote them – most notably those that support the developing Comprehensive Plan’s interest in tourism, agri-tourism, and outdoor recreation (which also supports tourism, as well as our quality of life, and community character.)

I know that there have been some concerns that this type of business does not contribute to the local tax base. As the Town makes policies about home-based businesses, I would encourage decision-makers to keep in mind the following.

- While our **largest employer** of home-based businesses does not contribute directly to the Town Budget, the income derived from home-based businesses are vitally important to the quality of life of many Bristol residents, and must be encouraged rather than discouraged by the Town.
- Universal high-speed **broadband** is critical for many home-based businesses and must become a pressing Town Priority.
- **The Town must itself develop an entrepreneurial mindset for generating Town revenues.”**

Comments from Liz Smith also from Comprehensive Plan update group:

“How would Airbnbs or similar vacation rentals be regulated (or not) by any proposed home-based business laws in Bristol? Having stayed in numerous Airbnbs both in this country and abroad (Canada, Mexico, Scotland, England, Ireland), I have found them to be a very valuable way to travel and realize that there is a variety of regulations that cover their operations, from no regulations to more stringent. Just wondering what the thinking is on this topic.”

Supervisor Green responded the entire county is looking at “Airbnbs and find them to be a challenge with concerns in collecting “room taxes”, and having some restrictions in place to be able to manage them for health, safety, and not creating a nuisance for neighbors. The big issue is safety.

Problems facing the expansion of home based business:

Chairman Snyder from the ZBA said the ZBA had three Use Variances in front of them this year with regard to home based businesses and unfortunately all three could not meet the criteria for a Use Variance so they were denied. All three had a common thread in the size of the accessory structure they wanted to use to conduct their businesses.

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The current definition of a home based business in the current zoning regulations reads:

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. The accessory structure may not exceed 750 square feet and must be of similar construction, architecture, and materials to the main dwelling unit.

All three accessory structures exceeded the 750 square foot requirement and as written does not allow for a portion of the building being only 750 square feet in size to be used. After looking at other towns regulations it is suggested we would increase the size of the building perhaps to as much as 1250 square feet and write it in such a way that it would not be the size of the structure but the amount of space inside that could be used. How do you verify that this condition is being followed correctly? This could be accomplished through inspection by the Code Officer and insurance obligations being met by the applicant.

Bob Raeman suggested that any Board member email their thoughts to Sandra so she could compile them and provide the Planning Board with a starting point to rewrite this section of the definition.

Kris Monzel asked if the Boards had ever thought about adding a definition for small retail business to be allowed in some districts of the town. Specifically she was mentioning "tea rooms", antiques sales, and other wares in homes along the Route 64 Corridor. There have been some tried in the past but do not seem to survive, however it is worth looking at again with regard to zoning regulations.

Chairman Snyder said another issue had come up through Area Variances with regard to the allowed building height of a single family residence in the current town regulations. After some research he found that most of the towns around us allow up to 35' in height. Dave Parsons said he thought the Town Board had already agreed that needs to change. The ZBA Board will work on upgrading that in the regulations as well as how the height of the building is determined and submit them to the Planning Board for inclusion with their work.

Temporary Use Permits and Special Use Permits:

In 2012 a resident of the Town came to the Town Board, Planning and ZBA Boards requesting an avenue to operate a seasonal event business in the existing barn on her property. At the time we had nothing to be able to accomplish her request. The Planning Board in 2012-2013 worked on a "Temporary Special Event Permit". They presented it in 2014 to the Ontario County Planning Board who said they were not comfortable with the freedom and lack of control afforded under this proposal. The Town Board did not feel it was necessary to continue with this regulation at that time. See comments from Nate Harvey, Planning Chair at that time and Maria Rudzinski of the Ontario County Planning Department at the end of these notes.

In conclusion the Supervisor asked the Planning Board to do the following:

- Revise home occupation and deal with the size of the building and/or space allowed for home business use
- Rework of the Temporary Special Event Permit
- Review the list of allowed uses in the districts
- Review the list of uses allowed by a special use permit and include more uses
- Consider small retail, how to define it and where it can fit in our zoning

The ZBA Board will address:

- Height of a single family residence

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- Address the definition of how the building height is determined.
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Supervisor Green thanked everyone for coming and participating in this meeting.

Respectfully submitted,

Sandra Riker
Town of Bristol
Planning and ZBA Secretary

At the January 3, 2018 meeting of the Planning Board the minutes above were approved with a motion by Patti Giordano with a second by Joann Rogers. All Board members present agreed.

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Thoughts to Encourage and Stimulate Home Occupations
by Nate Harvey 2013

The planning board has been asked to investigate changes to our local laws that encourage home occupations. This was done in response to a resident who wants to use their barn to host private events like weddings, banquets, parties, meetings and similar celebrations. Local laws do not identify this use as acceptable in that zoning district, and the structure is too large as an accessory structure.

Our planning board charge is to assist all residents not fix a specific local problem, for a specific resident. With that in mind I'd like us to consider the following changes.

- 1) Remove the size limitation for an accessory structure. Currently, Bristol Town Law limits the accessory structure to 750 sq. ft. I checked Lancaster, South Bristol and Victor local laws and none of those towns have a size limit on accessory buildings. They do have setbacks and other criteria which must be met. When thinking about a current situation though, we would be considering an existing accessory structure. A building already on the tax rolls and built to local codes. If it were a new structure it would also be built to current codes so that should not be a factor. So if we're discussing a building that meets all codes, why should it matter how large or small it is?
- 2) Add Definition of a Banquet Hall to our local law. I do like the definition from the Town of Yorktown, NY. which states: (An establishment which is rented by individuals or groups to accommodate private functions, including but not limited to, banquets, weddings, meetings and other similar celebrations or events. Such use may or may not include kitchen facilities for the preparation or catering of food.)
- 3) Add this Definition to our A-C, L-R and M-R districts as an acceptable use. Also, we should include the words "or similar to" to all our lists of acceptable uses to assist the ZBA in determining acceptable uses for permit applications. In the past some applications have been denied because a specific use was not clearly listed.

The above changes would enhance and simplify the pursuit of "Home Occupations" and "Special Uses" for all residents, which is a goal of our Comprehensive Plan and Town Board. This action would allow any resident with the desire and a suitable accessory structure the opportunity to pursue the opportunity to gain benefit from their own assets. Of course all local laws must be respected and adhered to.

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Thoughts from Maria Rudzinski at County Planning regarding temporary use permits and special use permits:

May 7, 2013

With regard to finding a way for barns to be used for special events and how to include it as a home occupation Maria suggested it would be very difficult to look at a special event facility as one that could be included under home occupations.

- If the primary use is residential than allowing the accessory building to be used as a special event facility would be placing a second permitted use on the parcel.
- A home occupation is dependent on the skill of a resident to perform it where a special event facility does not require such a talent, anyone could do it.
- Temporary Special Use permit could be added to our zoning and then establish the criteria and thresholds for such permits.
- It would require defining Temporary i.e. does this mean it is a seasonal use or establish a time limit it could be used in.
- Further expand on hours of operation, number of times during the time limit it could be used, all regulations of the town would need to be followed, guidelines regarding insurance, permits, such as alcohol usage should be spelled out
- Parking, noise thresholds, traffic concerns, sanitary facilities addressed, etc.
- At the end of the prescribed time limit the temporary permit would need to be reviewed to determine if it could be reissued for another season of use.