

# **Town of Bristol**

Planning Board

March 7, 2016

Draft Minutes

**Members Present:** Patti Giordano, Joann Rogers, Bob Raeman, Bob Drayn, Bob Stryker, and Sandra Riker, secretary

**Others Present:** Fran Morgante, Don Rayburn, Mark Bell, Cindy Duerning, Amy Force, Maryann & Keith Maynard, Wendy Meagher, Justin Kellogg, Pat & Rocco Venezia

**Minutes:** The minutes of February 1, 2016 were reviewed and accepted as written with a motion by Bob Drayn and a second by Joann Rogers. All Board members agreed.

## **Richman Site Plan:**

Justin Kellogg is presenting the site plan application for the Richman family. He advised the Board that the Code Enforcement Officer suggested he come before the Planning Board with the site plan because of the steep slopes on the property. The house will be set back 1,000 feet from the road and they will be digging out part of the slope to place the house in the wooded area to the back of the parcel. He has met with the Code Officer, P. J. Emmerick of OCSWCD for their input regarding the necessary steps to prevent erosion and minimal land disturbance of the parcel.

P. J. Emmerick advised him to contact the D.E.C. if a SWPPP or at the very least a general permit would be needed because the area of disturbance is greater than one acre when the area for the house is combined with the land being disturbed for the driveway.

This project has also been presented to the OCPB because the parcel is less than 500' from County Road 32. Their recommendations were as follows:

- Collectively individual residential developments have significant impacts on surface and ground water.
- Proper design of on-site sewage disposal is needed to protect ground and surface waters.
- Proper storm water and erosion control is also needed to achieve that same end.
- Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO) and NYSDEC.
- These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
- The local Board is encouraged to grant the minimum variances necessary.
- The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.

- The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

Final Recommendation-The CPB will make no formal recommendation to deny or approve.

Comments from P. J. Emmerick of Ontario County Soil and Water Conservation District were sent to Meagher Engineering and addressed by them on February 13, 2016. A copy is attached at the end of the minutes.

Comments from NYS DEC division of water, Region 8 from Benjamin Groth, Environmental Engineer 1 were sent to Meagher Engineering on February 18, 2016 and are attached at the end of the minutes.

Highway approval for driveway placement was provided by Town Highway Superintendent Ron Wilson and it states that the culvert at the road was previously put in place. This document needs to be updated with the date of placement and other information. The Secretary will get this document to him prior to the next PB meeting. The driveway is over 1,000' in length. It will have a second culvert pipe put in place, along with two 20'x50' emergency pull off areas. Utilities will be put underground.

Kellogg advised the Board the drawings show minimized grading and they will be building in the woods with a small amount of tree removal also keeping the tall pines intact.

The Board inquired as to the scale and Kellogg replied 1" equals 20'. It is noted that the proposed well is 100' from the leach field.

The Board indicated they would like to see something showing:

- the exact location of the home on the property
- the type of lighting proposed for the outside of the home for it to be dark sky compliant
- projection of the construction schedule-to ensure the erosion controls are put in place prior to any construction on the parcel
- result of an area variance for the height of the building to exceed the 30' limit for a single family home request prior to any decision for site plan

It is noted that there is an area variance request involving the height of the home, this will be presented on March 8, 2016 to the ZBA Board. The height requirement for a single family home is a maximum of 30' and the Richmans are asking to have a variance to allow the height of 35'4" for the home.

***A motion was made by Bob Raeman with a second by Patti Giordano to table the site plan application to the next PB meeting. All Board members agreed.***

**Amended April 4, 2016-The Planning Board expressed a concern there was not a steep slope application for them to review regarding this project. They have asked for the CEO to reach**

out to Meagher Engineering and have them provide a completed Soil and Erosion application and follow the guidelines of Article 13 of the Zoning Regulations to provide them with hydro calculations before and after the disturbance of the soils at the project site. They also asked to have Benjamin Groth from the DEC clarify his letter of February 18<sup>th</sup> to advise the Board if a SWPPP is needed and share that information with the applicant as well.

April 5, 2016 the CEO and PB Secretary discussed the information requested by the PB last evening and agreed to reach out to Groth for clarification of his letter to the applicant regarding a SWPPP and when Groth was contacted he told them a SWPPP is necessary but it does not need to include post construction information, written confirmation of this conversation will be forth coming.

An email with a Soil and Erosion application along with Article 13 was sent to Meagher Engineering, with a cc to the applicant as well. The CEO advised the Secretary that in his meeting of March 24<sup>th</sup> with the applicant and Justin Kellogg of Meagher Engineering he told them the hydro calculations would be required by the Planning Board.

Rayburn/Simmons Lot Line Adjustment and parcel combination for Simmons:

Don Rayburn advised the Board that the parcel combination being done by Christopher Simmons will have an additional 8.4 acres added to create road frontage for the lands being purchased from Rayburn that will be annexed to the larger parcel owned by Simmons. The map presented by Rayburn shows the details very clearly. The Board agreed the changed could be noted in pen & ink on the Environmental assessment form for the application.

The public hearing was opened and with no questions or comments from the public it was closed by the Chairman.

***The Board reviewed the SEQRA statement and having answered all questions to part two as having no or small impact by this application, a motion was made by Bob Stryker and a second by Bob Raeman to declare a Negative Declaration. All Board members agreed.***

***A motion was made by Bob Raeman with a second by Bob Drayn for the Planning Board to accept the amended application presented by Rayburn on behalf of himself and Christopher Simmons. The application states that 50.979 acres from the Rayburn parcel # 151.00-1-41.110 located at 5343 South Hill Road be adjusted to annex the Christopher Simmons parcel #152.00-1-64.100 resulting in an increase in size from the original 116.291 acres to include the 50.979 acres resulting in a new acreage total of 167 acres for the Simmons parcel. Simmons will then combine his parcel #151.00-1-38.222 (8.4 acres) with the new acreage of 152.00-1-64.100 to create a total of 175.67 acres in one parcel belonging to Simmons. The Rayburn parcel #151.00-1-41.110 will now be 50 acres in total. All Board members agreed.***

**Toneison Estate/Bell lot line adjustment and Bell parcel combination:**

Rocco Venezia, surveyor representing Cindy Duerning the executor for the Merton Toneison Estate located on Tilton Road (parcel # 109.00-1-40.111) with road frontage on State Route 20A, Tilton Road, and County Road 2 in the Town of Bristol. This parcel has a total of 59 acres. The application presented shows that there will be 3 acres reduced from the 59 acres and annexed to Mark & Jacqueline Bell parcels #109.00-1-40.120 and 109.00-1-40.112 resulting in

acreage for the new parcel belonging to Mark & Jacqueline Bell to be 7.179 acres. The Toneison estate will now be 56 acres.

The public hearing was opened and with no questions or comments from the public was closed.

***SEQRA was reviewed and a motion made by Bob Raeman with a second by Bob Stryker to declare a Negative Declaration for the short form Environmental Review. All Board members agreed.***

***A motion was made by Bob Drayn with a second by Bob Raeman to accept the lot line adjustment of 3 acres from the Toneison Estate to Mark & Jacqueline Bell parcels adjacent to the Toneison parcel. The newly acquired lands for Bell will be combined with other adjacent lands belonging to Bell to form one parcel for them being 7.179 acres. The Toneison parcel will now be 56 acres. All Board members agreed.***

#### **Crown Castle Site Plan review:**

The Board after reviewing the February 19, 2016 update of the Crown Castle/Verizon Buckelew Road Tower application came up with the following questions that they feel will need to be addressed by the applicant at tomorrow night's joint meeting of the ZBA and Planning Board. They are as follows:

- What is the construction materials of the equipment shed?
- Will it have any outside lighting on the building? if there is it should be dark sky compliant. The Board would like to see the type of lighting to be used.
- What is the foundation depth for the footers that will support the tower?
- The Board feels there is a discrepancy in the coordinates for the tower and would like this addressed and corrected if necessary.
- A stipulation should be included in the site plan resolution to ensure that a letter of credit regarding the dismantling of the tower as well as a bond to protect the town with regard to soil and erosion concerns will be in place before any building permits are issued.

#### **Other Business:**

**Lot line adjustment application-** the revised version of 2/22/16 was reviewed and the following comments made for changes to the document:

- The application should provide for signature of both parties involved in the lot line adjustment.
- A statement saying the map stating the total acreage of both parcels. Both parcels should have a starting point of their total acreage and show the lot line adjustment figured being subtracted or added and the final acreage of each

parcel. The starting acreage can be taken from the tax maps provided by Real Property Tax Dept. of the County.

**Parcel Combination Application-**

Under requirements a statement has been added which says:

**A single tax parcel may be split by a town, county, or state road but not by a private drive owned by another individual.**

This will be added to the current parcel combination request. The need for this statement comes after a question was raised as to the final outcome of a decision by the Planning Board to rescind an approval for subdivision due to Real Property Tax Mapping refused to honor the conditions established for the approval based on a combination of parcels to create one lot and not two owned by an individual on a private drive where there were already three lots located.

A suggestion to prevent this problem in the future is to require a subdivision map to show any conditions requested by the Board are placed on the subdivision map prior to the signing of the map by the Planning Board Chairman.

A motion to adjourn the meeting was made by Bob Drayn with a second by Bob Stryker.

Respectfully submitted,

*Sandra Riker*

Secretary to Town of Bristol  
Planning Board

A motion was made by Bob Raeman with a second by Joanne Rogers to accept the minutes with revisions. The minutes of March 7, 2016 were approved with the additional information that is underlined and dated April 4<sup>th</sup> and 5<sup>th</sup> at the end of the Richman Site Plan portion of this meeting.

## Comments from P. J. Emmerick and reply by Meagher Engineering



PO Box 76, Victor, NY 14564  
PH (585)924-7430 FAX (585)924-7457

February 15, 2016

Mr. Phillip Sommer  
Town of Bristol  
6740 County Road 32  
Canandaigua, NY

RE: Richman New House Construction, Evert Road  
Ontario County Department of Soil and Water  
Comments dated February 12, 2016

Dear Mr. Sommer,

We have received the following comments from you in collaboration with P.J. Emerick from the Ontario County Department of Soil and Water and have addressed them as follows:

1. Silt fence should be added to the down slope side of the new driveway.  
***Silt fence added to plan view on C-2***
2. #10 under Culvert Construction Notes not noted what the cover will be. Culvert cover should be at least one foot in depth over culvert.  
***Note #10 revised***
3. On plans, new culvert has noted light stone fill to be used at inlet and outlet. Larger stone on fabric should be used.  
***"Light Stone Fill" refers to NYS DOT Item #620.03, typically used for rip rap. NYS DOT Item # added for clarity.***
4. Noticed nothing on plans for how to keep driveway from washing. Suggestion was installing water bars at various intervals.  
***Crown added to driveway section. We prefer a crowned profile to water bars for maintenance purposes. Swale proposed uphill from driveway to assist in washing protection.***

5. Show on map how much of tree line is proposed to be removed.  
***Minimal tree removal shown on plan view***
6. Erosion Control Notes #6 show where straw bales are to be used. P.J. comment straw bales should be used for mulching only.  
***Note #6 revised***
7. Also under Erosion Control Notes #8 disturbed area should be seeded within 14 days of inactivity.  
***Note #8 revised***
8. Should be noted on plans of keeping Evert Road free of mud and debris throughout the project.  
***Note added to General Notes***
9. Show on erosion plan where the 1 to 3 slopes are and placement of jute mesh.  
***Topography is limited; contractor will follow typical driveway section.***
10. Show topsoil stockpile location and how it is going to be maintained.  
***Topsoil stockpile shown on plan view with silt fence.***
11. P.J. also stated you should contact DEC again for an earth disturbance permit or any other you may need. Disturbance of overall driveway, septic and home construction is over an acre. If they state that one is not needed, get something with their letterhead stating it.  
***DEC contacted again to discuss earth disturbance permit. General permit covers earth disturbance, no other permit is necessary. Statement from DEC on official letterhead included.***

This should conclude our project for a favorable review. Please contact our office for any questions or need further information.

Sincerely,  
MEAGHER ENGINEERING, PLLC



Justin Kellogg  
Project Engineer

Encl.

**New York State Department of Environmental Conservation**  
**Division of Water, Region 8**  
6274 East Avon-Lima Rd. Avon, NY 14414  
**Phone:** (585)226-2466  
**Website:** [www.dec.ny.gov](http://www.dec.ny.gov)



February 18, 2016

Justin Kellogg  
Meagher Engineering  
P.O. Box 76  
Victor, NY 14564

Re: Single Family Home Construction – Construction Stormwater Permitting  
Evert Road  
Bristol (T) County: Ontario

Dear Mr. Kellogg:

From the preliminary site plans that you provided to the Department on February 2, 2016, it appears that coverage under the Construction Stormwater General Permit is necessary as there is greater than one acre of construction activity proposed. Construction activity includes any clearing, grading, excavation, filling, demolition or stockpiling activities that result in soil disturbance.

As coverage under the General Permit is necessary, it is required that a Stormwater Pollution Prevention Plan (SWPPP) is developed that meets the applicable sections of Part III of the Construction Stormwater General Permit. As per Appendix B of the General Permit, a single family home that involves soil disturbances between one (1) and five (5) acres of soil that is not located in one of the watersheds listed in Appendix C and is not directly discharging to one of the 303(d) segments listed in Appendix E requires the preparation of a SWPPP that only includes erosion and sediment controls.

Also, for the construction of a single family home that involves soil disturbances of one (1) to five (5) acres of land that is not located in one of the watersheds listed in Appendix C and is not directly discharging to one of the 303(d) segments listed in Appendix E, it is not necessary for a qualified inspector to conduct site inspections of construction activities during construction.

For any questions on this letter or on the requirements of our General Permits, please feel free to call or email at (585)226-5427 or [benjamin.groth@dec.ny.gov](mailto:benjamin.groth@dec.ny.gov)

Sincerely,



Benjamin Groth  
Environmental Engineer I

Ecc: Phil Sommer – Town of Bristol