

Town of Bristol
Planning Board
December 6, 2021

Members Present: Karen Ellmore, Joann Rogers, Patti Giordano, and Secretary Sandra Riker

Excused:: Justin Steinbach

Bob Stryker via Zoom

Others Present: Peter Sarkis, Phillip Heberle

Via Zoom: A. J. Magnan

Minutes: The minutes of October 13, 2021, were accepted with a motion by Joann Rogers and a second by Patti Giordano. Vote as follows: Ellmore aye, Rogers aye, Giordano aye, and Stryker abstained as he was not present for that meeting.

Site Plan: Phillip Heberle owns the land at 4551 State Rt 64 a/k/a 138.00-1-11.220 and would like to build a 3-bedroom home with garage on the parcel.

Code Officer Jensen made the following determination when the applicant brought in his site plan for the new home: DETERMINATION REFERENCE:

- Application for Site Plan Review, dated 10/20/2021. Received for review by Town on 10/27/2021.
- Plans titled, "New Residence Site Plan" by Marks Engineering, dated 10/20/2021, no revisions noted, received by the town on 10/27/2021.

PROJECT DESCRIPTION:

- Applicant proposes to construct a new single-family residence on a vacant lot.

DETERMINATION:

- Single-Family Dwellings are a principally permitted use within the A-C zoning district.
- Existing structure on property was permitted and constructed as an uninhabitable unconditioned accessory structure. Existing structure is not habitable. Outhouse, deck, and utilities were installed without permits and structure is currently in violation of Town and NYS Uniform Code.
- Majority of the parcel contains steep slopes.
- Application is lacking materials, and details as required by Steep Slope Regulations.

REFERRAL TO TOWN ENGINEERING FOR:

- Per §350-57 & §350-58, applicant shall prepare an Erosion and Stormwater Control Plan and Town Planning Boards shall refer plans to outside engineering for review of compliance with Town Code.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- This application is not required to be reviewed by the Ontario County Planning Board.
Exemption – development of a single-family dwelling.

REFERRAL TO PLANNING BOARD FOR:

- Site Plan approval is required for development within areas of steep slopes.

CODE SECTIONS: Chapter §140; §292; §350

DATE: November 2, 2021, BY: Chris Jensen

Peter Sarkis representing Marks Engineering advised the Board:

At present there is a small cabin, with an outhouse this will be corrected by:

- Regrading the driveway
- Constructing a new 3-bedroom home with garage
- Placing a retaining wall to back of driveway and garage
- Utilities will be underground
- New wastewater system will be installed
- Check dams will be in place along with erosion fabric
- Special grass mixture for steep slopes will be used
- Rip leaders used to control the drainage off the property and directed to the roadside ditch owned by State

Comments from the Town Engineers MRB have been provided as well as Marks Engineering response to them. The Board sent the following comments to Marks Engineering and MRB for their input, this will be continuing to an additional meeting. Their requests are as follows:

1. Driveway has no outlet & drainage of property is a safety issue if not addressed-please contact the State D.O.T. for their input (see photos on last page taken by Planning Board member prior to Dec. 6 meeting.)
2. Detail your responses to # 18 of MRB comments: Permanent water bars should be considered along the proposed driveway. Temporary water bars may be required until slopes are permanently stabilized.

3. Response to # 19-Due to the excessive slope lengths upslope of the project site, additional erosion and sediment controls should be considered upslope of the project site area to not exceed silt fence slope length ratings.
4. Response to # 20-The method for determining peak runoff rate and total runoff volume should be either TR-20 or TR-55.
5. Response to # 15- The riprap lined swale should terminate with a level spreader, flow diffuser, or other suitable method to provide sheet flow. -Does refer to the 15" culvert?
6. Regarding request by Board to refer to ZBA for area variance-according to our Code Officer Chris Jensen this is not necessary because the parcel is a preexisting non-conforming tax parcel, so if all setback requirements are met.
7. On the Soil Erosion & Sediment Control document the calculation for # 4 is listed as 18,949 sq. ft. and should be changed to reflect the revised figure of 19,605 sq. ft. as noted on revised drainage calculations.

Chairwoman Ellmore opened the public hearing and asked if there were any comments from the public present or on Zoom and none replied. The public hearing will remain open into the next meeting attended by the applicant and his engineers. SEQRA will be addressed at that meeting.

Short Term Rental Draft from Ordinance Committee:

That group is asking for comment from the Planning Board as well as the ZBA before sending it on to the Town Board and Town Attorney.

Comments from the Planning Board as follows:

- A separate definition be added to identify Rental Platform which would be like VBRO and Air B & B.
- Clarification of the definition of Use With Criteria-confusing as written
- In C. of Use With Criteria-presently written to include all zoning districts unless otherwise restricted-spell out which zones are okay with this as an allowed use or by special use permit.
- C. (3) Could be clearer
- G. refers to Violations if not with a permit, should penalties be included and meaningful.
- What will be the fees be for a permit?

The Group present (Bob Stryker had left the meeting) commends the Ordinance Committee for starting this addition to our Zoning Regulations, what is completed is reasonable and makes sense. As with any Ordinance we can adjust as we become more familiar with the Use.

Article Eleven-Correction to Accessory Building Side Setbacks under A-C district as published in Ecode 360/BR4013 should be 25' not 50'. A motion was made by Joann Rogers to have Ecode change the 50' to 25' for the side setbacks of accessory building in the A-C district. Second by

Patti Giordano. Vote: Ellmore aye, Rogers aye, and Giordano aye. Stryker was not present for this vote.

Definition of Qualified Abandonment needs to be changed to reflect Section 205 B. and d of the NYS Highway Law §205-b:

b. The resolution of abandonment shall provide that even though the responsibility of maintenance of the road shall cease, there shall remain a public easement over such road, in perpetuity.

d. No one, including the owner of adjoining land, may fence any portion of such road, with or without gate.

A motion made by Patti Giordano with a second by Joann Rogers was made to take out the sentence in the current definition found in our Zoning Regulations the sentence referring to gating of Qualified Abandonment. Vote as follows: Ellmore aye, Giordano aye, and Rogers aye, Stryker was not present for this Vote.

Other Business: Board members present recommend to the Town Board to accept Karen Ellmore as Chairwoman for the year 2022. Bob Stryker term is over as of Dec. 31st, and I will reach out to him to see if he wishes to continue for another term. His contributions to the Planning Board are very useful.

Next meeting January 3rd, 2022.

Motion made by Chairwoman Ellmore to adjourn the meeting.

Wishing all a Merry Christmas and Happy New Year.

Respectfully submitted,

Sandra Riker

Town of Bristol

Planning and Zoning Board Secretary

Minutes of Dec. 6, 2021 were accepted with a motion by Patti Giordano with a second by Joann Rogers vote by members Bob Stryker was viz Zoom unable to vote, Justin Steinbach excused, Karen Ellmore aye, Patti Giordano aye, Joann Rogers aye.