

Zoning Board of Appeals Meeting
August 26, 2015

APPROVED

Present: Bob Bacon
John Holtz
Tom Burgie, Chairman
Bert Crofton
Jon Gage
Carol Dulski

Guests: Deborah Denome
Phil Sommer-Code
Enforcement Officer
Melissa Kelly-McCabe

Absent: Tom Brahm

The regular August meeting of the Town of South Bristol Zoning Board of Appeals was called to order at 7:35 P.M. followed by the Pledge of Allegiance. A roll call of board members was taken and all board members were present, with the exception of Tom Brahm.

The agenda originally calls for two different actions tonight. One of them has been postponed. So the Millen/Lindquist multiple variance request will not be taking place tonight, it will be moved to next month. The only request, is for Denome, for special use permit.

Chairman Burgie then called for a motion to approve the June 24, 2015, meeting minutes as written. Bert Crofton made said motion which was seconded by Bob Bacon. The motion was unanimously accepted, with the exception of Carol Dulski who did not vote as she was absent from last meeting.

Bob Bacon read the 'rules of order'.

Old Business

There was no old business.

New Business

SPECIAL USE PERMIT- DEBORAH DENOME

Chairman Burgie: I would like to read the Legal Notice into the minutes that was printed into the Daily Messenger.

PLEASE TAKE NOTICE that the Town of South Bristol Zoning Board of Appeals will hold a public hearing on the following application:

Application #15-042Z, Deborah Denome, regarding property owned by Kristi Leo located at 6143 Hicks Road, Tax Map #168.00-1-65.113, request for a special use permit per Section 170.16.1 (D)(2) of Town Code to allow for the establishment of a farm-based retreat and education center (six guest units) within an existing structure.

SAID HEARING will take place on the 26th day of August, 2015, beginning at 7:30 o'clock p.m. at the Town Hall, 6500 Gannett Hill Road, in the Hamlet of Bristol Springs, NY.

All interested parties may appear in person or by representative.

Chairman Burgie: This is your opportunity to present your case to the Board.

Deborah Denome: So I'm assuming everyone saw my narrative. So my current farm, "Shimmering Light Farm", surrounds the property on 2 ½ sides and since our inception, we have dreamed of operating a farm-based retreat and education center there. Actually, we're looking at using the back of the property for that, and sadly our neighbors both passed away suddenly, in their younger years.

The property sat for a couple years, next to us, then it became available—seems like the perfect location because as my farm is like a 'J' around the property. It would be centrally located to access the gardens and the existing barn.

We currently train ecological farmers—we have trained 9 over the years, who have gone on to start their own sustainable organic farms. We also have a community-supported agricultural project which is a membership-type farm where people pay a flat rate to be a member of the farm—they come every week to pick up their share of the harvest. We already have a permit to offer workshops on my part of the property—up to 20 people—on the same topics we've proposed here.

A lot of times, people want to come to stay. They want to come from farther afield. We would like to offer opportunities for people to travel and come to workshops. We like to offer more to emergents in farming. There is a whole market for people looking for farm-based vacations and farm-based retreats, as people are trying to reconnect more to the land. Learn more about where their food is coming from and how it's grown, and get more involved in the local food system. So, we are proposing to use the retreat center to house that type of business. Melissa (Kelly-McCabe) offers retreats, corporate retreats, and I'll let Melissa talk about why they have a retreat there.

Melissa Kelly-McCabe: We bring together women who run businesses and often they go away and have emergent experience. A huge interest now is in health and wellness. Women who are running businesses who thought they were going to have it all, are realizing that they need to be in these sorts of places and learn how to win back themselves as they run their businesses. So some of the retreats we are talking about doing are harvesting food and learning how to cook it in a fast way for your family. So you can feel a little closer to having your own. Both working in community with others and also learning how to live more sustainably, as an example.

Deborah Denome: I also talked to scouting groups and 4-H groups—they probably would not use the retreat at the farm, but they would come and use the facilities and some activities on the farm and learn about habitat restoration or composting, or preserving food. Topics related to agricultural, local food and sustainability.

Chairman Burgie: Ok, thank you. Does anyone have any questions at this point?

Well, this is not a rejection, not a denial of a permit—this is not for a variance, this is for a special use permit. Special use is for a use which IS allowed by the Code, the Town Board wants just a little bit more insight than just an application—yeah it meets the definition in the Code so you give them a permit. Which is why this Board gets involved. So there isn't really any rationale from the Code Enforcement Officer as to why it was rejected—it just meets the needs and do you agree that it meet the requirements for special use.

As you have indicated on the application, Section 170.16.1 (D)(2), that paragraph gives the authorization for special use consideration. One thing that is required, is a SEQR determination—State Environmental Quality Review Act. We need to ensure that there is no impact to the Environmental quality. The Town, in looking at the SEQR, under paragraphs 617.5(c)(1) and 617.5(c)(2)...'The following actions are not subject to review under this Part: (1) maintenance or repair involving no substantial changes in an existing structure or facility; (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part...' Both of them would apply. So this is a Type II action. No further SEQR determination is required. We will make that a finding as we go along here.

Does anyone have any comments, or other thoughts on the SEQR status?

Bert Crofton: I don't think this is above and beyond what is already taking place there—it's permitted under the Code for the addresses there. I don't think the proposed use is going to have any more impact.

Chairman Burgie: You aren't expanding the facilities, and you aren't expanding the septic or anything of that nature—which has already been deemed by the County as sufficient to handle the load.

Then I would like to propose as **FINDING 1**, this is a **Type II action, under 617.5(c)(1) and 617.5(c)(2)**. Bert Crofton made the motion, seconded by Jon Gage. Motion was unanimously approved.

Chairman Burgie: Now we open up the Public Hearing. As no one was there to speak, the Public Hearing was closed.

We did receive a couple of documents:

- 1) Review from the County Planning Board, Application No. 120-2015, discussing the special use permit to operate a farm based retreat & education center adjacent to Shimmering Light Farm, 6141 Hicks Road, with limited overnight accommodations at 6143 Hicks Road in the Town of South Bristol. Comments: This project involves no new construction and is utilizing existing buildings. The applicant has been in correspondence with the Canandaigua Lake Watershed Inspector regarding onsite wastewater treatment. The system was found to be adequate for the proposed level of use. Board action: Motion to retain Applications 120-2015 as a Class 1 and return them to the local board with comments—13 in favor—motion carried.

- 2) Letter from George Barden, Canandaigua Lake Watershed Inspector. “The change of use being proposed by the applicant is well within the design parameters for the existing system. Therefore, this office has no objections to this proposed change in use.”
- 3) Letter in Support of Project from neighbors, Glenn and Karen DeHond, dated June 22, 2015. “We have discussed this proposal and feel it is in keeping with the current activities in this area. We are happy to support this.”

We now open it up for discussion and debate.

Bert Crofton: It appears to me that it will have no impact on the community—it’s almost hidden from the road, no substantial increase in traffic there—no apparent change at all.

Chairman Burgie: I think you said, Deborah, there was a lot more traffic that comes in on a daily basis right now for the farm.

Deborah Denome: For the farm members coming and going, and the interims come and go so we’re use to in and out. The Jacuzzi’s are at the end of the driveway, so they are the only ones affected by traffic and they verbally said they support the initiative, but they sort of take the policy of staying out of neighbor’s business and leave people to do what they want to do on their land, so they’ve been great neighbors all along.

John Holtz: Did you ever think of just calling it a Bed and Breakfast, and not going through this?

Deborah Denome: I think because in a Bed and Breakfast the owner has to be a resident, and I live next door—I won’t be a resident in the facility. We won’t be preparing food for people. It will be a kitchen that people have access to prepare their own food. That’s my understanding why it doesn’t qualify for a Bed and Breakfast.

John Holtz: How are people going to know about it? Are there going to be signage, or is it going to be word-of-mouth, or part of your publications?

Deborah Denome: We will be putting a sign up once we figure out what the verbiage will be. We haven’t put up a sign for our farm yet, so I think we will put up a sign which says both on one sign. Through our own email list and website, and I think I mentioned, in the narrative, www.farmstayus.com, for people looking for farm-based vacations and retreats, so we will list on that website, as well. If we come across any other websites that are specific to people wanting sustainable emergent experience, we will list on those as well.

Melissa Kelly-McCabe: Just to add to that, for my own self, my company, located on Stid Hill Road, which we advertise, would say 5-6 people are coming as retreatants. I would advertise, I would bring them in. So there would be no need for signage. I would actually be collecting them and bringing them there.

Jonathan Gage: I have a couple points. I live right across the road from the farm there--I'm always up and down the road, and never notice any traffic there. I would amaze myself if I saw 25 cars going in and out. So, I'm sure there is no problem with congestion. Also, being a farmer myself, I read about this concept in some farming magazines where they talk about the growth of farm-based retreats. The articles I've read contained very positive feedback on that way to educate people who have not been on farms before. It's also providing a good, positive image on the area too, so it goes along with the Comprehensive Plan encouraging tourism.

Bob Bacon: The only question I have, so I can understand this correctly. There is two pieces of property—you are living on the farm and there is a second residence that has become available that you are actually opening up for people to stay overnight?

Deborah Denome: Right.

Chairman Burgie: The owner of this property is someone who lives in Boulder?

Deborah Denome: Yes, she lives in Boulder. She's my cousin. She works in New York City, so she's flying back and forth all the time. We've gone different directions in life—I quit the corporate ladder and started a farm, and she kept going and works on Wall Street.

Chairman Burgie: Any other discussion?

John Holtz: A curiosity question. If we say yeah-go-tonight-- when would this be functional?

Deborah Denome: It's a good question. We still need to go through a couple more things—getting the appropriate insurance on it, change the use and—ideally, within the Fall harvest season we would have some activity going on. We've been working on renovating the house for the last six months, so it's pretty much ready to go.

Chairman Burgie: Ok, it's time to determine 'Findings'. Specifically, in the Town Code, there are seven things—6 of them that are applicable, that we need to address in our 'Findings'.

I propose **Finding 2**, that this special use is consistent with the Comprehensive Plan of the Town. Seconded by Bert Crofton. Motion was voted on and unanimously carried.

Chairman Burgie: Just for everyone's reference, these come from the Town Code, paragraph 170-22 (B), 1-7. Number 6 will not be applicable here.

I propose to make **Finding 3**, this is in harmony with the Zoning Law and within the regulations of the zoning district in which the proposed special use is to be located. Bob Bacon made the motion. Bert Crofton seconded the motion. The motion was voted on and unanimously carried.

Chairman Burgie: I propose **Finding 4**, this will not adversely affect the character of the neighborhood. Seconded by Jonathan Gage. Motion was voted on and unanimously carried.

Chairman Burgie: **Finding 5**, this will not be detrimental to nearby properties. Bert Crofton made the motion, seconded by Bob Bacon. Motion was voted on and unanimously carried.

Finding 6, this will not have an adverse impact on the physical or environmental conditions of the neighborhood or district. Bert Crofton made motion. Carol Dulski seconded the motion. The motion was voted on and unanimously carried.

Chairman Burgie: Anyone else have any other **Findings** that they would like to add?

Bob Bacon: This is a question. Do we want to make a statement or **Finding** that there is no physical changes in the property where the buildings are located? So I will make a motion, per the application, there are no changes to the physical property or buildings. Is that a fair statement?

Carol Dulski: Yes.

Chairman Burgie: They are renovating inside.

Bob Bacon: We are not talking about inside.

Chairman Burgie: Is this **Finding 7**?

Bob Bacon made a motion to include **Finding 7**, that there are no physical changes in the property where the buildings are located. Motion was seconded by Carol Dulski. Motion was voted on and unanimously carried.

Chairman Burgie: Does anyone see a need for any conditions be placed under this special use?

Bob Bacon: I know Bed and Breakfast places have a limit, I believe its 10 people?

Chairman Burgie: This is not a Bed and Breakfast—this would be up to 15 with a special use permit.

Bob Bacon: I think we are well within that. You said 3 bedrooms, 6 people? I think we should just state that.

Chairman Burgie: That's the condition of the Special Use.

Bob Bacon: I was just asking for your expertise.

Chairman Burgie: That's in the conditions.

Anyone else? Ok.

Would anyone like to make a motion to approve, or deny, a Special Use permit?

Motion was made by Jonathan Gage to approve the Special Use permit. Bert Crofton seconded the motion. Motion was voted on and unanimously carried.

At this time, Deborah Denome and Melissa Kelly-McCabe left the meeting.

New Business

Docking and Mooring

Chairman Burgie: I'm assuming that your email addresses were not on this email from Supervisor Barbara Welch, that you were not advised of it. If you were then let me know.

The Town is continuing to discuss the SEQR review right now on the Everwilde project, as to whether or not it is sufficient.

One of the things that has come up is the Docking and Mooring Law. Part of their application indicated that they may come to this Board for a variance to the Docking and Mooring Law. I've never participated in the Docking and Mooring discussion on this Board. Obviously, you guys haven't either.

The Planning Board is considering having some training on Docking and Mooring in September. Barbara has proposed to have a joint meeting of all three Boards for that education. The training would count as part of the annual 4 hours required training. If you have completed your training for this year, it would carry over to next year. It is not a loss of time and would certainly be very educational for all of us.

I don't have a date. It was thrown out there and I responded. The Docking and Mooring Law is a joint Law for all of the different communities that participate on Canandaigua Lake. It's a lot bigger than just South Bristol and we need to know a lot more about it since they could come for variances against that project.

Right now, I'm certainly not prepared to run a discussion. So, just a heads-up to all of you and we will get some more information on it when they have actually decided a date.

Bert Crofton: When would the Everwilde project come before us?

Chairman Burgie: Not before this training I hope.

Bob Bacon: Let me just take a stab at that question, only because I've sat in on the Town Board monthly meetings. I believe what they are going through right now is called the Draft Environment Impact Statement (DEIS).

Right now they are trying to prove that it is adequate and ready for submission. The next meeting is September 9th to make that call. At that point in time, they have to make copies available to the public and they have to give 15 days before they can have a public hearing. So, that would push it out to the

end of September before they can submit it. Then I believe they have to go through the full SEQR process and the variance request would probably be sometime after that.

Chairman Burgie: I don't anticipate it before a couple months.

Bob Bacon: The Docking and Mooring Law--that's not part of our Town Zoning laws? Is it a State Law?

Chairman Burgie: It's under the Canandaigua Lake Watershed Community Code.

Jonathan Gage: So it's not in the Code book?

Chairman Burgie: I don't think there is anything in the Code book on Docking and Mooring, but let me take a look. Docking and Mooring, Code 73.1. Yes there is. There is quite a section here.

There being no other business to come before the board, Chairman Burgie called for a motion to adjourn. Carol Dulski made said motion which was seconded by Bert Crofton. The motion was unanimously accepted and the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Colleen Converse
Recording Secretary