Town of South Bristol
6500 West Gannett Hill Road
Naples, NY 14512-9216
585.374.6341

Planning Board Meeting Agenda

Wednesday, October 21, 2026, at 6:30 pm

Meeting in-person or join Zoom Link
Zoom Meeting ID 811 5690 5470, Passcode 427423

Call to Order

Pledge of Allegiance

Reading of Vision Statement
As stewards of both the land and the lake, we will preserve and protect our safe, clean, naturally beautiful, rural, and scenic environment with thoughtfully planned residential, agricultural, recreational, and commercial development.

Meeting Etiquette

Minutes
Approval of Planning Board meeting minutes for September 16, 2026.

New Business
Site Plan Approval Application 2026-0009
County Planning Board Referral: Exempt
Owners: Ebenstone LLC
Representative: Shawn Ritchie
Property: 6195 Blackberry Drive
Tax Map: 178.00-1-38.220
Zoned: LR (Lake Residential)

Old Business
Proposed Outdoor Lighting Ordinance

Proposed Ban on Data Centers

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes APPROVED
Wednesday, October 21, 2026

Present David Bowen
Daniel Crowley
Jason Inda
Cody Koch
Bruce Mackie
Michael McCabe
Frederick McIntyre
Paul Miller
Sam Seymour

Guests In-person: Shawn Ritchie, Brandon Key, Lisa Moore, Peter & Shelley Rees
Zoom: Elizabeth

Call to Order
The meeting of the Town of South Bristol Planning Board has been called to order at 6:30. All Board members were present.

Reading of Vision Statement
Sam Seymour read the Comprehensive Plan Vision Statement.

Meeting Etiquette
Chairman Bowen reviewed.

Meeting Minutes
David Bowen made a motion to approve September 16, 2026, meeting minutes as corrected on page eight misspelled Bowen. Motion seconded by Daniel Crowley. The motion was unanimously adopted by all Board members present.

New Business
Preliminary Site Plan Approval Application 2026-0009
County Planning Board Referral: Exempt
Owners: Ebenstone LLC
Representative: Shawn Ritchie
Property: 6195 Blackberry Drive
Tax Map: 178.00-1-38.220
Zoned: LR (Lake Residential)

Chairman Bowen: This is a site plan approval for a proposed dock. Mr. Ritchie, can you give us another summary of what you are planning to do here.

Shawn Ritchie: Sure. My name is Shawn Ritchie. I am representing as one of the owners of Ebenstone LLC. We are proposing to put a dock in at 6195 Blackberry Drive. The approximate square footage is just under 920 square feet. We made a few changes to the dimensions as of the last meeting. I believe we are now in compliance with the UDML. The dock will have a boat station, swim platform and a boat accessory structure.

Chairman Bowen: Yes. You were good enough to give us an elevation of that structure, so it appears to be within the fifteen foot maximum height above mean high-water mark. Also, the application was amended to reflect I believe it was 918 square feet. One end of the that walkway has an angle so I guess it depends on how you actually calculate it.

Shawn Ritchie: Right.

Chairman Bowen: You are below 920. Why we had to send you packing last time.

Diane Graham: What did you say?

Daniel Crowley: 918.

Diane Graham: It is 818.

Chairman Bowen: 918.

Diane Graham: This says 818.

Daniel Crowley: With the accessory structure of 100 square feet.

Diane Graham: Total. Yes.

Chairman Bowen: Any member of the board have any questions or comments? We did receive the archeological site determination letter October 15, 2026, and that was a negative declaration. We received CEO comments on your application as well as site plan calculations on September 29, 2026. Although I note, and I will bring it up in a couple of minutes here, the code enforcement officer didn't comment on this encroaching dock to the south.

Shawn Ritchie: Okay.

Chairman Bowen: I will get to that in a minute. We did get your amended site plan, application and SEQR form reflecting allowable square footage on September 29, 2026. We also received the amended accessory structure side elevation and added front elevation on September 29. The issue with the dock next door and just for the record again who is the owner of the property to the south?

Shawn Ritchie: The owner is Voyage LLC is the name of the LLC.

Chairman Bowen: The map says Eternal Voyage LLC. Who is the principal of that?

Shawn Ritchie: Andrew Comerack and Ester Comerack.

Chairman Bowen: Are they involved in a partnership with you for the two houses to the north, correct and this proposed dock.

Shawn Ritchie: Correct.

Chairman Bowen: There property has a dock on it and its predominantly outside their ten-foot offset line. If they were to seek approval to have that dock installed. Do you have any idea how old that dock is?

Shawn Ritchie: I don't.

Chairman Bowen: I guess more to the point there is a small appendage to the north off that dock. Is that contiguous to the bottom of your tram station?

Shawn Ritchie: On the first property, on which property?

Chairman Bowen: The dock to the south. There is a small appendage off that dock close to the mean high-water mark that extends to the north. Appears to be touching the bottom of the tram.

Shawn Ritchie: There was a platform that we installed temporarily just to step off the tram to get access to the bottom of the property. That's been removed. There is a small set of stairs/steps wooden old that are attached to the previous owners had on the south property. It is in disrepair, but they are there. It will not take much to remove them. They are kind of rotten. The owners used that probably to access the shore.

Chairman Bowen: Diane, can you zoom in on that? See there is a little square of the brown dock that touches the bottom of the tram station.

Shawn Ritchie: Right. That is not there.

Chairman Bowen: Does that have anything to do with stairs you just mentioned?

Shawn Ritchie: There was a temporary platform that over the stairs because the tram was more at grade with the top of the dock. Top of the old dock on the south property.

Chairman Bowen: Is there a plan in place where that tram is going to be shared with the property to the south?

Shawn Ritchie: No.

Chairman Bowen: Is the reason why that appendage off the dock is there?

Shawn Ritchie: No. There is no appendage there now.

Chairman Bowen: It has been removed?

Shawn Ritchie: Yes.

Sam Seymour: The intent here is to access the tram via the new dock to the north?

Shawn Ritchie: Correct. Yes.

Sam Seymour: Okay.

Shawn Ritchie: Hopefully if we get approved it will be installed maybe this winter early spring so it is open for next season.

Sam Seymour: Yeah.

Chairman Bowen: Any comments or questions after that from anybody on the board? In that case I will consider this application complete and schedule the application for final review and public hearing on November 18, 2026.

Diane Graham: May I ask a question?

Chairman Bowen: You may.

Diane Graham: Do you want an updated site plan showing that piece gone?

Chairman Bowen: That would probably be a good idea.

Shawn Ritchie: Sure. Just get rid of that box. That square thing?

Diane Graham: Yes.

Chairman Bowen: If it not there. It does encroach onto your property.

Shawn Ritchie: Pardon me.

Chairman Bowen: It does encroach onto your property.

Shawn Ritchie: It does encroach?

Diane Graham: Yes.

Chairman Bowen: It is over the property line.

Shawn Ritchie: What encroaches? The square?

Chairman Bowen: The small square appendage on that dock next door.

Shawn Ritchie: Yeah. Okay.

Chairman Bowen: I have not spoken to the code enforcement officer about it. I do not know what his take is on all that because I do not know how old that dock is next door. If it was built after the docking and moorings law went into effect, it is basically an illegal dock.

Shawn Ritchie: Right. I doubt it.

Chairman Bowen: Somebody approved.

Shawn Ritchie: It is pretty ancient and the stairs to get to it are ancient.

Chairman Bowen: If it was pre-dating that it would be non-conforming.

Shawn Ritchie: Right.

Chairman Bowen: In which case the owner should have a certificate of non-conforming from the code enforcement officer.

Shawn Ritchie: So you are saying if it is older than the he should get something regardless.

Chairman Bowen: If it pre-dates the docking and moorings law it is automatically considered non-conforming.

Shawn Ritchie: Non-conforming but legal?

Chairman Bowen: Yes.

Shawn Ritchie: If it was after that law, it would be illegal.

Chairman Bowen: It would be illegal. I would imagine they could tell him to remove it.

Shawn Ritchie: Do you know when the law came into effect?

Chairman Bowen: If it was built after the law then presumably, they came here like you and got a permit for it to build it in compliance with that approval, but if they just happened to build without that it is clearly illegal.

Shawn Ritchie: Do you know when the law came into play the UDML?

Chairman Bowen: Is it 84 or 94? I do not know.

Shawn Ritchie: Just for future reference it's a smaller property so I am sure the dock is a lot different, but if they were to build anything new, they would have to move that or get rid of it. I wouldn't think you could do anything with it.

Chairman Bowen: You see your facility line and ten-foot offset line?

Shawn Ritchie: Yes. It's right on it.

Chairman Bowen: They would have to create those lines and be south of those.

Shawn Ritchie: Yes. Like ten feet at least. Okay.

Chairman Bowen: The facility line is calculated using the three lots.

Shawn Ritchie: Right.

Chairman Bowen: The two lots around it. The lot north and south. You get the ten-foot offset and you have to build outside that. Alright, you are good to go to November 18.

Shawn Ritchie: Great. Thanks.

Chairman Bowen: Thank you.

Shawn Ritchie: Diane, do we get the survey or the updated to you sometime between now and then before the next meeting?

Diane Graham: Yes. Have him email it to me.

Shawn Ritchie: Okay. Great thank you.

Diane Graham: Make sure he signs and dates it.

Shawn Ritchie: Yeah.

Sam Seymour: 1992.

Chairman Bowen: 1992.

Shawn Ritchie: Yep. Thank you.

Sam Seymour: October 1992.

Old Business
Proposed Outdoor Lighting Ordinance
The board discussed a redrafted outdoor lighting ordinance incorporating feedback from the September meeting. Key points of discussion included the standalone vs. zoning chapter question, fixture definitions, waterfront lighting language, commercial lighting requirements, and non-conforming lighting provisions.

- Details
    - Chairman presented the redraft and noted the outstanding question of whether the ordinance should be a standalone chapter or incorporated into Chapter 170 Zoning. Expressed preference for standalone to prevent the Zoning Board of Appeals from granting variances as the law is seeking to regulate behavior rather than land use.
    - Board member raised a question about the "full cut-off" fixture definition, specifically the zero-to-90-degree zone measurement. Chairman clarified that zero degrees is straight down and 90 degrees is horizontal.
    - Chairman noted that full cut-off fixtures are common in commercial applications (e.g., car dealerships).
    - Board member questioned the waterfront lighting language in K. paragraph 3, noting that "below the mean high-water mark" was ambiguous and suggested "beyond" would be clearer.
    - Chairman clarified that the three-foot height restriction for dock lighting was previously removed by group consensus, with the requirement that dock lights be directed downward and fully shielded.

- Board member raised the question of whether "may operate on motion detectors/sensors" in the commercial lighting section (paragraph D) should be changed to "shall." Discussed whether “where feasible” might be a better option, but no change was made.
- Board member raised the question of whether non-conforming lighting provision (section J, paragraph 1) should reference "residential properties" specifically or all property types. After discussion, the board agreed to leave the language as-is.
- Chairman conducted a straw poll; all members expressed satisfaction with the current draft form.

Chapter ____ - Outdoor Lighting

A. Purpose and Intent

The purpose of this article is to provide regulations which will protect the health, safety and welfare of the general public, conserve valuable energy resources, prevent light trespass from interfering with our quality of life, protect our ecological and natural resources, protect property values, and preserve the ability to view the celestial features of the night sky for present and future generations. By this legislation, the Town Board wishes to establish standards and processes that ensure outdoor lighting that is protective of the environment, is installed on all new construction, is used when current outdoor lighting fixtures that are not in compliance with this article need replacement, and will mitigate light trespassing, glare, skyglow, and light nuisances. These standards provide for the following:

1. Regulations and guidelines in order for residents, business owners, and the municipality to comply with standards set by the community for outdoor lighting.

2. Preservation of the rural character, aesthetic values, and quality of life enjoyed by South Bristol Town residents by limiting sky glow and preserving and enhancing the ability to view the night sky.

3. Proper direction and use of light in order to minimize light trespass, glare, and energy wasted on unnecessary and indiscriminate illumination.

4. Exterior lights and illuminated signs designed, located, installed and directed in such a manner as to prevent unreasonable light trespass, sky glow, and light glare.

5. Reduction in excessive illumination which can have a detrimental effect on flora and fauna that depend on the natural cycle of day and night for survival.

6. Prevention of nuisances and annoyance caused by unnecessary light intensity, glare, and light trespass.

B. Applicability

1. This article shall apply to the installment of new exterior lighting fixtures, the expansion and alteration of existing fixtures, as well as the replacement of fixtures associated with all uses in all zoning districts. This shall include, but is not limited to, all exterior lighting fixtures intended for the illumination of buildings, landscaping, signage, parking, walkways, yards, docks, waterfronts, and recreational facilities.

2. Notwithstanding the above, this article applies to any existing light trespass, obtrusive light, and/or glare that is impacting any adjoining or nearby residential property. Nonconforming properties that presently have fixtures that result in light trespass, obtrusive light, and/or glare that impacts adjoining or nearby residential properties shall be required to come into conformity within 30 days of being notified of nonconformity by the Code Enforcement Officer.

C. Definitions

As used in this article, the following terms shall have the meanings indicated:

AVERAGE FOOTCANDLES

The average level of illuminance for a given area measured at ground level with a light meter placed parallel to the ground.

FIXTURE

The complete lighting assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens; also referred to as a "luminaire."

FOOTCANDLE

The unit of measurement used to quantify the amount of light falling on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.

FULL CUTOFF

For the purposes of this article, a "full-cutoff fixture" is considered one that delivers 100% of the total lumens within the 0° to 90° zone with a maximum of 10% of total lumens delivered within the 80° to 90° zone. Full-cutoff fixtures are considered fully shielded.

FULLY SHIELDED

A fixture constructed and installed in a fixed position and in such a manner that all light emitted is projected below the horizontal plane through the fixture's lowest light-emitting part. Unlike a full-cutoff fixture, a fully shielded fixture is not engineered to limit lumen distribution in the 80° to 90° zone.

GLARE

Direct, unobscured light within the field of view from a fixture resulting in annoyance, discomfort, loss of visual acuity, or momentary blindness.

HOLIDAY LIGHTING

Temporary lighting of various types and colors installed in connection with holiday or religious observances and removed thereafter.

LAMP

A light bulb or other component of a fixture that changes electricity into visible light.

LIGHTING

Man-made illumination or equipment used to produce it.

LIGHT LEVEL

The illuminance as measured by a light meter or reported in photometric calculations. Light levels are indicated in footcandle measurements and may also be expressed as uniformity ratios, maximum or average to minimum.

LIGHT POLLUTION

Any adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, visual clutter, excessive or unnecessary lighting, or any artificial light that unnecessarily diminishes the ability to view the night sky or is disruptive to the natural environment.

LIGHT SOURCE

The light-emitting part or parts of a light fixture, consisting of the lamp or lamps and any transparent or translucent covering over the lamp, as well as any refractors, reflectors, prismatic lenses, mirrors, or diffusers which emit or transmit light.

LIGHT TRESPASS

Light projected from a light source on a property into the public right-of-way or onto different properties.

LUMEN

The unit of measurement used to quantify the amount of light produced by a lamp or emitted from a fixture (as distinct from "watt," which is a measurement of the electrical power). For the purposes of this article, measurements in lumens shall refer to "initial lamp lumens" (as opposed to "maintained lamp lumens") as rated by the manufacturer when the lamp is new, as listed on the packaging.

LUMINAIRE

See "fixture."

MOUNTING HEIGHT

The vertical distance measured from the average elevation of the existing natural grade or average elevation of the approved grade (if cut/fill activities are proposed) to the lowest light-emitting part of an installed fixture.

NONCONFORMING

Lighting which does not meet the requirements and specifications contained in this article.

NONESSENTIAL LIGHTING

Lighting which is unnecessary for pedestrian passage or other tasks and therefore not generally useful for human activity (i.e., decorative and landscape lighting). This includes lighting intended for a specific task or purpose when said task or purpose is not being actively performed (e.g., parking lot illumination and wall-mounted perimeter lights after business hours).

NONRESIDENTIAL LIGHTING

Any outdoor lighting intended for use on a lot with a business (except home occupation), industrial, or institutional use (or, if undeveloped, is zoned for such use). Municipal buildings and facilities shall follow nonresidential standards.

NUISANCE LIGHTING

Any outdoor lighting that creates a potential hazard to the public, illuminates the interior of a neighboring residential structure from an external point, or creates a light trespass or glare to neighboring properties, thereby causing loss of enjoyment, comfort, or repose.

OUTDOOR LIGHTING

Lighting that provides illumination to a surface, building, structure, device, or other outdoor feature. Any fixture located indoors that is intended to illuminate something outdoors is considered outdoor lighting for the purposes of this article.

REPAIR

Any service normally provided by a licensed electrician to a light fixture or lighting installation, including replacement, modification, or relocation of any of the following: poles, mounting arms, wiring, housings, or any component within or attached to a light fixture. Replacement of a user-serviceable lamp (i.e., light bulb) shall not by itself be considered a repair.

RESIDENTIAL LIGHTING

Any outdoor lighting on a lot having a structure or structures whose primary use is residential (or, if undeveloped, is zoned for such use). Although reviewed as a commercial site plan, lighting plans for multifamily or condominium developments shall follow residential standards.

SENSOR (MOTION)

A device that causes a light fixture to turn on or off in response to motion or light or infrared radiation or a combination thereof.

SHIELD or SHIELDED

An opaque device that is attached to a light fixture to prevent light from being emitted in certain directions. Auxiliary "back" or "house-side" shielding added to an already fully shielded fixture can help limit trespass where a fixture is located near the property line.

SKYGLOW

The brightening of the night sky or the overhead glow from artificial light that is directed upward or from light reflected upward from the ground or off other surfaces. Skyglow is caused by the reflection of light off moisture and dust particles in the atmosphere, reducing the ability to view the natural night sky.

UNSHIELDED

A fixture designed or installed so that it is not fully shielded, i.e., emits light above the lowest light-emitting part of the fixture.

D. General requirements for commercial and planned unit development zoning districts

1. All outdoor lighting fixtures, including display lighting, shall be full cutoff or fully shielded, and turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary and may operate on motion detectors/sensors.

2. Recreational facilities, public or private. Lighting for outdoor recreational facilities shall be fully shielded according to the requirements set forth in Subsection F below.

3. All light fixtures that are required to be fully shielded shall be installed and maintained so that the shielding is effective.

4. All luminaires shall be "white light," including but not limited to metal halide, plasma, LED, and similar, for all outdoor lighting on new commercial uses.

5. The maximum height of a pole-mounted light fixture shall be no higher than what is permitted in the district in which it is located.

6. The maximum height of a building-mounted light fixture shall be 35 feet.

7. Upward aimed facade and building lighting shall be fully shielded and fully confined from projecting into the sky by the building eaves, roofs, overhangs or structures and shall be mounted as flush with the illuminated wall as possible.

E. General requirements for all residential zoning districts

1. All outdoor lighting fixtures shall be fully shielded from adjacent residential properties, streets, roads, and public right-of-ways.

2. Private recreational facility lighting (e.g., tennis and pickleball courts, etc.) shall be shielded.

3. The maximum light trespass at the property line shall be 0.25 footcandles.

4. The maximum height of a pole-mounted light fixture or a building-mounted light fixture shall be 35 feet.

5. Where appropriate, the Planning Board may require an applicant to submit a lighting plan demonstrating compliance with the standards in this chapter as part of site plan review.

F. Regulations applicable to all zoning districts

1. All outdoor luminaires whose initial source lumens are greater than 900 must meet the following requirements:

a. Have a cutoff angle of 90° or less (full cutoff).

b. Canopy lights must be recessed and full cutoff.

2. Light source visibility. The visibility of the light source inside a luminaire shall be restricted; the direct light shall not be visible above six feet at the adjoining public roadway pavement edge or 25 feet beyond the property line.

3. Any outdoor lighting fixture that is replaced, changed, repaired, or relocated, in whole or in part, after the effective date of this article shall comply with its provisions.

4. No installation of new luminaries shall be permitted unless in conformance to this section.

5.The Code Enforcement Officer shall not issue certificates of nonconformity to any resident or property whose outdoor lighting constitutes a light trespass or nuisance lighting.

G. Exceptions to all zoning districts

The above requirements shall not apply to the following:

1. Any outdoor luminaire having initial source lumens of 900 or less (the equivalent of a 65-watt incandescent light bulb), provided that no direct light causes glare toward adjoining roadways or other properties or results in light trespass.

2. Temporary lighting for events such as circus, fair, carnival or other civic uses.

3. Outdoor lighting fixtures used by law enforcement, fire and rescue, utility and construction crews to perform emergency or construction repair work, or to perform nighttime road construction, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

4. Temporary lighting for holidays or holiday events.

5. Lighting associated with agricultural uses and activities.

6. Lighting fixtures and standards required by federal, state or county agencies, including street lights within the public right-of-way.

7. Lighting of ski slopes required for skiing and snowmaking operations. Lighting of parking lots and structures at ski resorts must otherwise comply with subsections D and F above.

8. Up-lighting of an American flag, provided the light source is not visible across property lines or from roadways.

H. Prohibited lighting

Prohibited lighting for all uses and districts.

1. All moving, revolving and flashing lights for promotional purposes.

2. Laser source lighting or any similar high-intensity light for outdoor advertising or entertainment, when projected above the horizon, is prohibited.

3. All exterior lights and illuminated signs that are designed, located, installed and directed in such a manner as to cause glare on adjoining roadways and properties.

I. Submittal requirements for commercial and planned unit development districts

1. Applications for site plan approval in a commercial or planned unit development district, and applications for a special use permit, may require a lighting plan showing conformity with standards contained in this chapter and in this section.

2. Such lighting plan shall indicate the location, type of lamp, color of lamp, luminaire, mounting height, source of lumens, illuminance, light loss factor utilized in calculations and adherence to full cutoff requirement, for each light source and area.

a. Illuminance plan shall detail lighting levels beyond parcel boundary

to 0.1 footcandles.

b. Illuminance plan shall be in footcandles at grade level.

3. An illuminance plan is required with isofootcandle levels shown, detailing the interaction of all lighting on the site.

4. Any additional documentation necessary to show conformance to the standards, including hours of operation, shall also be provided.

5. Additions or changes to an approved lighting plan shall be considered under the site plan review provisions of Chapter 170-94.

J. Nonconforming lighting

All outdoor lighting lawfully existing prior to the effective date of this chapter shall be deemed preexisting nonconforming to this section, except that:

1. No light causing glare or trespass on adjoining roadways or properties shall be allowed to continue. The Code Enforcement Officer shall make a determination about whether any outdoor lighting causes a glare or trespass on adjoining roadways or residential properties.

2. All site plans submitted for additions to or expansions of structures exceeding 25% of pre-existing square footage or 25% of lot coverage shall demonstrate compliance with this chapter and bring all non-conforming prior lighting into compliance with this chapter.

K. Waterfront lighting

Outdoor lighting in and around Canandaigua Lake, ponds, creeks, and any other waters within the Town shall be installed or maintained so as not to create glare, trespass, nuisance, or a hazard to other property owners, flora, fauna, and shall comply with the following:

1. Lights on docks shall be directed downward and be fully shielded fixtures.

2. Lights illuminating paths, stairs, decks, etc., to and along the aforementioned waterways shall prevent direct light on the water and shall not direct light upwards.

3. Lighting shall not be installed below the mean high-water mark of Canandaigua Lake, other than as otherwise provided herein.

4. Lighting under the roof of boat stations shall be allowed, but must be shielded and directed downward so as not to intrude on neighboring properties.

5. Lighting on the outside of boat houses shall consist only of fully shielded and direct light downward so as to not intrude on neighboring properties and/or shine across the lake.

6. Lighting on poles, decorative lighthouses, or any other lighting fixtures that shine light outward and across the waters of Canandaigua Lake shall not be allowed.

L. Prohibited acts; penalties for offenses

1. The enforcement officer or his duly authorized representative shall be responsible to conduct inspections regarding compliance with the terms of this chapter, upon written complaint.

2. It shall be unlawful for any person, firm, owner, tenant, person in possession, partnership, corporation or other business entity (hereinafter “person and/or business entity”) to install, alter, repair, move, equip, use or maintain or allow such installation of any outdoor lighting in violation of any of the provisions of this article or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer.

3. If, after investigation, the Code Enforcement Officer finds that any provision of this article is being violated or nuisance lighting exists, notice shall be given by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, instructing that the violation or nuisance lighting must be abated within the time specified in the notice or, in absence thereof, within 30 days of the date of mailing of the notice. If the violation is not abated within said period, the owner of such premises shall be liable as follows:

Criminal Penalty.

a. Any person who violates or causes to be violated any provision of this chapter shall be guilty of a violation and shall be punishable as follows:

(1) For a first offense, by a fine not exceeding $350.

(2) For a second offense, both of which were committed within a period of five years, by a fine of not less than $350 nor more than $700.

(3) For a third or subsequent offense, all of which occurred within a period of five years, by a fine of not less than $700 nor more than $1,000.

b. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed violations. Each week's continued violation shall constitute a separate additional violation.

Civil Penalty.

a. The Town shall have the option of seeking a civil penalty not exceeding $350 for a first offense; for a conviction of a second offense, both of which were committed within a period of five years, a civil penalty of not less than $350 nor more than $700, and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a civil penalty of not less than $700 nor more than $1,000.

b. In the event the penalty sought is within the jurisdiction of the Justice Court as established in Article 18 of the Uniform Justice Court Act, such action to recover such penalty may, as shall be determined by the Town Attorney, be commenced as a small claim pursuant to the provisions of Article 18 of the Uniform Justice Court Act.

David Bowen made a motion that we, the Planning Board, as an advisory board to the Town Board of South Bristol, recommend adoption of this proposed outdoor lighting law.

Motion seconded by Daniel Crowley.

All in favor.

Ayes 7, D. Bowen, D. Crowley, J. Inda, M. McCabe, F. McIntyre, P. Miller, S. Seymour
Nays 0

Motion carried.

David Bowen made a motion that the Planning Board, in its advisory capacity to the Town Board, refers this proposed local outdoor lighting law to the Town Board recommending its adoption as a standalone chapter in the Town Code of the Town of South Bristol.

Motion seconded by Daniel Crowley.

All in favor.

Ayes 7, D. Bowen, D. Crowley, J. Inda, M. McCabe, F. McIntyre, P. Miller, S. Seymour
Nays 0

Motion carried.

Proposed Local Law Banning Data Centers, Cryptocurrency Mining Facilities, and AI Computing Facilities

The board reviewed a revised proposed local law drafted by town attorney Jeff Graff and the Town Supervisor. Ontario County Planning Board comments were also considered. Discussion covered the statement of purpose, environmental concerns, SEQR process, incentive zoning, definitions, and the prohibition vs. moratorium question.

- Details
    - Town Supervisor Lisa Moore was present to address any comments or questions from the Planning Board.

- Chairman noted the new draft includes a comprehensive statement of purpose and legislative intent addressing public health, safety, general welfare, environmental stewardship, and the town's rural character — responding to Ontario County Planning Board feedback.
- Supervisor Moore shared that Kevin Olvaney (Canandaigua Watershed Council) indicated that any lake heating from data center water use would be "disastrous," given existing algae bloom concerns.
- Supervisor Moore reported that a SEQR application has been submitted and discussed with Linda Phillips (SEQR process lead) and Kyle Ritts (County Planning Board). The next step is Town Board approval of a SEQR negative declaration.
- Daniel Crowley: Noted an anomaly in the County Planning Board submission timing — the law was submitted as a technical review rather than for full comment, meaning the county would not have a formal opportunity to comment unless resubmitted.
- Chairman and Daniel Crowley recommended resubmitting the revised law to the County Planning Board for full review, given the substantial nature of revisions.
- Board member Koch raised concerns about future-proofing the law, noting that technology evolves and small-scale data centers could potentially be used for green infrastructure purposes (e.g., building heating).
- Supervisor Moore relayed town attorney Jeff Graff's position that a prohibition is preferable to a moratorium, as the state moratorium ends in July and large data center operators have significant financial resources to pressure municipalities and that Graff expects definitions will need to evolve over time.
- Daniel Crowley questioned the town attorney's level of passion on the issue, suggesting it was unusual for an advisor to be so direct.
- Board member raised concerns about the breadth of the AI computing facility definition potentially affecting manufacturing or other businesses that use AI incidentally. Chairman clarified that the law targets facilities whose primary business purpose is AI computing, not incidental AI use.
- Board member identified several drafting issues:
  - In the AI computing facility exceptions section (paragraph B): replace "excluded" with "excepted."
  - In the cryptocurrency mining exceptions section: specify "the term cryptocurrency mining facility does not include..." in each of the three paragraphs.
  - In the data center exceptions section (paragraph B): same "excluded" to "excepted" correction.
  - In prohibited infrastructure item 12: correct typo "sued" to "used."
- Chairman noted the law is a significant improvement over the prior draft.
- Daniel Crowley abstained from the final vote.

Local Law Title: **A Local Law Amending Chapter 170 (Zoning) of the Code of the Town of South Bristol to Prohibit Data Centers, Artificial Intelligence Computing**

Section 1. Statement of Purpose and Legislative Intent

The purpose of this Local Law is to amend Sections 170-9 and 170-70 of the Zoning Law of the Town of South Bristol to prohibit the establishment, construction, expansion, and operation of data centers, cryptocurrency mining facilities, and artificial intelligence computing facilities, together with infrastructure dedicated to supporting such facilities, within the Town of South Bristol.

The Town Board finds that the protection of public health, safety, and general welfare requires thoughtful and comprehensive consideration of land uses that may substantially affect the Town's rural character, natural environment, municipal infrastructure, public services, and long-term community planning objectives. This Local Law is intended to preserve the character of the Town, protect natural resources, maintain the quality of life of residents, and ensure that land-use decisions remain consistent with the Town's Comprehensive Plan and established planning objectives.

Data centers, cryptocurrency mining facilities, and artificial intelligence computing facilities may involve substantial electricity demand, water consumption, land development, noise generation, cooling requirements, backup power generation, energy storage, electrical substations, and other infrastructure. Depending on their scale, design, location, and operation, such facilities may place demands on existing and planned utility systems, municipal infrastructure, emergency services, and other public resources. Their construction and operation may also present land-use compatibility concerns involving neighboring properties, scenic resources, environmental quality, and the established rural character of the Town.

The Town Board further recognizes that the Town's natural resources are integral to its environmental health, community identity, tourism economy, and residents' quality of life. Canandaigua Lake is a particularly important natural resource, providing drinking water for approximately 70,000 people, supporting private businesses and permanent and seasonal residences, and contributing substantially to the economic and recreational life of the region. Protection of the lake, its watershed, and associated natural resources is therefore an important consideration in the Town's land-use planning.

This Local Law is also intended to advance the vision expressed by the Town of South Bristol Planning Board: "as stewards of both the land and the lake, we will preserve and protect our safe, clean, naturally beautiful, rural, and scenic environment with thoughtfully planned residential, agricultural, recreational, and commercial development." This vision is consistent with the Town's Comprehensive Plan and its stated objective of maintaining South Bristol as a beautiful, unspoiled rural community while preserving and protecting its natural environment.

The Town's Comprehensive Plan identifies environmental stewardship and the protection of Canandaigua Lake and its watershed as important planning priorities. The Town Board also recognizes the importance of protecting water quality and water quantity in accordance with the water-resource protection objectives identified by the County Planning Board.

In adopting this Local Law, the Town Board has considered the potential land-use, environmental, infrastructure, economic, and community-planning implications of data centers, cryptocurrency mining facilities, and artificial intelligence computing facilities, including electricity demand, water consumption, noise, land disturbance, supporting infrastructure, public-service demands, and compatibility with surrounding uses. The Town Board further recognizes that the Town's rural and scenic character, natural resources, and environmental quality contribute to its desirability as a place to live, work, recreate, and visit.

Accordingly, the Town Board determines that prohibiting data centers, cryptocurrency mining facilities, and artificial intelligence computing facilities, together with infrastructure dedicated to their operation, is intended to protect the public health, safety, and general welfare; preserve the Town's rural and scenic character; safeguard natural resources, including Canandaigua Lake and its watershed; protect municipal

infrastructure and public services; and maintain consistency with the Town's comprehensive planning objectives.

Section 2. Section 170-9 (Definitions) of the Zoning Law of the Town of South Bristol is hereby amended with the insertion of the following new definitions to read as follows and to be inserted alphabetically:

ARTIFICIAL INTELLIGENCE COMPUTING FACILITY

1. A building, structure, facility, campus, or portion thereof whose primary business purpose is to provide, conduct, or support high-performance computing, machine learning, artificial intelligence model training, artificial intelligence inference, or similar computational activities requiring substantial computing infrastructure, whether operated by a single entity or made available to multiple users or customers.
2. The term "artificial intelligence computing facility" shall include all infrastructure dedicated to such artificial intelligence computing facility, which shall include, but not be limited to all buildings, structures, equipment, systems, electrical substations, transformers, dedicated power distribution systems, backup generators, battery energy storage systems, cooling plants, dedicated water supply or treatment systems, server buildings, telecommunications systems, and other improvements designed, constructed, installed, or used primarily to provide electricity, water, cooling, backup power, energy storage, telecommunications, security, or other operational support to and/ or to serve an artificial intelligence computing facility.
3. Exceptions:
    a. The term "artificial intelligence computing facility" does not include ordinary computers, servers, networking equipment, or related systems used as an accessory to a permitted principal use, provided that such equipment is not operated as a separate commercial data-processing, hosting, colocation, or computing facility for unaffiliated third parties.
    b. Excluded uses include, but are not limited to, computing equipment used for internal business operations, ordinary data backups, point-of-sale systems, educational activities, health-care activities, library services, municipal operations, emergency services, essential utility operations, and residential activities.
    c. A school, library, health-care facility, municipal building, ski resort, business, utility facility, or residence shall not be classified as an artificial intelligence computing facility solely because it contains computers, servers, or other computing equipment used in the ordinary conduct of its permitted activities.
    d. A residence or other property hosting computer equipment for external clients, including equipment used for artificial intelligence inference or other commercial computing services, is not excluded solely because the equipment is located within a dwelling or because the property owner receives compensation for electricity, space, equipment hosting, or related services. Such a use shall be evaluated under the definitions and prohibitions of this Zoning Law.

CRYPTOCURRENCY MINING FACILITY

1. A building, structure, facility, property, or portion thereof in which computer hardware, specialized computing equipment, application-specific integrated circuits (ASICs), graphics processing units (GPUs), or other computing devices are installed, operated, or maintained primarily or in material part for the purpose of conducting cryptocurrency mining, validating

cryptocurrency transactions, validating or securing a blockchain or other distributed ledger, or performing other computational activities directly related to the creation, issuance, validation, verification, or maintenance of cryptocurrency or other blockchain-based digital assets.

2. The term "cryptocurrency mining facility" includes, but is not limited to, facilities used for proof-of-work mining, cryptocurrency mining pools, and other cryptocurrency-related computing operations, whether operated independently or through a third-party service, and whether the resulting cryptocurrency, transaction fees, rewards, or other compensation is received by the property owner, equipment owner, operator, tenant, contractor, or another person.

3. The term includes all computing equipment and associated infrastructure installed, operated, or maintained primarily to support the covered activities, including electrical distribution equipment, transformers, cooling equipment, ventilation systems, dedicated power-management systems, backup power systems, and other equipment directly associated with the cryptocurrency mining facility.

4. For purposes of Section 170-70(H), aggregate connected electrical demand shall mean the combined rated electrical demand, expressed in kilowatts (kW), of all computing equipment used for the covered cryptocurrency mining facility at the property or within a commonly owned, operated, or controlled integrated operation. The calculation shall include all such computing equipment regardless of ownership, occupancy, electrical metering arrangements, or source of electricity. General building loads and unrelated equipment shall not be included unless used to conduct or directly support the covered computing activities.

5. Exceptions:
    a. The term does not include the ordinary use of computers, servers, or other electronic devices for personal, educational, commercial, governmental, or other lawful activities merely because such devices access, store, transmit, or process information concerning cryptocurrency or blockchain technology.
    b. The term does not include the passive ownership, holding, purchase, sale, or exchange of cryptocurrency or other digital assets, or ordinary financial transactions involving such assets, where no covered cryptocurrency mining facility is operated.
    c. The term does not include ordinary financial services, payment processing, or other lawful business activities solely because they involve cryptocurrency or blockchain technology, provided that such activities do not constitute a covered cryptocurrency mining facility under this definition.
    d. A facility shall not be classified as a cryptocurrency mining facility solely because it contains computers or other equipment that incidentally perform blockchain-related functions in connection with an otherwise lawful principal use.

DATA CENTER

1. Any building, structure, facility, campus, or portion thereof whose primary business purpose is to house, store, operate, or support computer servers, data storage systems, networking equipment, or other information technology infrastructure used to collect, store, manage, process, transmit, host, or analyze digital data or information.
2. The term includes, but is not limited to, enterprise data centers, colocation facilities, hyperscale data centers, edge data centers, cloud computing facilities, digital storage facilities and facilities used to provide computing or data-processing services to external customers, whether operated by a single entity of by multiple tenants.
3. The term also includes facilities commonly described as artificial intelligence computing facilities when their primary business purpose is to conduct, provide, or support the

computational activities described in the definition of Artificial Intelligence Computing Facility.

4. A facility may constitute a data center regardless of its size, peak electrical demand, ownership, business model, number of tenants, or the terminology used by the applicant, owner, operator, or other person to describe it.
5. The term "data center" shall include all infrastructure dedicated to such data center, which shall include, but not be limited to all buildings, structures, equipment, systems, electrical substations, transformers, dedicated power distribution systems, backup generators, battery energy storage systems, cooling plants, dedicated water supply or treatment systems, server buildings, telecommunications systems, and other improvements designed, constructed, installed, or used primarily to provide electricity, water, cooling, backup power, energy storage, telecommunications, security, or other operational support to and/ or to serve a data center.
6. Exceptions:
    a. The term "data center" does not include ordinary computers, servers, networking equipment, or related systems used as an accessory to a permitted principal use, provided that such equipment is not operated as a separate commercial data-processing, hosting, colocation, or computing facility for unaffiliated third parties.
    b. Excluded uses include, but are not limited to, computing equipment used for internal business operations, ordinary data backups, point-of-sale systems, educational activities, health-care activities, library services, municipal operations, emergency services, essential utility operations, and residential activities.
    c. A school, library, health-care facility, municipal building, ski resort, business, utility facility, or residence shall not be classified as a data center solely because it contains computers, servers, or other computing equipment used in the ordinary conduct of its permitted activities.
    d. A residence or other property hosting computer equipment for external clients, including equipment used for artificial intelligence inference or other commercial computing services, is not excluded solely because the equipment is located within a dwelling or because the property owner receives compensation for electricity, space, equipment hosting, or related services. Such a use shall be evaluated under the definitions and prohibitions of this Zoning Law.

Section 3. Section 170-70 (Prohibited uses) of Article IV (Supplementary District Regulations) of the Zoning Law of the Town of South Bristol is hereby amended with the adoption and insertion of new paragraphs F and G to read as follows:

F. Prohibition against data centers, cryptocurrency mining facilities, and artificial intelligence computing facilities. No land, building, or structure within the Town of South Bristol shall be used, constructed, established, expanded, or converted for the purpose of operating a data center, cryptocurrency mining facility, or artificial intelligence computing facility. This prohibition applies regardless of the facility's size, peak electrical demand, ownership, business model, number of tenants, computational function, or designation by an applicant, owner, or operator. This prohibition against data centers, cryptocurrency mining facilities, and artificial intelligence computing facilities does not prohibit ordinary computing equipment or associated systems used as an accessory to a lawful principal use and excluded from the definition of data center, cryptocurrency mining facility, and/or

artificial intelligence computing facility under Section 170-9, provided that such equipment or systems are not otherwise prohibited by this Zoning Law.

G. Prohibition of dedicated data center, cryptocurrency mining facility, and artificial intelligence computing facilities infrastructure. No land, building, or structure within the Town of South Bristol shall be used for the construction, establishment, expansion, or operation of dedicated data centers, cryptocurrency mining facilities, and/or artificial intelligence computing facilities infrastructure, where such infrastructure is constructed, installed, or operated primarily to support a data center, cryptocurrency mining facility, and/or artificial intelligence computing facility prohibited under Paragraph F of this section.
Prohibited infrastructure includes, but is not limited to:

1. Server buildings and dedicated computing facilities;
2. Colocation facilities and hyperscale data center facilities;
3. Cloud computing facilities and dedicated digital storage facilities;
4. Dedicated artificial intelligence computing infrastructure;
5. Backup power generation facilities serving prohibited facilities;
6. Battery energy storage systems serving prohibited facilities;
7. Cooling plants and dedicated cooling systems;
8. Dedicated water supply, water treatment, and water distribution systems;
9. Dedicated electrical substations and transformer serving prohibited facilities;
10. Dedicated electrical transmission, distribution, and power-management systems;
11. Dedicated telecommunications and data communications infrastructures; and
12. Other buildings, structures, equipment, or systems constructed, installed, or sued primarily to support the operation of a prohibited data center of artificial intelligence computing facility.

This paragraph shall not independently prohibit general-purpose public utility infrastructure, including electric, water, sewer, and telecommunication facilities, solely because such infrastructure could serve a data center or artificial intelligence computing facility, provided that the infrastructure is not otherwise prohibited by this Zoning Law and is not constructed, installed, or used primarily to support a facility prohibited under Paragraph F.

Nothing in this Paragraph G shall be construed to prohibit ordinary computing equipment or associated systems used as an accessory to a lawful principal use and excluded from the definitions of data center, cryptocurrency mining facility, and artificial intelligence computing facilities under Section 170-9, provided that such equipment or systems are not otherwise prohibited by this Zoning Law.

H. Prohibition of Cryptocurrency Mining Facilities. No land, building, or structure within the Town of South Bristol shall be used to establish, construct, expand, operate, or maintain a cryptocurrency mining facility where aggregate connected electrical demand of computing equipment used for the covered activities is 100 kilowatts (kW) or greater. This threshold applies to connected computing load, not the property's entire electrical service.

1. The threshold shall be calculated based on the combined connected electrical demand of all computing equipment used for the covered activities at the property or within a commonly owned, operated, or controlled integrated operation, regardless of the number of buildings, electrical meters, tenants, equipment owners, or service providers involved.
2. The prohibition applies regardless of whether electricity is obtained from the public electric grid, an on-site generating facility, a renewable energy system, a battery energy storage system, or any other source of electrical power.
3. The prohibition applies whether the computing equipment is owned, leased, hosted, or remotely managed, and whether the activity is conducted by the property owner, a tenant, a contractor, or another person.
4. Cryptocurrency mining facilities with an aggregate connected electrical demand below 100 kilowatts (kW) shall not be prohibited solely under this paragraph but shall remain subject to all other applicable provisions of this Zoning law, including the prohibitions on data centers, cryptocurrency mining facilities, artificial intelligence computing facilities, and dedicated data center infrastructure, where applicable.
5. Any applicant seeking approval for a use involving cryptocurrency mining facilities shall provide sufficient information to determine compliance with this Section. Such information shall include, as applicable, an inventory of computing equipment, manufacturer specifications or nameplate ratings, electrical load calculations, electrical service plans, and certification prepared by a qualified electrical professional.
6. The Code Enforcement Officer may request additional reasonably necessary documentation to determine compliance with this Section. Where submitted information is insufficient or materially inconsistent, the Code Enforcement Officer may require supplemental documentation or an electrical assessment prepared by a qualified professional, subject to applicable law.
7. Any inspection of property, equipment, electrical systems, or records shall be conducted in accordance with applicable law, including any required consent, notice, warrant, or other legal authorization. Nothing in this Section independently authorizes entry into a dwelling or access to private utility account information without lawful authority.
8. Nothing in this paragraph shall be construed to prohibit ordinary financial transactions, passive cryptocurrency ownership, or the ordinary purchase or sale of cryptocurrency solely because those activities involve cryptocurrency.

Section 4. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 5. This local law shall take effect immediately upon filing with the Secretary of State.

David Bowen made a motion that the Planning Board had reviewed the revised proposed local law on a data center ban, is in agreement that the proposed local law should go back to the County Planning Board for their comments, and that the South Bristol Planning Board had completed its comments on the proposed local law.

Motion seconded by Sam Seymour.

All in favor.

Daniel Crowley abstained.

Ayes 7, D. Bowen, J. Inda, M. McCabe, F. McIntyre, B. Mackie, P. Miller, S. Seymour
Nays 0

Motion carried.

Other
2027 Planning Board Meeting Dates
The board reviewed and confirmed the proposed 2027 meeting schedule.

- It was proposed continuing the third Wednesday of each month at 6:30 PM format, with dates to be published on the town website and in the newspaper.
- Diane requested that board members keep her informed of absences to ensure a quorum.

Motion to Adjourn
Being no further business, David Bowen moved to adjourn the meeting. Daniel Crowley seconded the motion. The motion was unanimously adopted, and the meeting was adjourned at 7:27 pm.

Respectfully submitted,

Diane S. Graham

Diane Scholtz Graham
Board Assistant