

MINUTES  
TOWN OF GORHAM PLANNING BOARD  
September 19, 2022

PRESENT: Chairman Harvey                      Mrs. Rasmussen  
             Mrs. Harris                              Mr. Farmer  
             Mr. Kestler

EXCUSED: Mr. Hoover                              Mr. Perry

Chairman Harvey called the meeting to order at 7:30 PM. Mrs. Rasmussen made a motion to approve the August 22, 2022, minutes as presented. Mr. Kestler seconded the motion which carried unanimously.

PUBLIC HEARINGS:

Application #09-2022, Amy Costanzo, owner of property at 4620 Lake Drive, requests site plan approval to build a single family home.

The public hearing was opened and the notice as it appeared in the official newspaper of the town was read.

The Zoning Board of Appeals granted the following on May 19, 2022. A 9' lakeside variance for a setback of 21 feet. A 4.25' south side variance for 10.75 setback as long as it is built to the plan that was presented. It cannot go straight perpendicular to the lot line it has to be built to the plan that was presented. A 4.25 variance on the northeast corner for a 10.75' setback. And a 3.25' variance on the northwest corner for a 11.75' setback.

Jim Fahey, Architect and Anthony Venezia, surveyor was present and presented the application to the board.

Mr. Fahey explained that the Costanzo's have an existing cottage on the property they are proposing to raise the cottage and build a single family home. They did receive three area variances for lake side and north and south setbacks.

Chairman Harvey asked Mr. Fahey how he meets the towns design guidelines with this project. The design guidelines have to do with the character of the building on the lot. How much open area is left between the buildings etc.

Mr. Fahey stated that he feels he has meet the guidelines with the architecture of the home. They are proposing a cape style home with a first floor master bedroom with second floor bedrooms. The lot is only 70 feet wide. The lot coverage is 11.9%. The existing house is 2581 square feet and the proposed is 3231 square feet.

Chairman Harvey asked Mr. Fahey if he has read the Town of Gorham's Design Guidelines.

Mr. Fahey stated that he has read them for 20 years.

Chairman Harvey stated that he believes they were adopted in 2009, so doubts he has read them for 20 years.

Chairman Harvey explained that the town has design standards and design guidelines. One of the things that the Planning Board has to review is the compliance with the design guidelines. "You have to tell us how you meet them. We have to find that you are in compliance with them or find why you can't be in compliance. I will go down a quick list. I don't have a landscaping plan. I got a building that's built, with variances to both sides of the lot. It's a major expansion of an existing building. All of those things don't follow the design guidelines. For the board to overcome that you have to give reasons why you can't meet the design guidelines."

Chairman Harvey asked for explanation on how they were going to handle the cut and fill in the limits of the flood plain.

Mr. Venezia stated that they are raising the house to be two feet above the flood plain. They will raise the house with a crawlspace and have vents that go in and out of the house.

Chairman Harvey stated that they will have to comply with the town's flood plain regulations. He asked where their compensating cut was.

Mr. Venezia stated that there isn't one here for cut. The storage will be under the building.

Chairman Harvey explained that if they fill and the water can't get to the void under the building because it is raised outside there is no compensating cut.

Mr. Fahey stated that the discussion of flood plain filling and compensation for that filling is something that is an issue in some respect on some plans and is not on others. "We have a game plan if the board is asking to have any fill brought onto the property to have an equal balance of storage of that displaced floodplain waters we have a game plan to do that. And all due respect to this board but I've been before this board on a number of occasions where we've done equally the amount of filling that we are doing at Costanzo's and has never been a question on it or a requirement on it. And that's in the recent history right on Lake Drive. So our game plan if you are requiring that I've done a cut fill analogist on the property of all of our fill that is above existing grade up to the 691.4 elevation and I have a way of storing that underneath the porches of the house."

Chairman Harvey stated, "if we missed it on an earlier plan shame on us but that's our standard."

Mr. Fahey stated, "I have a game plan for doing it. We have volume under the lakeside porch alone. It doesn't have to go under the house. We have plenty of storage to offset. There is not that much displaced floodplain area because of the grading on the site."

The design guidelines were found on the Town's website and shown to Mr. Fahey. They were adopted in 2014.

Mr. Fahey asked the board what their concerns were.

Chairman Harvey stated that he needs to look at the guidelines under the Lakefront Residential Design Guidelines.

Mr. Fahey stated that he believes that the board should be looking at the merits of the site plan and any concerns that the board may have with the site plan.

Mrs. Rasmussen stated that she has a concern with the increase difference on such a small lot from the neighbors on either side. Those are much smaller houses with much more open land. She asked if they were going to keep any trees on the site.

Mr. Fahey stated that they are not taking any trees down as there are no trees on this property to take down.

Mrs. Harris stated that there is a huge hedge that runs down the side between this property and the neighbor to the north.

Mr. Fahey stated that that hedge will remain.

Mrs. Harris asked how the hedge was going to remain with the infiltration trench going in all the way down on that side.

Mrs. Harris stated that she has a concern with a very large house on a very small lot with very little room for landscaping. The building is pressed really close to the lake and once walkways and other things on the lakeside there will be no room for landscaping.

Mr. Fahey stated that they addressed all of these questions to the Zoning Board of Appeals.

Chairman Harvey read from the Town's Design Guidelines the following. "New development should preserve views of the lake. Views need not be fully open but can be screened through side yard plantings to preserve privacy for residents. Entryway should be clearly defined with roadside landscaping that supports the human, intimate scale of the neighborhood. Side yards provide fire control, privacy corridors for drainage, and openings for lake views. Mature tree stands should be maintained. Existing vegetation can be augmented with small shrubs, and trees. Lakefront designs conform to the design regulations provided in the town's Docks and Mooring Law. Existing vegetation should be preserved as well as augmented. Careful layout and siting of the residence can help maximize the physical assets of the site while minimizing the visual impact

of structure(s) have on the lakefront. Lakefront plantings serve water quality issues through abatement of surface storm run-off and stabilization of soils." There is also guidelines for waterfront environment and guidelines for lakefront residential development. The following was read. "Building Mass and Form. Building mass and form should be based on scale references of the surrounding residences. Understanding that the new structure may propose a larger floor area than those in the immediate surroundings, care should be taken to modulate the mass and form of the proposed structure such as through the use of projections, recesses and reveals to sustain the characteristic small, cottage scale of the lakefront neighborhood."

Mr. Fahey stated that he believes they have addressed each of those guidelines. They took a look at the mass and buildings in the neighborhood.

Chairman Harvey stated they have decided to build a home that is three times the size of the ones on either side.

Mr. Fahey stated that it is not. This house from a scale and massing standpoint is lower lying than the house to the south.

The board and applicant continued to discuss whether the proposed project fits within the town's design guidelines at length.

Mr. Fahey presented pictures of the proposed home and the existing home on the site to the board.

Mr. Fahey stated that if the board is looking for landscaping a landscaping plan can be provided for the board.

Chairman Harvey asked if there were any buildings on their property on the east side of Lake Drive.

Mr. Venezia and Mr. Fahey stated that there is a detached garage.

Chairman Harvey asked if there is a garage being proposed off of the proposed driveway.

Mr. Fahey stated that there is an attached garage being proposed.

Chairman Harvey stated so there is a garage across the road and a garage attached to the house.

Mr. Fahey stated that it is not reasonable for people to spend two million dollars on a lake house and not have a garage attached to the house.

Mr. Farmer asked if they would be willing to tear down the garage across the street.

Mr. Fahey stated that he is sure that they would not be willing to tear that down.

Chairman Harvey stated that he is trying to find a way to reduce the footprint of the house to come in compliance with the design guidelines.

Mrs. Rasmussen stated that she has listened to his argument of the commonsense piece. "That's what our design guidelines are. It's our commonsense approach to what commonsense people should be putting on the lake on a small lot. This is a small lot. Granted you have land across the road. I know you want the house on the lake side but it's too big. It's really big. I appreciate that you've brought it back. That you've improved the setbacks on the front and the sides but now a lot of that open space is now gone. That concerns me."

Mr. Fahey stated that "when we go to the Zoning Board to get setbacks we are showing good faith by increasing setbacks. The town has zoning..

Chairman Harvey stopped Mr. Fahey from going on. "You successfully made an argument and the Zoning Board of Appeals approved it to reduce the setbacks from what the town requires. Is it an increase setback over what was preexisting non-conforming that's true. Planning Board has its own set of rules about what we can approve and it is all around not only the compliance with the setback required as varied but also compliance with the town's design guidelines. You have pushed an existing really non-conforming preexisting lakefront building back some. That's certainly an improvement. Let's see how it looks. Where's your landscaping plan? Where's all those things that is talked about in the design guidelines? The more you comply with the design guidelines the easier it makes it for this board to give you an approval."

Mr. Fahey presented to the board elevation drawings.

Mr. Kestler asked if all the utilities would be buried.

Mr. Venezia stated that they will be connecting to the existing water and sewer. The electric will come across the road and will be buried also.

Mrs. Harris asked if there is going to be exterior lighting.

Mr. Fahey stated that there will be lighting at the entry and exit ways.

Mrs. Harris stated that they will need to be dark sky compliant.

Chairman Harvey asked if there were any comments from the public.

Kathy Baxter stated that since they have built a couple of houses on the lake in the lake district. "I would just say you're not doing your clients a true services if you don't help them understand if you build on the lake there are compromises to be made. For example the garage, they have a garage. I built

a house years ago I don't have a garage to this day. And I never will have. That's just part of what I had to do to get what I wanted on the lake. So you might help your owners understand that."

Chairman Harvey stated that this is not a debate and asked that all comment be addressed to the board.

Mr. Fahey stated that he has probably designed 30 homes on Canandaigua Lake and he has never designed a home like this one without a garage.

Chairman Harvey asked if there were any more comments from the public. Hearing none, the public hearing was closed.

Chairman Harvey went over things that have been discussed that the board would like to see. The landscaping plan, modification of the grading plan compensating storage on the site.

Chairman Harvey stated that for him personally it is going to be hard to vote affirmative for the building design with the attached garage. There is already a garage on the property.

Several board member concurred Chairman Harvey's statement.

Chairman Harvey stated that with the recommendations the board is adjourning action on the project until the additional items are submitted.

Application #12-2022, New Albion LLC, owner of property at 4662 Lake Drive, requests site plan approval to build a single family home.

The public hearing was opened and the notice as it appeared in the official newspaper of the town was read.

Anthony Venezia, Surveyor and Sally Napolitano was present and presented the application to the board.

Ms. Napolitano stated that the existing home was built in 1930 and there was an addition add to the top in 1980. The driveway funnels the water right towards the back door. It has an uncrawlable crawlspace. There is mold and mildew. With the existing building they are 9+ feet from the neighbor to the north. The proposed building will be placed 15.5' from the neighbor to the north. The proposed home will be back further from the lake than the existing home.

Chairman Harvey stated that it appears that all the work is outside the limit of the floodplain.

Ms. Napolitano presented and reviewed with the board a landscaping plan that she herself has drawn up.

Mr. Kestler asked if the electric would be underground.

Ms. Napolitano stated that the electric would be underground.

Mrs. Harris asked if she was keeping the circular driveway.

Ms. Napolitano stated that she was just to have some parking space so that there is no parking on the grass.

Ms. Napolitano stated that the square footage of living space in the existing home is 2389 square feet on the first floor. The proposed new home is 2996 square feet with 2287 on the first floor. She is adding a garage and more porch than currently exists.

Chairman Harvey asked if there were any comments from the public.

A person from the public stated that he approves of the application and offers his approval for whatever she wants to do.

The conditions from the MRB Group, Town Engineer was reviewed and discussed.

Chairman Harvey explained that they would like to see a diversion during construction for the sheet flow across the site.

Chairman Harvey asked if there were any more comments from the public. Hearing none, the public hearing was closed.

A letter dated August 10, 2022, was received from New York Office of Parks, Recreation and Historic Preservation on this application, stating that there is no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

The Planning Board discussed and completed Part 2 of the Short Environmental Assessment Form. The board determined this to be an unlisted action under SEQR that will not receive coordinated review since no other discretionary agency approval is required.

Mrs. Rasmussen made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mr. Farmer seconded the motion which carried unanimously.

Mr. Farmer made a motion to approve the site plan with the following conditions: 1. Add a note to the plan that all exterior lights are dark sky compliant. 2. A post construction survey be submitted to the zoning office adding the final location of all utilities. 3. Submit a final landscaping plan. Mr. Kestler seconded the motion which carried unanimously.

Application #13-2022, Sandhya Khurana, owner of property at 4124 Torrey Bch, requests site plan approval to build a single family home.

The public hearing was opened and the notice as it appeared in the official newspaper of the town was read.

The Zoning Board of Appeals granted the following on March 17, 2022. A front yard setback variance from the high water mark to the house of 6.9' for a 23.1' setback in addition to the variance a deck of 11.7' x 24.3' can be added given an 18.6' variance for a 11.4' setback. A north yard variance of 9.9' on the northwest corner and a 10' variance on the northeast corner as presented on the plan of the 3/17/2022 meeting. A rear yard variance of 7' for a setback of 23'. A south side yard variance of 9.2' for a setback of 5.8' on the southwest side and a 10' variance for a 5' setback on the southeast side. Total lot coverage on the lake side is 49.6%. The total lot coverage for both lots cannot exceed 56.2%. No further structures can be added to the property. The shed is to be brought into compliance of 5 feet off the rear and side property lines. A height variance of 18" for a height of 23'6".

Scott Harter, Engineer and Sandhya Khurana was present and presented the application to the board.

Mr. Harter stated that the lot is a non-conforming lot. The owners in working with the Zoning Board of Appeals have agreed to remove some of the decking which coincides where they propose the stormwater infiltration system. The proposed home sets very close to the existing home. They have improved the side setbacks so that they have more space between the property line and the eve of the new home.

Chairman Harvey asked what the footprint of the new building was.

Mr. Harter stated that the existing home has a footprint of 846 square feet and the proposed home is 828 square feet. The proposed home is two story so the total square footage will be around 1600 square feet.

Ms. Khurana stated that the proposed home will be under 1450 square feet.

Chairman Harvey stated that this is a more reasonable size square footage for a little teeny tiny lot.

Mr. Harter stated that they are outside the floodplain with all of their grading.

Chairman Harvey stated that the board will need to see a landscaping plan. Take a look at the town's design guidelines to come up with the plan.

The electric was discussed. The board would like to see the electric put in underground. They may need to approach the neighboring property owners and get an easement to do so.

Mrs. Harris stated that any exterior light fixtures will need to be dark sky compliant.



The conditions from MRB Group, Town Engineer was reviewed and discussed.

Chairman Harvey asked how the southern swale will discharge.

Mr. Harter explained that the deck is going to be reworked and they are not sure what is staying and what is going. They suspect that a lot of it will go. The odds are that they will put in a structural system that will allow the water to do exactly what they are showing on the plan.

Chairman Harvey stated that they can set a condition that this can be added to the plan as it is being developed.

Chairman Harvey asked if there were any comments from the public.

Carol Stern on zoom asked for clarification on the easement.

Mr. Harter stated that the easement was relative to the ariel electric that is coming into the home right now and the desire of the town to have them put it underground. So they will need to obtain an easement from the neighbor to the north.

Chairman Harvey asked if there were any more comments from the public. Hearing none, the public hearing was closed.

A letter dated December 17, 2018, was received from New York Office of Parks, Recreation and Historic Preservation on this application, stating that there is no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

The Planning Board discussed and completed Part 2 of the Short Environmental Assessment Form. The board determined this to be an unlisted action under SEQR that will not receive coordinated review since no other discretionary agency approval is required.

Mr. Kestler made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mrs. Harris seconded the motion which carried unanimously.

Mrs. Rasmussen made a motion to approve the site plan with the following conditions: 1. Add a notation for underground electric depending on getting an easement if necessary from the neighbors. 2. All exterior light fixtures are to be dark sky compliant. 3. A post construction survey is required. 4. Add detail on how the drainage goes through the seawall and when the demolition of the deck is completed on the front of the house a

report will be given on the design of the stormwater capability and the ability for water to infiltrate. 5. Submit a landscaping plan. Mr. Kestler seconded the motion which carried unanimously.

MICELLANOUS:

Application #T01-2022, Gregory Guy, owner of property at 4272 County Road 18 is requesting Special Use Permit which is approved by the Town Board. The Town Board is requesting recommendations from the Planning Board on the application.

Al LaRue, Engineer and Olivia Guy were present and presented the application to the board.

Chairman Harvey explained that the application for the Special Use Permit goes to the Town Board since this parcel is in the (PD) Planned Development District. The Town Board will hold a public hearing on the application.

Mr. LaRue presented and reviewed with the Planning Board the concept plan. He stated that the Special Use Permit application is for a wedding venue. There is a pond on site. They will be adding on to the existing barn event space. They are proposing outdoor space for outdoor seating. They will be adding to the driveway which will go into a parking lot. He explained that they are looking into putting in a septic system for the venue.

Chairman Harvey explained that in the near future the County Sewer District may be expanding up near this parcel and advised them that they may want to look into this before they go to the expense of putting in a septic system.

Chairman Harvey asked how many people, parking spaces, and what is the materials being used.

Mrs. Rasmussen asked about signage.

Mr. LaRue stated that there are 144 regular spaces and 6 handicap spaces.

Ms. Guy stated that the number of people would be no more than 250.

Mrs. Harris asked if the parking lot was gravel.

Ms. Guy stated that the parking lot was going to be gravel.

Chairman Harvey asked if they knew where they were going to put in their stormwater management facility.

Mr. LaRue stated that he was not sure yet where the stormwater management facility is going but knows what the stormwater regulations are.

Chairman Harvey asked if there was going to be outdoor seating and music.

Mr. LaRue showed the board on the plan where the outdoor seating and music would be. It will be located behind the existing barn.

Ms. Guy stated that only cocktail hour will be in the outdoor seating area. The regular dining will be inside the building.

Mr. Farmer asked how late they would be open.

Ms. Guy stated that she will follow the noise ordinance. They will be operating mostly Friday and Saturdays if there is a Sunday wedding it would probably be in the afternoon.

Chairman Harvey stated that with the size of the parking lot it is a wonderful parking lot to plow but a horrible parking lot to look at. He would like to see more landscaping with some shading and trees.

Chairman Harvey asked if there was any development plan for the rest of the acreage.

Ms. Guy stated that they don't have any plans for the rest of the acreage.

Mrs. Rasmussen suggested that there be landscaping between the road and the pond.

Ms. Guy showed them on the plan where they plan on putting in landscaping. They want to put in a berm to make the pond more private. They are also planning on putting a lot of trees and vegetation around the parking lot.

Mrs. Rasmussen asked if they knew what the sign was going to look like.

Ms. Guy stated that they don't want anything huge that is going to take away from the aesthetic of the French country setting.

Mrs. Rasmussen explained that any lighting would have to be dark sky compliant.

Chairman Harvey made a motion to support granting the Special Use Permit for the proposed use. Noting that they reviewed the Town's noise ordinance, storm water regulations, site plan requirements, hours of operation. They indicated that they are going to segregate the pond and vow area on the roadside. The Planning Board will work through that during site plan review. They will work though insuring that the parking lot is isolated from the neighbors. All lighting fixtures will be dark sky compliant. They would recommend that the applicant and the town talk with Canandaigua, Hopewell, the developer and the County Sewer District to get better direction on the sewer. If at all possible the recommendation is this should be connected to the County Sewer District. Mr. Farmer seconded the motion which carried unanimously.

Adam Stahl, owner of property at 4155 Turner Road was present. He explained to the Planning Board that he would like to add a 20' x 45' addition to his home. The proposed addition will be an in-law suite. When he came in to show Jim Morse the addition he would like to build he was told that he would have to have a professional site plan drawn up and get site plan approval. He called his engineer and was told that it would cost him \$5000 for him to do the site plan. He explained to the board that he is here to plead his case and have the site plan requirement waived.

Chairman Harvey stated that Mr. Stahl could draw his own site plan to scale accurately and draft it up and the Planning Board would review it.

He presented to the board an e-mail from Tyler Ohle, Canandaigua Lake Watershed Inspector on the septic system.

Chairman Harvey asked if there was a plan showing where the septic system is and what Tyler Ohle has approved.

Mr. Stahl presented to the board a hand drawn sketch of the septic system.

Mr. Stahl stated that he feels that with the size of his addition asking for a site plan is over kill.

Chairman Harvey stated that the Town Planning Board can't waive the site plan review. There still needs to be a public hearing and approval.

Chairman Harvey stated that Mr. Stahl can take a copy of the survey taking the surveyors name off of it and draw with a straight edge and scale accurately the location.

Mrs. Rasmussen suggested that he draw it accurately on graph paper.

Chairman Harvey suggested that Mr. Stahl get an engineer scale and measure everything. He also told him to get a topography map from the County web site and plat the building on there. The Planning board is going to want to see drainage away from the building. Chairman Harvey explained that he may need to go to his engineer to get a design for the stormwater facility since he is adding more square footage.

Mr. Stahl asked if the board knew who else he could call he doesn't want to call his engineer because he cost too much money.

Mrs. Harris stated that he can go to Easy Drain or Flow Well you can call them and they can size a dry well for you or tell you what product to use.

Chairman Harvey stated that there is a certain square footage of new impervious surface being added. That will result in additional stormwater flow and this will need to be dealt with.

Mrs. Harris made a motion to adjourn the meeting at 10:05PM. Mrs. Rasmussen seconded the motion which carried unanimously.

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Thomas P. Harvey, Chairman

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Sue Yarger, Secretary