

MINUTES  
TOWN OF GORHAM PLANNING BOARD  
July 25, 2016

PRESENT: Chairman Harvey            Mrs. Rasmussen  
          Mr. Dailey                    Mr. Henry  
          Mr. Atkins                    Mr. Farmer  
          Mr. Hoover

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Dailey made a motion to approve the June 27, 2016, minutes as presented. Mr. Atkins seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #13-2016, Ronald & Carol Davis, owners of property at 4850 Jones Road, requests subdivision approval to subdivide 2.272 acres and merge it with Tax Map Parcel 154.00-3-3.000, owned by Le Tourneau Christian Center.

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

Ronald Davis & Tim King, were present and presented the application to the board.

Mr. King stated that the parcel from Mr. Davis will be merged with a parcel on County Road 11, owned by Le Tourneau Christian Center. On the map it shows Family Life Ministries as the owner but the parcel has transferred to Le Tourneau Christian Center.

Chairman Harvey asked if there are future plans for development on the parcel.

Mr. King stated no, not at this time, maybe in the future a single family home would be built on it to house the director of Le Tourneau.

Mr. Davis stated that they may just start with a baseball court on the property. It will also give them access off of Jones Road instead of using County Road 11.

Chairman Harvey asked that the proposed driveway be removed from the map. The driveway will be discussed in the future during site plan approval for the new home.

Mr. King did present pictures, which will be kept in the file, showing the proposed driveway up Jones Road from County Road 11.

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

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.

A letter from New York State Office of Parks, Recreation and Historic Preservation dated June 24, 2016, stating that the project will have no impact on the Historic/Cultural resources, was received in the Zoning Office.

Mr. Henry 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. Rasmussen seconded the motion, which carried unanimously.

Mr. Henry offered a resolution [attached hereto] to approve the subdivision with the following conditions. 1. Remove the driveway from the map. 2. Change the name from Family Life Ministries to Le Tourneau Christian Center. 3. Future development is subject to site plan review. Mr. Atkins seconded the resolution, which carried unanimously.

Application #14-2016, Donald Reeve, owner of property at 4869 County Rd 11, requests site plan approval to replace an existing garage with a 52' x 36' garage.

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

Eric Johnson, Contractor was present and presented the application to the board.

Mr. Johnson stated that they would like to remove the existing 20' x 22' garage and build a 36' x 52' pole barn. The driveway will not change.

Chairman Harvey asked Gordon Freida, Code Enforcement Officer if the lot coverage and setback requirements are met.

Mr. Freida stated that they are 20.7% lot coverage with the proposed garage and they are allowed 30%.

Chairman Harvey stated that he is concerned with the closeness of the buildings and how the drainage is going to work around the buildings. The drainage will need to be corrected on the plan.

Chairman Harvey stated that with adding more impervious surface the board will not allow the extra drainage to be dumped into the road right of way ditch. There will need to be a leach field, dry well or something to catch the extra drainage.

Mrs. Rasmussen asked what the distance was between the house and the pole barn.

Mr. Freida stated that by the building code they need a 6 foot separation.

Mr. Johnson stated that he believes that it is 8 or 10 feet.

Mr. Freida scaled it out on the plan and found it to be 8 feet.

Chairman Harvey stated that that meets the building code and asked Mr. Freida if it meets our zoning code.

Mr. Freida stated that the zoning code requires 10 feet separation between buildings.

Chairman Harvey stated that they will have to move the building back some or reduce it in size to meet the 10 foot separation from the house, or seek a variance from the Zoning Board of Appeals.

Mr. Dailey asked what the height of the building was going to be.

On the plan it states that the height will be 22 feet.

Chairman Harvey asked if there were going to be utilities in the building.

Mr. Johnson stated that only electric will be put in the pole barn.

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

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. Atkins 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. Rasmussen seconded the motion, which carried unanimously.

Mr. Hoover made a motion to approve the site plan with the following conditions: 1. Revise the grading to allow positive drainage around the building. 2. A drywell be

designed by a Professional Engineer for a drywell to capture the additional runoff from the proposed pole barn. 3. Move the proposed pole barn to show 10 feet between the pole barn and house. Mr. Henry seconded the motion, which carried unanimously.

Application T-01-2016, Pelican Point LLC, owners of property at 4789 County Rd 11 & a vacant lot on County Rd 11, request rezoning the two parcels from Residential R-1 District to General Business District.

The Town Board is asking for a recommendation from the Planning Board on the rezoning request.

Terry Principe, Bill Pelicano & Rick Scappi were present representing the application.

Mr. Principe presented pictures of the property showing the neighboring properties. These will be kept in the file.

Chairman Harvey stated that they are trying to get a handle on what the size of the overall operation is going to be including this property. "If it's rezoned by the Town Board, in order to implement any of this it's going to need a modification of the special use permit and site plan."

Mr. Henry asked if they would be cutting down a lot of forest land.

Mr. Principe stated no. "There are some small trees that might come down to allow trailer storage. Our intention there is to put trailers. They would go in, they are actually seasonal storage so there for either cottage owners on the lake who have a boat house and want to store it or for my slip customers. So once those trailers went in, unless there was a problem with their boat the trailers will stay there until September or October. This area was mainly designed or intended for overflow parking. As I mentioned we are trying to keep the cars off the highway."

Mr. Dailey asked Mr. Principe if he could make an estimate as to what additional launchings will take place as a result of this plan.

Mr. Principe stated that this does not take into account any additional launches. "On a busy day this was intended really to allow for the overflow parking."

Mr. Farmer asked if there will be people parking their car with the trailer attached in the lot.

Mr. Principe stated no that he has shut off the public launching. The parking lot will be for customers that have their boat in dry dock or in the slips.

Chairman Harvey stated that if the application for re-zoning gets approved by the Town Board, the Planning Board will want to look at the existing parking and how they manage it and how it fits in with the new proposed during the special use permit and site plan review.

Mr. Henry asked if the parking would be on stone.

Mr. Principe stated that the parking area is mainly grass. They plan on leaving it that way.

Mr. Farmer asked how many boats they have in dry dock and in the slips.

Mr. Principe stated that rough numbers of 30 to 32 are in the water and 160 to 170 in dry dock.

Bob Baxter asked if the proposed parking was behind his house.

Chairman Harvey stated further back there is, and invited him to the table to look at the plan.

Kathy Baxter stated that "Terry stated last time that he used an offsite area for seasonal storage. Why would he be storing seasonal storage of trailers on the lot behind our house if that's true?"

Mr. Principe asked if he could address this question.

Chairman Harvey state sure.

Mr. Principe stated "the site I'm talking about is Rt. 247, which entails us trucking them up there packing them in the buildings and then as has already happen on three occasions when those boats have a problem I got to send somebody back up there to unpack the buildings pull their trailer out put the other ones back come back and pull the boat out of the water. It was never my intention to have to truck empty trailers up there and not have them on site and then truck them back at the end of the season to pull their boats out of the water. Yours would be a good example. I store your jet ski trailer. I store it on my property. If you had a problem with one of your jet skis tomorrow I would hook onto it with the tractor and either tow it over or drive it over and put it on and pull it out of the water. If your trailer was up on 247 and you had a jet ski sinking I would either have to find one that was empty use somebody else's or tell you sorry. So it is not my intention to have to drag all of these trailers up to 247."

Mrs. Baxter asked how many trailers they are talking about.

Mr. Principe stated that he has not counted them. It is not the 160 boats that are in dry dock. It's the boats

that are in the water or the cottage people that have a boat house and don't have a place to store their trailer.

Mr. Baxter stated "so we're going to have to listen to this all summer long."

Chairman Harvey stated that they will end up having to buffer depending on what the board approves. The Planning Board will be taking a really close look at the operations. "What I've heard as described so far is the intention that the trailers are not going to be in and out every day. They're going to get parked there for the season for the most part."

Mr. Baxter stated that if they're getting parked for the season they can be off site.

Chairman Harvey stated "again if he needs to get one on a day, that's why they are there on site."

Mr. Baxter stated that "there is at least three there that have built homes in the last 5 to 6 years with the knowledge and understanding that we have the buffer of the creek between us and the commercial operation. Now your taking that buffer away."

Mrs. Baxter stated "and you're possibly polluting it with all the stuff that is going to run. That's an environmental impact question."

Mr. Atkins asked if there was a lot of noise moving the trailers in and out.

Mr. Baxter stated absolutely. "You got tractors running in and out. You got the backup beepers on tractors going off every time you back them up."

Mrs. Baxter stated "and you got the hazard of tractors coming down the road."

Mr. Baxter stated "These are all extra trips onto County Road 11. Every time a boat gets launched.

Mr. Atkins stated that "if these trailers were off site you'd still have the same problem. You'd have to drive it into your area and hook up the tractor and back it across County Road 11."

Mrs. Baxter stated that "he wouldn't have to go up right behind our house and back up the trailers."

Chairman Harvey stated that buffering is going to be very important in looking at the operation as a whole.

Linda Roche stated that "we live not directly abutting the property, but our house is within 100 feet of the upper piece. We are two properties over from the Baxter's house. We were not able to attend the last meeting, but we did send a letter that I'm sure you all received. I just wanted to reiterate a few concerns that we have in person. One is our property value, because as Mr. Baxter said when

we purchased the property almost 20 years ago we knew that we didn't own behind us but that was zoned for housing so we would potentially have a house or two or three up there and that would be it. Now you're looking at potentially changing that zoning."

Chairman Harvey asked whose property is behind them.

It was stated that Pelican Point is.

Chairman Harvey stated that it has always been commercial behind her.

Mrs. Roche stated that in looking at the map she thought it was rural residential.

Mr. Freida, Code Enforcement Officer stated that it has always been General Business.

Mrs. Roche stated that she stands corrected. "I miss interpreted the map. I do have a concern about the noise because we have a porch that's on that side of the house that we use a great deal and we do hear noise from the marina, but it's buffered. It's buffered with trees. It's buffered with other structures and this would eliminate a lot of that buffering."

Chairman Harvey asked if they hear motor noise or back up sensors.

Mrs. Roche stated that it is a combination. "It depends on what's going on and how busy the yard is. Removing the buffer I guess is a concern. Taking down the trees and parking trailers up there, potentially parking cars up there. It's just a concern that we have."

Chairman Harvey asked the applicants if they have ever looked into the alternate white noise beepers. "That is something that you might want to look into."

Mr. Atkins made a motion to recommend that the Town Board approve the re-zoning of the proposed from Residential R-1 District to General Business District. With the understanding that the Special Use Permit and Site Plan will need to be modified and approved by the Planning Board. The Planning Board will pay special attention to the buffering and the noise control and the visibility issues to protect the neighbor's property. Mrs. Rasmussen seconded the motion, which carried unanimously.

A change to Section 31.4.10 Lake Front Overlay District (LFO) was presented to the Planning Board for their review. This will be discussed at the next regular Planning Board meeting.

Mrs. Rasmussen stated that the Planning Board also needs to look at changing the zoning in the Hamlet

Commercial District so that the first floor of any commercial building must be used as a commercial use.

Mr. Freida questioned if there could be something put in the zoning to address continual garage sales.

Mrs. Rasmussen stated that we need to look at Procter's business in the hamlet. He does not have a special use permit to operate a contracting business on that site. He was approved for a pizza shop and used car business. The parcel needs to be cleaned up.

Chairman Harvey stated that Mr. Procter can have outside storage but it needs to be screened. He needs to work with Mr. Freida to address those things.

Mr. Dailey stated that Scott Naramore is operating his business again on State Rt. 364.

Mr. Freida stated that he is working on get several people to court.

Mrs. Yarger announced that Mr. Atkins has given his resignation to the Town and will no longer be serving on the Planning Board. She thanked him for his dedication and service for many years to the Town of Gorham. Mr. Freida also thanked him for his service.

Chairman Harvey stated that we are sad to see him leave.

Mr. Henry made a motion to adjourn the meeting at 8:40. Mr. Hoover seconded the motion, which carried unanimously.

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Thomas P. Harvey, Chairman

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Sue Yarger, Secretary