

MINUTES  
TOWN OF GORHAM PLANNING BOARD  
September 25, 2023

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

EXCUSED: Mr. Perry                    Mrs. Rasmussen

Chairman Harvey called the meeting to order at 7:30 PM. Mrs. Harris made a motion to approve the August 28, 2023, minutes as presented. Mr. Hoover seconded the motion which carried unanimously.

Application #12-2023, Marlin B. Nolt owner of property at 3329 Depew Road requests a special use permit & site plan approval for a machine shop.

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

Marlin Nolt was present and presented his application to the board.

Chairman Harvey read the letter of intent that was submitted to the Town.

The building will be used for an existing Machine shop that is currently operating in the farm shop on the farm. The intent of the building is to have more room for the Machine shop, farm shop and storage. The building is not a public building, no employees, it is run by the owner and family members only. The Machine shop started in farm shop on the farm and has outgrown space and existing farm shop is needed for the farm.

Chairman Harvey explained that the plan does not differentiate between the proposed contours and the existing contours. Usually the dotted ones are existing and solid ones are proposed. All the contours on the plan appear to be dotted.

Chairman Harvey stated that a dry well or something like that needs to be added to the plan showing how they are taking care of the added stormwater. This will need to be designed so that the rate of stormwater coming off of the building gets back into the ground.

Chairman Harvey asked if there was going to be a sign for the business placed on the property.

Mr. Nolt stated that he might put up a small sign to identify the address.

Chairman Harvey asked if he would have a sign to identify the business.

Mr. Nolt stated that he might have one eventually. They don't have one now.

Chairman Harvey explained that he can get approval for a sign now or he can come back at a later date for approval for a sign. He advised Mr. Nolt to put it on the plan now so that he would not have to come back at a later date.

Chairman Harvey asked if there were blueprints that would show where there is going to be lighting.

Mr. Nolt presented the blueprints and showed the board where there was going to be lights. There will be lights at every man door and at the overhead doors there will be flood lights. At the corner of the building they are thinking of putting a dusk to dawn light.

Chairman Harvey asked if they have specified fixtures for the lights. They all need to be dark sky compliant. If the flood lights are to light up a whole area it can't be on the building it will need to be put on a pole facing back towards the building or change it to a dark sky compliant light that shines down only.

Chairman Harvey asked where the driveway was across the street.

Mr. Nolt stated that it is directly across the street from the proposed driveway.

Chairman Harvey stated that those driveways will need to align and will need to be shown on the plan.

Mrs. Harris asked what the height of the building was going to be.

Mr. Nolt stated that it has a 12 foot header with 4-12 truss. It was figured to be about 18 to 19 feet in height.

Chairman Harvey asked if there were any comments on the application 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. Hoover made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 and 3 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. Kestler seconded the motion, which carried unanimously.

Mr. Kestler stated that he noticed that on the plan there is a 4 inch line for a grease trap. "Is there going to be a septic on site?"

Mr. Nolt stated that there is not that is just a floor drain.

Chairman Harvey stated that he is having an oil/grease separator. He asked Jim Morse, Code Enforcement Officer if he has made Mr. Nolt aware of the requirements for the oil/grease separator.

Mr. Morse stated that he will be reviewing the plans with Mr. Nolt.

Mr. Farmer asked if there was going to be water in the building.

Mr. Nolt stated that there was going to be water in the building. The water will go down the drain.

Chairman Harvey asked if there was going to be a bathroom in the building.

Mr. Nolt stated no. Just water for the machine shop to wash down.

Chairman Harvey asked Mr. Morse what the regulations are for this.

Mr. Morse stated that he would have to check on this. He believes that there will need to be a back flow preventer.

Mr. Farmer made a motion to approve the Special Use Permit and Site Plan with the following conditions: 1. The Engineer must submit a legible plan showing the proposed contours as solid lines and the existing contours as dashed lines. 2. Show the placement of a sign that meets the Town of Gorham's sign requirements. 3. Show storm water mitigation on the site plan. 4. Show on the property map the alignment of the driveways across the street from each other. 5. Mr. Morse will check the regulation on water in the building and if it is found that a septic system is needed that will need to be added to the plan. 6. The lights on the building need to be dark sky compliant. The other lights proposed need to shine towards the building and also be dark sky compliant. Mr. Hoover seconded the motion which carried unanimously.

Application #13-2023, Paul A Caloyeras, owner of property at 4883 County Road 11, 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 was present and presented the application to the board.

Mr. Venezia stated the proposal is for a single family home. The property sets between County Road 11 and Arrowhead Drive. The plan is to come off of Arrowhead Drive for the access coming into a side load garage. There will be a walkout basement. It will be serviced by water and sewer.

Chairman Harvey asked if there was an HOA in the Arrowhead Subdivision.

Mr. Venezia stated that there is an HOA. They do have deeded access to Arrowhead Drive.

Chairman Harvey stated that they do have a letter from the President of the Homeowners Association and they believe that the properties bordering County Road 11 were specifically not given access via Arrowhead Drive. But if the deed states otherwise they will need to produce a copy of the deed to the Planning Board.

Mr. Venezia stated that they did talk to the County about coming off of County Road 11. The County said that it would take a year to approve it and if it did get approve it would be at a significant cost. There is a guardrail there which they did not want them to cut and there is a lot of drainage that comes down through there.

Mr. Venezia stated that they did address MRB's comments. They have added some pitches away from the house. They have expanded the stormwater system.

Chairman Harvey stated that the town's Soil Erosion Sedimentation Control requires them to do temporary diversion swales stabilization and create stormwater management.

Mr. Venezia showed on the plan where they could put a temporary sediment basin on the parcel.

Mrs. Harris asked if they tweaked the swale that goes around the south side.

Mr. Venezia stated that just above the garage was tweaked to get more pitch away from the garage.

Chairman Harvey stated that they need to show some spot elevations.

Mrs. Harris asked what the height of the landscape wall is.

Mr. Venezia stated that he did call out a height. He can add a top wall and bottom wall. He will add some spot elevations on it.

Mr. Kestler asked if there was any outside lighting.

Mr. Venezia stated that they did not put any lighting locations on the plan.

Chairman Harvey stated the they need to add that all lighting will be dark sky compliant.

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

Mike Kennedy representing the Arrowhead Landing HOA stated that he is the one that submitted the email to the board. "I'm here just to amplify a few additional points. The idea that I want to express today is two things. Arrowhead Drive is a private road maintained by the Arrowhead Landing Homeowners Association. The maintenance cost of that road is a significant cost in our budget. From the beginning when this HOA was established and these plots were laid out it was the intent to try to keep traffic on that road to a minimum. The way that was to be achieved was to affirmative access to Arrowhead Drive from the east side lots. On the east side of Arrowhead Drive their deeds have affirmative granting of access to Arrowhead Drive. The west side lots are silent on granting access to Arrowhead Drive. I have no knowledge if the guardrail was there when we put this in place. My suspicion is that it was not. What I can say is this process has worked until this proposed construction. I don't have a great idea how else to get off of that property. I'm just here to express a concern by granting this it opens the door for the other ten properties along Arrowhead Drive to exit."

Chairman Harvey asked if this lot is part of the Homeowners Association.

Mr. Kennedy stated that it is.

Chairman Harvey asked if he did have access he would have to pay his fair share.

Mr. Kennedy explained that each member of the Association pays an annual fee to help maintain the common property.

Chairman Harvey asked if they have access to the documents that talks about that intent or restriction of access.

Mr. Kennedy stated that he has not physically seen them. "I have a deed for a west side lot which does not have access to Arrowhead Drive granted in the deed."

Chairman Harvey asked if that is represented as the Homeowners Association and that was their rules.

Mr. Kennedy stated that their intent was to not grant access to Arrowhead Drive to the west side lots. "I did not check all the lots. We contacted our attorney who said that he had looked into the east side lots and confirmed to us that the intent was to grant access to the East side lots to Arrowhead Drive and not to grant access to the lots on the west side of Arrowhead Drive. The intent there is to minimize traffic. Again I understand we're talking about one property and we're not talking about putting a superhighway egressing onto Arrowhead Drive."

Chairman Harvey stated that intent is nice whether they actually followed through with what is in the deed is another matter.

Mr. Kennedy stated, "I did contact the homeowner to ask him if there was any restriction in his deed granting access and he confirmed that there is no restriction granting access to Arrowhead Drive. What I subsequently found out after talking to the homeowner or the owner of the lot is the way it was done is to grant affirmative access to the east side lots and be silent on the west side lots. I fully understand it would have been a lot clearer to do it affirmatively and negatively. So we sit here today trying to sort through this."

Chairman Harvey stated that if there was a homeowners document that spelled that out it would probably end the discussion. "This board will have to determine what is in his deed."

Mr. Kennedy stated, "It could be clearer. I just wanted to express where we're coming from and why we're even speaking at this public meeting. We like progress we're just trying to be fair to the membership. A number of the members have expressed this concern and they're long standing members of the HOA so I had to bring it forward."

Paul Calayeras joined the meeting on zoom. "I just want to touch base about what Mike said about the driveway access. We're happy to share our deed with you also we can share the HOA CC&R's the bylaws which were provided to us upon the purchase of the property. Which neither of the documents indicate any restrictions as to where you can build a driveway. This sounds more like an HOA issue instead of a Planning Board's issue. We're also in the HOA we pay for the maintenance of that road regardless if we use it or not just like all the residents on the left side of the road. We appreciate the review of our plans."

Tom Amato stated that he has a question. "In this instance where something isn't in a deed as opposed to another deeded property where it is in the deed is that not this boards responsibility to determine the difference or is that the courts responsibility to determine the difference? The HOA has nothing to do with it."

Chairman Harvey stated yes it does. "If it's in his deed that he has access from Arrowhead Drive than pretty much that's the end of the discussion."

Mr. Amato stated, "But if it's not in his deed and it's specifically in somebody else's deed than what?"

Chairman Harvey stated, "Again he is a member of the Homeowners Association we would ask to review and probably refer to the Town Attorney a determination of whether they have the right and what it says. If it's not clear to us. We are not going to grant something that this property owner doesn't have a right to but at the same time what we're going to have to

struggle with tonight is to whether we wait to make that determination and get that information or whether we do something conditionally. That is up to the board to determine."

Hearing no more comments Chairman Harvey closed the public hearing.

On the SEQR form it does state that the project site is located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

Chairman Harvey stated that until this project is sent to the State Office of Historic Preservation and evidence is submitted that it was provided and asked for an opinion letter from SHPO the Planning Board cannot act on the application. SHPO has 30 days to respond.

Application #14-2023, David Case, owner of property at 5198 Long Point Road , requests subdivision approval to subdivide .40 acres to merge with adjoining property 5202 Long Point Road and site plan approval to build a single family home.

Application #15-2023, John & Johanna Falk, owner of property at 5202 Long Point Road, request subdivision approval to merge .40 acres from the adjoining property and build a single family home.

The road to these homes was discussed. It has not been determined if it is a private road or a town road.

Matt Tomlinson, Engineer explained that just under .40 acres is being sold from the north parcel (Case) to the south parcel (Falk).

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 and 3 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. Hoover seconded the motion, which carried unanimously.

Chairman Harvey stated the way this process works if during the public hearing they identify other issues that may have changed their opinion on the environmental review they would have to move to re-open and adjust the answers on the SEQR form.

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

Matt Tomlinson, Engineer, David Case, John & Johanna Falk, Chris Hennesey, Architect and Jim Fahy, Architect were present and presented the applications to the board.

Mr. Tomlinson stated that both lots are within the flood plain. With the Case property at 5198 Long Point Road .36 acres will be subdivided off and merged with the Falk property. The house will meet all the setbacks. They are keeping all the trees along the lakefront. They are reducing the impervious areas significantly by over 25%. They are accomplishing this by reducing the size of the house footprint as well as the driveway. That along with some of the vegetative swales and maintaining the trees is really how the stormwater is being addressed for the northern portion.

Chairman Harvey stated that in the MRB comments as far as the stormwater goes they don't think the hydroCAD model is not the appropriate model to analyze from the point of view of analyzing additional stormwater on this property.

Mr. Tomlinson stated, "they had some comments relative to the iterations being used but that was primarily for the Falk property on the south as well as the coverages for the analysis on the culvert for stormwater that we submitted. So that was not specific to the Case parcel."

Chairman Harvey stated, "I would flipflop it and say normally MRB needs to be satisfied my experience has been and hydroCAD wants to use a watershed bases analysis and this we're thinking more traditionally we're used to seeing less than an acre a rational method for the runoff."

Mr. Tomlinson stated, "We work with MRB all the time. I don't have any concerns with being able to satisfy their comments that are related to that. So rational method especially for larger storm events when we're within the 100 year flood plain if it's underwater the waters not really going anywhere. We're working through that with Collin and Lance at MRB."

Chairman Harvey stated, "The boards normal position is that you do soil testing you find your infiltration. The only time we're looking for storage if the volume of infiltration your system provides is not equivalent to the rate of volume of discharge. So if you get it into the groundwater that fast than go. Otherwise then we start talking about storage and giving it time to infiltrate."

Mr. Tomlinson stated, "Part of the challenge here is with how flat it is related to the lake within the 100 year flood plain as you know the water table being high also has an impact on that. From a flood plain perspective we are setting the floor up above the 100 year flood plain by 2.1 feet. The garage will be right at the flood plain elevation or slightly above it and there will be flood vents or openings within the crawl space



underneath the structures in order to provide the storage in accordance with FEMA regulations for those. One of the challenges here again with how flat it is even the amount of fill to get the driveway up to that garage elevation has a potential for .. So creating storage that digs back into the hill or modifies the slope or the landscape really doesn't meet the intent of that flood plan storage. In addition there's several easements which we're going to get into a little bit when we talk about the swale and the storm culvert that comes under the road that may or may not be owned by the Town. We have had conversations with Jim, I believe the Supervisor stepped in for a little bit there when we sat down with them. We've had conversations with the head of Ontario County DPW because of County Road 11 drainage and also the County owns the pump station. The County Sewer District owns the pump station. Related to the flood plain the storm water we do have a lot going on. Related the site plan the design the compliance with zoning code it's a relatively straight forward two parcels of land that we're talking about."

Chairman Harvey stated, "I saw the note on the plans about the garage not in the calculations. Would you just clarify that so I got that straight."

Mr. Tomlinson stated, "We are not proposing open storage underneath the slab within the garage. So that has been excluded or its included in the calculations but we are not accounting for it in any of the storage calculations. Relative to the storm sewer there's a storm line that comes underneath Long Point Road that's a continuation of a swale and drainage under County Road 11 and that is conveyed in a swale currently almost down the existing property line because we're moving the property line to the north from where it exists today that swale or stormwater accentually is directed at the Falks new garage location. In talking with the town and the county related to who owns the storm sewer pipe which is related to who may or may not own the road we needed to come up with a solution to reroute that stormwater. There's about a 38 acre uphill drainage area that comes down to County Road 11 as conveyed in that roadside swale heading further to the south. There's an 18 inch storm line that comes under County Road 11 goes through a swale on a neighboring property next to the leg down from Long Point Road that then is conveyed under Long Point Road. So our proposal after talking with the County originally we wanted to re-route that swale to the north around the County pump station parcel specifically and down the common property line between the two properties. It would have driven a couple of things. Number one it would have required quite a bit more clearing of some of the vegetation through there. Number two the County came back and I believe

that those comments are also in our response letter that we submitted stating that they do not want us to go to the north because of their easements and potential impact to crossing the force main. This pump station handles quite a bit of town's sewer district in that force main pump station. And so they requested that we extend that to the south. So we come up with a design that reroutes that to the south and daylights the piping that it will be conveyed in. Basically in the slope of the Falks existing driveway, gravel driveway that is on that side. We also had a discussion with the neighbor to the south on site to try to alleviate some of the concerns related to rerouting that water approximately 80 to 100 feet further south than it currently goes today. There's no additional discharge from that storm sewer but it is in a new location. So understanding the concern one of the things that we've done is modify that swale outlet. Originally and in your submission package we've got that coming into the lake about 10 feet north of the southerly property line to the Falks. We've shifted that to about 20 feet north as part of our addressing the drainage questions that came from MRB. We've also added or supplemented to the berm along that south property line to ensure that any potential failure of that swale would be directed further north across the Falk's beach and not anywhere that would impact that southern neighbor. We've also done a good amount of work and the County's asked for a couple of additional details related to how the swale or the velocity of that water will be mitigated in the channel in order to help insure that velocity within that channel are mitigated as well as they enter the lake. Finally from an erosion control standpoint we've added check dams and silt fence along the entirety of the parcel in the swales in order to address any concerns related to any sediment entering the lake as part of the project."

Chairman Harvey asked how the proposed residences conform with the Town's Design Guidelines.

Mr. Tomlinson stated, "From a site design standpoint we really tried to spend a lot of time ensuring that the lakefront and the protection area are maintained on the property. The cottages are pulled back out of the 30 foot setback requirement. And they're only proposing to remove one to two small trees and they're supplementing the trees along that lake frontage for the landscape guidelines. Related to the storm requirements they are going to splash blocks and rain gardens and some of the other rain protection areas where that runoff comes lose. And driveways are directed to vegetative swales, treed lawns and the lake in order to treat that stormwater. Pacifically to the residences I'll turn it over to the architects to talk."

Chris Hennesey Architect for the Case property stated, "We took the existing house that's being removed and pushed the house more toward the east so its away from the lake. Keeping all the vegetation that currently exists. And then stepping the house so that the owners can take advantage of the views and also to make the house not look so massive from the lake."

Jim Fahy Architect for the Falk property presented elevations to the board and stated, "We worked 3D elevations as a 360 around the house so you can get a real life view of the building massing and finishes and trees. I do know the importance of meeting your lakefront residential design guidelines and how important it is to this board. From day one as we were planning this the Falks are proposing to raise a small seasonal cottage and build a larger year around principle residence on the property. So we're increase our footprint a considerable amount. That's why this expansion of the project with the lot with the Cases to the Falks and the relocation of that drainage ditch is critical to this project as a whole for us to be able to comply with all of the design guidelines of your lakefront design regulations. Starting right off with our visual impact from the lake. We're obviously over doubling the size of our footprint on the property from what's there now. But I think the board needs to keep in mind or notice that we're increasing our lot size by over 80%. We're increasing our lake frontage by 83%. We're increasing our setback of the existing building to be raised from around 26 ½ feet to our principle residence setback of 59 feet for the new structure. There's a porch that goes in front of it but we've over doubled our distance from the lake with the new structure. Also to the south the existing cottage is around 22 feet from the south property. We're moving our new structure to around 45 feet to the principle residence from the south. To provide a greater buffer to our neighbor a visual buffer to our neighbor to the south but also to provide ample property to do this redirection of the drainage ditch. As we get into building mass and form we've designed a cape style home so that we're respecting not only the closer neighbors with large homes but we're respecting neighbors that have some of the smaller homes. We know that's going to reduce the visual impact for all views maybe either from the lake or to the lake. We've purposely modulated the building footprint and massing in there so that we can pick up smaller elements another key guideline in your lakefront development. We've kept our maximum height at just over 27 feet where we can be as high as 35 feet. Another point that we're respecting your guidelines and respecting our neighbors. Our exterior aesthetics for the house is based on materials that are typical of the traditional style in the surrounding neighborhood. We're using

shake siding with garden height stone veneer, fiberglass asphalt shingle roof with minor accents of standing seam metal roofs. We have timber posts, brackets, gable limitation that are emblematic of the craftsman style homes that we design. As far as the exterior aesthetics we are using neutral earthtones for our siding and roofing material. On the roadside of the house our principle entry is human scale which is important to this board. It is oriented to the road. It's clearly identified from the road and from the entry to the house. We've added an angle garage and angled entry porches as you first arrive which provides modulation to the overall form of the cottage and provides depth and intimacy to the scale and massing of the home. Our building lighting, we are proposing only building lighting at the principle entries and exits and at the porches. And they will all be dark sky compliant."

Chairman Harvey asked with the relocating of the swale was there any closure in maintenance responsibility.

Mr. Tomlinson stated that the answer related to potential ownership of the road is still a gray area. They stated that they recognize that they need to relocate it and will install it and would the town be interested in taking an easement over the top of it. They are not aware that this has taken place and would still like to offer this to the town to take dedication for easement for ownership and maintenance for the storm sewer.

The location of the electric was discussed. The boards desire is to see the electric put underground. This will depend on where the electric company's easements are. The board will require a post construction survey showing the final location of the utilities.

Mrs. Harris questioned the lot coverage on the Case property. The lot coverage is right at 24.9% and there is no walkways shown.

Mr. Tomlinson stated that they are not proposing and walkways.

Mrs. Harris stated that is great that they are keeping all the trees and may want to get some tree protection so that they are protected during construction.

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

Doug Whitaker stated, "I have been concerned about the stream and the rerouting of the stream. They did address much of it. I was very concerned when it was only going to be off the property. The description the property goes into one of the few areas that is actually shale beach as opposed to the sea wall. They are having problems. This year we have had two wash out events over the Long Point that I've had to replace the stone. So I have been concerned about it and they did address it by

moving it 20 feet from my property, which pleases me. Ideally I really wish that the town and the DPW could work something out rather than move 100 feet south."

Mrs. Whitaker stated that they have had some bad issues with the microbursts coming down washing them out.

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

Chairman Harvey stated that all the board can do with the swale and the underground pipe is request that the applicant offer an easement and dedication to the town or the county whoever might be willing to accept it.

Chairman Harvey offered a resolution [attached hereto] to approve the subdivision and site plans for 5198 and 5202 Long Point Road with the following conditions: 1. The applicants make an offer either to the town or the county of dedication for the swale and underground pipe. 2. Address in the deeds for both lots the maintenance of the small swale that runs between the two lots. 3. A notation be put on the site plans and deeds that the subdivision references the site plan that has been approved and on file with the town. No other impervious surfaces can be built on these lots. 4. Adjust the proposed contours so that nowhere is the contours intersecting a foundation line at 90 degrees. 5. Post construction surveys will be provided to the town showing the final locations of the utilities. Mr. Kestler seconded the resolution which carried unanimously.

Application #16-2023, Jason & Karey Grover, owners of property at 3720 Thorndale 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.

On July 27, 2023, the Zoning Board of Appeals granted a rear yard variance of 4.8 feet for a setback of 25.2 feet. A north side yard variance of 6.5 feet for a setback of 8.5 feet. A south side yard variance of 3.3 feet for a setback of 11.7 feet. A 6% variance for a lot coverage of 31%. The generator and A/C unit must remain as presented and cannot go any closer to the neighboring property.

Brennan Marks, Marks Engineering, Scott Powell Architect, and Jason & Karey Grover were present and presented the application to the board.

Mr. Marks stated that they are planning on demolishing the existing structure and replacing it with a new single family home. The new structure footprint is approximately 2000 square feet. The existing garage in the east side of Thorndale Beach is going to remain. With the proposed grading and drainage they have provide three dry wells throughout the property to mitigate

the stormwater impacts. They have provided drainage calculations based on the rational method. They have provided in the site notes the requirements for cutoffs and dark sky compliant lights that will be located at the entrances to the structure. They have provided a landscaping plan to show landscaping all the way around the new structure. The landscaping will be many native species that are shrubs, trees. They are in a flood plain and the house will set higher than the flood plain. They have not changed grades around the house significantly from existing conditions. In their opinion, they are not affecting the flood elevation of the lake by more than 1 foot.

Chairman Harvey stated that the town's standard is if you fill in a flood plain you give compensating cut somewhere.

Mr. Marks stated that he can show the figures that they are not filling in a flood plain.

Chairman Harvey asked if there was a SHPO letter received.

Mr. Marks presented on his cell phone a notice that he received stating that there is no archaeological sensitive resources but asked that they take pictures of the existing residence to make sure it was not a building of historic preservation.

Chairman Harvey asked how old the building was.

Mr. Grover stated that the original structure is 1910.

Mrs. Harris asked what the big tree by the lake was that they are planning on removing.

Mr. Marks stated that it is a willow tree.

Mrs. Grover stated that she is very sad about having to remove it. The tree is dying they have had two arborist out to look at it.

Mr. Powell presented architecture plans and elevations of the proposed home to the board. They have complied with the design guidelines the best that they could with a gable roof. The first floor plan is very similar to the existing home.

Chairman Harvey asked Jim Morse if the site plan that was presented complies with the variances that were granted.

Mr. Morse stated yes that it does comply with the variances that were granted.

Chairman Harvey commented on sedimentation and erosion control. Show some sediment ponds and diversion during construction. Get these in and stabilized before the house is torn down.

Mr. Marks stated that he will add more detail for this on the plan.

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.

Chairman Harvey made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 and 3 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. Hoover seconded the motion, which carried unanimously.

Mr. Farmer made a motion to approve the site plan with the following conditions: 1. Add a notation and establish a storm water and water quality treatment area and diversion swale prior to construction. 2. A post construction survey is presented to the town confirming all utility locations and the accuracy of the location of the building. Mr. Hoover seconded the motion which carried unanimously.

Mrs. Harris made a motion to adjourn the meeting at 9:56PM. Mr. Hoover seconded the motion which carried unanimously.

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Thomas P. Harvey, Chairman

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Sue Yarger, Secretary