

MINUTES
TOWN OF GORHAM PLANNING BOARD
June 6, 2016

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

ABSENT: Mr. Westermann-Alternate

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Dailey made a motion to approve the April 25, 2016, minutes. Mr. Hoover seconded the motion. Upon further discussion Chairman Harvey added the following to the discussion of Application #07-2016: They requested that Gordon Freida, Code Enforcement Officer read section 31.5.4 NON-CONFORMING STRUCTURE OR BUILDING and 31.4.10 LAKEFRONT OVERLAY DISTRICT of the Zoning Local Law of the Town of Gorham and give his opinion on whether or not taken together the situation where you have a preexisting non-conforming lot coverage or building, whether that can be expanded during the reconstruction or not. Chairman Harvey made a motion to make this amendment to the April 25, 2016, minutes. Mrs. Rasmussen seconded the amendment, which carried unanimously. The amended minutes were carried unanimously.

PUBLIC HEARINGS:

Application #06-2016, Thomas & Gretchen Perrone, owners of property at 4888 County Rd 11, request a site plan approval to build a single family home and garage.

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

Thomas Perrone, Scott Harter, Engineer, and Pat Morbitto, Architect was present and presented the application to the board.

Scott Harter presented to the board and read as part of the record a packet showing a summary of the project design information and related compliance to date. This will be attached to the minutes and a copy kept in the file.

Chairman Harvey asked Gordon Freida, Code Enforcement Officer, what his interpretation of section 31.4.10 LAKEFRONT OVERLAY (LFO) and 31.5.4 NON-CONFORMING STRUCTURE OR BUILDING of the Zoning Local Law.

Mr. Freida read from the Zoning Local Law these sections.

Chairman Harvey asked Mr. Frieda if someone wants to build or expand their non-conforming structure does it require a variance.

Mr. Freida stated that the applicant did receive variances from this section, but he also interprets that they do not need a variance to expand the non-conforming building as long as they do not increase the lot coverage from existing.

Chairman Harvey explained to Mr. Harter that as part of the Lake Front Overlay district there is a section that talks about adhering to the NYS DEC Stormwater Management Design standards. "It will require you as the engineer to certify the plan meets those standards and then after construction certifying that it was done to compliance."

Mr. Henry stated "did we take a look to see if Mr. Amato, who was here last month expressing his concern that he was going to lose his view of the lake, take a look and see if that was accurate or not? Has anybody looked at this concern that was expressed by this neighbor across the road?"

Mr. Perrone stated that they went through this with the zoning as well, and that was one of the reasons why the house is not as tall as zoning allows.

Mr. Henry reminded the board that Mr. Amato presented pictures from his deck at the last meeting showing his current view of the lake. "Let's face it. People own property on the lake so they can see the lake. And he was concerned that he was no longer going to be able to see it. I just want to remind the board of that concern."

Mr. Harter stated he believes the view of the lake for the neighbor is based on vegetation. "I think when the leaves are off there is more visibility that is possible. And I think you can tell by several photos that were shown. In particular if you zero in on photo 4844 and 4888."

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

Tom Amato stated that he does have the pictures that was shown to the board last month. He presented them to the board again.

Mr. Henry asked Chairman Harvey "As a Planning Board, my question to you is, are we only to consider the requirements as set forth in code or how much weight can we give in our voting to concerns such as this one expressed by the public?"

Chairman Harvey stated that everything is a balancing act. "And I'll add to that. You're able to hold somebody to the requirements of the zoning code. For example if his lot coverage or the mass of the building on the lot was totally out of character with the surrounding neighborhood then you could base your decision on that. It is presumed that the zoning addresses those other concerns. So if he meets the zoning, which is part of the reason I asked the question I did of the Zoning Officer. In this case he has gone through the public hearing process and the Zoning Board of Appeals granted him the variances. He met the side setbacks. In my opinion if you were going to base your vote on the character of the neighborhood. It better be pretty darn uniform down through there. And I think if you glance through the pictures, he's not really too much out of character in my opinion."

Chairman Harvey asked if there were any more 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 December 10, 2015, stating that the project will have no impact on the Historic/Cultural resources, was received in the Zoning Office.

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. Hoover seconded the motion. Rasmussen, Hoover, Harvey, Henry, Atkins & Farmer voted AYE and Dailey voted NAY. Motion carried. (6-1).

Mrs. Rasmussen made a motion to approve the site plan with the following condition. Change the name of the road on the plan from East Lake Road to County Road 11. Chairman Harvey seconded the motion. Rasmussen, Harvey, Hoover, Henry, Atkins & Farmer voted AYE and Dailey voted NAY. Motion carried. (6-1).

Application #07-2016, David & Cheryl Waldman, request a site plan approval to build a single family home.

Chairman Harvey asked if anyone was present for this application.

Since no one was present for this application Chairman Harvey adjourned the public hearing until June 27, 2016 at 7:30PM in the Gorham Town Hall.

Application #09-2016, Kenneth & Sally Napolitano, owners of property at 4661 & 4662 Lake Drive, request subdivision approval to subdivide .04 of an acre from 4661 Lake Drive and merge it to 4662 Lake Drive. The existing cottage will be demolished and a garage will be built.

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

On May 19, 2016 the Zoning Board of Appeals granted the following variances: For 4661 Lake Drive a motion was made to allow the property line to be moved approximately five feet to the north as shown on the subdivision map done by Venezia. For 4662 Lake Drive a motion was made to grant a 3 foot variance for a maximum height of 17 feet, a north side variance of 9.2 feet for a 5.8 foot setback and a south side variance of 7.7 feet for a setback of 7.3 feet. Within 6 months an ingress, egress easement will be filed for the north side of the proposed building.

Kenneth & Sally Napolitano were present and presented their application to the board.

Mr. Napolitano explained that they are planning to tear down the existing two story residence and garage and build a one story garage/workshop building. To get a setback of 5 feet or greater on the north side, the lot lines of the two parcels need to be changed.

The drainage and grading of the lot was discussed. The contours will need to be corrected to show positive drainage around the proposed building.

Mr. Napolitano stated that there will be no driveway on the parcel. It will be all grass.

Chairman Harvey stated that on the plan it shows a driveway. It will need to be eliminated from the plan if there is no driveway.

Mr. Napolitano stated that there will be no driveway and that the garage is going to be a storage garage; it is not meant to be parking garage.

Mr. Atkins asked who is drawing the proposed contours on the map. Can surveyors put proposed contour lines on a map?

Chairman Harvey stated that part of the requirement when the contours are modified on the map is that it will need an engineer stamp on the map.

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 May 10, 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. Mr. Dailey seconded the motion, which carried unanimously.

Chairman Harvey asked if the roof drains were indicated on the plan or if they are going to have downspouts.

Mr. Napolitano stated that they are going to have downspouts to splash blocks and a gutter system.

Chairman Harvey stated that the location of the downspouts to splash blocks needs to be added to the plan.

Mr. Dailey offered a resolution [attached hereto] with the following modifications: 1. Splash block locations are added to the plan. 2. Show revisions to the proposed grading to capture the uphill drainage and divert it around the north side of the building. 3. The driveway is to be eliminated from the plan. 4. Add the ingress and egress easement across the adjacent parcel to the plan. Mr. Henry seconded the resolution, which carried unanimously.

Application #10-2016, Scott Kuperus, owner of property at 2631 Main Street, request site plan approval to change the use of property to a laundromat in the basement and apartments on the first and second floors.

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

Scott Kuperus was present and presented his application to the board.

Chairman Harvey asked if there was going to be signage that differentiates the resident's parking from the laundromat's parking.

Mr. Kuperus stated that there is no parking in the front of the building. There is parking to the east and across the street. There will be an unloading spot. Currently there is only room for about three parking spots on the parcel. He intends to designate an unloading area and have signage inside for parking across the street.

Mrs. Rasmussen stated that she does have a concern with the parking. With the laundry in the basement people are going to be expected to walk from the street down the hill to the back into the basement with laundry.

Mr. Kuperus stated that is why he is designating the first parking space for an unloading parking space only.

Mr. Dailey asked how many areas of egress and entry would there be.

Mr. Kuperus stated that there are two egress windows and a six foot door.

Chairman Harvey asked how many bedrooms were going to be in each unit.

Mr. Kuperus stated that he plans on having two bedrooms in each unit.

Chairman Harvey asked Gordon Freida how many parking spaces would be needed for the residences.

Gordon Freida stated that it is one and a half parking spaces per unit.

Mr. Kuperus stated that he has three spaces on this parcel.

Gordon Freida stated that the code states for the laundromat that there needs to be 1 parking space per 300 square foot of retail business.

Mr. Kuperus stated that the laundromat is going to be about 300 square feet.

Mr. Atkins asked about the lighting plan.

Mr. Kuperus stated that he will have exterior lighting for the stairwell and one on the east end of the building for the driveway.

Mr. Atkins asked what hours the laundromat would be open.

Mr. Kuperus stated that he intends it to be open 7:00AM to 9:00PM.

Chairman Harvey asked if the laundromat is required to follow Americans Disabilities Act (ADA) requirements.

Gordon Freida stated he would have to look this up to see if they must follow ADA requirements.

Mrs. Rasmussen stated in the past there has been talk that in the Hamlet Commercial district that the first floor street level be commercial.

Chairman Harvey stated that he believes that was discussed during the writing of the comprehensive plan.

Chairman Harvey read from the Zoning Local Law of the Town of Gorham section 31.4.5 Hamlet Commercial District (HC). The goal of the district is to encourage an area of neighborhood-scale commercial and retail activity where flexibility is permitted to accommodate a mix of uses within the district as well as within individual lots.

Mr. Henry stated that he thinks the laundromat is a good service to the village.

Gordon Freida stated he does believe that the laundromat area needs to be ADA compliance. This needs to be looked into further.

Chairman Harvey stated that once you change use of a building you must bring the building up to ADA compliance. Either the laundromat is put on the first floor or grading be done to allow handicap accessibility to the basement area.

Mr. Kuperus stated that putting the laundromat on the first floor is not feasible. It is not recommended by the manufactures of the machines. They recommend the machines to be put on slab.

Chairman Harvey asked if there were any comments from the public. Hearing none, the public hearing was adjourned until June 27, 2016 at 7:30PM in the Gorham Town Hall. This will allow Gordon Freida, Code Enforcement Officer to check into the ADA requirements.

Application #11-2016, Rufus Zimmerman, owner of property at 5018 Townline Road request site plan approval to build a dairy barn.

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

Rufus Zimmerman and Jonas Burkholder were present and presented the application to the board.

Mr. Zimmerman stated that he will be applying at a later date for the manure pit.

Mr. Zimmerman stated that the barn will have a metal roof with concrete sides and curtain walls.

Gordon Freida, Code Enforcement Officer stated that the proposed barn meets all zoning requirements.

This application is a Type II action under SEQR and does not require any further environmental review.

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

Mrs. Rasmussen made a motion to approve the site plan as presented. Mr. Henry seconded the motion, which carried unanimously.

MISCELLANEOUS:

Chairman Harvey discussed with the board that in the Lake Front Overlay (LFO) they need to look at the way the non-conforming building provisions are written.

Mrs. Rasmussen stated that she believes that the Planning Board needs to also look at the Hamlet Commercial District. If there is talk of the first floor being commercial only in the comprehensive plan it needs to be put into the zoning.

Mr. Henry made a motion to adjourn the meeting at 9:00. Mr. Farmer seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary