

MINUTES
TOWN OF GORHAM PLANNING BOARD
May 22, 2017

PRESENT: Chairman Harvey Mr. Zimmerman
 Mr. Hoover Mrs. Rasmussen
 Mr. Dailey Mr. Henry
 Mr. Farmer Mrs. Harris-Alternate

Chairman Harvey called the meeting to order at 7:30 PM. Mrs. Rasmussen made a motion to approve the April 24, 2017, minutes as presented. Mr. Zimmerman seconded the motion. The minutes were reviewed. The following change was made. The 1st paragraph, 2nd sentence should read: Mr. Dailey made a motion to approve..... Mr. Dailey made a motion to approve the corrected minutes. Mr. Henry seconded the motion. The minutes were reviewed again. The following change was made. Page 10, 7th paragraph should read: Mr. Henry stated "so it's not your intention that you..... Mr. Henry made a motion to approve the amended minutes. Mrs. Rasmussen seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #15-2017, David & Karen Lanning, owners of property 5102 County Road 11, requests site plan approval to build a single family home with attached garage.

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

The applicant is still seeking variances from the Zoning Board of Appeals.

Chairman Harvey asked if there were any comments from the public. Hearing none, the public hearing was adjourned until June 26, 2017.

Application #18-2017, David & Denise Pontillo, owners of property at 3848 Cove Content, requests site plan approval to build a single family home with attached garage.

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

On March 23, 2017, the Zoning Board of Appeals granted a north side variance of 6.9' for a setback of 8.1' to the overhangs, a south side variance of 6.6' for a setback of 8.4' to the overhangs, a front yard variance of 4.6' for a 25.4' setback to the overhangs, and a rear yard variance of 14.6' for a setback of 15.4' to the overhangs. The

driveway to the attached garage is solely ingress and egress to the garage and there is to be no cars parked in that driveway.

David & Denise Pontillo and Rocco Venezia, Surveyor was present and presented the application to the board.

Chairman Harvey stated that the drainage looks correct on the plan.

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

Mr. Dailey questioned if they were going to save the trees

Mr. Pontillo stated that they have two trees in the front that they are hoping to save. They are going to have a tree surgeon come in and look at the trees and save all the trees that they can.

A letter dated January 24, 2017, 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. Dailey seconded the motion, which carried unanimously.

Mr. Dailey questioned the amount of lot coverage on the west side of the property.

They can have up to 50% coverage on the west side of Cove Content. It has been calculated to be 45% coverage.

Mr. Hoover made a motion to approve the site plan as presented. Mrs. Rasmussen seconded the motion. Harvey, Henry, Farmer, Dailey, Rasmussen & Hoover voted AYE. Zimmerman voted NAY. Motion carried 6-1.

MISCELLANEOUS:

The Town of Gorham Town Board requests a recommendation on Application T-01-2017, Pelican Point LLC, owners of property on County Road 11 and State Rt. 364 requesting rezoning of these properties to General Business.

Robert Brenner, Attorney representing Pelican Point LLC, Bill Pelicano and Rick Szkapi was present and presented the request to the board.

Mr. Brenner summarized what has happened with the request so far. They initially appeared before the Town Board and the Planning Board last summer. They withdrew their proposal in an effort to address some comments that were raised by this board and the neighbors before they went to the Town Board for their final determination on the re-zoning. Their original proposal was to re-zone the two R-1 lots down along County Road 11. They have now revised the proposal to include the parcel that they own on State Rt. 364. They submitted the revised proposal on January 22, 2017. They appeared before the Town Board to have it referred to the Planning Board for an advisory opinion on February 8, 2017. He was at the Planning Board meeting on April 3, 2017, to introduce the project. They went to the Ontario County Planning Board on April 12, 2017, and received a positive recommendation from the County Planning Board subject to a few comments.

The comments from the Ontario County Planning Board were read into the record.

July 2016 Comments:

- According to ONCOR:
 - No state or Federal wetlands are present on the property.
 - Parcels 141.10-1-64.000 & 141.10-1-63.000 are located within a FEMA floodplain.
 - The Property is not located within 500 ft. of an Agricultural District.
- Site Distance - The referring Board is encouraged to consult with the Ontario County Dept. of Public Works to determine if any potential increase in traffic causes any concern relative to site distances and/or site access.
- Screening - The referring Board is encouraged to consider if any needed screening and/or business restrictions are required to limit the impact of the potential expanded marina use on nearby residentially zoned parcels.

OCDPW Comments:

The Canandaigua Lake County Sewer District has no objection to the proposed rezoning of these parcels from residential to general business. The Department of Public Works should be given the opportunity to review and site plans, utility plans, environmental review statements, traffic studies or drainage plans for the properties prior to approval to assure that negative impacts to County facilities are mitigated as appropriate.

APRIL 2017 COMMENTS

The Town is encouraged to look at whether the potential exists to issue a special use permit for use of the 6 acre parcel off of Rt. 364 in lieu of rezoning the parcel. Issuance of a special use permit instead of re-zoning the parcel would ensure that commercial uses don't become allowed by right in what should be a rural residential district.

CRC Meeting Comments:

If the rezoning is approved by the Town Board, the local boards are encouraged to consider the speed limit on Co. Rd. 11 during any subsequent review as there may be an increase in foot traffic crossing Co Rd. 11 as the applicant expands their business.

CPB Comments:

In addition to the comments listed above;

- The referring board is encouraged to consider the best way to ensure that the proposed intensity of the use is maintained/controlled. Either through re-zoning or the special use permit process, how can the board best regulate the scale of the proposed operations; making considerations to limit the number of cars, trailers, boats, etc. to guard against over development of the parcel.
- The referring board is encouraged to ensure adequate buffering of the operations from other uses in the adjacent rural residential district.

Chairman Harvey stated that in the Rural Residential District this is not an allowed use by Special Use Permit.

Mr. Brenner stated that at the last meeting he discussed 31.4.4 that delineates the Special Uses in the Rural Residential District. There you can have a winery, industrial, campground, public utility infrastructure, but

no outdoor boat storage. They think based on the reading of that section of the code that Ontario Co. Planning comment is addressed. With respect to the other comments, those are the same comments that were raised last summer and they are certainly amenable to working with them and this board and we can certainly discuss those with the Town Board and any residents that are concerned about the project during the public hearing process.

Gordon Freida stated that inside boat storage is an allowed use by Special Use Permit, but outside storage is not.

Chairman Harvey stated that no public hearing is required at this meeting but asked if anyone from the public would like to make a comment at this time. No one wished to make a comment.

Chairman Harvey stated that he looked at 1997 and the 2009 Town's Comprehensive Plan. What he found was that it is the only boat launch site in the Town that any member of the public can use. It also noted that the existing level of service for public boat launching were judged to be sufficient as they met the needs of the Town residents without attracting a large amount of traffic from adjacent communities. The traffic pattern on County Road 11 is an area of concern, and the Town should work with the County to limit on-street parking and with the landowner to develop solutions to present and future traffic issues at this site.

Chairman Harvey explained that the Comprehensive Plan doesn't say that the adjacent property to the marina should be added to the General Business. It does note that if those issues can be addressed there may be a public benefit to the re-zoning. That is a reason for the Town Board to consider a re-zoning.

Mr. Brenner stated that there is two factors that a board considers when re-zoning a property. Is it in accordance with the comp plan? Is it a benefit for the general welfare, health and safety of the community? With those two factors and with what they are proposing they are trying to clean up traffic along County Road 11. They are also willing to comply with all provisions of the Town code.

Mr. Dailey stated he would like to go back to last month's minutes and have some of the questions answered that were raised at that meeting. "Mr. Brenner stated that the intent is to not add more dry dock storage and more wet slip storage. And I think I heard Terry and Rick say something else that in fact there would be potential for

the business to grow further. And there is a concern on the lake of additional boat traffic and I guess going forward are we suddenly going to have a Florida situation where we now have high rise where you can take a boat in and out with a high rise building."

Mr. Szkapi stated that he does not know where he heard that but he did not say it.

Chairman Harvey stated that lets be fair to the applicant. It is a fair question. "There is something on the books about how many docks and mooring spaces they are entitled to, but as far as the maximum number of boats stored, what the maximum number of parking is, all of those kind of factors I don't think there is anything on the books right now. Which I think is one of the things that needs to be worked out."

Mrs. Harris question if during site plan they would be addressing lighting and drainage.

Chairman Harvey stated that they would be subject to everything in our site plan regulations.

Mr. Farmer expressed his concern that he does not want the parcel on State Rt. 364 to look like a boat parking lot and seen from the road.

Chairman Harvey explained that during site plan review the board can require screening so that no boats are seen from the road.

The Town of Gorham Planning Board made the following findings:

1. The operation of a marina within the Town that serves local residents is an important part of the quality of life to the community.
2. Pelican Point LLC is the operator of a scale of facility that aligns with the Town's Comprehensive Plan.
3. There is a continued need to improve traffic patterns on County Road 11 at and surrounding the Pelican Point Marina to ensure public safety. This need is clearly stated in the Town's Comprehensive Plan.
4. The grade and elevation differences between the property owned by Pelican Point LLC fronting on County Road 11 and property also owned by Pelican Point LLC fronting on State Rt 364 (tax parcel 141.00-1-64.500) prevents movement of boats or automobiles between the properties without the use of County Road 11 and State Rt 364 (meaning no interior circulation is possible).
5. There is a significant public benefit to be had in

- improving on- site parking at Pelican Point Marina and in improving traffic patterns on County Road 11 in the area of Pelican Point Marina.
6. The scale of Pelican Point Marina is at or near the size adequate to serve the needs of the Town of Gorham in terms of the number of boats stored and moored at the Marina.
 7. Any rezoning of the subject properties should include tax parcel 141.10-1-52.000 owned by the Canandaigua Lake County Sewer District in order to make a contiguous block of GB zoned property.
 8. Any use of tax parcel 141.00-1-64.500 must be tightly controlled to ensure that there is no disturbance to adjacent residential properties and that the town's access management local law is complied with to the maximum extent practical.

Mr. Zimmerman offered a resolution [attached hereto] to recommend to the Town Board the rezoning of tax parcels 141.10-1-63.000, 141.10-1-64.000, and 141.00-1-64.500, owned by Pelican Point LLC to GB General Business with the following conditions:

1. All of the applicant's property be combined into a single tax parcel.
2. Tax parcel 141.10-1-52.000 also be rezoned to General Business (GB).
3. The applicant provide a deed restriction or other document in a form acceptable to the Town Board and suitable for filing in the office of the County Clerk limiting the use of what is now Tax parcel 141.00-1-64.500 to outdoor boat storage and that no other commercial business can be located on said property.
4. That the rezoning be subject to development of a site plan approved by the Town Planning Board that:
 - a. Provides a visual barrier between boat storage and parking areas and the adjacent residential property on both County Road 11 and State Rt 364.
 - b. Provides a means of internal vehicular circulation minimizing the use of County Road 11 for moving boats, trailers, and vehicles on the applicant's property, with the exception of the transport of boats to the applicant's property accessed from State Rt 364 (what is now tax parcel 141.00-1-64.500).
 - c. Identifies customer parking, boat and boat

trailer storage areas, display areas, and other incidental uses of the property, including a plan to stabilize the bank bounding tax parcel 141.10-1-51.210.

- d. Establishes the maximum number of boats to be stored on site by Pelican Point Marina, this number being sufficient to meet the needs of the community, so that a maximum size of the operation is set and that will require future review by the Planning Board before it is increased.
- e. Addresses the requirements of the Town's Access Management Local Law to the maximum extent practical.
- f. Addresses exterior lighting.

Mr. Hoover seconded the motion. Harvey, Zimmerman, Hoover, Rasmussen, Farmer, & Henry voted AYE. Dailey voted NAY. Resolution carried 6-1.

Fred Lightfoote, Town of Gorham Supervisor, was present to give an update on the creation of the County Rd 1 Town Park.

The parcel was purchased by the town several years ago with the intent of developing it as a park.

Supervisor Lightfoote presented renderings of the first phase to the Planning Board of what the Town Board is considering at this time.

In the first phase there will be an open air pavilion, bathroom facility, and a parking area.

All of this is just in the planning stage and it is unknown whether the bathroom facility will be part of the pavilion building or a building of its own. They would like the open air pavilion to be constructed as such so that it could be enclosed and heated in the future.

Mrs. Rasmussen questioned the length of the driveway.

Mr. Farmer asked if there would be picnic tables placed on the grounds so that if the pavilion was in use other families could still picnic there.

Supervisor Lightfoote stated that there is nothing in place yet, but believes it will be handled the same as Heritage Park. People will have to call the Town Clerk to reserve the pavilion. There may be picnic tables in some of the open areas for others to use.

Chairman Harvey asked if the Town has an overall vision of what the park will look like.

Supervisor Lightfoote stated that the intent right now is not to improve any area for a ball field. Their intent

now is to maintain open space. What is currently open they will maintain to keep open. They will not cut any trees except what they had to cut to put the driveway in.

Chairman Harvey stated that he would like the Town to address the stormwater runoff.

Supervisor Lightfoote stated that they will most certainly address the stormwater runoff.

Mr. Henry made a motion to adjourn the meeting at 8:44. Mr. Dailey seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary