

MINUTES
TOWN OF GORHAM PLANNING BOARD
September 25, 2017

PRESENT: Chairman Harvey Mr. Zimmerman
 Mr. Hoover Mrs. Rasmussen
 Mr. Dailey Mr. Farmer

EXCUSED: Mr. Henry

ABSENT: Mrs. Harris-Alternate

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Zimmerman made a motion to approve the August 28, 2017, minutes as presented. Mr. Hoover seconded the motion. The minutes were reviewed and the following change was made page 8 first line should read: in the parking lot, when in fact there was not a soul in the restaurant. Mrs. Rasmussen made a motion to approve the amended minutes. Mr. Dailey seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #29-2017, Mary S. Cherniss, owner of property at 4171 Middle Road requests subdivision approval to subdivide parcel into two lots, one ten acre parcel with dwelling and one 14.511 acre vacant parcel.

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

Sandy & Dan King, representing the applicant was present and presented the application to the board.

Chairman Harvey asked if the agricultural use is going to continue on the property.

Mrs. King stated that to the best of her knowledge it is going to continue.

Chairman Harvey stated that he will need a more definitive answer because it is in the Ontario County Agricultural District and if more than 2.5 acres go out of agricultural production it becomes a type I action under SEQR. "Which means the environmental assessment form you supplied is insufficient and it's a much longer process."

Mrs. King stated that what she was told by the current buyers of the house and 10 acres they indicated that they were going to continue to have the farmer rent the portion on Lot 1 and Lot 2 is also going to continue to be farmed.

Chairman Harvey stated that the buyer of Lot 2, 14.511 acres will need to put in writing that the parcel is going to continue to be farmed and submit it to the Town. "Normally a single family development would be an administrative review. This will kick it into it will have to come to the Planning Board for site plan review. He's going to have to go through that extended environmental review that he avoided at this point in time."

Mr. Zimmerman questioned if the septic system for the existing home is on the 10 acre parcel.

Gordon Freida, Code Enforcement Officer stated that it was on the 10 acre parcel and has been inspected by George Barden, Canandaigua Lake Water Shed Inspector.

Chairman Harvey explained that when the 14.511 acre parcel (Lot 2) is developed they will need to follow the Town of Gorham's Access Management Local Law for the location of the driveway.

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

Michael Krossber stated that he would like to inquire how the lot is being broke up. He owns to the south that borders the Cherniss property. He explained that he is more concerned about runoff.

Justin Martin stated that he farmed that land for a few years and what he would advise is for the farmer to put in a back furrow behind all of the houses for the drainage.

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.

Mr. Dailey 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. Zimmerman seconded the motion, which carried unanimously.

Mr. Dailey offered a resolution [attached hereto] to approve the subdivision with the following conditions: 1. Future development on Lot 2 14.511 acres would not be eligible for an administrative review. 2. Future

development on Lot 2 14.511 acres non-agricultural use may be subject to the establishment of an access easement to share access with neighboring properties to be in compliance with the Town's Access Management Local Law. 3. A written statement from the perspective owners that the agricultural use is intended to continue on both properties. 4. The Planning Board notes the comment made about putting in a back furrow and asks the applicant and the Code Enforcement Officer to pass this onto the perspective buyers. Mr. Zimmerman seconded the resolution, which carried unanimously.

Application #30-2017, Charlie Constantino, owner of property at 4090 State Rt. 364, requests site plan approval to build a 24' x 40' garage.

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

Charlie Constantino was present and presented the application to the board.

Mr. Constantino stated that his project includes the demolition of an existing garage and removal of pavement in front of the existing garage. And the second part of the project is to build a 24' x 40' garage across the road. There will be no water or sewer in the garage just electric.

Chairman Harvey stated that the engineer needs to fix the contours on the plan to show positive drainage around the proposed garage.

Chairman Harvey explained that with adding more square footage of hard surface on the property, which generates more storm water runoff. There is no indication on the plan other than draining the storm water directly to Canandaigua Lake. The Town does not allow storm water to drain directly into the lake. There needs to be a subsurface infiltration or some kind of system to take the extra storm water before it gets to the lake. The engineer will have to come up with some sort of design to accommodate the extra storm water. If the engineer wants to drain the storm water from the proposed garage to the existing drain and treat storm water from somewhere else on the property to account for the addition, Chairman Harvey is good with that. It doesn't have to be the storm water coming off the new building.

Chairman Harvey questioned if the private driveway was included in the lot coverage calculation. If this was not included a new calculation will need to be figured adding the private drive to make sure that the 25% lot coverage is met.

Mr. Constantino stated that the garage will be pole barn style with architectural shingles on the roof and cedar shakes for the siding.

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

Justin Martin stated that Mr. Constantino has been a hell of a good neighbor for a number of years.

Margie Ojea stated that Charlie has been a great neighbor. Her only concern is that the proposed garage is set at the required setback from her property line.

Gordon Freida, Code Enforcement Officer stated that the proposed garage is shown at 16 feet to the eaves from Ms. Ojea's property.

Ms. Ojea stated that the proposed garage will be a very nice upgrade and she is very supportive of this project.

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

A letter dated September 19, 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. Farmer seconded the motion, which carried unanimously.

Mrs. Rasmussen made a motion to approve the site plan with the following condition: 1. Amend the contours to show the diversion of uphill drainage around the proposed garage

so that it doesn't flow into the foundation. Mr. Hoover seconded the motion, which carried unanimously.

Mr. Zimmerman made a motion to adjourn the meeting at 8:22. Mr. Dailey seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary