

MINUTES
TOWN OF GORHAM PLANNING BOARD
March 26, 2018

PRESENT: Chairman Harvey Mrs. Rasmussen
 Mr. Farmer Mrs. Harris
 Mr. Dailey

EXCUSED: Mr. Zimmerman ABSENT: Mr. Hoover

Mrs. Rasmussen called the meeting to order at 7:30 PM. Mr. Farmer made a motion to approve the February 26, 2018, minutes as presented. Mrs. Harris seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #10-2018, Jon Bagley, owner of property at 4733 South Street, requests a special use permit approval for multi-family use 3 apartments.

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

Chairman Harvey joined the board at this time.

The application was submitted to the Ontario County Planning Board. The Ontario County Planning Board made the following comments: 1. There is no detail provided about the dimensions of proposed parking spaces and drive aisles or the adequacy of remaining parking to meet parking requirements for Main Street uses. 2. There is no information provided about existing or proposed surface material of parking area, lighting, or plantings. 3. The parking spaces allocated to the apartments should be formalized in a shared parking easement to provide parking in the event 4733 South Street and 2625 Main Street are separately owned. 4. Any changes to signage for on-street parking in the County ROW require a highway work permit. **CRC Comments** - Given traffic volumes and speeds, is there a safety concern for pedestrians crossing from the parking area to the Church building? **Board Motion:** To retain referral #32-2018 as a Class 1 and return it to the local board with comments.

Jon Bagley was present and presented his application to the board.

Jon stated that the signage for the parking area will be made by Elderlee Corporation. The signs will designate each apartment. Each parking space will be lined and striped as soon as weather permits. There will be additional parking for guests. He can have his attorney draw up a permanent easement if the board would like in regards to the comment from the County.

Chairman Harvey stated that when he was in for a recommendation to the Town Board for re-zoning they asked that he draw a site plan up to scale so that they could verify the dimensions of the parking spaces.

Mr. Bagley stated that he did not do that, but can do that. He went on to explain where on the property the parking spaces would be located. He stated that there is room for nine to ten parking spaces there. There are already some parking spaces there and there will be 12 parking spaces total.

Chairman Harvey stated that he has no problem with the concept. It just needs to be put on a site plan so the board can see that the parking all fits.

Mrs. Rasmussen stated that she believes that when he was in last time they wanted to see the formal drawings of the apartments as laid out in the building.

Mr. Bagley stated that the top floor is one apartment and the first floor is split down the middle. Then there is the one in the back.

Chairman Harvey asked what he meant by the one in the back.

Mr. Bagley stated that there is an addition on the back that is also an apartment. So there is four apartments total.

Mrs. Rasmussen stated that she would like to see the formal setup of bathrooms, kitchens and exits and entrances.

Chairman Harvey stated that between the two sites per the code 11 parking spaces are required for all the apartments on the two sites.

Mrs. Rasmussen stated as far as the back apartment how is that laid out because it is just one long room.

Mr. Bagley stated that it is up and downstairs.

Mrs. Rasmussen stated that she thought there couldn't be anything in the basement.

Chairman Harvey asked what counts as habitable space.

Gordon Freida, Code Enforcement Officer stated that anything 70 square feet and it should have egress.

Chairman Harvey asked if there was anything in the building code where the living space needs to be above grade.

Mr. Freida stated no they just need egress.

Chairman Harvey stated that the environmental review on this project was done by the Town Board at the time of the re-zoning. So there is no further environmental review that needs to be done.

Mr. Farmer asked how they are going to deal with crossing the street with all the pedestrians. Does there need to be a crosswalk and do they have to go to the corner and use that crosswalk.

Mr. Bagley stated that he believes most people cross at the corner.

Chairman Harvey asked if the town is going to mark the spots in front of the building.

Mr. Freida stated that Mr. Lightfoote has contacted the County. There will be signage at the parking spaces in front of the building stating two hour parking.

Chairman Harvey stated that there is a marked crosswalk on the corner and that is where people are supposed to cross. Otherwise, you cross at your own risk.

Mr. Dailey asked if there were any ADA requirements with 4 units.

Mr. Freida stated no.

Chairman Harvey explained that it is an existing building and based on the topography and the finish floor elevation there is no way to make it handicap accessible.

Mrs. Rasmussen stated that the application is really for 4 apartments not 3.

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

Jon stated that he could draw to scale tonight the parking spaces.

Mrs. Rasmussen stated that the County stated that they would prefer professional plans. She agrees that the town needs a professional site plan submitted. She believes the board needs to see that there is enough room to drive in and out along with parking safely.

Mr. Bagley stated that he wants it to be functional and safe also.

The decision on the application has been tabled until the next meeting, April 23, 2018, so that Mr. Bagley can present a professional site plan.

Application #12-2018, Victor & Eileen Salerno, owners of property at 4894 County Road 11, requests site plan approval to build a residential addition.

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

Chairman Harvey asked if there were any comments from the public. Hearing none, the public hearing was adjourned until April 23, 2018, at 7:30PM.

Application #11-2018, Pelican Point LLC, owner of property at 4789 County Road 11, request an amendment to their special use permit for expansion of the marina.

The application was submitted to the Ontario County Planning Board. The Ontario County Planning Board made the following comments: 1. The applicant should provide a scaled drawing with parking, drive aisles, and land contours. 2. The applicant should designate a pathway for pedestrian access to the lakeside portion of the marina to consolidate pedestrian crossings in one place and minimize pedestrian traffic on the road. 3. Is necessary line of site available to ensure safe vehicle ingress and egress from proposed parking area? 4. Buffering should be considered to minimize the impact of parking on adjacent residences. **Board Motion:** To retain referral #33-2018 as a Class 1 and return it to the local board with comments.

Robert Brenner, Attorney representing Pelican Point LLC, Bill Pelicano, Rick Szkapi and Terry Principe were present and presented the application to the board.

Chairman Harvey stated that the environmental review on this project was done by the Town Board at the time of the re-zoning. So there is no further environmental review that needs to be done.

Mr. Brenner stated that the proposal is to seek a special use permit to allow for overflow parking for days at the marina where operations necessitate that. They are not intending on have vehicular parking or boat parking there for the full duration of the summer it is meant to be for overflow for the existing marina operations.

Chairman Harvey stated that there were quite a few things that were brought up during the re-zoning and asked that these be read.

On May 22, 2017, the Town of Gorham Planning Board made the following findings and conditions for the recommendation to the Town Board for the re-zoning of tax parcels owned by Pelican Point LLC.

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.

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.

Chairman Harvey stated that the applicant has some work to do on their site plan.

Mr. Brenner stated that they are just proposing overflow parking on the property at this time. He believes a lot of the conditions and findings relate to the part of the property that fronts on State Rt. 364. They are not proposing to do anything with this part of the property at this time. With respect to bank stabilization and plantings they are willing to discuss with the Planning Board reasonable plantings to screen from the residential properties. They are not asking for any more parking spots than what is shown on the plan at 4789 County Road 11, which is 37 parking spots.

Chairman Harvey stated that with the topography on this site is it even practical to have parking in this area.

Mr. Brenner stated that the site is all cleared and already developed for parking. They are not proposing any additional earth work or disturbance. They are using the property as it is and as it existed for overflow parking both for the marina and Sun Aqua historically.

Chairman Harvey asked how they were going to comply with the Town's Access Management Local Law. You will need to consolidate and limit and figure out where your points of egress will be.

Mr. Brenner asked if this had to be done with the preexisting uses.

Chairman Harvey stated that that was a condition of the re-zoning.

Mr. Brenner stated that they understood it to be a condition with the Access Management Local Law relating to the parcel on State Rt. 364.

Chairman Harvey stated no, it did not. With all the traffic on County Road 11 you will need to comply with the Town's Access Management Local Law.

Mr. Brenner stated that they did not realize that they would have to consolidate existing curb cuts and ingress and egress points.

Chairman Harvey stated that it was discussed at the earlier meeting how the parcels were going to link up and how they were going to get the people from the parking area to the main site without people walking down the road. The whole idea was to make the marina use safer. That was the town's reasoning for doing the re-zoning and making findings to support the elements that were in the Town's Comprehensive Plan. So this will have to be addressed.

Chairman Harvey stated that they would also like to know about the operation and what the cap numbers are for the marina operation and have it laid out on the site.

Mr. Brenner questioned if the board would like a site plan showing where boats would be parked. Their practical issue with that is that just is not consistent with the historic nature of the property and what's grandfathered.

Chairman Harvey stated that if they are going to allow a re-zoning and an expansion of use onto adjacent properties the conditions were not just for the adjacent properties it was for the entire operation.

Mr. Brenner stated that his recollection was that they never discussed a lay out for the entirety of the site. He believes the understanding and what they discussed was that existing operations would be maintained at a similar level.

Chairman Harvey stated right. And what's the level?

Mrs. Rasmussen asked that they show that level.

Mr. Pelicano stated that they are going to put no more than 40 on 4789 County Road 11, which he believes they are just discussing that property.

Chairman Harvey stated that they are looking at the whole operation.

Mr. Pelicano stated that they can only put on the property what is allowed on the property, but they can't control necessarily when the sheriff's department calls and say they have two stranded boats are they supposed to say to the sheriff that they are capped and can't pick them up. How do you put a number on it? It can't be more than 400. They are not there. Relative to the special use permit on the adjacent property that was the initial concern of the neighbors and concerns for safety.

Chairman Harvey stated that the conditions were not just for the adjacent property. The conditions were for the entire operation.

Chairman Harvey stated that they came to the board and made representation that they were not going to increase the scale of the operation. "Are you telling me you have no idea what the scale of your own operation is?"

Mr. Pelicano stated that they want to take in new customers. "Are you telling us we are not allowed to grow the business?"

Chairman Harvey stated to a certain level and that's what the town is trying to get at. "What's your cap?"

Mr. Pelicano stated 400.

Chairman Harvey stated that that is unrealistic.

Mr. Pelicano asked what is realistic.

Chairman Harvey asked what their current business is and how many boats and cars do they park there now.

The board and the applicant continued discussion on the current marina operation and what level of growth they expected.

Mr. Pelicano asked if they reach the capacity that is set would the board be considerate of expanding the opportunity.

Chairman Harvey stated that they can always ask the board to amend the Special Use Permit.

Chairman Harvey encouraged the applicants to also look at the State Rt. 364 part of the property and add that to the site plan instead of doing a two-step process.

Mr. Brenner stated that based on their operations and discussion it will be difficult to draw out physical boat spaces. He asked the board if they could just put clusters on the plan with a maximum number of boats per cluster.

Chairman Harvey stated that as long as the dimensions work that would be fine.

Mrs. Rasmussen stated she would like to see on the plan where people are going to cross the road safely. There will need to be signage directing the people to go to a single pedestrian crossing.

Mr. Szkapi asked what the board would accept from them. "Would you accept this paper the same thing that we have right here drawn with the little blocks all over it showing you this is a 10 x 20 space."

Chairman Harvey stated as long as it is drawn to scale. He wants it to be consistent with the recommendations that were made during the re-zoning process.

Mr. Dailey asked about a pedestrian bridge across the stream.

Mr. Pelicano stated that they are looking into the cost of the bridge now.

Chairman Harvey stated that if they are going to build a bridge put that on the plan as this will clear up a lot of the concerns with the pedestrians along the road.

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

Ann Daily speaking for Sun Agua Condominiums stated that they support the marina's request for this amendment, but the board would like the amendment to be temporary to be renewable or revocable in 3 to 5 years. They trust the marina will be very compliant with this amendment, but the amendment goes with the land and not with the owners. So in looking down the road it would be a safety thing.

Chairman Harvey stated that is within the board's purview to do a revocable special use permit.

Mr. Brenner stated that "we need to establish before we start talking about revocable special permits or expansions what the base line actually is. Because as I mentioned earlier that is the grandfather use, that's what's going to be there that's what the property owner is entitled to. We can talk about more boats beyond that but we need to establish that bench mark so that it is not eaten away at."

Chairman Harvey stated that he doesn't believe there is any intention on the part of the board to move backwards from the existing situation.

Mr. Dailey expressed his concern with the timing of the application and with the boating season drawing near. He questioned if the board could make a temporary decision and then have them come back with the site plan.

The Planning Board agreed that before any decision was made they would like to see a site plan and felt confident that if everything was on the plan that has been discussed an approval would be granted on April 23, 2018.

Chairman Harvey asked if there were any more comments from the public. Hearing none the public hearing was adjourned until April 23, 2018, at 7:30PM.

Mr. Dailey made a motion to adjourn the meeting at 8:51PM. Mrs. Rasmussen seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary