

MINUTES
TOWN OF GORHAM PLANNING BOARD
May 21, 2018

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

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Zimmerman made a motion to approve the April 23, 2018, minutes as presented. Mr. Hoover seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #19-2018, Cameron Sutherland & Sons LLC, owners of property on South Street request 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.

Cameron Sutherland was present and presented the application to the board.

Mr. Sutherland stated that they would like to put a single family home and garage on this parcel.

Chairman Harvey stated that there is no infiltration on the plan to compensate for the storm water. Taking the roof drains and out letting them to the roadside ditch is not acceptable.

Mr. Sutherland asked if they could drain into a drywell.

Chairman Harvey stated that a drywell would be fine, but would need to be designed and added to the site plan.

Chairman Harvey stated that the curb cut for the shared driveway should only be 20 feet wide not 30 feet. The driveway will need to be redesigned to 20 feet wide.

The driveway was discussed. The existing driveway was put in by the County Department of Transportation. The curb cut needs to be reduced to 20 feet wide and then can be split to go to both parcels.

Larry Mauser, from the Gorham United Methodist Church who owns the adjacent parcel asked if they could have a copy of the plan that shows the driveway.

The driveway curb cut and design will have to be worked out between property owners and put on the site plan.

Chairman Harvey stated that the grading behind the new home will need to be revised to divert any storm water drainage that may come off of the back field.

Mr. Zimmerman stated that the lot coverage percentage needs to be corrected on the plan from .17% to 17%.

Les Wilson, from the Gorham United Methodist Church, questioned why they have to share a curb cut.

Chairman Harvey explained that the town has an Access Management Local Law and explained how the law works. At the time of the subdivision they were told that they would have to have a shared curb cut with the adjacent property.

Chairman Harvey stated that the engineer should look at the perk rate of the soils and determine what is necessary so that there is no net increase in storm water discharge after construction than the preexisting condition.

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. Mrs. Harris seconded the motion, which carried unanimously.

Mr. Hoover made a motion granting site plan approval with the following conditions: 1. Show infiltration or some storm water design that has no net increase in storm water discharge. 2. Modify the driveway to be 200' in width and shared with the adjacent property to the south. 3. A letter is provided from the Board of Trustees of the Gorham United Methodist Church agreeing to the driveway design. 4. Correct the lot coverage on the plan to 17%. 5. Modify the grading on the back of the lot showing positive drainage around the proposed home. Mr. Dailey seconded the motion, which carried unanimously.

Application #21-2018, Terese Vascott owner of property at 4462 Greenbriar Dr, 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.

Brian Heminger, Marks Engineering was present and presented the application to the board.

Mr. Heminger stated that the new home will be a one story ranch. It is on public sewer and public water.

Mr. Heminger stated that the plan has changed slightly from what was presented. The deck has been reduced and the overhang went from one foot to two feet.

Gordon Freida, Code Enforcement Officer asked with the overhang change did the lot coverage change.

Mr. Heminger stated that he is not sure.

Mr. Freida stated that they can't exceed 30% lot coverage.

Mr. Heminger stated that an infiltration trench will be constructed for storm water runoff and the runoff from the gutters.

Chairman Harvey asked if percolation tests were done. What was the basis for the design of the infiltration trench? There needs to be documentation of the basis for the infiltration trench design so the town has it on record that the design is going to work.

Marilyn Rennie, neighbor to the west asked where the sewer comes into the property.

Mr. Heminger stated that the sewer runs up Robin Drive and showed Ms. Rennie where it is on the site plan.

Mr. Farmer asked if the electric was overhead or underground.

Mr. Heminger stated that on the plan it shows the electric overhead.

Chairman Harvey stated that a requirement of the Town is that the electric be underground.

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

A letter dated May 14, 2018, 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 made a motion to approve the site plan with the following conditions: 1. Change the electric to be underground. 2. Recalculate the lot coverage to confirm that it is no more than 30%. 3. Add spot elevations for the inverts for the infiltration trenches. 4. File a document with the town of what the basis is for the design of the infiltration trenches showing that it compensates for the additional runoff from the post development condition verses the pre-development condition. Mr. Hoover seconded the motion, which carried unanimously.

Application #22-2018, Joshua Pendleton, owner of property on Kipp Road 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.

Brian Heminger, Marks Engineering, & Joshua Pendleton were present and presented the application to the board.

Mr. Heminger stated that the applicant is proposing a three bedroom home with a detached garage. The property is a beautiful property covered in trees. They are tying into the existing driveway. The electric will be overhead from the road across the creek to a pole and then underground from the pole to the home. The septic system has not been approved yet by the Canandaigua Lake Watershed Inspector.

Chairman Harvey stated that he would like to see the basis for the design of the infiltration system and show spot elevations for the inverts for the infiltration system.

Mr. Dailey asked if all the trees are remaining or are some of them going to be removed.

Mr. Pendleton stated that some will have to be removed. He is trying to save as many of the trees as he can.

Chairman Harvey stated that they will need to conform with the town's Design Guidelines and come up with a

landscape plan and show the trees that will be removed and plant new trees to replace the ones that are removed.

Mr. Farmer expressed his concern with the safety of the driveway curb cut. There is a hill and some trees that block the view looking west. He took pictures of his vehicle parked in the driveway and presented them to the board. There is trees and brush in the road right of way that block the site pulling out of the driveway.

Paul Schweigert neighbor across the road stated that some people cruise Kipp Road. Traffic on Kipp Road is very light. It tends to be busiest when people are going and coming from work. He knows what Bob is saying there is a blind spot. There is an opportunity to push some of the hedge row back to the power lines.

Chairman Harvey asked Mr. Freida how the driveway was positioned where it is located.

Mr. Freida stated that the Town Highway Superintendent met Mr. Pendleton there and he determined that was the best place for the driveway.

Fred Lightfoote, Town Supervisor stated that he will talk to the Highway Superintendent and have the hedge row and brush removed.

Mr. Farmer stated that headed east he believes there is a dead tree that also needs to be removed.

Mr. Lightfoote stated that he will talk to the Town Highway Superintendent and whatever needs to be removed will be removed.

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

A letter dated May 14, 2018, 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. Harris 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. Mrs. Rasmussen seconded the motion, which carried unanimously.

Mr. Zimmerman made a motion to approve the site plan with the following conditions: 1. Provide storm water calculations showing the basis for the infiltration system design. 2. Revise the grading on the east side of the home to show positive drainage away from the home. 3. Show spot elevations on the infiltration system and curtain drain. 4. Supply a landscape plan showing the trees that will be removed and the tree that will be planted. 5. Septic system approval by the Canandaigua Lake Water Shed Inspector. Mr. Hoover seconded the motion, which carried unanimously.

Application #20-2018, Brian Mastrasimone, owner of property at 3792 State Rt. 247, requests site plan approval for a brewery and farm market.

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

The application was submitted to the Ontario County Planning Board. The Ontario County Planning Board made the following comment: No Ag data statement was provided. Will the farm brewery qualify as a protected "farm operation" under Agriculture and Markets Law Article 25 Section 305 A?

Comments from OCSWCD:

This office is also in receipt of a copy of the plans from the design professional along with the Engineer's Report for the proposed onsite wastewater treatment system for the proposed project. The Engineer's Report acknowledges that the 2,000 GPD hydraulic loading for this system will require a SPDES permit from NYSDEC. Given this the following comments are provided:

1. Since this project is a commercial facility, not residential, Appendix 75-A and its Residential Onsite Wastewater Treatment System Design Handbook, 2012 do not apply. Reference to these 2 documents in the report under III Wastewater Treatment System Design, pg. 3 is incorrect.
2. Given that this system exceeds 1,000 GPD and requires the SPDES permit from NYSDEC, the system must be designed according to NYSDEC Design Standards for Intermediate Sized Wastewater Treatment Works, 2014 and will need to be reviewed and the eventual approval by the NYSDEC, not NYSDOH.
3. The Shallow Absorption Trench Detail, Figure 35 in the Engineer's Report and on the plans is also incorrect since this detail is taken from the Residential Onsite

Wastewater Treatment System Design Handbook, 2012. Again, the detail must be taken from NYSDEC Design Standards for Intermediate Sized Wastewater Treatment Works, 2014, Figure E-8, pg. E-22. Also it is my understanding that both NYSDOH and NYDEC require a minimum of 12" of usable/percolating soil for the Shallow Absorption Trench application. The soil data in the Engineer's report and on the plans indicate that there is only 6" of usable/percolating soil.

Comments from NYSDOT

The applicant has submitted final design plans for work in the State ROW. Once the permit application and T. Gorham SEQR. Determination are received, the permit will be issued.

Glen Thornton, Engineer and Brian Mastrasimone were present and presented that application to the board.

Mr. Thornton stated that the septic system is designed in accordance with DEC standards. It's not a shallow absorption trench system. It's a modified shallow absorption trench system. This system does need to be reviewed by the Department of Health.

Chairman Harvey asked what the ultimate build out plan was going to be for this parcel.

Mr. Thornton stated that the only thing they have saved for future development within the site is a future farm brewery. The proposed vegetable gardens and the farming in the back are being done now. The only thing they are showing now for the future is the farm brewery.

Mr. Mastrasimone stated that the brewery would have been started by now if they could have figured out the septic system. The cost to put a septic system in on a brewery is astronomical. They looked into getting sewer to the brewery but they are 4000 feet to the public sewer. He does still plan on manufacturing beer on the site. He has been in contact with New York State and applying for grant money and is hoping by the end of 2018 he will have enough grant money to bring in his utilities.

Chairman Harvey stated that for the environmental review the board will be looking at what the ultimate build out is going to be. They will be looking at traffic, parking, etc.

Chairman Harvey suggested that they look at the environmental form that they filled out and put in a ceiling of capacity for the build out.

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

Scott Zimmerman, neighbor to the south of the property, expressed that he was not real pleased with the project, but understands that a brewery is allowed in their neighborhood.

Chairman Harvey explained that the farm brewery is listed as a use permitted by right in the Town of Gorham Zoning Local Law. It is something that the town can't zone out if he does qualify under the Ag & Markets law.

Mr. Thomas Zimmerman asked Mr. Mastrosimone if he was planning on having large gatherings.

Mr. Mastrosimone stated that they do plan on having events there. They do plan on having weddings and other events there.

Chairman Harvey asked if the events would be indoors or outdoors.

Mr. Mastrasimone stated that the events would be outdoors. In the brewery they would like to hold large weddings up to 250 people.

Chairman Harvey stated that with the large events there are restrictions on the amplified music going beyond the property lines.

Mr. Mastrosimone stated that is why he is developing the property over 2000 feet from the road. He doesn't plan on being open past 10:00 PM.

Mr. Scott Zimmerman stated that he could hear the music pretty clearly at the last event that they had there. The lights were coming in neighbor's windows.

Mr. Mastrasimone stated that they put in berms.

Mr. Scott Zimmerman stated that half the berms are gone. It was nice having the berms there. They are mowing 20 feet into his property.

Mr. Mastrasimone told Mr. Zimmerman that he would work with him to make the situation better.

Chairman Harvey asked if they could explain the concept of the buildings.

Mr. Thornton stated that the existing silo building is going to be converted into the bar area. They will not be serving any food just alcohol, soft drinks and water. There is an area near the bar area that they will have some mobile food trucks. The building that is being proposed is a restroom building. There is an existing covered pavilion. The water and the electric have been installed. The biggest part of the project is the waste water treatment system.

Chairman Harvey stated that they will need to present to the Planning Board their storm water management plan. The board is also going to want to see on the plan where any tents for events will be put. They will also want to know what the frequency is for events. There should be some buffering between this property and the neighboring properties. The town does not want to hear complaints from the neighbors. To address the question raised by the County Planning Board about coverage eligibility under the Ag & Markets law you will need to establish a position paper on this. They will need to provide documentation that the handicap parking complies with ADA standards.

Mr. Thornton asked if everyone in the room could let them know what they don't like about the project so that it can be addressed at the next meeting. They are trying to accommodate everyone's wishes.

Chairman Harvey stated that he would like to see a buffer from the neighbors and address the storm water.

Mrs. Harris asked if it is after 11:00PM that they should not hear any amplified music or is it all the time.

Gordon Freida looked in the Town of Gorham's noise ordinance and found that acts of unnecessary yelling, hollering, screaming, parting sounds and radio recording, which are unreasonably loud and disturbing beyond the property line of source between the hours of 11:00PM and 7:00AM, however anyone can complain at any time.

Mr. Thomas Zimmerman stated that he would like to see some correlation between the building code occupancy requirements and what's being proposed. In terms of parking spaces and the restroom. What are the occupancy numbers? There should be a correlation between what is shown on the site plan and what Hanlan is designing for the capacity of the project in terms of parking, restroom occupancy etc.

Chairman Harvey stated that any event over 50 will need a permit from Town of Gorham as stated in the building code.

Mr. Thornton asked if there was anything in the code for parking requirements for events. He stated that they have plenty of parking. They have a stone parking area and a lot of overflow grass parking areas.

Mr. Mastrasimone stated that he does not plan on having events every day. He asked the board if they think there is going to be more people than what the bathrooms will support is it ok to bring in portable potties.

The board stated that would be acceptable but they will need to be located and added to the site plan for approval.

Chairman Harvey suggested that Mr. Mastrasimone work with his engineer and get everything on the site plan. The board and the neighbors want to know how many events they are going to have a year. Come up with a maximum number of events for a year.

Chairman Harvey asked Mr. Freida what the threshold of size is for an event where they have to get crowd managers.

Mr. Freida stated the he did not know at this time but will check into this.

Chairman Harvey asked if there were any more comments from the public. Hearing none, the public hearing was adjourned to be re-opened on June 25, 2018, at 7:30PM.

Mr. Zimmerman made a motion to adjourn the meeting at 9:06PM. Mr. Hoover seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary