

MINUTES
TOWN OF GORHAM PLANNING BOARD
September 24, 2018

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

EXCUSED: Mrs. Harris Mr. Hoover

Chairman Harvey called the meeting to order at 7:30 PM. Mrs. Rasmussen made a motion to approve the August 27, 2018, minutes. Mr. Zimmerman seconded the motion, which carried 5-2.

PUBLIC HEARINGS:

Application #27-2018, Michael Spaan, owner of property at 4458 Lake Drive, requests site plan approval to demolish existing home and build a single family home.

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

The applicant has asked that the application be adjourned to be re-opened on October 22, 2018.

Chairman Harvey asked if there was anyone from the public that would like to comment on this application.

Michael Clawson, representing his in-laws at 4459 Lake Drive stated that he would like to reiterate the same comments that he made at last month's meeting. His in-laws own the cottage across the street. They now have a beautiful view of the lake. He presented pictures of the view to the board. These pictures will be kept in the file. They are concerned that with the new build the view will be destroyed.

Chairman Harvey stated that the applicant has got to go back to the drawing board and re-design the proposed single family home. What he has proposed so far has not been approved by the Zoning Board of Appeals. The applicant will also need to meet the Town of Gorham's Design Guidelines.

Chairman Harvey asked if there were any more comments from the public. Hearing none, the public hearing was adjourned to be re-opened October 22, 2018, at 7:30 PM.

Mr. Farmer made a comment that the applicant needs to find where the land ends up being at the high water mark and take the new patio into consideration for their lot coverage.

Gordon Freida, Code Enforcement Officer explained that that is the reason the applicant asked to have the hearing adjourned because they are over lot coverage with the patio so they are re-designing the home to meet lot coverage.

Application #28-2018, James & Patricia Witzel, owner of property at 4060 State Rt. 364, requests site plan approval to build a 20 x 22 addition.

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

On July 19, 2018, the Zoning Board of Appeals made the following motion: A 3.7' variance for a setback of 11.3' on the south side yard. A 3.3' variance for a setback of 11.7' on the north side yard. Lot coverage variance of 2.1% for lot coverage of 27.1%.

Paul Zachman, from Boardwalk Design & Jim Witzel was present and presented the application to the board.

Mr. Zachman stated that the addition is going on the off side of the property from the lake. It's a relatively flat property. The landscape architect deals with the surface drainage with downspout conductors coming off the new addition. Currently there are some downspout conductors on the existing house that they believe tie into the sanitary sewer.

Chairman Harvey explained that if they do tie into the sanitary sewer they will need to remove them from there. It is illegal to tie into the sanitary sewer according to New York State.

Mr. Zachman stated that they will not be doing much grading on the lot.

Chairman Harvey asked if a calculation was done for the amount of runoff from the addition.

Mr. Zachman pointed out on the plan where the drainage calculations were done.

Chairman Harvey asked if perk tests were done that they were basing the infiltration rate on.

Mr. Zachman stated that he does not believe there was a form of perk tests done.

Chairman Harvey stated that the board will need to see what the bases of the storm water design were. What they based the soils capacity on.

Mr. Zachman stated that that information he does not have.

Mr. Dailey asked if the board should have the Town Engineer look at the storm water calculation.

Chairman Harvey stated that is completely up to the board. The landscape architect seal is on the site plan so he's betting his professional liability insurance that it is going to work.

Mr. Dailey stated that perhaps it is necessary to get a second opinion.

Mr. Zachman stated that the plan has been done by a licensed landscape architect and with his stamp he is certified to calculate storm water runoff.

Mr. Dailey stated that he understands but they have seen mistakes before.

Mr. Zachman stated that there aren't a lot of underline issues with the drainage there now. It's a fairly flat lot and the addition they are putting on is just over the square footage for site plan review.

Chairman Harvey stated that depending on where the storm water is going now, if the downspout conductors are connected to the sanitary sewer and have to be removed you may have a much bigger issue to deal with than you do now. The town and the DEC are not going to let you discharge directly into the lake.

Chairman Harvey asked what the new addition was going to look like.

The building plans and renderings of the new addition were presented to the board.

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.

Mr. Farmer 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 5-2.

Chairman Harvey stated that the applicant will need to work with the Ontario County Sewer District in determining where the existing roof drain conductors are going.

With the findings that variances were granted by the Zoning Board of Appeals, and it complies with the Town of Gorham's design standards in terms of horizontal siding, appearance of a full perimeter masonry foundation and the roof slopes are adequate Mr. Dailey made a motion to approve the site plan with the following conditions: 1. The applicant works with the Town's Code Enforcement Officer and Ontario County Sewer to verify if the existing roof drain conductors are connected or disconnected to the sanitary sewer. 2. Have perk tests done in the areas where the infiltration system is proposed. 3. The landscape architect needs to verify that the percolation rate is sufficient to support the infiltration design that is proposed. 4. If the existing roof drain conductors are hooked to the sanitary sewer the landscape architect will need to supply an

infiltration design to manage the storm water from the existing roof drain conductors. Mr. Zimmerman seconded the motion, which carried 5-2.

Application #29-2018, Charles Graham, owner of property at 4979 County Rd 11, requests site plan approval to build a 3796 square foot pole barn.

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

Bill Grove, Grove Engineering & Charles Graham were present and presented the application to the board.

Mr. Grove presented revised plans to the board. He revised the plans to add some more storm water infiltration.

Mr. Grove stated that the proposed project is to build a 48' x 72' pole barn with a bump out, a driveway and a pickle ball court. The plan that was submitted previously had one leaching chamber in the front yard. They had much more impervious surface post-construction than they had pre-construction. In double checking the calculations he made an effort to infiltrate all the storm water runoff from the pervious surfaces. One leaching chamber was enough for the existing conditions but under the proposed conditions with the barn and additional pavement it became necessary to add two more leaching chambers. Now there are two leaching chambers to handle the pole barn and the bump out. And an additional leaching chamber with an overflow to a rip-rap splash pad to handle the curtain drain on the east side of the proposed pavement. On the east side of the property a swale is proposed to intercept surface runoff and direct that to the ditch and then across the existing cross culvert on Jones Road. He did speak with Kevin Olvaney, Water Shed Manager and his concern is that the existing catch basin at the cross culvert is quite easily overwhelmed during even small storms now. The idea was to capture the difference between pre-construction and post-construction. There was no infiltration on the existing house and pavement. They don't want to contribute any additional runoff to Jones Road or to County Road 11 that would impact the neighbors.

Chairman Harvey stated that the Town of Gorham's Site Design Standards are such that they want a minimum of 2% slope at least 5 feet away from the foundation of the building. There is an area on the plan where that is not happening. The swale is peaked pretty close to the building.

Chairman Harvey questioned if this was an accessory structure or a principle structure in looking at what the setbacks should be.

Gordon Freida, Code Enforcement Officer, stated that it is an accessory structure and the side setback for an accessory structure is 10 feet.

Chairman Harvey questioned what the infiltration rate for the leaching chambers is based on. "Do we know what the soils are down there? What the percolation rate is?"

Mr. Grove stated that they are in the same boat as the previous applicant. They haven't performed actual perk tests. The drainage calculations that were done were based on the difference between the existing and the proposed impervious surfaces. With the 3000 gallon leaching chambers a one inch rain event for an hour equate to 3171 gallons total. So with the proposed 3000 gallons of storage capacity minus the infiltration rate it ends up that they have more storage in a one inch storm than what's required based on calculated discharge.

Chairman Harvey asked if the storm water design presented is for a 1 year storm, the 15 year storm the 25 year storm what is being accommodated with the change in runoff.

Mr. Grove stated that it would probably be close to the 1 year storm certainly not the 10 year storm. It is based on a 1 hour storm event at 1 inch per hour. Or that 1 inch of rain could come in 5 minutes and they are adequately storing it.

Mr. Dailey stated that with the demolition permit does that include taking trees down.

Gordon Freida stated for the site, yes.

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

Greg McMahon, with McMahon LaRue Engineers representing the Voloshin's a neighbor directly across County Road 11 stated that he sent a letter on behalf of the Voloshins to the board. The board did receive this letter and it will be kept in the file.

Chairman Harvey invited Mr. McMahon up to the table to look at the revised site plan of the applicants.

Mr. McMahon stated that this property along with portions of Jones Road drains through the 18 inch culvert right at the north west corner. Then it runs down to the Voloshin's south portion of their property into the lake. Last year after a storm event their basement flooded (pictures were enclosed in the letter) and they spent a considerable amount of money after that event to re-grade and better direct that 18 inch culvert down to the lake. They are not opposed to the development of this property. They just don't want to be further impacted by storm water runoff. There are some issues with Jones Road. They met with Gordy and Kevin Olvaney a couple weeks ago and had a good conversation and there are things that can be done in the future on Jones Road that will help this issue.

Chairman Harvey stated that whatever development happens on the proposed property you don't want to make your client's situation worse.

Mr. McMahon stated that summarizes what their issue is.

Chairman Harvey asked Mr. McMahon what the storm water design he would suggest that his client would be comfortable with.

Mr. McMahon stated that most of the work that they do is over an acre commercial or multi-family residential and then they are locked into the state's standards, which they typically look at the 1, 10 and 100 year storm and runoff cannot exceed the existing condition.

Chairman Harvey stated that the Town of Gorham's had some language for 20 some years in their local codes because of their concern with storm water with the dense development on the lake front. The Town has done a lot, but is always looking to improve. "How you play this game and the balance between a small lot and then what's your storm design is where we're hung up and trying to make a better regulation."

Mr. McMahon stated that realistically and economically when you're talking single family residential it's probably somewhere in the 25 year storm range.

Ilya Voloshin stated that Greg McMahon has expressed their concerns. The biggest concern that they have is the storm water runoff so that it is not increased due to this project. The other thing that they are concerned about is the clearing of one acre of trees. The impact of clearing one acre of trees how does that factor into the increase of water runoff?

Chairman Harvey stated that his engineer can probably answer that, but it really does not impact the runoff much. If the area is replaced with grass and not compacted it will be very similar in terms of runoff coefficient. There does need to be a landscaping plan to go along with the site plan.

Mr. Grove stated that it is proposed to be restored to grass.

Chairman Harvey asked if any of the trees were going to be replaced or other plantings.

Mr. Graham stated that if the board could see his other property they would understand that the site would be properly taken care of.

Chairman Harvey stated that he is sure that it would be properly taken care of but the Town's Design Guidelines talk about trees as well.

Chairman Harvey also pointed out an area that would be very hard to mow.

Mr. Voloshin stated that he wants to emphasize that their main concern is with the storm water. Graham's have been good

neighbors and they have a good relationship and this project came up all of a sudden and they never had a chance to discuss this.

Robert Johnson 4976 County Road 11, stated that his wife and his main concern is the scale and neighborhood impact of such a large structure. It seems almost commercial in size, and they are concerned that it doesn't fit well in the residential neighborhood.

Chairman Harvey asked the applicant what the appearance of the building was going to look like and what kind of siding would be on the building.

Mr. Graham stated that it will have metal siding and there will be three 4 x 4 windows across County Road 11. The lower section of the building will be stone wainscoting. The overhead door and main door will be on the Jones Road side.

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

Chairman Harvey stated that the concerns he has with the application is if the area in the back of the building is going to be mowed they are not going to want that steep of a grade. You might want to look at planning trees so that it does not have to be mowed. There also is room to feather that area out to have less of a slope. To address some of the neighbor's concerns there needs to be a landscaping plan and dress the area up a little. The drainage around the building where the swale is being proposed needs to be addressed.

Mr. Graham stated that to address this they could shorten the building or move it towards Jones Road a little.

Mr. Dailey stated that he struggles with this building being in the R-1 district.

Chairman Harvey asked Mr. Graham if the barn was being used for his personal storage.

Mr. Graham stated that it is going to be used just for his personal storage. There are five pole barns within a half a mile in either direction of this site.

Mr. Dailey stated understood but as he listens to him describe metal siding he's not sure that goes along with the texture of that neighborhood. "I don't think that's fair to the neighbors to have steel sided building when other alternatives might be appropriate particularly when it's not something you normally see on a residential lot."

Mrs. Rasmussen stated "Jack they're barn what they're proposing I think is similar to a barn that I go by quite frequently down on Guyanoga Road it's very tastefully done. It's got the stone veneer at the bottom and it's got the metal siding up above with windows with shutters. It's a very

tasteful look. It doesn't appear like an industrial or commercial building."

Mr. Dailey stated a rendering of the building would be helpful.

Mr. Farmer asked if the driveway was going to be paved or pervious pavers.

Mr. Grove stated that the driveway is going to be paved and there is a culvert across the driveway.

Chairman Harvey stated that there needs to be something that intercepts the water before it flushes out onto the highway.

Since 12 b. was triggered yes on the short environmental assessment form Chairman Harvey asked if any response was received from New York State Office of Parks, Recreation and Historic Preservation.

Mr. Grove stated that he has not submitted anything to New York State yet.

Chairman Harvey stated that keeps the board from completing the environmental review.

Decision on the application was postponed until October 22, 2018.

Application #30-2018, Oswald Vazquez & Susan Shuryn, owner of property at 4586 Wild Rose Lane, 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.

Oswald Vazquez, Susan Shuryn and Brian Heminger from Marks Engineering, were present and presented the application to the board.

Mr. Heminger stated that the applicant would like to demolish the existing home and build a single family home, which is almost the same size as the existing home. The lot is a very small lot and extremely flat. There will be some grass swales. They could not put in infiltration chambers because they could not be buried and day lighted on this property.

Mr. Heminger stated that Brennan Marks did do some drainage calculations based on 10 year rain event. These were presented to the board.

Chairman Harvey asked about the 10 x 10 shed that is partly on the adjoining property.

Mr. Vazquez stated that that shed will be removed.

Chairman Harvey stated that will need to be indicated on the plan.

Chairman Harvey stated that Brennan Marks will need to settle the issue with drainage and put his engineering stamp on it.

Since 12 b. was triggered yes on the short environmental assessment form Chairman Harvey asked if any response was received from New York State Office of Parks, Recreation and Historic Preservation.

The application was submitted on September 4, 2018. New York State has 30 days to respond to the submission, which would be on or around October 4, 2018.

Chairman Harvey asked what the proposed home was going to look like.

Mr. Heminger presented renderings of the proposed home to the board.

After looking at the renderings Chairman Harvey questioned the one story residence shown on the plan as the renderings show it a two story.

Mr. Vazaquez stated that it is a one story with a loft in the back. The footprint is the same as existing, which is around 700 square feet or so and with the loft the total square footage of the proposed home is about 1200 square feet.

Chairman Harvey stated that on the site plan show with a dotted line half of the home as two story and the other half one story.

Chairman Harvey stated that the proposed appears to meet all the Town's design criteria.

Chairman Harvey stated that the Planning Board must wait the 30 days before making a determination on the short environmental assessment form.

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

Decision on the application was postponed until October 22, 2018.

MISCELLANEOUS:

Greg Talomie, 4246 State Rt. 364, stated that "20 long months ago we had a meeting in this room and you made a very prophetic statement. The statement was please don't put any trees that are going to block Mr. Talomie's view of the lake. Gordy and I now have a problem. They put a big oak tree right in front of my window. I think we're going to get it resolved but I just wanted to let you know how prophetic it was that they..."

Chairman Harvey stated that they should choose if they wanted trees somewhere there one that's more appropriate in size.

Mr. Talomie stated that they have a hydrangea tree behind this one so he is trying to get them to take the oak tree completely out.

Mr. Freida presented to the board the plan that was approved at the meeting, which shows a medium tree to be planted in that area.

Mr. Freida stated that he will get this situation resolved.

Mr. Dailey questioned as to when Pelicano will be taking the construction fence down.

Mr. Freida stated that he has talked to Rick Sckapi and the 4 foot fence that will be replacing the construction fence should be in in a week. A permit will be issued before the fence will go up. The new fence is a 4 foot white vinyl fence.

Mr. Freida stated that he has talked to Mr. Shill owner of property at 4380 Lincolnwood. He would like to put up the 6 foot construction fence.

The construction fence at 4380 was discussed. It was decided that if it is just for the construction a time limit of 6 months from this date be set and the fence is to go only in the area of the new construction. If the fence is not down within 6 months a bond must be posted for removal.

Mrs. Rasmussen made a motion to adjourn the meeting at 8:32PM. Mr. Dailey seconded the motion, which carried 5-2.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary