

MINUTES
TOWN OF GORHAM PLANNING BOARD
February 25, 2019

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

EXCUSED: Mr. Dailey

Mrs. Rasmussen called the meeting to order at 7:30 PM. Mr. Zimmerman made a motion to approve the January 28, 2018, minutes. Mr. Hoover seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #34-2018, Mark Greenfeld, owner of property at 5380 County Road 11, 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.

Chairman Harvey joined the board at this time.

Mark Greenfeld was present and presented the application to the board.

Mr. Greenfeld stated that he is looking to build a single family house.

Chairman Harvey asked where the storm water mitigation is on the site plan.

The storm water mitigation was not added to the plan but a basin model and graphs were presented to the board.

Chairman Harvey asked if they have a listing of what is considered pre-development verses post development, in terms of lot coverage.

Mrs. Harris stated that the grading around the house looks programmatic. It is hard to tell what is going on with the storm water.

Mr. Zimmerman stated that the building diagrams would indicate to him that the land is level under all of the elevations and that is not what the site plan shows.

Chairman Harvey stated that there is a 14 to 16 foot drop in elevation from one side of the house to the other. That is not shown in the elevations.

Chairman Harvey stated that they need to show a blow up of the house area. They need to show how they are intercepting storm water getting it around the house and where it is being captured and treated.

Mr. Farmer asked if the driveway was going to be widened.

Mr. Greenfeld stated yes. It is going to take some additional engineering and a little bit of widening and account for better drainage.

Chairman Harvey stated that if the switch back didn't exist, the Town of Gorham Design Guidelines would require the house to be up towards the road.

Looking at the site on ONCOR Mr. Farmer stated that it just looks like a tractor path right now.

Mr. Greenfeld stated that he has been up and down the driveway the last few days in the snow with his 93 blazer.

Chairman Harvey stated that with widening the driveway the engineer needs to document the increase in impervious coverage. He will need to address the storm water.

Chairman Harvey asked if the driveway was there when he came in for the garage up near the road.

Gordon Freida, Code Enforcement Officer stated that the driveway that is shown on ONCOR was there.

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

Mr. Farmer stated that he would like to have an idea of what kind of trees are going to be removed in the widening of the driveway. He doesn't believe they should be removing a large amount of trees out of there.

Mr. Greenfeld stated that his goal is to remove virtually no trees.

Mr. Greenfeld stated that the garage will be detached and further up the site than the house. There are not trees where the house is going to go.

Mr. Zimmerman stated that when he looks at the site plan that was submitted to them this month and then looks at the plan that was submitted a month ago and then looks at the ONCOR site the driveway on the most recent plan is a great deal different than on ONCOR and the plan submitted a month ago.

Chairman Harvey stated that he should submit a survey showing the existing and then superimpose the new driveway on the plan.

Chairman Harvey stated that there needs to be revisions to the plan and with more information.

Hearing no comments from the public, Chairman Harvey adjourned the public hearing to be re-opened on March 25, 2019, at 7:30PM.

Chairman Harvey stated that the following needs to be added to the plan: 1. Lot coverage calculations. 2. A survey showing the existing driveway and superimpose the new driveway on the survey.

Gordon Freida stated that they will need emergency pull offs.

James Morse, Deputy Code Enforcement Officer, stated that it is 20' x 50' every 500 feet of driveway.

Gordon Freida stated that he and Jim can get together with the fire company.

Mrs. Harris stated that looking at the house elevations it looks like the garage is attached to the house.

Chairman Harvey stated that the storm water infrastructure needs to be added to the plan to account for all the impervious surfaces that he is changing. Also show how the elevations of the house are going to work.

Application #03-2019, Brian Mastrosimone owner of O MC D LLC at 3792 State Rt. 247 requests a special use permit & site plan approval for a campground.

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

The application was referred to the Ontario County Planning Board. The Ontario County Planning Board made the following comments: The referring board should consider the impact of the sewer extension on adjacent agricultural lands. The referring board should consult with the local Fire Marshall to ensure camping access road is able to handle weight of emergency vehicles and sufficient to provide emergency access and turnaround space.

Brian Mastrosimone and Evan Gefell, Landscape Architect, was present and presented the application to the board.

Mr. Gefell stated that the project consists of constructing 24 pads for the sites. The tents are 384 square feet each built on a wood platform. New York State Health Department has agreed to allow them to use mobile rest rooms until May of 2020, while they try to create a sewer district extension.

Chairman Harvey stated that he believes the Health Department regulations are that you have an approved sewage disposal system or hook up to the municipal sewer.

Mr. Gefell stated that if the public sewer does not happen they will put in an onsite septic system.

Chairman Harvey asked if the tents would be up year around.

Mr. Mastrosimone stated that they would be up Memorial Day to Labor Day.

Mrs. Harris asked if the people would park in the parking area and carry their belongings to the camp sites.

Mr. Mastro Simone stated that they provide the tents and the beds. It is called glamping. It is glorified camping. They don't want to introduce vehicular traffic. They want it secluded, and screened so the walkway will be minimal. There will be a drive to the mobile restrooms for the pump truck to get in and out.

Mr. Farmer asked about campfires.

Mr. Mastro Simone stated that there will be three campfire areas, which are shown on the plan.

Mr. Gefell stated that New York State does not require showers at campsites, but they are providing trailer showers.

Mr. Mastro Simone stated that the major purpose of this is they have a lot of weddings and they don't have a place to go after they get married so they will have spots for them to stay. There is one queen size bed in every tent. There will be a permanent employee on site the whole time the tents are rented. There will be quiet hours after eleven.

Mr. Farmer asked if a family wanted to come with a couple of kids are you allowing for an external tent.

Mr. Mastro Simone stated no. They can't pop up their own tent. They will supply cots for the kids.

Mr. Mastro Simone stated that there will be no cooking at the sites. They hope to have food trucks for the campers to get food.

Chairman Harvey asked where the garbage is going to be collected.

Mr. Mastro Simone stated that they will have garbage cans throughout the camp site.

Chairman Harvey stated that the waste, recycling and compost sites need to be added to the plan.

Mrs. Harris asked if there was going to be electric at each tent.

Mr. Mastro Simone stated correct. There will be electric to each tent and one spigot per pad. There will also be a hand washing sink outside the shower trailer.

Mr. Farmer questioned what the occupants of the tents would do all day long. With the proposed being only 50 feet from the neighboring properties.

Mr. Mastro Simone stated that it is mainly for weddings.

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

Jim Rosini-"I live in front of the pond on 247. I'm concerned about are they going to let him use 4 wheelers. Are they going to shoot fireworks? Are they going to there is electric out there are they going to have music on after 11 o'clock? Cause the sound carries up over the top of the hill and it rattles my windows, can't open my windows at night. I

like the place; I'm not trying to bring it down. I just want to make those concerns before it is too late and you have to call the police. Who's going to stop them from doing fireworks and ATV's? Is there a cut of time like 11? Because last year we waited 11 o'clock boom it's done its quiet you sleep no problem. So that is what I'm mostly concerned with."

Chairman Harvey asked Mr. Rossini if he had in mind acceptable hours of operation weekday verses weekend.

Mr. Rossini-"Yah Yah, I mean you know on the weekends you're like ok it's during the day. 11 o'clock is kind of late but ok it's done. Sunday's it's done. Monday the whole rest of the week it's nice and quiet. What's it going to be now?"

Chairman Harvey asked what time is acceptable.

Mr. Rossini "I mean for me 11 o'clock lights out every things quiet fine that's acceptable."

Chairman Harvey asked Mr. Rossini if that was acceptable during the week days.

Mr. Rossini "Well I'm so crazy about it but, the music rolls right up over the top of the hill and it's loud. So I like the idea of it being back there that far that's helpful. But I'm just worried that they're going to be playing loud music after they're done and it's going to carry right over. And like I say I don't know if they have 4 wheelers if they can drive if it is legal I don't know. It's just the time frame. Where's that cut off where we know it's going to be relief."

Eugene Bauer-"I live right across the road. I got a couple concerns. The parties don't bother me as far as that goes. What does bother me is I sat there at two of the different parties that they had last year, the one party there was 38 cars come out at one time. That hill up the road there was two cars that had to slam on their brakes because the people didn't stop they just kept coming out and coming out. What my concern is you got a bunch of people back there on the weekends, probably there's not going to be anybody camping during the week cause there's nothing back there to do. As far as I know. I haven't been back in a year in a half. But if you get a bunch of people and you got one person going to be there all the time. You get a bunch people in there that start drinking and having a good time, they know they're not going anywhere because they got their tents. Well maybe somebody runs out of beer and nobody's there to sell it to them so they go down the road. I know it sounds funny, but that stuff happens. I've seen cars come out of there and never stop. The other thing that upsets me a little bit is, a few years back I tried to get a permit to store boats. They told me it was a state highway my driveway was too close to the hill. I would have too many people coming day in and day out. They'd only come in the spring and they'd only

come in the fall. Now we got them going in and out of there all day. Or all week I won't say all day. All week, somebody's going in there all week. Now the people that work there I understand. They're smart enough to know that you got to stop and look for traffic. But if you're at a party you come out of there, I'm not saying you're drunk, but you're having a good time and you don't realize that hill is there. The other thing I don't understand how a campground, to me camping you go to have fun. There unless you got a family where a group of people, unless you want to meet new people you're going to sleep and get up in the morning and then leave. As far as sewage goes bring that in and out all the time. Well they say you take it in you got to bring it out. There's going to be trucks going in. I didn't like the home going in next to me either but I didn't have much choice on that but they're ok. I don't have no problems. My only problem there was that the State paid \$7000 an acre for a piece of land that wasn't worth it."

Chairman Harvey asked Mr. Freida if the DOT issued the curb cut permit.

Mr. Freida stated that the site distance was fine and they made him take the other two curb cuts out.

Mr. Bauer asked if there was going to be another driveway to the property off of County Road 18.

Mr. Mastrosimone stated no.

Chairman Harvey stated that it is all coming off of State Rt. 247. No road has been proposed out onto County Road 18.

Joseph Bengé—"I live on 18. Our property goes behind Lincoln Hill Farms and we also hear the weddings and everything as well, which is fine when it shuts down and everything but now you're talking about people staying afterwards that have been drinking all day and having a great time. We are raising a family right there in the country. We enjoy setting out back and listening to the crickets and everything going on. Now I'm going to assume the best for you is to be successful and you have people there all summer long. So now my peace and quiet in my own home is what I'm concerned about. And then how do you guarantee to keep drunk individuals that have been drinking all day in their tents and not wondering around on private property. I don't see it other than holding people's hands. Those are my concerns."

Liz Vonhacht—"I live about 4 or 5 houses down from this property. I know this sounds silly but the amount of increase traffic with this, there seems to be a sign somewhere on my property, I've looked for it but can't find it, but it says throw your trash here when you drive by. I spend an entire spring and summer picking up the garbage when CMAC lets out and I can't wait to add another 24 individuals to it."

Sue Smith—"I live right next door to Brian's property. We've had no problems with the current operation of it. It's run very well. However, I do have to agree with my fellow neighbors, that having people there over night that we don't know, we may be prejudging these people, which maybe isn't fair. And to be totally honest with you, I like what they are doing now. I like that I know at a certain time of night people are gone. I haven't got to worry about if somebody comes through my yard. People say trash on your front yards. Yes sometimes we've had it. And my husband is ...on his yard, which we all know. You just get frustrated because, people; not Brian and his crew absolutely not they're great. But they just don't realize that we take pride in what we have. We like our country living. We like where we are. And what we are zoned for I hope we stay farm land because we need it. I don't mean to knock Brian for what he is doing because they've done a great job for the years that they have been there. We're good with them. We're fine with them. But I just don't like the idea, this is being honest folks I hate to say it but I don't want people running around at night that I don't know. I don't know if this is zoned for a campground area. I don't know how we're zoned. I'm total naive of this stuff as Gordy well knows. That's my honest feelings."

Chairman Harvey stated that it is approvable by Special Use Permit.

Ellen—"I work for Lincoln Hill Farms. I'm the marketing and branding manager at Lincoln Hill Farms. I've worked with Brian for almost two years now. The point I just want to say about the demographic that will be coming to the farm for these overnight stays. So our pricing range will be a higher priced to be able to rent the campsite. So you're thinking of people or couples that want a little bit of a weekend retreat. In the farm, very quiet time away or to like enjoy the property maybe like go on walks in our property. But you're thinking about that higher end demographic looking for enjoying the Finger Lakes and the scenery that you all love too."

Nell Rosini—"I live at 3784 with Jim here. You know there's been like we say 11:00 they've been good about going off. But the traffic coming in and out of there, the dirt that's thrown up, you can't open your windows at night. Dust and dirt. And whose to guarantee that they can keep these people in line. And you know what we came out here 48 years ago to a nice quiet community. And it was zoned agricultural, and all of a sudden we have this brewery out back. With people coming and going. And now they want to put a campsite and plop it down in the middle of our houses. I don't think that's fair."

I don't even know how they got the brewery out there. I was never notified. I thought it was going to be an organic farm."

Chairman Harvey stated that right now he has a permit for the party house; the brewery hasn't been approved yet.

Mrs. Rosini-"All right the party house. I never knew about that. That's a business right? Ok, it's not agricultural. And I never got a notification of that being even approved. Like I said they started digging over there I thought it was going to be an organic farm. I understand they want to do a business and everything. We have accepted what they've got but I am not for a campground put in the middle of my neighbors all our neighbors our surrounding neighbors. Thank You."

Mr. Bauer-"I just agree with her. I think you know I'll never see it but farmlands going to be scarce. If he wants to grow crops on it it's fine. There's enough places around for people to go and enjoy. There's nothing there to draw anybody to a campground. That I know of. It's been a couple years since I camped."

Mrs. Rasmussen explained to Mr. Bauer that what he is thinking of camping is very different from what Brian is proposing.

Greg Coston-"I live near Brian's establishment. I've been to many of his functions. The amount of security that he has when something is going on is quite impressive. He also owns houses right local to it. What he's done has been top notch. I could see him moving forward with this. Whichever direction he goes. And honestly doing a good job. Like I said I've always been impressed with the amount of security and I've never seen an issue happen at one of his functions."

Nell Rossini-"I'm not apposing. I'm not saying about what he's got going on right now. I'm talking about a campsite. What he's got going right now is fine. We've had no problems with it except for the traffic and the dust and the noise. But you're talking a campground. And even though it might be just weekends or a couple nights a week, there's still people out there, strangers walking around drinking and there in our neighborhood. Thank You."

Chairman Harvey asked Fred Lightfoote, Town Supervisor, who was sitting with the public if the town board has weighed in as far as the sewer district.

Mr. Lightfoote stated that they have not yet. They are compiling data.

Chairman Harvey explained that the Town or the applicant will need to reach out to all the neighbors and decide if anyone else is interested in the sewer district extending down the road. So this needs to be considered as well. If the applicant does have a brewery he will need some type of sewer connection.

If the board does grant this Special Use Permit there is going to be some stringent conditions on it in terms of the waste water treatment. If there is not progress made he will either have to get rid of everything or put in an onsite treatment system that is capable to handle all that he has there.

Chairman Harvey explained that with Special Use Permits the board can set conditions. "I'm thinking earlier hours on the weekdays. I want to take another look and think about the signage and the traffic signage that's on site. You mentioned having security there 24/7 when it's rented out I think that's a permit condition. The trails that you have there I'm thinking also you're going to comprehensively mark the property lines. Making sure they can't wonder on the neighboring properties. Your security part of that is you're doing a perimeter patrol of some sort at different hours of the night. I want the trash location added to the plan. Like your existing operation, I think we had a good discussion because he did go through the same process to get what he has now. But we made everything contingent on and giving him 2 years to come back to the board and hear from the neighbors and did he live up to expectations. Is noise a problem? Do we have to revisit and put different restrictions on? Any approval would be couched in those types of terms as well. As a board it's our duty not to stand in the way of business opportunities but it's also our duty to protect the neighborhood.

Mr. Zimmerman asked if they could get law enforcement statistics since they started their operation on that stretch of 247.

Chairman Harvey stated that the County has accident statistics that is done annually by road. "We can certainly look at those. I don't know if there is statistics like in terms of how many tickets or anything else that is issued on that street. I don't think we can track those."

Sue Smith-"Right where the 45mph sign starts, we're like two houses down, if an officer sat in our driveway or even Brian's driveway they could make the state of New York a ton of money."

Chairman Harvey told them to call the County Sheriff Office and tell them that they are willing to allow them to set in their driveway.

Mrs. Smith-"One thing we've noticed and this is no fault of Brian's, I don't think people really know where the driveway is to Lincoln Hill Farms. He's got a beautiful sign out there. It sets back in. It's beautiful believe me. But people want to come there turning around in your driveway. We've had our yard tore up a couple of times. No fault of Brians. Is there some way to designate to people where the driveway is?"

Eugene Bauer stated that the sign is facing the wrong way and needs to be facing the other way.

Chairman Harvey stated that there are a couple things that can be done and glad that they made this suggestion. The applicant can apply to the state DOT for tourism information signs.

Mr. Zimmerman asked Mr. Mastrosimone how he plans on managing this operation.

Mr. Mastrosimone stated that they will have 24/7 security on site when people are there. "The property is marked out. To travel outside of that property is a very long distance. You'd have to go through lots of thorn bushes, creek and just wouldn't be the easiest trip to get out of that area. That area is 100% surrounded by woods. We have posted signs up.

Chairman Harvey stated posted signs are usually facing out.

Mr. Mastrosimone stated that the property line to get to another neighbor's house it would be Rambo style. "Can I guarantee it? No, but I can't guarantee somebody going on your property if there not staying on my property. There's rules and laws for that too. Call the police. I'd be the first person to call the police if someone was in my yard. There's a guide sheet of what you can and can't do. There's a person on staff.

Chairman Harvey asked Mr. Mastrosimone if he would file that guide sheet with the town.

Mr. Zimmerman asked if there was any surveillance capability now.

Mr. Mastrosimone stated no. It would be very difficult to do this. Plus he doesn't think anybody wants surveillance.

Mr. Zimmerman asked if there was any surveillance on the trails or at the entrance of the trails.

Mr. Mastrosimone stated no. They would have to run electric to every trail. Unless we considered trail cams.

Mr. Farmer asked if smoke alarms are required in the tents.

Mr. Mastrosimone stated no.

Mr. Farmer asked if smoking was going to be allowed in the tents.

Mr. Mastrosimone stated no. "I am extremely invested in this piece of property. I'm not going to put up 24 sites to decrease the value of my property. It's only going to increase the value of it. It's just another option for people coming out of town to stay. It's not to have wild parties crazy things like that. People are not going to know each other next to each other so if somebody's having a party in a tent and the person next to him wants to sleep and it's sleeping hours then we're going to have to do something to the people who are having parties. There will be all sorts of security. There is a box where you hit the button and it goes to the security. I

understand people's concerns. A lot of people had concerns before I did it and I think I'm doing a pretty good job. If you had faith in me before I did it or if you had faith in me before the actual major part of it than I say just give me a chance and have faith in me with the 24 pads. If something goes wrong I'll give each of you my individual cell phone number. You can call me and if it doesn't do well and there are issues I'll take it away next year. Let's stand behind it."

Liz Vonhacht-"Could we see an example of what your advertising is that you're going to get this high class people coming."

Mr. Mastrosimone stated yes they can get them an example of it.

Mr. Mastrosimone stated that there will be no ATV's or fireworks allowed on the property.

Chairman Harvey asked if they were going to allow sparklers.

Mr. Mastrosimone stated no. No sparklers.

Chairman Harvey stated that "you've performed and you've lived up to what you promised us for the existing business and the board appreciates that the town does and the neighbors certainly have voiced that as well. But our issue is we are going to try to craft this in such a way that it's not dependent on you as an individual. Cause your plans change and somebody else owns it it's got to operate the same way."

Mr. Hoover asked about wheelchair accessible.

Mr. Mastrosimone stated that they are wheelchair accessible back there. They have ADA bathrooms.

Jim Rosini-"I have one other question. In my understanding he says he may eventually run sewer down the road. So that might cost us extra money.

Chairman Harvey stated that at some point in time you guys will look at the district and have a say of whether you do or don't want to be in it. What they think the cost might be. You will get all that information. If you don't want to even consider it they will understand that. They'll make a decision on if it is going to just be a long line and there is no district or there's not going to be any kind of extension and he's going to have to do a plan on his own site.

Mrs. Rosini-"I just want you to take into consideration that I myself am opposed to the campground. I know there's a lot of my neighbors that are. Some are even considering selling. And I just want you to take that into consideration that there are a lot of people here that are opposed to it. The campground itself. The way he is right now we don't have too much of a problem. But we do have some problems with it but not

too much of a problem. But once you put the campground in we are opposed."

Chairman Harvey asked the board if they have enough information or do they want Mr. Mastrosimone to come back with certain things.

Mrs. Rasmussen stated that she thinks they have enough information to go forward.

That was the response with the rest of the board.

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

A letter dated February 8, 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 SEQRA 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. Zimmerman seconded the motion, which carried unanimously.

Mr. Zimmerman made a motion to approve the Special Use Permit and Site Plan with the following conditions: 1. No motorized vehicles, such as ATV's for renters use. Staff and handicap only. 2. Security 24/7 when occupied. 3. Add location of waste, recycling and compost on the site plan. 4. Quiet time 11PM weekends and 10PM weekdays. 5. No amplified sound beyond property line. 6. No fireworks or sparklers. 7. No drones or model airplanes. 8. May 2020, progress made on extending the sewer district or plans for onsite disposal system. 9. No smoking in tents. 10. No alcohol sales in campground. 11. Marking of property line and add this to the site plan. 12. Prohibit fire arms, paintball, bows & arrows, BB guns and pellet air guns. 13. Special Use permit is to be renewable May 2020. Mrs. Rasmussen seconded the motion, which carried unanimously.

Mr. Zimmerman made a motion to adjourn the meeting at 9:09PM. Mrs. Harris seconded the motion, which carried.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary