

MINUTES
TOWN OF GORHAM PLANNING BOARD
June 22, 2020

PRESENT: Chairman Harvey Mr. Farmer
 Mrs. Rasmussen Mr. Dailey
 Mr. Kestler Mr. Thomas-Alternate

ABSENT: Mrs. Harris Mr. Hoover

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Thomas, Alternate will participate and vote on all decisions tonight. Mrs. Rasmussen made a motion to approve the February 24, 2020, minutes. Mr. Thomas seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #05-2020, Emily & Christopher Brodhead, owners of property at 5156 County Road 11, requests site plan approval to build a 620 sq. ft. 2-story residential addition. Public Hearing time 7:30PM-7:50PM.

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

Chairman Harvey adjourned the public hearing to be re-opened July 27, 2020, at 7:30PM in the Gorham Town Hall.

Chairman Harvey stated that the plan does not show grading and stormwater mitigation for the additional lot coverage.

Application #08-2020, Sheril Cota, owner of property at 3122 State Rt 245, requests subdivision approval to subdivide 2.166 acres out of a 48.9 acre parcel. Public Hearing time 7:50PM-8:10PM.

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

On June 18, 2020, the Zoning Board of Appeals granted a 19.23 foot variance to the center road line for road frontage with a condition that the current framed shed on the southeast corner of the property either be relocated to meet the required setback of 10 feet or the property line of the subdivide parcel be moved to include the shed showing a required 10 foot setback.

Sheril Cota was present and presented her subdivision to the board.

Chairman Harvey asked how the remaining parcel was going to be accessed in the future.

Ms. Cota stated that she has approval from New York State DOT to have the driveway onto her neighbors existing driveway. She will be extending her neighbors driveway.

Chairman Harvey asked if her neighbor is willing to put this in writing.

Ms. Cota stated that he is willing to do that.

Ms. Cota stated that she is waiting for DEC to give her their approval because of the wetland.

Chairman Harvey stated that the surveyor will need to show on the map where the driveway easement/location is going to be.

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. Thomas made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant amending number 2 to yes as NYSDOT and NYSDEC approvals are needed 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.

Chairman Harvey reopened the public hearing and asked if any one from the public has any comments on the environmental review or the subdivision. Hearing none, the public hearing was closed

Mr. Dailey offered a resolution to approve the subdivision [attached hereto] with the following conditions: 1. Show the easement agreement for the shared driveway access to the remaining property. 2. Show DEC approval. Mr. Thomas seconded the motion, which carried unanimously.

Application #09-2020, Brian Mastrosimone, owner of property at 3792 State Rt. 247, requests a renewal of his Special Use Permit for outdoor event operations including glamping. Public Hearing time 8:10PM- 8:30PM.

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

Brian Mastrosimone was present and presented the application to the board.

Chairman Harvey asked if anything has changed in the last year.

Mr. Mastrosimone stated that nothing has changed. They tried to get the glamping section done by last year, but they got rained out and had to put in a lot of drain tile. They do plan on having the glamping open by July 3, 2020.

Mr. Dailey asked if they have a septic facility on the site.

Mr. Mastrosimone stated that right now they are on a pumping station and they are working with the Health Department. Right now, they are working under a temporary permit. He does have a meeting with Thomas Estates to tap into their sewer. He does have a letter of approval from the County to do so. The sewer easement will go through the fields. He has the easement from Mr. Horst and is meeting with Thomas Estates to get an easement from them and approval to tap into their system. The plan is to put this in this year after the farmer harvests his product off the field.

Jim Morse, Code Enforcement Officer stated that the Department of Health has gone through the review and has made a few comments and have issued a temporary so that they could remain open. He also stated that he has not had a single complaint from anyone in the neighborhood.

Chairman Harvey stated that the only complaint that he has gotten is with dust.

Mr. Mastrosimone stated that they have moved the driveway and right now they are spraying it once a day. They will spray the driveway at every concert.

Mrs. Rasmussen stated that she likes the new sign and it is very visible from both directions.

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

Mrs. Rasmussen made a motion to approve the renewal of the special use permits with the following condition: 1. The renewal of the special use permits will be on a 2 year bases with the Planning Board having the ability to unilaterally extend to 5 years renewal if no complaints are received. Mr. Thomas seconded the motion, which carried unanimously.

Application #06-2020, Proctor Enterprises, owner of property at 2630 Main Street, requests site plan approval for Motor Vehicle Service and Sales Office and a Retail Service Business. Public Hearing time 8:30PM-8:50PM.

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 comments: 1. Is parking an allowed use in the Hamlet Residential district? 2. Does the proposed parking in the Hamlet

Residential districts exceed allowable 30 percent impervious coverage for this portion of the site? 3. Is any landscaping or buffering required to screen the parking area or protect the water quality of Flint Creek?

OCSWCD Comments: Proposed grass spillway on north eastern portion of the lot has potential to overwhelm current low area and negatively affect neighboring properties. Additional retention may be required in area. Maintenance of area would be critical.

CRC Comment: The use should be equipped to contain any spill of toxic materials, dispose of such materials properly, and especially prevent toxic materials from entering Flint Creek.

CPB Comment: Site improvements should be designed in a manner that preserves the character of the Hamlet.

Jerry & Kelly Proctor and Fred Shelley, Engineer was present and presented the application to the board.

Mr. Shelley stated that the site does not propose any changes to the existing building. There is a proposed expansion of the parking lot and restriping the existing parking areas. They have proposed a dumpster enclosure 10' x 20' to be located to the rear of the existing parking area. They have added sign location per the Planning Boards request and provide photos of the signs that are on the building now. They also provided a drainage report for the town. They have proposed the standard construction erosion and sediment control features and also they have provided on the grading plan a swale with a small outlet pipe to capture and detain the water that is running off of the parking lot.

Mrs. Rasmussen asked where the water discharges to.

Mr. Shelley stated that it discharges to a low area on the site.

Mr. Thomas asked if that is where the snow melt would end up.

Mr. Shelley stated yes. On the site plan they have provided a few snow storage areas around the perimeter of the parking areas.

Chairman Harvey asked where the display area was for the used auto sales business.

Mr. Proctor stated that they are across the street on Lee Fake's property. They only sell a few at a time.

Chairman Harvey stated that the used auto sales display area will need to be indicated on the site plan.

Chairman Harvey asked Mr. Morse if the signs conform to the Town code.

Mr. Morse stated that they are allowed a certain amount of square footage of signage and but not necessarily three of them. So, it would be up to the Planning Board approval.

Mrs. Rasmussen stated that the town code allows two signs for a total of 75 square feet of sign face. Total existing sign area is less than 75 square feet but the double sided sign at the front of the building is three feet from the right of way when a minimum of 10 feet is required. The building mounted sign to the rear of the building appears to be for a business that is not currently in operation on the site.

Chairman Harvey stated that technically they would need a variance for the sign.

Mr. Morse stated they would if they wanted to keep the third sign.

Mr. Proctor stated that sign two can go. They can pull it tomorrow.

Mrs. Rasmussen asked Mr. Morse the answer to the County's question 2 about the parking under their comments.

Mr. Morse stated that it does not exceed the 30 percent.

Mr. Shelley stated that they are proposing 16% open space. It is a 4 acre site and they are looking at only half of it.

Mrs. Rasmussen stated that the County Comment about landscaping or buffering to screen the parking area or protect the water quality of Flint Creek she feels is very important. Not necessarily to screen the parking area but to ensure things from the parking area does not go into the creek. "I think along the top of the bank along the creek for his property I think there needs to be a landscape design of something, whether it be arborvitae or pine trees something that will screen from things getting blown into the creek or pushed into the creek. We need to eliminate snow storage on the creek side of the parking lot. This is a watershed for Lake Ontario, so we really do need to be careful what goes into that creek."

Mr. Thomas suggested building a small berm more than plantings.

Mr. Shelley stated that at that edge of the parking lot area they are capturing all the new impervious and sending it away from the creek.

Chairman Harvey stated that they might want to put a little berm in the topsoil stockpile area on the western side of the parking lot. They then could plant something on the berm and then they would not have to worry about salt damage.

Mrs. Rasmussen stated that the fire lanes are also an issue. They are constantly blocked on the creek side of the building.

Mr. Proctor stated that is the whole idea of putting the proposed parking area in. So, they can move some vehicles back in the parking area and have the fire lane open.

Mrs. Rasmussen stated that she would like to see no parking spots on the creek side driveway.

Mr. Proctor stated that if they have one or two vehicles up against the building they still have 15 to 20 feet to get through there.

Mr. Shelley confirmed that they have about 15 feet to get through that area.

The fire lane was discussed. Mr. Shelley stated that a fire lane is not required on a one story building.

Mr. Morse stated that he did review the fire lane requirements and this project and did not see an issue.

Chairman Harvey asked what the use was with the parking spots on the west side of the building.

Mrs. Proctor stated that is where she and their office girl park.

Mr. Proctor stated that if they get two or three customers a day to drop off contracts they just pull up out front real quick.

Mrs. Rasmussen stated that there is no reason they could not park in the back of the building.

Mr. Proctor stated that she is right once they get the new parking lot in.

Chairman Harvey asked if the gas meter has been removed.

Mr. Proctor stated that it is in the process of being removed.

Chairman Harvey stated that they will need note that is to be removed.

Mrs. Rasmussen stated that she would like to see the dumpster enclosure facing the west.

Mr. Proctor stated that they are going to put two swinging doors on the dumpster enclosure so that the dumpster will not be seen. If you would like to see it to the west they can do that.

Mrs. Rasmussen stated that she would like to see it face the west and would like to see a couple of trees or plantings on the south side to screen it.

Mrs. Rasmussen stated that if the dumpster is rotated the port a johns could go to the north side of the dumpster or to the back of the property where they are not visual from the road.

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

A letter dated February 27, 2020, 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.

Mr. Dailey made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mr. Thomas seconded the motion, which carried unanimously.

Mrs. Rasmussen made a motion to approve the site plan with the following conditions: 1. Show the dumpster reoriented so that the gate is to the west with plantings on the south side of the dumpster to block the view from the road. 2. Show the area for the port a Johns behind the dumpster and also screen them from the road. 3. Remove sign number 2 that has a non-conforming setback. 4. Remove the two parking spaces on the west side of the building. 5. Remove the gas meter and gas service. 6. The topsoil stockpile is going to be used to create a berm on the west side. 7. All snow storage will be located at the back of the property. 8. No parking in the driveway access on both sides of the building. If complaints are received that there is parking in these two driveway access this will be reexamined in front of the Planning Board. Mr. Thomas seconded the motion, which carried unanimously.

Eugene Bauer was present for Application #09-2020, Brian Mastrosimone.

Chairman Harvey explained that the board decided that they would ask Mr. Mastrosimone to come back before the board in two years and if there are no complaints the board can decide to put off the review for 5 years.

Mr. Bauer stated that his concern is that there is a lot of people back on the site and only one driveway. Last year at least twice there was close to an accident. This year it has not been a problem because there is no concerts this year. When there is a concert Mr. Mastrosimone has a full house. Someone is going to get hit there because there is no stop sign. Last year he counted 22 cars coming out of there before anyone stopped.

Chairman Harvey stated that the board will take Mr. Bauer's comments into consideration.

Mr. Bauer stated that if there ever was an accident at the entrance people would be stuck on the property.

Mr. Morris stated that it is not advertised but there is another access going out onto County Road 18.

Chairman Harvey stated that the board could suggest that he has more traffic control after his events to make sure people are stopping.

Mr. Morris stated that he believes this has been discussed and knows that at least one time last year he did have someone at the end of the driveway directing traffic. This has been suggested to him on any night that he has a lot of people there to have the crowd managers at the end of the night direct traffic out of the event onto the road.

Chairman Harvey stated that the town will continue to monitor this concern.

MISCELLANEOUS:

Application #02-2020, Jerry Proctor owner of property at 4850 West Swamp Road, requests subdivision approval to subdivide 2.277 acres out of 4.4 acre parcel.

Jerry & Kelly Proctor were present and presented the application to the board.

Drainage was discussed. Chairman Harvey stated that the engineer needs to show the storm water calculations to show that the infiltration trench is sufficient.

Mrs. Rasmussen asked how close the next driveway to the northwest is.

Mrs. Proctor stated that the house and the driveway to the northwest is no longer there, but the driveway was 440 feet from the new proposed driveway.

Mr. Thomas offered a resolution [attached hereto] to approve the subdivision with the following conditions: 1. the map is labeled subdivision
2. Show the storm water calculations to show that the infiltration trench is sufficient. Mrs. Rasmussen seconded the resolution, which carried unanimously.

Mr. Dailey stated that there is a concern of what color scheme and architecture is seen from the lake.

Chairman Harvey stated that in the Design Guidelines it states that on the lake and in some of the other districts it states something like low luster neutral colors on the exterior. They have always taken the position that they are not going to go crazy being the color police but, this is something we should ask the applicants to make sure that it is in compliance. Zoning Code and the Subdivision Regulations state that when the Planning Board approves site plans and subdivisions they as a board have to find that the submission is in compliance with the Town's Design Guidelines.

Mrs. Rasmussen made a motion to adjourn the meeting at 9:09PM. Mr. Kestler seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary