

MINUTES
TOWN OF GORHAM PLANNING BOARD
December 13, 2021

PRESENT: Mrs. Rasmussen Mr. Dailey
 Mr. Hoover Mr. Kestler
 Mrs. Harris Chairman Harvey via zoom
 Mr. Perry-Alternate

EXCUSED: Mr. Farmer

Mrs. Rasmussen called the meeting to order at 7:30 PM. Mr. Perry-Alternate will participate and vote on all applications tonight. Mr. Dailey made a motion to approve the November 22, 2021, minutes as submitted. Mr. Kestler seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #29-2021, Brian Mastrosimone, owner of property at 3792 State Rt. 247, requests a renewal of his Special Use Permit with site plan modifications for outdoor event operations. Public Hearing time 7:30PM-7:45PM.

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 for their review. At this time we have not received any comments from them.

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

Mr. Mastrosimone stated that Lincoln Hill Farms has had a lot of success over the last couple of years. Much more than they anticipated. There are some things they are looking to do to make it better at Lincoln Hill Farms. They are looking to have better and more parking. They are looking at having an egress off of County Road 18 so that there is less traffic and easier to get in and out of the farm. The new buildings on the plans they plan on building over the next couple of years. They don't have building prints yet because they are waiting for sewer to be in place before they build those buildings.

Mrs. Rasmussen asked how close they were to getting the sewer.

Mr. Mastrosimone stated that they have been meeting with Ontario County, Town of Hopewell, and Town of Gorham. They are getting closer every meeting and hoping that by this time next year they are digging.

Mrs. Rasmussen asked if there were any comments from the public.

George Kramer owner of property at 3731 State Rt. 247 stated that he was curious of how the sewer was going to run to the property.

Mr. Mastrosimone stated that it will run by an easement through properties.

George Kramer stated that he heard that he bought Clawson's property on County Road 18.

Mr. Mastrosimone stated yes the property in Hopewell. They will not be developing that property anytime soon.

Joseph Bengé owner of property at 4142 County Road 18 stated that he is downhill from Lincoln Hill Farms. "I have major issues with what has been developed already with water drainage. We experienced in the past year significant changes in the storm water flow. And I know it was addressed in 2018 with a motion for him to provide proper calculations that there be no changes to the storm water flow and that they were doing nothing to control the rainwater flow. So anything new developed on that property will only add to the issues. I know in the board meeting they held on June 26, 2020, Brian stated that they in trying to get there glamping going had to install tons of tile lines. This year I've seen more water than ever. My basement flooded. I don't know where the tile lines go I just know last year he stated that he put a ton of tile lines in and I've had the worst year ever of water. I have a walkout basement. I'm built on grade and I had over a foot and a half of water in my basement. We held three foot of water outside the door and had the fire department there for hours pumping. So I'm concerned with any future development based on I feel that there's a significant impact on my property. That is my concern with the rainwater. I have issues and concerns based on the way Lincoln Hill has been running based on their permit process. What was permitted on what Brian told the neighbors he was going to do I don't feel it's been honored. In 2018 when the first permit was issued Brian stated several times that the music would not play past 10PM. At my house I don't feel that has been honored. He also stated that there would be no night venues during the weekdays. You can see on Facebook pages alone that they hold venues on nights during the weekdays. The number of maximum events stated in the board meeting was 50. He holds more than 50 events just on the stage let alone weddings included. I feel the board was fair to Lincoln Hill and the neighbors that we would all be able to get along and have our own peaceful nights. In this past year I don't feel that the neighbors were given that."

Peter Virkler property owner at 4109 County Road 18. "The second proposed driveway is basically coming right at my house. I talked to Brian on Friday. What I have always said the worst possible place to live is at the T of a road. So that you have all the head lights coming directed right at your house. So I expressed my concern to Brian that I do not want at 10:00, 11:00 whatever at night a whole bunch of stream of cars coming at my house lighting up the front of it waking us up at night. He said that he would as best he's able direct traffic around so that it is more pointed at Steve Zumbo's barn so that it is not directly on my house. If that is the case than my concern is addressed and I have no further issue."

Joseph Bengé—"In 2019 a neighbor Mr. Bauer asked Brian directly in this board meeting if you were planning to put a driveway off 18. And Brian responded no."

Mrs. Rasmussen stated that at that point he didn't own the property yet.

Mr. Bengé stated that he did own it then.

Mrs. Rasmussen stated that "time can change but they do want to make it so that we are all good neighbors to each other and so we will try our best to address your concerns and your issues."

George Kramer stated he thought the parcel on County Road 18 where he wants the access was in the Town of Hopewell.

Mr. Mastrosimone stated no it is the parcel in the Town of Gorham. The parcel in the Town of Hopewell he doesn't have plans for and doesn't plan to do anything on that property for years to come.

Mrs. Rasmussen asked about lighting on the proposed parking lot.

Mr. Mastrosimone stated that right now they have light towers. "As for the new entrance, I talked to Peter and I am the first person to tell Peter that I will sit down and he can set down with the engineers. We can put hedge rows up. We can slant the driveway. I'm not a large conglomerate trying to cut corners and make as much money as possible. This is a family community oriented farm and whatever I can do to help Peter and to help Joe. Joe's been at the farm. We've had beers together. I have no qualms as to what he is saying. I will do what I can to make him right. We will have a lighting plan for the driveway. We will have a storm system plan. As for the tile drains we did put tile drains in to help with the glamping. As far as Joe's water we have had the wettest summer and spring on history. But the farmer across the street cleared 13,14,15 acres as well as all the ditches, which is significant and does cross over Joe's side. But that being said I will work hand and hand with Joe and I will make it right. Whatever we have to do

to make it right so that Joe's happy and if we are part of that flooding we will correct it. And for the sound and all that I just said well we've grown and I don't know exactly what I said but weekdays 10:00 and weekends 11:00. Weddings I don't think they make much noise but our concerts obviously do."

Evan Gefell, Costich Engineering stated, "I just wanted to touch base too with your development in the back with that future parking and connection that we would be designing storm water management facilities to help and contain that storm water."

Chairman Harvey stated that the board has to think about the difference between renewing the existing Special Use Permit and what was originally applied for that's a renewal. With the driveway and the parking in the back all the future stuff is a modification to the Special Use Permit and Site Plan Review. As part of this process the board does expect the storm water management facilities properly engineered and take into account where are the tiles going, where is the outflowing. There should be some outreach and possibly meet with Kevin Olvaney and the Canandaigua Lake Watershed Council to see if that whole area needs some storm water management facilities. All the water has to go somewhere and they don't want it to impact the neighbors or downstream. He appreciates Brian's willingness to work with the town. One thing the town wants to get out of this process of the renewal and the expansion is things that Brian can work with but with some assurances for the neighbors as well. What are the parameters in terms of the size of the events, the number of large events, the number of small events etc.

Jon Willis Crystal Beach Resident-"I just wanted to put a couple of words in on the subject here. Being transparent I do work at Lincoln Hill Farms. I'm a promoter of their events. So I do obviously have a vested interested in it. But something I want to make sure we don't lose track of here, it's really easy because the job of the Zoning Board is very technical and concerned about all sorts of things. I personally want to just remind everybody involved here that Brian and Marisa Mastrosimone as far as people go they're wonderful people. They are doing so much for the community and the area. Giving back constantly doing everything they can. Lots of fundraiser events. They give the shirts of their back to lots of organizations and they employ so many local people. It's been awesome to see just all these people from the area working there and it's been a real pleasure for me to be a part of the team up there. Just so everyone knows if there is any questions about it everything is done with great intention and it's thought through. Where there's been some slip ups maybe some noise issues they were accidents and we know how to work on those and

we know how to fix them. Obviously, we are working on traffic concerns. So it is obviously the job of the board to make the decisions here with all the input, but that is the input I wanted to add this evening."

Michele Fernaays 4194 County Rd 18-"I would just like to ask a question. There seems to be a water issue it affects you it affects Joe, it affects me, and I want to know if this is going to be looked at as a whole big picture rather than little parts to the picture. We should look at which way the water goes down and also if it can be done in a timely way so that it makes it so that it drains out for everybody and then we don't have this issue. So what happens, we would like this issue discussed and looked at what happens at this point?"

Mrs. Rasmussen stated that Fred Lightfoote is here and Tom's suggestion of getting Kevin Olvaney who is part of the Canandaigua Lake Watershed Council involved. That takes a look at that big picture.

James Morse, Code Enforcement Officer, stated that they have already started. He has met with Michele and she is willing to get her ditch cleaned out. Kevin Olvaney is supposed to meet with him and the farmer that had a couple small fields when he purchased the property and now has clear cut the entire property. So he is draining all his drainage between their side of the road and his side of the road. Kevin is meeting with Brian tomorrow about a detention pond and Jim is going to meet with Kevin either Wednesday or Thursday.

Fred Lightfoote, Town Supervisor stated that he will be involved with all of this too.

Mr. Mastrosimone stated that he is meeting with Kevin Olvaney tomorrow morning to walk the properties. One of the benefits of buying the property in Hopewell is to get a retention pond so that this water is going to hit that retention pond before it hits the lake. "Joe I have empathy for you. That farmer cleared 20, 30 acres a lot of acres."

Mr. Benge-"I understand that and if there was a Planning Board for that one I'd be here as well. What the board may not understand is when all the water hits that woods it goes over Matt Neilsen's and hits mine and the drainage ditch is on my property and it comes directly behind my house. We are clay soil I mean if you had a septic design you know that we don't perk so for natural runoff it just keeps on running. It doesn't soak into the ground unless there is an impression and then it will set there all year long."

Mr. Mastrosimone stated that if there is anything he can do in his power to make that right he will.

Chairman Harvey stated that the answer to the question is that there is moving pieces right now. They will fall into

place and before this board gives an approval on the renewal or the expansion they are going to figure out what pieces of this is Brian's responsibility and those will end up becoming conditions of the approval for the renewal and the expansion.

Mr. Benge stated that a retention pond at the top of County Road 18 will do them no good.

Annie StGeorge - "I just want to reiterate what Jon said about Brian and his family. He will do whatever he can do to make things right. I want to thank him and his family for actually including us in many of the things that go on at Lincoln Hill and also bringing business to our business. So Brian love you and he will always treat you right. That's my two cents Tom."

Mr. Kramer-"He said he wants to bring a retention pond on County Road 18. Retention ponds are fine but they put a retention pond at the college, which doesn't work, it goes down on a public beach and floods out because I live there. Retention ponds are some relief but there not a lot."

Mr. Mastrosimone stated, "just to be clear the water shed will be putting in the retention pond not me."

Mr. Benge-"I have no bad feelings towards Brian. Like Brian said I've enjoyed nights hanging with Brian at Lincoln Hill. My concern is that this permit was issued with guidelines and those guidelines favored Lincoln Hill and the neighbors. And I'm a neighbor. I'm very close. I mean when there is music on the stage we hear it. The weekdays the weeknights when there is loud noise of music some of those are during October and the school year. So those are school nights in our household. I look at the permit through these minutes and what the board issued Brian as his approval and I see where things aren't being followed. And I don't not want Lincoln Hill. We do have a good time there but I do feel like the parameters that were issued were fair to everybody. And I fear if it is overlooked that things are not followed in the matter that they were issued what does that say for the neighbors. The board states that they are not here to stop business but they are also here to protect neighbors. I'm not going to speak bad about Brian he has never been an ill neighbor toward me in any way shape or form."

Chairman Harvey stated that these are great comments. "We struggle as a board to find a happy medium that gave Brian enough flexibility to operate a business but at the same time try to protect the neighbors. And one of the reasons we made the permit renewable is just to get this kind of feedback and see if we needed to adjust anything. So I appreciate your comments."

Mr. Kramer stated that he doesn't have anything personally against Brian at all.

Chris Farmer property owner of 4115 County Road 18—"Out of curiosity what's the capacity currently and with these additions what are you looking at for capacity for vehicle traffic. Our concern is County Road 18 anybody that's been out there it's a raceway. Doesn't matter what time of the year what time of the day. We're concerned that people come speeding up the road aren't paying attention and there are people trying to pull out of there. There's going to be some big problems. Just curious to find out the capacity."

Mr. Mastrosimone stated that "right now our capacity of our parking is if you took the map and where we're parking currently on Rt. 247 there is a little over 1000 parking spots that's including parking on the grass. If we added that parking lot I think it's around additional 500 parking spots. My capacity per person I'm going to have to yield to Jim on that. I don't think we're going to get close to what I can hold."

Mr. Morse stated that they based the number on the whole property because there is no fences and the way the international building code states he thinks he could have 79,000 people there. He explained that during covid restrictions they figured that he could have around 6000 people allowed but Brian would have to have parking for the 6000. In their conversations Brian never intended on having more than 1500 people.

Mr. Mastrosimone stated "the whole point of this extra parking is we got blasted on the 4th of July. We didn't expect that. Canandaigua didn't have fireworks and Geneva didn't have fireworks and we were the only show in town. And it was a nightmare. I don't want that. I'm going to invest literally hundreds of thousands of dollars so that doesn't happen again. I mean most business owners wouldn't do that. I'm doing it for a reason to make people happy and to make sure that my customers are safe. Reality is it's a necessity for the community to have a second entrance. And I don't want to see a 4th of July like that happen again."

Mr. Benge—"You brought up the fireworks. In 2019 at the Planning Board meeting they said and you said no fireworks. Now I understand this is for the glamping aspect of things. I just want the board to verify for Brian's sake to that meant the campers and not Lincoln Hill. It's not very well specified. Looking at the map my question to Brian is it necessary to level the forest to put that parking lot where there's other open spaces that your issuing other parking lots that can't be extended."

Mr. Mastrosimone stated "I don't know where else to put a parking lot off of 18 that would give me a second egress, which the DOT is really happy about. That looks like they're clearing

the whole piece of property but any large trees in that area will not be taken down. Most business owners would tear that whole thing apart and I know I have the ability to do that. Every major oak, shagbarks etc. we are going to keep. Which is crazy for a parking lot to have large trees in it."

Mrs. Rasmussen adjourned the public hearing to be re-opened on January 31, 2021, at 7:30PM in the Gorham Town Hall.

MISCELLANEOUS:

Application #27-2021, JLD Canandaigua Holdings LLC, owner of property at 3820 State Rt. 364, requests site plan approval to build a single family home.

The public hearing was opened and closed on November 22, 2021.

Anthony Venezia, Venezia Profession Land Surveyors, was present.

A letter dated December 3, 2021, 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 SEQOR that will not receive coordinated review since no other discretionary agency approval is required.

Chairman Harvey made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Vice 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. Hoover seconded the motion, which carried unanimously.

Chairman Harvey made a motion to approve the site plan with the following conditions: 1. A statement added to the site plan stating that the Town of Gorham Design Guidelines are complied with. 2. The erosion control needs to be established and stabilized prior to opening up the rest of the site. Having silt fence and straw bales screened to catch and discharge from the basin. Mr. Hoover seconded the motion, which carried unanimously.

Douglas Eldred Scenic Ridge Rise, request preliminary subdivision for 80 lots on 55.57 acres on State Rt. 364.

Douglas Eldred, Scenic Ridge Rise was present.

Mrs. Rasmussen explained that the board secretary sent a letter to several Involved and Interested Agencies explaining the boards desire to be lead agency for SEQR. The town has received responses from the agencies. No agency had an objection to the Town of Gorham Planning Board assuming Lead Agency status for this action.

Chairman Harvey explained section 276 of Town Law is the statute that governs the board's ability to review subdivisions. One of the things that it states is preliminary subdivision application is not complete until either a negative declaration of significance is issue or a draft environmental impact statement has been certified as ready for public review. So until that time the board can't schedule a public hearing until one of those two things is done.

Chairman Harvey offered a resolution[attached hereto] establishing the Town of Gorham Planning Board as Lead Agency Scenic Ridge Rise Subdivision. Mr. Dailey seconded the resolution, which carried unanimously.

The Planning Board discussed and completed Part 2 and Part 3 of the Full Environmental Assessment Form. The board determined this to be an unlisted action under SEQR.

Mr. Eldred questioned if the engineers report was reviewed by MRB Group and if they offered any guidance to the board. The engineer's report was part of the submittal documents and should be considered in the environmental review.

Chairman Harvey stated that they do have a review from MRB Group. The intent of SEQR is to judge what the board feels are no or small impacts and potential moderate to large impacts and judge how significant they are to the community. That is the process the board is going through very carefully and deliberately.

Chairman Harvey offered a resolution [attached hereto] making a positive determination of significance on the Scenic Ridge Rise Subdivision. Mr. Dailey seconded the resolution, which carried unanimously.

Mr. Dailey made a motion to adjourn the meeting at 9:56PM. Mr. Hoover seconded the motion, which carried unanimously.

ESTABLISHMENT OF TOWN OF GORHAM PLANNING BOARD AS LEAD AGENCY SCENIC RIDGE RISE SUBDIVISION

WHEREAS, The Town of Gorham Planning Board (Planning Board) is in receipt of a preliminary subdivision application from Douglas Eldred, Scenic Ridge Rise concerning real property located at 4035 State Route 364 on tax parcel 113.00-1-48.200 ; and

WHEREAS, Pursuant to the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as “SEQR”) at its October 25, 2021, meeting the Planning Board:

- A. Preliminarily classified said application as an unlisted action
- B. Elected to conduct a coordinated environmental review
- C. Elected to utilize the full EAF for this action due to the complexity of the project and the number of agencies involved
- D. Stated its desire to serve as lead agency for the environmental review of the Scenic Ridge Rise Subdivision; and

WHEREAS, The Planning Board has circulated notice to all involved and interested agencies providing them with at least 30 days to respond; and

WHEREAS, In the correspondence the Planning Board has received from interested and involved agencies, it received

- A. No objections to the Planning Board serving as lead agency
- B. No objections to its classification of the Scenic Ridge Rise Subdivision as an unlisted action; now, therefore, be it

RESOLVED, That the Planning Board hereby establishes itself as lead agency for the environmental review of the Scenic Ridge Rise Subdivision pursuant to SEQR; and further

RESOLVED, That the Planning Board hereby determines that the Scenic Ridge Rise Subdivision is an unlisted action pursuant to SEQR; and further

RESOLVED, That the Secretary of this Board is hereby directed to send copies of this resolution to the applicant and all involved and interested agencies; and further

RESOLVED, That this resolution shall take effect immediately.

DETERMINATION OF SIGNFICANCE SCENIC RIDGE RISE SUBDIVISION

WHEREAS, The Town of Gorham Planning Board (Planning Board) is in receipt of a preliminary subdivision application from Douglas Eldred, Scenic Ridge Rise concerning real property located at 4035 State Route 364 on tax parcel 113.00-1-48.200 ; and

WHEREAS, Pursuant to the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as “SEQR”), on December 13, 2021, the Planning Board was duly established as lead agency for the environmental review of the Scenic Ridge Rise Subdivision; and

WHEREAS, The Planning Board has received comments from interested and involved agencies expressing concern for the potential of significant impacts and the need for further study related to:

- C. Storm water discharge, including rates, the design impacts of requiring storm water management facilities and planning for design storms of lower probability than a ten or 15 year storm, mitigation measures, and quality,
- D. Provision of public water, including the need for a redundant connection to the Town system, the location of said redundant connection, funding for said connection, and potential impacts to forest land on the applicant’s property and potential mitigation measures; and

WHEREAS, The Planning Board completed parts 2 and 3 of the full EAF for the Scenic Ridge Rise Subdivision at its December 13, 2021 meeting; and

WHEREAS, In addition to the concerns expressed by involved and interested agencies, after careful consideration of the materials submitted by the applicant, review of the Town’s zoning, access management, soil erosion & sedimentation control local laws and the Town’s Subdivision Regulations, the Planning Board has identified the potential for significant impacts and the need for further study as identified in Part 3 of the EAF; now, therefore, be it

RESOLVED, That the Planning Board hereby determines that the potential for one or more significant impacts associated with the Scenic Ridge Rise Subdivision warrant further study through the preparation of an environmental impact statement and therefore hereby issues a positive declaration of significance; and further

RESOLVED, That applicant provide a draft scope document conforming to the requirements of 6 NYCRR Part § 617.8 to the Planning Board for circulation to all involved and interested agencies; and further

RESOLVED, That upon receipt of the draft scope from the applicant, the Secretary of this Board shall:

- A. Circulate said draft scope to all involved and interested agencies and soliciting comments thereupon,
- B. Post a public hearing notice for the next regularly scheduled Planning Board Meeting to receive public input on said scope wherein notice of said hearing shall be published in the official newspaper of the Town at least 5 days in advance of said hearing and said hearing shall be held less than 60 days from receipt of the draft scope from the applicant; and further

RESOLVED, That the Chairman of the Planning Board is hereby empowered and directed to complete all necessary paperwork in accordance with this resolution and issue notice of this positive determination of significance as required in SEQR; and further

RESOLVED, That the Secretary of this Board is hereby directed to send copies of this resolution to the applicant and all involved and interested agencies and for publication in the Environmental Notice Bulletin; and further

RESOLVED, That this resolution shall take effect immediately.

Lizabeth Rasmussen, Vice Chairman

Sue Yarger, Secretary