

MINUTES
TOWN OF GORHAM PLANNING BOARD
October 24, 2022

PRESENT: Chairman Harvey Mrs. Rasmussen
 Mr. Farmer Mr. Kestler
 Mr. Perry

EXCUSED: Mr. Hoover Mrs. Harris

Chairman Harvey called the meeting to order at 7:30 PM. Mrs. Rasmussen made a motion to approve the September 19, 2022, and September 26, 2022, minutes as presented. Mr. Kestler seconded the motion which carried unanimously.

PUBLIC HEARING:

Application #18-2022, Pelican Point LLC, owner of property at 4804-09 County Road 11, requests site plan approval to build two pole barns on State Rt. 364.

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.

Robert Brenner was present and presented the application to the board.

Mr. Brenner stated that the application was referred to the Ontario County Planning Board he did appear before the County Planning Board and they determine that this project was a local matter and did not have any comments and referred it back to the local municipality for action.

Chairman Harvey stated that the County considered this a Class II with no comments.

Mr. Brenner stated that he did e-mail the town today some minor revisions to the plan deleting signage and some other items as the result to informal feedback. The revisions were presented to the board.

Mr. Brenner stated that what is being proposed is two pole barn construction indoor storage buildings off of State Rt. 364. "The subject property is one parcel of land approximately 38.3 acres. It fronts on County Road 11 and NYS Rt. 364. The entirety of the property is zoned General Business. The property was subject to a rezoning action in 2017. There is a discrepancy on the Town zoning map prepared by the County showing this portion of the property remaining zoned rural residential. It is rezoned GB. I have a copy of the Town's Local Law filing that was filed with the department of state

dated August 28, 2017, which I'll submit to Sue for the record. In the General Business District commercial indoor storage is permitted by right. It is not subject to special permit it's only subject to site plan review so that's the purpose of the application this evening. Just a bit more background on the rezoning itself. In 2017, there was a lot of discussion around this particular parcel being used for boat storage in the future. At the time there was concern about the cost of building structures and there was a desire to have boats out on the lawn. Those cost concerns have gone away we want to do this the right way. We want it to look aesthetically pleasing from the road. We're proposing a split rail fence, landscaping and additional evergreen trees around the building as well as a storm water retention area that has been professionally designed by BME Associates. They worked in consultation with HB Cornerstone on the building designs. These buildings are not customer facing facilities. I want to emphasize that these are strictly indoor storage buildings in compliance with the town code provision. These will not be storage buildings that can be accessed by a customer to pick up or drop off the boat. All boats will be dropped off at the County Road 11 main facility. This facility will be locked and gated and it will only be visited by staff in peak storage time. So this time of year putting boats away they will show up at the property they will go in the barns the barns will be locked they won't come out until the spring. It will be one effort to start pulling the boats out and the facility won't be visited with any regularity or frequency in the summer months. It will be maintained. There will be grass along the frontage. The landscape will be maintained but the buildings will not be visited or be customer facing. This is part of the marinas desire to clean up its facilities. I think a lot of progress has been made over the past 6 months for anyone that has driven by the facility. There was a lot of accumulated debris and garage which the marina is continuing to work on cleaning up. This is part of the effort to get boats and other things that the marina has inside of buildings and not have as much outside. I do want to emphasize that the purpose of these building is to serve existing customer demand. There was another storage building off site that was previously utilized which is no longer available to the marina. These are not proposed to have some significant increase in customer base or have more demand on County Road 11. The marina is well aware of the special permit condition that sets the maximum number of boats and does not seek to exceed that with these buildings. I will pause there and entertain any questions that the board has. I will also note based on Town staff comments we removed a way finding sign along State Rt. 364

frontage so there will only be the numerical number on the building itself. There won't be any advertising signage or anything like that. The landscape was enhanced based on town staff feedback."

Chairman Harvey stated that his only comment is the grading is still not right.

Mr. Brenner stated that they will have their engineers work on the grading.

Mr. Kestler asked if there was going to be electricity at the buildings with lighting.

Mr. Brenner stated that as of right now there is no electricity or outdoor lighting proposed. "The reason why they are being proposed that way is we think there might be some sensitivity neighbors and others to have them lit. If the town wishes to have them lit we are certainly amendable to that. We'd prefer lighting but we are not proposing any at the moment."

Mr. Kestler stated that he feels the driveway cut should be moved to the opposite side of the parking lot so that it is directly across the neighboring driveway on the east.

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

Mary Freese introduced herself and her husband William Freese living at 4761 State Rt. 364, "Our property is across the street and basically kind of corner to corner with it. We're here because we saw the signage that the town put out announce this meeting. We had been at the meetings back in 2018, involving this property and what was going on. In 2018 it kind of ended in sort of with no answers or conclusions."

Chairman Harvey asked if it was before the Town Board or the Planning Board because the Town Board did take action and passed a local law.

Mary Freese stated, "We received this from Mrs. Yarger."

Chairman Harvey stated that he has proposed some changes to it.

Mary Freese stated "To show you how impactful this would be and we are happy to hear that there are considerations about landscaping, not lighting and so on. Because this is my living room, (she had a picture showing her living room window) it's an old house it's been there for 100 years and it was built right on the old road which was probably a dirt road at the time. It was built sort of facing across an old hay field and had a really pretty view of the lake. It doesn't anymore because the countryside is all grown up, but it's still nice to have that kind of quiet country feel when you look out your window. We're just kind of concerned. We didn't know if there would be outdoor. I'm glad to hear its indoor but I saw the big parking

pad and I was a little worried. In the notes I saw that the marina was planning on building structures on Rt. 364 similar to what they have down below. One of our big questions is we can see the footprint size but how tall is this building going to be? I was super concerned that they would be extremely tall like stacking boat structures. When I went in and looked at your buildings down there they are ok looking they are kind of gray they're soft colors they would eventually blend in."

Mr. Brenner stated that he can confirm that the buildings are single story 18 feet tall. The desire here was to keep the buildings low to the ground and screened appropriately with existing vegetation.

Mrs. Freese stated "That would be helpful. I saw in the plans provided by the town the other day that there's a berm planned with plantings on one side but I would just like to ask if town could have any say about making sure, I'm sure they will have to take down trees and so on in there to build all this that's obvious but could we get some plantings put back in to help the hedgerow. Across the street is an old dirt road called Pierce Road or it was called Pierce Road and it's kind of turned into sort of a tunnel that wildlife use to cross right at that point and they go into that property now. At night we see all the bright lights slamming on as people come down the road. Our secondary concern was how much more bright light slamming are we going to see as tractors or trucks are pulling boats up the hill and maneuvering in there. It's a 55mph downhill believe me they do not drive 55mph down that hill. Yesterday afternoon at 1:00 in the afternoon I sat outside and counted cars going by at approximate cars per hour. 250 cars per hour on a Sunday afternoon. I think that probably is typical. There is a lot of traffic. It fluctuates a little bit during the course of the day but that is quite a busy road. And so another concern is about the injure of accidents there. Lowering the speed limit maybe and I know that's a state thing and it might take forever to get that done but it might actually save a life someday."

William Freese stated "That was one concern I had was it's not so much somewhat moving the boats in and out along 364 out of that facility but coming up County Road 11. You have to pull uphill on a 55 mph road and stop. And as you're coming down hill its 55 all the way down to the intersection and if you have to turn left to go onto County Road 11 you're stopped in the road if there is oncoming traffic. And a lot of cars are going 55 plus all the way to that intersection. There is a lot of speed around that intersection. But I think you say as far as the timing that the boats are brought up if they are not brought up during the peak time and not moved during the peak time that

would help. This time is probably one of the peak times, early fall. Later in the fall less so."

Chairman Harvey stated that they haven't really talked much about the operations.

Mr. Brenner stated "In the fall and in the spring and I don't say this to give a hard number, but the buildings themselves can't host more than about 22 boats each. So we're talking about 44 boats. There's going to be ancillary trips to the facility but with the boat in tow it's going to be 44 trips barring some unseen circumstance 44 to 50 trips in the fall and 44 to 50 trips in the spring. The type of traffic hourly volume that we are talking about I don't think that we would adversely affect that. Most of these boats are going to be moved I would say between 8:30 and 2:00. They are going to be during daytime hours. And the methodology for packing the barns would be that they would be packed and wrapped in succession. I don't think that you will see this process take multiple numbers of weeks. The boats would all be winterized they would be ready to be put in storage and then over a two to three day period they likely would all be put away. With respect to the turning radius on the State Rt. 364 and that maneuver onto County Road 11 and vice versa a lot of folks are doing that maneuver now to go south toward Vine Valley and utilize that launch. We obviously have a lot of folks coming down 364 and making that right hand turn to County Road 11 to come visit us and then same way we have number of folks that utilize our services from the south that make that turning maneuver to the right coming off of County Road 11 onto 364."

Mr. Freese asked what the number of boats was that was mentioned.

Mr. Brenner stated "depending on the size of the boat 22 to 25 so I'm saying 44 to 50 trips based on the two buildings. And again they are not double stacked buildings. These are not buildings with racking in them. These are single story. There intended to be low impact nice looking buildings that will blend in with surroundings. We are using earth tone colors. It will be a light gray roof with charcoal walls. As I stated previously we're really open to the preference of the town as to lighting. Motion censored lighting certainly does have utility but we also are sensitive to the wildlife that was mentioned and folks may not want motion censored lights. Our desire was to not light it if the town finds that acceptable."

Mrs. Freese stated, "We have a business on our property and we have very minimal lighting."

Chairman Harvey stated, "I think we will probably try that and if there's no issues I think that is where we will leave it."

Maggie Atkins stated, "First of all I just want to mention that it was very difficult to get background information on this facility. I think I had probably Sue about 6 phone calls and e-mails between us trying to get a hold of the application which took I think three phone calls and trying to get some background information. I understand the files are not available. They are being scanned right now. So I've been digging through the Planning Board and the Town Board minutes and I may have missed something but what I found was looking back at the Local Law that was passed it looked to me like indoor storage was not allowed for this particular saying it said the applicant provide a deed restriction or other document in a form acceptable to the Town Board and suitable for filing in the office of the County Clerk limiting the use of what is now that parcel to outdoor boat storage and that no other commercial business can be located on said property. So I'm really confused. I just don't understand did I miss something or not? That's how I'm reading this. And that the rezoning be subject to development of a site plan approved by the Town Planning Board that provides a visual barrier between boat storage and parking area and adjacent residential property. So I'm really confused over why we're talking about indoor boat storage unless something changed."

Mr. Brenner stated, "There was discussion in May of 2017, regarding the types and this was in front of the Planning Board regarding the type of storage whether it would be indoor or outdoor and as I alluded to earlier there were statements made by the former owners that we can't possibly have indoor storage its far too expensive we want to shrink wrap the boats and have them out on the lot. There was a strong urging at the time over the objection of the owners to look at indoor storage. Because if you look at the General Business regulations indoor storage is permitted as of right. If you look at the rural residential district standards which this property was zoned previously indoor storage is permitted by special use permit. Outdoor storage is not permitted in either district and would thus require a use variance. The Planning Board in making a recommendation on the rezoning had discussed the potential for a deed restriction because what they were concerned about and I was here for the conversation was the bait and switch effect where the property not used for storage and what its used for is access to a development in the rear of the property off of 364. It was the storage safeguard that the board was looking at. That was a recommendation to the town board. If you look at the local law filing the actual legislative action there was no such condition adopted by the Town Board in making the approval."

Chairman Harvey stated, "the only condition they put on was that the properties because part of the rezoning application was

they had bought adjacent parcel on County Road 11 and they wanted to put that in the GB district as well. General Business district. So they did everything at once and the only condition here is they had to be either as one, two, three, four tax parcels at the time being combined into a single lot. That is what the Town Board did."

Mrs. Atkins stated, "Than why are the Town Board recommendations attached to the local law and."

Chairman Harvey asked if it was the Planning Board recommendations attached to the local law.

Mrs. Atkins stated yes it is.

Chairman Harvey stated, "I have no idea it is not on my copy."

Mr. Brenner stated, "Essentially what it was it was for purposes of having complete minutes filed. So I think what the speaker is eluding to are the August 9, 2017, Town Board meeting minutes. They attached the draft resolution prepared by the attorney to the town, Jeff Graff at the time. They attached the Planning Board meeting minutes making the recommendation and also attached the proposed re-subdivision map. But the stand alone local law which I've submitted that was filed with the Department of State which makes the legislative change did not contain any such attachment."

Mrs. Atkins stated, "So thank you for clearing that up. It would have been nice if I had been able to look at the file. But at any rate hopefully the files will be scanned and back and available for the public to use again sometime soon. I pray that outdoor lighting is not necessary at this time. I really appreciate that. I should mention that I own the property to the south of you. You answered some of the questions I had already. Thank You very much. I would very much like to see the hedgerow between our two properties stay intact in its entirety if at all possible. Part of the hedgerow is on my property and part I believe is on yours on the applicant's property and I would really like to see if that could remain intact as a buffer. Are there any plans for outdoor storage?"

Mr. Brenner stated, "So on the hedgerow, so this facility was designed to be fully compliant with town setbacks so there's a 30 foot buffer between the property line and the building on the south side and on the north side as well and we are not intending to remove any unnecessary scrub brush or trees within that."

Chairman Harvey stated, "there is some grading around there but I think you'll add that to the plan and we'll figure out what."

Mr. Brenner stated, "Anything that's very close along the property line I'd say within 10 feet 15 feet there is no desire

to touch any of that. The only thing to be removed is just to necessitate grading. We are not going to go up to the property line and take all the brush and trees down. With respect to outdoor storage I can definitively say no outdoor storage is proposed at this location. The gravel staging area is exactly what it is named to be it is a staging area and it is only a staging area between a period that the boats are dropped off and they're put inside the barn. To give some flexibility to the marina I would say that would be maybe a week or two at most. It's not going to be for months on end. Some boats pack better than others so it's really a game of Tetris and its best if the boats are staged on the lot. They're taken in as they fit and they're packed away. But there's not going to be any shrink wrap outdoor storage anywhere in the vicinity of State Rt. 364."

Mrs. Atkins stated, "have you given any thought of moving the buildings back a little bit further on the lot?"

Mr. Brenner stated, "we did and there's some issues with that. So, of course there's the neighbor there as well so similar comments to what you have raised would be raised by that neighbor. But the larger concerns that we had were that there would be significantly more disturbance. It would require a stormwater pollution prevention plan. Larger stormwater facilities it would require more tree removal and I think more of aesthetic impact than what we're proposing. And the other concern two fold concern was it's about a 1600 foot road and as you get back into that area in speaking with the State Historic Preservation Office, I did as part of our consultation in submitting this application, there's more concern from their perspective about disturbance to the forest and any potential archeological features like any project as you get further into the thicket so to speak. So we tried to keep it on the previously cleared portion of the site. This was as you probably well know was part of the DiFelice Subdivision. This entire property was previously grubbed and graded so we're trying to minimize the disturbance to the extent we can. As you get into the dog leg of the property in the rear where I think you're talking about there are some mature trees back there that would need to be disturbed and we want to avoid that."

Mrs. Atkins stated, "actually I was thinking about moving them back and in line with each other in the narrow part of the property not going all the way back."

Mr. Brenner stated, "so that also presents some issues because the property it's wider on the street till you reach the dog leg in the rear of the property 1600 feet so it thins down. And what that does is it creates setback issues. It creates and this was a comment from the County, it creates fire suppression concerns. Crystal Beach Fire Department's going to want to make

sure they can get completely around these buildings. We've made sure that there's a 20 feet of clearance in all directions to allow them to do that. So as you move further west along the property those type of public safety constraints start to present themselves as well as the topography starts to dip down and drainage becomes more challenging. So there was a lot of thought given to the location."

Mrs. Atkins stated, "with the buildings that you are proposing the 18 foot tall completely, is that going to show up in the view shed as you're driving north on 364 there's that gorgeous view that opens up down there right over that property are those going to show up in that view shed now do you think?"

Mr. Brenner stated "They may well. I think we are trying to place them strategically. There's about a 5 to 6 foot elevation change from the shoulder of the road down to the base where these buildings are going to be located so with existing tree cover I think it will be negligible impact on view shed from the road. And actually I think that would worsen as you start to hypothetically locate the buildings further to the west."

Mrs. Atkins stated, "I think that is all my questions really thank you. I do have one comment I'd like to make Mr. Chairman. The only reason I even knew that this property was under review was that somebody saw a sign in the ditch and mentioned it to me. What do we need to do to get things changed so that the neighbors are informed when there is a change in the works? What do we need to do? Who do I talk to?"

Chairman Harvey stated, "You know the drill Maggie. The Town's obligated to post it on their website. Their obligated to put it in the official newspaper of the town. Which is the messenger which has been done. The town requires the applicant to put a sign on the property."

Jim Morse, Code Enforcement Officer stated, "I can speak to it being in the ditch. That was the only place that it would actually go into the ground. If you put it to close to the road being a State Road they have gravel so far back that I tried 15 different times to put it in the side and the only place it would stick in the ground was further down in the ditch. And by the time I got back somebody had already moved it and it had already fallen over. So that is why it was down further in the ditch. But I made sure I went by it in that direction and that direction and I could see it just fine."

Mrs. Atkins stated, "I understand there are parts of the town where the neighbors are informed that there are changes being contemplated."

Sue Yarger stated, the Lake Front Overlay. It's in the Zoning that they have to be notified."

Mary Freese stated, "I don't want to be a second rate citizen. I'd like the same courtesy. And on that particular day I did look at the town website and there was no notice of this meeting posted yet."

Mrs. Yarger stated, "The agenda is posted there yes. You have to go under Planning Board and there is an agenda."

Mrs. Atkins stated, "Mr. Harvey you see my point I think. That it would really be helpful I think if people knew that something was happening on the property right next door to them. And informing the neighbors within 500 feet would make since which I think is posted down on the lake district. Who do I need to talk to to see about getting that changed?"

Many responses stated the Town Board.

Mrs. Atkins stated, Thank you very much. And thank you sir for answering all of my questions.

Pam Merrick stated, "I'm the neighbor to the north. I have a lot of questions because I didn't even see a sign until somebody came and told me there was a sign there on Friday morning. We knew nothing about the sign. Kevin Mattoni is in Sarasota dealing with the hurricane so here I am. I have a bunch of questions and comments. I will agree with the signage issue. I also called the number on the sign and it goes to a nonworking voice mail. Just so everybody's aware of that. I'd like that to be on the record."

Mr. Morse stated, "It's just recently that they changed the number. That is not our fault. It's Spectrum's fault for cancelling our number without telling us."

Ms. Merrick stated, "I would just like that to be on the record that the number doesn't work. So we're at 4734 State Rt. 364. We have approximately 11 acres we run a horse farm there. I will have to say I'm happier with the proposal today than three years ago or whenever was happening. We don't want to see shrink wrapped boats out our windows. We didn't buy that property to look at shrink wrapped boats. Two pole barns that are tastefully done that are appropriately located on that parcel is ok with us. If that's what is really going to happen. There was some discussion and I thought it was and again if I'm not legally saying this correctly but I thought it was part of the record back then there were going to be berms and that sort of thing and I haven't even seen these plans. I will have to tell you with the exception the neighbor quickly showed them to me. I don't have a copy of them. So I guess I would like to expand on that maybe the neighbors should have been informed a little bit more directly but if that's the law that's the law. So what I'm hearing is there's indoor storage. I thought I heard something about 35 boats total but now I'm hearing 44 boats."

Chairman Harvey stated, "44 to 50 is what I heard."

Ms. Merrick stated, "What was the 34 capacity that I took a note on."

Chairman Harvey stated, "I have no idea."

Ms. Merrick stated, "Well 44 whatever. They're indoors they're in a barn they're tastefully done they don't impact our water. We have some issues when it flashfloods with water coming across our property. So that would be something we would certainly be concerned about. I absolutely would say no to the lighting. We have horses over there and lighting and horses in the middle of the night it's not really conducive to a horse farm. It sounds like there's not going to be anything like a repair shop or any kind of issues with that. Is there a possibility of more barns being put down the road? Or is this it?"

Mr. Brenner stated, "There's certainly a possibility of more barns down the road. What I would say is we've somewhat handcuffed ourselves in this design. And that was intentional. We don't think there's a need for many more barns. I don't want that to be a barrier in 6 years if we come back with another one. But we've put these very close to the road because we're trying to be sensitive to the concerns of your property specifically from a drainage and viewshed perspective as well as the neighbors across the street based on dip in topography and the existing tree cover. So to answer your question there's no intent to have additional barns. I don't want that to be something that folks bring out in 6 or 7 years if we come back for another one. We've designed these in such a way that these are the two that we need and we're hoping we don't need any more because there expensive."

Ms. Merrick stated, "Well hoping you don't need any more and more barns going down the side of our property are two different things. So I would like that to be addressed however that needs to be done. And if at some point I have to get legal counsel let me know how this works. Because I don't know how it works."

Chairman Harvey stated, "the board will decide what if any conditions they can put on the application."

Ms. Merrick stated, "So is there a berm then on the north side? Is that part of these current plans?"

Mr. Brenner stated, "there's not a berm on the north side. There's a drainage swale. And I personally spoke with Mr. Mattoni in the parking lot after the meetings in 2017. The discussion around the berm was when the boats were going to be outdoors and shrink wrapped, he was concerned that he was going to look out the window of his home and he was going to see those boats. So he asked for some natural landscaping features that

would hide shrink wrapped boats from his viewshed. I think based on the dip in topography the fact that this is an indoor storage facility and the boats will be shielded I think any berming would negatively impact drainage. The site's fairly well drained since it was previously cleared and graded. So we don't want to do any significant alterations in creating berming and disrupting the drainage plan that we have laid out at the moment. I do think that the berming was proposed to screen the boats from his viewshed it was for no other purpose than that."

Ms. Merrick stated, "well we certainly don't want a drainage issue, that's absolutely certain. Because we already have a little bit of a drainage issue."

Chairman Harvey stated, "let me address that and again what the town's regulations require is that their engineer submit calculations to the board that show that he's got no net increase or change to stormwater discharge. So he does have infiltration areas and other things shown on the plan and his engineer has got to certify the design."

Ms. Merrick stated, "I guess our biggest concern, barns in that area ok. Because it's really agricultural how it ever got business is another subject for another day. I heard something about the brush is going to be left there and that's acceptable to us. And we certainly don't want barns right up against the horses there if we can help it. So whatever the setbacks are the bigger setbacks the better in our opinion. I will say the traffic on that road is horrendous. Because of the speeding. And when I pull out of my driveway there's a hill to the right so I pull out of my driveway and you need to set there and make sure you don't see any cars crusting over that hill. Because if you do you could be in danger. Especially when I'm pulling in and out with my horse trailer. So I'm very cautious pulling out onto that road because whoever mentioned that people don't go 55 they don't. A speed limit reduction and I know it's a State Road but the state put in a variance or whatever you call it for an extra driveway that isn't even supposed to be there and now we have these speeding cars. I think there is probably an accident waiting to happen at some point with slow moving boats pulling in and out of there. I don't know how you fix that. The traffic is a big concern."

Chairman Harvey stated, "Unfortunately the way the New York State DOT works is if the town puts in a request they will look at it they will say if there has been no accidents NO. Because they're attitude is very simply they will want to protect the traffic carrying capacity of the road. And when you start decreasing the speed limit it cuts down on the carrying capacity of the road. The best thing that the Town Board can do and

again we will make that recommendation as well, DOT will put up warning signs or something else about turns and trucks ahead."

Someone from the public stated, "Just a quick question. So earlier in the meeting when you were giving justification for the two buildings you also mentioned that you were not to increase sales and this wasn't being done to increase sales. What is the capacity limit right now? And if you were to put all of the boats that are currently outside into a pole barn how many pole barns do you actually need to have everything inside?"

Chairman Harvey stated, "if I understand the question you're asking between his operation down on County Road 11?"

She stated, "That's where I am."

Chairman Harvey stated, "I know you've got an approved site plan that shows outdoor storage so without pulling that up I can't answer that question."

Mr. Brenner stated, "The special use permit that is in affect for the marina which is a permanent special use permit is for 425 units. So that's a combination during peak summer hours of a boat on a trailer or a car in the lot. The question is a bit difficult to answer because there's a mix of fall customers you've got what the marina calls go away customer they get the boat winterized perhaps they want it shrink wrapped and then they take it to their yard and they store the boat themselves. We've got boats that desire outdoor storage with shrink wrap. I'd say that's about 30% of the customer base. And then the growing trend is a lot of existing customers as they upgrade their boats they like indoor storage. As I said earlier there's no desire to expand the business. We are well aware of the legal restrictions that come along with the special use permit and that we are bound by that cap. So these barns are not for the purpose of seeking to be above that cap. We're well aware of the cap. Whether we have these barns or not we would continue to seek to work toward that cap but not exceed that cap."

Chairman Harvey stated, "So that number is the number and you're just going to put some more of them because there's more demand for indoor storage."

Mr. Brenner stated that's right.

Someone from the public stated, "So I guess what I'm asking is based on the cap two barns are good for right now but if more people lets say if all of your customers today wanted their boats in storage how many buildings does that equal?"

Chairman Harvey stated lots.

Mrs. Atkins stated, "I did read in some of the old material that another piece of property is owned on 247 and if these boats are only being moved once a year what is the problem with using that? Moving them over there. You said it was 4 miles

away like it was a really big deal. But if it's only being moved for storage once there and once back."

Mr. Brenner stated, "All of those buildings are at capacity. They're all already full. I think we may be wondering a bit outside the scope of review here. We're here for site plan review this evening. This use is permitted as of right on this property. So talking about how the marina is going to operate its business or where it may wish to store boats the marina is allowed to have indoor storage on the property so long as we comply with the site plan review standards. And in reviewing those standards that the way the business operates and the way it manages its customers is not necessarily part of that standard."

Kathy Baxter stated, "How do you as a Planning Board assure that the drainage swale that they provided is going to be adequate for when one of our floods hit. We live downhill and I'm looking at the topos right here and they're ugly."

Chairman Harvey stated, "Nobody can guarantee anything beyond a reasonable standard. So what's a reasonable standard? Engineers have a way of deciding what the design storm is. And what's reasonable accommodation for that on site. Nature is nature. If this thing is designed for a 50 or 100 year design storm tomorrow you could have the 200 year design storm and the waters going to go down. It's not his fault, it's not my fault, it's not your fault. So all we can do is hold them to a reasonable standard. And that's what we do. We have our engineers look at it. Their engineers stamp the thing they're taking professional liability responsibility for the design of that facility. So given those parameters it functions."

Mrs. Baxter stated, "the other thing that I think the board should take into consideration and I discussed this with the owner because I was here early is the look of the current property that they have next to my house on County Road 11. It's basically a trash dump with logs all along the stream and if we get one of those floods the first building that's going to be flooded is going to be theirs. It's going to clog everything up and it's going to fill the lake with logs. I think that we need to take into consideration what they've done there. Yah the buildings look pretty, the drawings look pretty that's all great but we have to look at some of the other things. They're also not just parking cars on that lot like they were told to."

Chairman Harvey stated, "If you believe that that's a code enforcement issue you will have to refer that to Jim. What we're going to talk about tonight is the design of the upland facility."

Linda Roche stated, "I wanted to say the same exact things Kathy did. Living down hill and it has been a problem in the past so I appreciate your explanation for how you deal with it as a board. Another comment I guess I have is in reading back minutes I did note that it was said that there was no interior circulation possible between County Road 11 property the 364 property. Now I know they connect but because of the steepness I just wanted to confirm that that will continue again from a runoff standpoint. Because if that hillside is cleared for a roadway my house will have a big problem. So I just wanted to confirm that that is accurate.

Chairman Harvey stated, "there's none proposed and I don't think the board would approve it."

Mrs. Roche stated, "so I did read it correctly?"

Chairman Harvey stated, "Previously we did discuss that but not this year. It's a valid point."

Ms. Merrick stated, "I just have two more things. So in this final development plan that you end up issuing can it specifically say no shrink wrap boats are going to be sitting there on that property?"

Chairman Harvey stated, "well it's all one property. So we'll have to think about how we make that condition. But I understand your concern."

Ms. Merrick stated, "I also know this LLC has changed hands several times. Can we know the current owners of the LLC?"

Mr. Brenner stated, "It's myself and my partner Brian there with the hat. We're both attorneys by trade as you might have gathered from the hearing. I'm a land use and zoning attorney and Brian's a corporate attorney. We do a lot of work with the owners of the Lake House Hotel and we were the suiters for this particular property."

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

A letter dated October 7, 2022, 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.

Chairman Harvey stated that the engineer needs to show a temporary storage basin to intercept the uphill flow to create a settling basin before they are discharging the stormwater and get that stabilized as soon as possible. This is to happen first before any construction.

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. Perry seconded the motion which carried unanimously amongst the board members present.

Mr. Farmer made a motion to approve the site plan with the following conditions: 1. No exterior lighting. 2. The boats will be moved between the hours of 8:30AM to 4PM. No activity after dusk. 3. Clarify the disturbance to the hedgerow on the south side if disturbed. Show landscaping on the site plan where there is any disturbance to the hedgerow. 4. No outdoor storage or shrink wrap boats except you're permitted to have boats there waiting to be staged for no more than a week at a time. 5. No more storage buildings are allowed without amending the Special Use Permit. 6. The engineer needs to certify the stormwater design as being adequate. 7. No interior roadway is allowed between State Rt. 364 and County Road 11. 8. Move the driveway curb cut to the opposite side of the parcel on State Rt. 364. 9. Make grading changes to allow the stormwater to flow correctly. Mr. Kestler seconded the motion, which carried unanimously amongst the board members present.

MISCELLANEOUS:

Application #09-2022, Amy Costanzo, owner of property at 4620 Lake Drive, requests site plan approval to build a single family home.

The public hearing was held and closed on September 19, 2022.

Jim Fahey, Architect, Anthony Venezia, Surveyor and Dan Hackett, Landscape Architect was present and presented the application to the board.

Jim Fahey stated, "there was quite a bit of discussion last time about the house footprint its positioning and so forth. There was a question raised on how we are complying with the Lakefront Residential Design Guidelines. I think we went in so many different directions in our discussion that I don't believe I adequately addressed items on that for the board. I'm sure

the board knows that prior to us being before you we were before two zoning board meetings which I discussed scale and massing, setbacks, footprints, form, everything about the house, exterior material. So when the question was raised again I think I wasn't sure what direction you were looking for. I think the board has all the right to ask how are we trying to comply. Whether it's a zoning issue or a planning board issue you do have lakefront residential design guidelines that are fair to be asked and answered. I'd like to just give you a real quick run down of what I went through and some of this will be a rehashing of what I did with the zoning board but you didn't have the ability to hear those discussions so I think I'll try to paraphrase it a little bit. Let Anthony discuss site grading, drainage, stormwater issues. And Dan will address landscape and landscape architectural issues that the board had questioned. When I went through the design of this house and taking down an existing cottage and putting a new one up I did look very closely at the design guidelines that the town has. I do every time I design a house in anyone of your districts especially in in lakefront overlay district which is very critically reviewed. As I go through items that are important in your lakefront residential design guidelines maybe one of the most paramount of these is minimizing visual footprint from the lake. The existing cottage has a 50 foot wide footprint north to south. It has a north side setback of 7.25 feet and south side setback of 9.08 feet. We've reduced the width of the house on the site to 46 foot 6 it's marginal but it's enough to where we are trying to improve the corridor view sheds minimizing lakefront impact also views to the lake from the road and our impact on neighboring properties. By reducing that width we've increased our setbacks on the north and the south from 7.25 feet to 10.75 feet at the roadside and over 13 feet on the south side towards the lake and almost 11.75 feet on the northwest corner of the house. I think on a narrow lot like this we've significantly reduced the house 50% on the north 20% on the south. So it improves corridor views which is a critical eliminate of your lakefront design guidelines. It enhances views from the lake and to the lake and it reduces the impact of infringing on views from our north and south neighbors. I think another important thing is when we were going through the design we presented the design to the neighbors. We received letters of approval of the direction that we were going from the Weinsteins who are living 4616 which are the immediate neighbors to the north. We received a letter of approval from the Sheas who live at 4626 which is the immediate neighbor to the south. And we also received a letter from the trustees of the Hultz residence which is 4634 which I believe is two houses down to the south. I'll

give this to you Mr. Harvey so you have it for your records. So this has been reviewed by the neighbors and they are all for it and in agreement with everything that we are proposing. The other item that I think came into play significantly as I was looking at this house is the building mass and form which is another key item of your residential guidelines in the lakefront area. I chose to go with more of a cape style house where the second floor space was enhanced by shed dormers or gable dormers on the house so that I would keep the roof lines as low as possible. I think a picture is worth a thousand words so I presented this to your zoning board to show I think it speaks volumes. This is a photo simulation the first one in your photos is a photo simulation of putting the new house on the property located as we are proposing to place it. The existing cottage is only 2.4 feet from the break wall at the water's edge. We're moving the house back to 21 feet from the water's edge in order to help reduce the visual impact of the house on the property. The second photo in there is the existing house so you can see just how close that sits to the lake. These photo simulations these were set in cad so we know where everything is height wise and positioning so these are set right exactly how they sit. I can see on the second one I believe that its obvious by looking at that that the visual impact of that existing cottage is significantly greater at the lake than the cottage that we're proposing. To bring that a little bit closer to home so you can really see it I superimposed the existing cottage in third photo that I gave you I kind of placed it over one another so you could actually see it's kind of a jumbled photo but clear when you see what I'm trying to get across you can see the large gable of the existing cottage significantly projecting above the peak of our home. You also can see the roof line which is kind of in the lit roof area to the right hand side. How that roof line is much more predominate viewed from the lake than the cottage that we're proposing. The cottage that we're proposing is within all of your allowable area footprints on the lakeside of the road and in the total. So we're below both of those. We weren't before the Zoning Board asking for area coverages. We asked for side yard setbacks which we've improved on significantly but we still needed. And we ask for a lakeside setback which we've improved on significantly but still needed because we weren't 30 feet from the lake. So I think my argument to the Zoning Board and it's also just for the edification of the Planning Board is to understand that we didn't go at this thing blindly. We took a hard look at what we're trying to design for our clients and also keeping in mind all of your residential guidelines in the lake area so that we're honoring and respecting all the

neighbors. Our building height is under the 26 feet which we're allowed. As I had mentioned our footprint areas are all under that allowed. Our exterior aesthetics we have principally horizontal clapboard and vertical board and batten with just a touch of stone at one of the chimney areas that's on the exterior. Very traditional in nature. It's respecting the neighborhood which is principally a traditionally designed neighborhood. Again part of your residential design guidelines that we are complying with. The way that we've designed our home facing the street our entrance is a human scale entry. It's not something that's large and out of scale. We have a clearly defined entryway which is another key aspect of your design guidelines. An item that I think was maybe one of the bigger bones of contention if I use the term correctly was the fact that we were adding a garage to the house. And there was not a garage on the cottage that's there now. Another key thing that I think the board should understand is the additional square footage of the footprint of the house that we're proposing verses the house that is there now is only 75 square feet. The majority of the additional square footage that we're putting on this lot is a result of the garage. So we're proposing a house that's only 75 square feet larger than the footprint of what's there now. But because we're putting a two car garage on the roadside of this house we are now adding square footage to the overall footprint that we're proposing. So again we're still under the areas but we have tried hard to respect the scale and massing of what's around us. The positive to a garage, and I think your lakefront residential design guidelines speak to this. They understand that as there's a change in the whole feel of the lakefront now a days. People are investing large sums of money into their properties. These are becoming not just summer cottages they're becoming year around homes for many people. Your guidelines understand that. They ask that the designer be aware of this and try to design their building forms with modulation and changes in the footprints, changes in roof lines to try to still respect the smaller cottages that are on the lake even though we're designing homes that are now more of single family year around homes for clients. A garage on here I think adds modulation to this footprint. It projects only a portion towards the road. It's still within the 30 foot setback from the road. It provides a change in the roof line. And also an item that's in your design guidelines is it provides a place to bring cars for the residence so that when you're looking and viewing the house from the roadside you're not looking at cars you're looking at the details of the residence and you're looking at their landscaping that's being provided on the property. So it better characterizes the design that was

approved rather than looking at a bunch of cars sitting in front of a house. The other item that we've paid close attention to is not to try to over do site lighting. The only lighting that we're proposing are at the principle entries an exit ways of the house and on the ceilings of the porch where they have large lakeside and entry side roadside porches that will be illuminated. All of the lights that are being proposed are dark sky compliant. We have no spotlights on here. We have no large landscape lighting on trees or anything of the sort. That's maybe too long but that gives you some of the questions that I think you asked last time Mr. Harvey and I kind of stepped around it and didn't quite answer it right."

Chairman Harvey stated, "my only comment is you understand how big some of these trees are going to get."

Dan Hackett stated, "I do. Again I think conceptually behind it was and a little of this lens to Canandaigua shoreline guidance and when you go by the municipality of Canandaigua, where if you can get some trees flanking the house where the canopy comes out over the house it allows views to the lake. It also provides tremendous amount of shade. The canopies can be lifted where it will provide those views for the people but it also helps nestle the house in. The house to the south the Shea residence there is a large crimson king maple that's left on their property. And again as you look up the lake you see these trees in front of the house. As for the sides it was really just looking at providing some screening and some property line definition. In the front we're providing kind of a hedge and again property delineation that makes this feel like a small cape. It's not to total screen a building and hide a building but it's to nestle it in and make it feel quaint. So that's really the purpose of the landscape plan."

Chairman Harvey asked Jim Morse if MRB Group looked at the lot coverage calculations.

Mr. Morse stated that they did look at the calculations prior to the ZBA meeting.

Mr. Hackett stated, "with the landscaping I didn't change anything with the lot coverage. The only thing that came up with the landscaping and Anthony can speak of this, in the original plan with the storm water management there was going to open surface trenching. What I did is I spoke with Erin Joyce the engineer that works with Anthony Venezia and said it's going to look like a couple of skunk stripes down handling the stormwater this way. In my analysis is a very simplistic it was to get Erin to look at her overall calcs. Which Anthony can speak to. With that net net in your stormwater with house being slid back can you go to these compensatory storage areas and can we utilize the driveway so that we don't have open trenches. So

Erin then took my plan she redid all her engineering redid all her calcs to be compliant and Anthony will speak to that. So this is just a sharing of information to get to the design principle that was put on the drawing."

Anthony Venezia stated "As Dan was saying we did trade out the infiltration trenches to a storm tech chamber that will be under the driveway. All the roof leaders will pipe to that."

Chairman Harvey did ask if someone from the public wanted to comment.

Someone from the public stated that she thought it looks great that they have made the effort to put the house back further from the water.

Mr. Fahey stated, "Erin and I discussed our method for the flood displacement. I don't know if this is a discussion for the Planning Board but my argument for this and I deferred to Erin's methodology because she's stamping the site plan but we're moving a cottage that is two feet away from the front break wall back 21 feet. All of that captured yard is below the base flood elevation. There's a significant onsite storage of flood waters in this new captured lakeside yard area between elevation 690 and elevation 691.4. That offsets all of the displaced flood areas with fill and went through this calculation at nauseum. I calculated the actual cubic foot of displaced area on the south yard the cubic foot of displaced flood storage area between existing grade and 691.4 on the north yard. And also the area that was east of the existing cottage but within the footprint of the newly moved cottage to see what was there before between its existing grade and 691.4 that we no longer have on the site. I would argue that we have a balance of storage in the front yard that exceeds the displaced floodwaters on the north, south and in this area."

Chairman Harvey stated that he would except this if and when it has an engineer stamp.

Mr. Fahey stated that he feels very comfortable stamping this.

Chairman Harvey stated that an architect stamp does not...

Mr. Fahey stated that he is an engineer.

Chairman Harvey stated that as long as he is a licensed PE and stamps this he would be happy with it.

Mr. Fahey stated that Erin has stamped the site plan with a different approach. "And it is equally as good. It's just a different approach. The house is a slab on grade structure. I have started to design the front porch so that it is bar joist with a metal deck and a concrete with a stone surface on it that leaves us a chamber between a grade underneath that porch and base flood elevation of 691.4."

Chairman Harvey stated, "unfortunately she's brought the contours up so you can never get there."

Mr. Fahey stated, "We have a dry well, we have a DI in the yard. Water gets in and it goes through here and it gets stored under the front porch."

Chairman Harvey stated, "She needs to have the calculations on the sheet. Then we can say we looked at it. The engineer of record, whoever it is, has said this works I've done the calculations."

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 SEQR that will not receive coordinated review since no other discretionary agency approval is required.

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

Chairman Harvey made a motion to approve the site plan with the following findings and conditions:

Findings: 1. The proposed home has been decreased in width from the existing home and has moved back further from the lake. 2. A landscaping plan has been submitted and is in compliance with the Town's Design Guidelines. 3. The proposed home has been modulated on the roadside and lakeside in compliance with the Town's Design Guidelines.

Conditions: 1. Add the floodplain cubic calculations on the plan. 2. Add the infiltration information showing that the design is not just for storage but to achieve the infiltration on the plan. 3. Add a temporary sediment station which needs to be stabilized before the rest of the site is opened up.

Mrs. Rasmussen seconded the motion. Chairman Harvey, Rasmussen, Kestler, Perry voted AYE. Farmer voted NAY. Motion carried. (4-1).

There will be no regular meeting in November, 2022 and the regular meeting of the Planning Board for December was scheduled for December 19, 2022, at 7:30PM.

Mr. Farmer made a motion to adjourn the meeting at 9:23PM. Mr. Kestler seconded the motion which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary