

MINUTES  
TOWN OF GORHAM PLANNING BOARD  
January 23, 2023

PRESENT: Mrs. Rasmussen            Mr. Farmer  
          Mr. Perry                    Mrs. Harris

PRESENT VIA ZOOM: Chairman Harvey

EXCUSED: Mr. Kestler            ABSENT: Mr. Hoover

Mrs. Rasmussen called the meeting to order a little after 7:30 PM. Per the Town's video conferencing policy as the Chair of the meeting Mrs. Rasmussen stated that she is allowing Tom Harvey to participate and attend remotely. This will allow him to participate and vote in the meeting but however he will not count as part of the quorum of members. Mr. Farmer made a motion to approve the December 19, 2022, minutes as presented. Mrs. Harris seconded the motion which carried unanimously.

PUBLIC HEARING:

Application #01-2023, Gregory Guy owner of property at 4272 County Road 18, requests site plan approval to renovate and expand an existing barn for an event venue.

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

Mrs. Rasmussen explained that the application was before them in 2022, for comments back to the Town Board. The Town Board held public hearings on the application for a Special Use Permit on October 12, 2022, and November 9, 2022. On November 9, 2022, the Town Board offered a resolution approving the Special Use Permit with a condition that they receive site plan approval from the Town of Gorham Planning Board.

Al LaRue, McMahan LaRue Associates, P.C. was present and presented the application to the board.

Mr. LaRue stated that they are proposing two additions to the existing barn along with a concrete outdoor space, a sidewalk around an open seating area with a gazebo. They are proposing two septic systems to handle the flow. There will be a parking area that will be accessed by a driveway and circular turn around. The parking spaces are 10' x 20'. They are proposing a detention pond. They have addressed all of MRB's comments. They have shown all the existing trees on the site and have shown the ones that will be protected. The existing driveway will meet the fire apparatus. Along the south lot line they are proposing landscaping as part of the town code.

Mrs. Rasmussen stated that in looking at what is being proposed for the plantings one concern that the board had originally was shielding the properties to the south from headlights.

Mr. LaRue stated that they are doing that and showed the board on the plans where the plantings would be.

Mrs. Harris stated the sugar maples and red oaks once they are grown they will not do anything to shield the head lights of the cars.

Mr. LaRue stated that he would imagine there will be some smaller stuff planted in between the trees.

Mrs. Rasmussen stated that they may have to look at putting in some sort of berm that is going to shield the head lights. The plantings are wonderful but she thinks they need to work in conjunction with some sort of berm.

Mr. LaRue stated that if you look at the grading plan there is an I point in the middle of the parking lot which slopes. He explained that it will be difficult with a berm.

Chairman Harvey stated that he disagrees. When this was talked about months ago that issue was brought up. This is very imperative. We talked about either a fence or a berm. The vegetative screen is wonderful. To allow a berm there you may have to move the parking lot up a few feet. And also have the species so that they are not subject to drought conditions.

Chairman Harvey stated that he appreciates all the answers that was provided to the Town Engineer's comments. He asked when they were delivered to the town hall.

Mr. LaRue stated that it was forwarded on the date.

Chairman Harvey explained that the plans need to be in the town office 5 business days before the public hearing for public review. If they weren't here 5 days prior to the public hearing the board can collect all the comments but will have to wait to make a final decision.

Mr. LaRue stated that they delivered everything on the 19<sup>th</sup>.

Chairman Harvey stated today is the 23<sup>rd</sup> that is not 5 business days.

Mr. LaRue stated that they received the Town Engineer's comments on January 4.

Chairman Harvey stated that generally the plans are in good shape but they do have a little homework to do.

Mr. LaRue asked if the board would be agreeable to a fence along that line right on the property line adjacent to the existing parking lot.

Chairman Harvey stated that the town's regulations is that a fence needs to be two feet off of the property line unless there is an agreement with the neighbor that it can be on the property line.

Mr. LaRue stated that two feet causes a title problem. Any thing more than a foot causes a title problem.

Chairman Harvey stated that they have to pay taxes on property and doesn't believe they will have an issue as long as they maintain it.

Chairman Harvey stated that he doesn't have any problem with a fence the rest of the Planning Board can weight in on that. It does have to be placed by the town rules.

Mr. LaRue stated that they would be glad to look into a variance or modification for a fence. As long as it is off the property line less than a foot there is no title problem.

Mrs. Rasmussen suggested that they work something out with the neighbor either a fence line or a berm and it needs to be shown on the plan.

Mrs. Harris asked if they know the height of the berm. She feels that it would need to be at least two feet.

Mrs. Rasmussen stated that if they are going with a berm it would need to be at least two feet as Mrs. Harris suggested.

Mr. LaRue stated that he would rather do a berm than a fence.

Mrs. Rasmussen stated that once municipal sewer is put in that area it will be mandatory that the parcel hook into the sewer.

Olivia Guy asked if there was a timeline for the sewer.

Chairman Harvey stated that it would be Ontario County Sewer and suggested that they reserve some type of offer of dedication for an easement along the road frontage and on the north side of the property.

Olivia Guy stated that from their understanding there is no current sewer. "So as long as we are in the guidelines of the town to be put on septic that is acceptable at that time. So why in the future would we hook into sewer if we just spent all this money and resources and time and our engineer's time in creating this lovely septic plan?"

Mr. LaRue stated that he doesn't think they should be compelled to tie into the sewer.

Chairman Harvey stated that he wants to be very clear about this. "If it ever becomes part of the County Sewer District those are the rules. If you are in a County Sewer District and sewer is available you are mandated to hook up."

Olivia Guy asked if that is just for a business or residential.

Mrs. Rasmussen stated that it would be for both.

Fred Lightfoote, Town Supervisor, stated that in reference to the plantings where they would be planted in proximity to where the property line is he recommended that they stay as far away from property lines as the spread of the of whatever species they are planting.

Mr. LaRue stated that they have proposed the plantings to be 10 feet off of the property line. If the board would like them further they could put them at 12 feet from the property line.

Chairman Harvey made a motion to adjourn the public hearing to be re-opened on February 27, 2023, at 7:30PM. This will allow the applicant time to amend the plans and submit them to the town at least 5 business days before that meeting. The board then can take any additional comments from the public and then take action on the application. Mr. Perry seconded the motion which carried unanimously.

Chairman Harvey made a motion to adjourn the meeting at 8:00PM. Mrs. Harris seconded the motion which carried unanimously.

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Beth Rasmussen, Vice Chairman

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Sue Yarger, Secretary