

TOWN OF GORHAM
Minutes
Town of Gorham Planning Board
February 26, 2024

Present: Chairman Harvey Mr. Perry
 Mrs. Harris Mrs. Rasmussen
 Mr. Farmer Mr. Hoover

Absent: Mr. Kestler

Code Enforcement Officer – James Morse

Guest:

Virtual Attendance: Chairman Harvey

Call to order and Approval of Minutes:

Beth Rasmussen the vice chair called the meeting to order at 7:30 PM and explained the process, including allowing Chairperson Harvey to join remotely, which will allow him to vote but does not count as part of the quorum. Chairperson Harvey made a motion to approve the January 22, 2024 minutes as presented. Gabe seconded the motion, which was carried unanimously.

Public Hearings:

Application: #PB-67-2024 – Edward and Molly Shill site plan application for a 44' x 72' 2(two)story barn located at 4384 St rt 364.

Vice Chair Rasmussen read the legal notice pursuant to laws and regulations of the town of Gorham and the state of New York the following public hearing before the Gorham Planning Board will be held on Monday February 26, 2024 at 7:30 PM in the Gorham town hall, New York said hearing is to consider the following application for site plan under the site plan regulations of the town of Gorham and to discuss all matters relevant to the environmental review of the application under the New York environmental review act application, Planning Board 67-2024 Edward and Molly shill owners of property tax map #127.15-1-2.000 4384 state route 364 requests the site plan approval to add a 44'X72' two-story barn all persons wishing to appear at such hearing may do so in person, by attorney, and other representative.

Applicant called prior to the meeting to ask if it would be an issue if they had a change and provided new documents stating they're just moving the same building closer to their private drive.

Gabe is recusing herself.

Dan Peters architect for ED and Molly are here with us. in the background with Anthony Venezia the civil engineer and surveyor for the project. As Jim said we initially submitted a while back and we since updated the submission by moving same size barn essentially the same kind of drives around it but we pulled it closer to Lincolnwood and moved it a bit more towards the east and South with less disturbance. They believe they are under an acre. That really wasn't plan but we wanted to try to do the current layout that we're suggesting with a lot less disturbance on the property. Including salvaging a few more trees than we initially had laid out we're trying to condense the disruption. He handed out some renderings just so you had an idea of what the barn looked like. He brought some siding samples, actual Timbers that are

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going to use, the roofing will be standard seam black metal and then the gutters will be copper half round 6, he didn't have samples of that. There is some stone on the base that will be the same that's used on Shill's house. That type of stone real with a vainer.

As far as the site goes the barn is going to be serviced by water, sewer, and electric and there will be a bathroom in it. They will be using a force main flex pump to bring it up to the main line on St Rt 364. For the grading and storm water the goal is to level the site and bring all the storm water into those two rain gardens on the northwest and southeast. So, all the rain all the water the storm lines coming off the building will go directly to the downspouts which is directed to the 2-rain garden. Also, water that comes off the pavement surface which is to be determined would be directed to swales and be cut around. For the most part it's a balanced site. They went from an 80,000 square foot disturbance to a 32,000 so they are under that acre which helps us with a couple things and storm water management concerns. All the water and excess water that is created from this will return to the rain garden.

Harvey - Will all the rest can be kept wild?

Dan – We are doing a lot to maintain it and keep as many trees as possible. The change in the redesign was to keep as many trees as possible, there are some that are being removed but they're maybe two- or three-inch caliber black walnuts.

Board- What will be the use of the barn?

Dan - Vehicle storage, equipment storage, a bobcat, and then the upper level is only half of the upper level will be a yoga studio.

Rasmussen - Will there be a bathroom?

Dan – Yes

Rasmussen – On which floor? First or second floor?

Dan – First

Harvey- Will that be a commercial yoga studio or for personal use?

Dan – For personal use

Board- Will you use external lighting?

Dan- Yes, there will be some external lighting and these will be dark sky compliant cut off. He didn't actually have a picture of the fixture but he can provide you with one of those.

Harvey – A few comments 1) Where is the north arrow on the drawing? 2) I believe the town requires a low spot in the driveway before it meets the road, make sure that is provided. 3) That the contours on the driveway are exactly perpendicular to the center line and they need to direct the water on the side of the road to the other and need to direct to the detention on the side of the road. I would like to see all of the area around the barn, the stormwater that comes off of some of the slope to the left of the barn as you are looking at the site plan does not appear to be captured in the storm water management, specifically the gravel drive and side slope to the left of the barn none of that is not really captured in the storm water management. Jim, you're good with the height, and the interpretation of the code in relation to the steepness, size and it is acceptable?

J Morse- Yes, we looked into that because it did exceed the height but there is a provision in the code that allows for that to happen.

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Harvey- Is there any is it a separate parcel from the rest of the Shill property?

Dan- Yes, it is a standalone parcel.

Harvey – There are no deed restrictions in terms of access and they have access right on the right of way?

Dan- Yes, they have full access to the parcel.

Harvey – It is a conforming parcel so there is no need to discuss a restriction against a residence. I am assuming it is going to have county sewer so it will have its own account number.

Dan – Yes

Rasmussen - Anything else?

Board – You said you helping the sewer come out to the road?

Dan- Sewer will come out with gravity to flex and the water is going to come from the South there is a main line that services the rest of the area, the electric will be on the ground it will come from one of the poles.

Rasmussen – I will open it up to the audience if anybody has any questions?

Renee McMahon - I just have a couple comments so we're neighbors with the Shill's we live at 4366 and we just want noted that we really, we never wanted to sell our 20% of that parcel but we had to. Our concern is, which it sounds like it's being addressed, the water runoff. The severe rains last year caused some property damage for us so our concern is we just don't want it to cause damage, sounds like the rain gardens are in place and everything but we are just concerned for run off on to our property and how that is going to affect the building and if everything is going to affect our property as well.

Rasmussen - You can talk to us about that concern.

Dan - So with this design you know we're picking up anything that we're creating so we're not going to make any situation worse. Because we're doing the edits and the gardens are in place they're going to help with anything that's currently coming off that's associated where we're disturbing is going to be picked up by these.

Rasmussen - Just the fact that you're reducing it down to just one acre of disturbance and then leaving the rest natural is going to help.

Harvey – Can you confirm that it's less than an acre disturbance?

Dan – Yes, it is 32,506 square feet

Harvey - What's the storm water design standers that yo are using?

Dan – I believe on the full set it is for the 2” storm I will have to double check.

J Morse - Storm water system side 12C10 top right-hand corner 2” drain event.

Harvey – Can you verify what year event that is 10, 15,25, 50, 100, 125?

Dan – I will have to verify it looks like they just labeled it as a 2” storm

Board – I think that would be a 50year storm.

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Harvey – I believe a 50-year storm would be acceptable, I believe the town code asks you to

Rasmussen – Anyone else?

Public – Where exactly is this, we are concerned about our view, is it the area that has been flattened?

Dan – No, it's about 260 feet to the west and 125ft north.

Public - So there's actually an area that has been flattened and prepped is it in that area?

Dan – There has been no disturbance where it will be going. I do know there are a couple mature pine trees the large ones that are closer to the road it is on the other side of those in that general vicinity.

Board – do have any details on the proposed shed?

Dan – that is actually not in the proposal that is an existing shed.

Rasmussen - The garden and the shed are both there, those are two existing structures.

Dan - I know there was one comment from full survey which will be an overall picture of the whole, MRB commented on that.

J Morse -The comment from the county there was just one will there be any lighting on the barn and asked about the height variance, but it does not need a height variance. Do you need a variance to have a barn on a parcel without a primary residence, and you don't need a variance for that in the town either. So basically, the lighting was the only concern from the county.

Dan - We could provide cut sheets.

Rasmussen - Will the lighting be all night long?

Dan – Total dark sky compliant

Rasmussen - Will they be on all night long?

Dan - I don't think so, they'll be shut off at night when they are not in use

Rasmussen - If there's no other comments, I will close the public hearing

Rasmussen – Was there a shipo letter

J Morse – There was there based on their review it is opinion of OPRHP that no properties including our archaeological and historical resources listed in or eligible for New York State natural resources will be impacted by it in a communication dated January 19, 2024.

Rasmussen – Do you have part 2?

J Morse - Yes

Consideration of the findings pursuant to the environmental review under the NYS Environmental Quality Review Act

Findings discussion:

Rasmussen - So most are these questions are either no or small impact. The only ones that were not checked were the historic and archaeological, which because we have the shipper letter we can now check that as no, small impact and adverse changed natural resources; wetlands, water bodies,

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groundwater, air quality, and because of the measures they are taking I would say it's no or small impact. Is there any discussion or does anybody disagree with that?

Harvey – I would note on part 3 that 1) there are no critical environmental areas and 2) to the question you were referring to we will mandate some changes to the grading plan to minimize

Rasmussen- I need a motion.

XXXXXX made a motion for Negative Determination, seconded by **XXXX** 5 AYE, 1 Nay (absences), 0 abstained, Gabe recused Resolution was adopted.

A. Consideration of location, size and appearance

Harvey made a motion to approve the site plan with the following conditions 1) Driveway grading is modified to provide a cross slope, contours are not perpendicular to the center line, and the water can be directed to either a swale or stormwater management facilities 2) You need to capture the stormwater in all of the grading before the rest of the site normal erosion control measure.3) provide the Code enforcement officer with cut sheet verifying the dark sky lighting being proposed 4) North arrow needs to be added to the site plan. 6) Storm water verifying the capacity of at least a 50-year storm and the immigration capacity or the objective that the discharge after construction is equal to or less than existing discharge conditions 5) all utilities will be underground, electric will be shown after construction and on file with the town code enforcement officer, seconded by **XXXX** 5 AYE, 1 Nay (absences), 0 abstained, Gabe recused Resolution was adopted.

2) Application #PB-68-2024 – Brian Mastrosimone, O M c D, LLc., Lincoln Hill Farms, LLc., requests Special Use Permit renewal and site plan modification.

A. Consideration of the findings pursuant to the environmental review under the NYS Environmental Quality Review Act

Rasmussen read the public notice for the following application Planning Board 68-2024. Pursuant to laws and regulations of the Town to Gorham the state of New York, the following public hearing for the Gorham Planning Board will be held on Monday, February 26, 2024 at 7:30 in the Gorham Town Hall Gorham, New York. Said hearing is to consider the following: Application for a special use and Site Plan under the Special Use and Site Plan regulations of the Town Gorham and should discuss all matters relevant to the environmental review of the application under the New York Environmental Review Act. Application Planning Board, 68-2024. Mr. Brian Mastrosimone O McD LLC, Lincoln Hill Farms LLC, Owners of Property with Tax Map #114. 00-1 - 45.000 Request a special use permit renewal and site plan

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modification for 3792 State Route 247. All persons wishing to appear at such hearing. May do so in person, by attorney or other representative.

Brian – I will bring my friend TJ to assist with the technical stuff.

Rasmussen – What do you have

Brian- Our five-year plan, we will be doing some large excavating in the next week or so. We will be starting a project. We will be collecting all the stormwater. We will be moving 1800 truckloads of dirt that we have to move. I will be spreading that among the bar and the current acreage that we have. I don't really know what else we got going on. Right.

Harvey – Can you be more specific in terms of where you're putting all that fill?

Brian - A lot of it's going to go up right behind the pavilion, where right now it sits to flatten out the back of the pavilion where there's a slope. And then some of it's going up to a new parking area to flatten out the area of the parking lot.

Rasmussen – Up in front?

Brian - Yes.

Harvey – It is pretty customary to show measurements around those areas on the site plan.

Brian - This one does, here's the swale on the South end and now it's going to continue on this new one that we will build. So, we have a retention pond with this new parking lot that's been redesigned to catch all the water from the existing parking lot, silo area, and the new parking lot to all be retained into the new retention pond. Anything we do in the future would catch in the retention pond. The whole property slants to where the pond is going.

Harvey -Is the new parking lot on a parcel that is being added to yours?

Brian – No, it is next to the current parking lot.

Harvey – They did not park on that parcel before?

Brian – We have owned it the whole time I did not buy extra land

Harvey – I do not remember that being part of the previous site plan I remember you parking on both sides of the road which the site plan does not indicate now.

Rasmussen - Right, because you have been doing the parking on the side, the new parking area is where the sound berm was. So, it actually was there, but they had a different purpose.

Brian – The berm will still be there, and there will be another berm on the end of the parking lot.

Rasmussen - Will you still be using this for overflow parking?

Harvey – What is the capacity is of this site?

Brian- Well, the health department and the town. Health department gave me 5000, I think during. COVID I had some ridiculous number like 66,000 when you had to mark it for the Town, but we don't ever want to go over 5000.

Harvey - I remember that's what you claimed and we came back and said you do not have parking for anywhere near that.

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Brian - I know. I won't ever have parking for 5000. Sentence. We could not go over 5000.

Harvey - I don't ever recall talking about a 5000 number.

Board – Are you talking people, or parking.

Harvey – The conversation was about both people and parking? Usually our experience at CMAC is about 3 people per car

Brian - I would be surprised to see CMAC at 3, because we have a deal if you have 4 in a car you park for free, to encourage people to ride together. The reason for the addition is for 4th of July for example, people are parking on the road. We're trying to eliminate that and we're increasing our parking lot by expanding it. We do not need to take down any trees or anything like that, just brush.

Harvey - I think it's really important for the town to have an overall cap, and understand what the size of the venue here is going to support.

Brian - The area where the people are in will be like 2 ½ - 3 acres. State code to that I think for general assembly's is 4600 per acre. We have plenty of space. I would never do an event without enough bathrooms or any other facilities for that matter. All the facilities will be there and with the expansion of the parking lot, we should be there with, no problem.

Harvey - So what's your number?

Brian - I don't want to exceed 5000.

Harvey - I'm not going to vote for any approval that doesn't have a cap number on it.

Brian - Well, that's why I'm saying the cap number would be 5000.

Harvey - That's about three times what we discussed before, just so everybody's aware.

Brian – We are growing exponentially, I employed 110 people last year with five-mile radius.

Harvey – For 5000 people at 3.1 people per car that would be somewhere in the neighborhood of 1700 cars. Where would you put 1700?

Brian - We can, they can get them in there. I can get you a map of it. We had 1100 for the 4th of July and we are about to add another 400.

Harvey – 400 parking spots? This map shows 102 being added

Brian – That is 102 in the main and all these other numbers add up. And for some reason you didn't take this little piece out here and there. There are different parking areas there. Again, I mean you know 4th of July, so how many cars are on the street that's we're trying to eliminate that. We counted just all over 5000 people. It's a free event. We can't ticket it, this year we're changing our plan on that one. Will have less people. We do not want to have a free for all.

Board - 5000 people, is 1500-1700 cars.

Brian - We did it last year. We have the space.

Harvey - I understand that, I don't think, a) we ever talked about a crowd that size and b) it certainly was not without its problems.

Brian - When you say that the only problem, we had was parking on the street.

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Harvey - That was a big problem.

Brian - I'm here to resolve that. So that's why we're here today to try to mitigate that.

Harvey – If you are capping it at 5000, I want to see a site plan that shows 1700 parking spaces

Brian -I'm at 3.1 it will be like 1600, probably.

Harvey - Is there any plan I know we talked about this before at the last one as well? For paving or watering the driveway to decrease the dust especially in the summertime when it is dry.

Brian - There hasn't been a plan to do that. We do grow the corn next to it to try to trap it from going to the sides. We have done in the past the water with a with a water trailer. Last year we didn't have any issues with trying to water down anything. I'd be open to the conversation. It's not cheap.

Harvey – There has been no complaints about noise for the most part. You have done a Great job with the storm water management facility. It has been an expense to the good and your credit. The only other issues that I see is to actually, make sure you do have adequate parking for that big of a crowd. The dust that comes off of the roadway when it gets dry.

Brian - We will 100% keep that water trailer going when it's when it's super dry.

Harvey – When there is 5000 people there, it will be hard.

Brian – It might be cheaper for me to put in a sprinkler. And you're just saying the front end of the driveway? Board - Yes,

Brian - I will get quotes on it.

Rasmussen – All you need is similar to what you have here, going through it, and just plugging the numbers in for what each spot will hold.

Harvey - Where you're planting corn, that doesn't count.

Harvey - I don't have any problem with your generally putting stuff, but until there's a floor plan. This is not the final approval to build

Brian – Stated he don't mind coming back in to say clarify where they are putting the tent or a barn. This is just the plan for the next five years.

J Morse - The things that are detailed on the plan and we do have a document file for the storm water plan so everything is good and proper. Are these projects that we have the SWIP is now taking care of pretty much any further expansion? Tom, that was the only comment from the county you talked about the stormwater management, but I don't think at the time that they've met at the county they had the Swift, was provided. New York State, DC did send an e-mail, OK. Swip. Clear from my point of view.

Rasmussen - So just the parking. It needs to be. Addressed with numbers.

Harvey - lay that out and show how many parking spots he's got with the site. That support the number 3.1 people to that many cars. This is just the site plan revision and that the special use, correct?

J Morse - No, it was both that was referred to the county as both and it was listed as both on the agenda and Notice.

Harvey - Two years?

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J Morse - Yeah, this is he's renewing actually were one month late and that was because we were just waiting for the DEC to comment on this the Swip. It was approved two years ago in January. And that's when you told them come back in two years if he wasn't doing anything, because originally you come in for the parking lot and the second entrance. And he did. He never came back because they didn't install that.

Harvey – The other entry is not there anyway,

Brian - The cost is astronomical.

Harvey - And it wouldn't be a violation of our access management. That should be off the map. We don't want another emergency entrance. You took care of it the way you did this with the central double. So is there anybody in the public left or not?

Rasmussen - Open it up to the public. Do you want this time to come back before approval of any kind with the numbers?

Harvey – It is up to the board. I don't want it to delay him.

Brian - Can we can we suggest, I'll get you a map of all the parking and we just multiply by 3.1 and that's my capacity. Instead of coming back.

Harvey - You know, it will be the lesser of 5000 or the amount of parking spaces times 3.1 as you said, it's not going to be more than 5000.

Brian – I can't go over 5000 because of the health department it goes to a different ball game when you get over 5000.

Rasmussen - I'm going to close the public hearing and. Do we need to go through the? Environmental assessment.

J Morse - I believe it was done in the Swift.

Rasmussen - Part 2. And it would just be #9 correct?

Harvey - Commenting Great job. Regional. Benefit. Select. Preservation Office. Has previously been determined that would impact historic or archeologic. What time does it start in the morning? Repeat all those conditions that apply.

Brian - 10 or 11:00. Start up in the morning. Yeah. No, I. I mean. Yeah, I mean, what like? We're planning a 5K run right 8:30 in the morning, but it's. Anything music doesn't start, wouldn't start till. 1:00 PM. Week days we stop at 10 and weekends we stop at 11.

Chairperson Harvey **_made a motion to make a negative determination, seconded by -**
Andrew **5AYE, 1 Nay (absences), 0 abstained, Resolution was adopted.**

B. Consideration of use and new builds on the property

Looking at the site plan and special use permit.

Harvey -. Thank you for having an investment in stormwater management.

Chairperson Harvey **_made a motion to Renew this special use permit for two years and 1)**

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review the capacity either the lesser of 5000 or 3.1 x parking spots, to be shown on the site plan the findings. 2) All the previous conditions applied. 3) Find a solution to decrease dust on exit drive, such as paving, watering, sprinklers etc, seconded by Andrew 5AYE, 1 Nay (absences), 0 abstained, Resolution was adopted.

Miscellaneous:

J Morse - And the other business. Just next month you're going to be seeing a site plan. Just a sketch to receive comments for Louturno, they're putting in a huge gymnasium, I think it's going to be a little challenging because it's on the side of the hill and it's a big area.

Rasmussen - They're taking down the Tabernacle, correct?

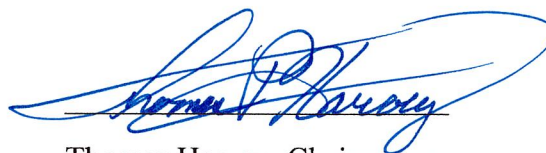
J Morse - No, this proposal does not include taking down the Tabernacle. Yes, they eventually want to make that a separate facility. That this is further up on top of the hill. They want to come in for comments. There is a level field up there, but my concern is parking. The other thing will be just a normal subdivision of land. It's a partial that meets all the code requirements. Somebody's subdividing a larger part or parcel off their property down in Crystal Beach to sell it to their neighbor. But I haven't had a chance to do the agendas packet, so it'll probably be next week. We did hire a new clerk to the boards she starts mid-March. She does this very thing over in the town of Farmington. She's been doing it for like 6 years. She's been on the municipal job for 16. So, she's familiar with this, she has never been a true clerk to the board minutes and everything, but she's been filling in for the person they have over there. So, she's very familiar with, like application processing certification. So, we're happy to have her.

Rasmussen - What is going on with 245 and 18?

J Morse - The Army Corps of Engineers, DEC have all been over there and are watching it. And believe it or not, they're fine with what's going on there. They did tell him if he exceeded one acre, and they've measured it twice. I went and rolled it just for my own sake and he was under an acre. I don't know how he got the Army Corp out there so fast, but they were there within two days. It looks very odd saying that there's no violations there, but as of right now there is not. We already forewarned him that there will be a full environmental study when that's done, like soil samples and whole 9 yards, because of all the stuff that's left up there up to years if they plan to build anything. And if he does intend to do like a gas station or something, that will probably be above ground tanks and all that for that reason. He's put huge trees in there. They are going to do nothing but rot and sink over time.

Adjournment:

Motion made to adjourn the meeting at 08:08PM by Chairperson Harvey and seconded by Andrew which was carried 5 AYE, 1 Nay (absences), 0 Abstained



Thomas Harvey, Chairperson