

Town of Gorham

4736 South Street
Gorham, New York 1461

PLANNING BOARD

Monday, April 22, 2024 7:30 p.m.

MINUTES—Approved

The minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Gorham Planning Board. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions.

Board Members Present: Thomas Harvey, *Chairperson*
Gabrielle Harris
Lizabeth Rasmussen
Mike Kestler

Board Members Absent: Andrew Hoover
Bob Farmer

Board Members Excused: Richard Perry

Staff Present:
James Morse, Town of Gorham Code Enforcement Officer

Applicant Present:
Kim Schweigert, 4466 Kipp Road
Paul Schweigert, 4466 Kipp Road
Bill Grove, 8677 State Route 53, Naples

Others Present:
None

Via Zoom:
None

1. MEETING OPENING

The meeting was called to order at 7:30 p.m. by Mr. Harvey.

Mr. Harvey said we have one public hearing this evening. We are going to open the public hearing. Our board secretary will read the public hearing notice as it was published in the official newspaper of the Town. I'll ask the applicants to explain their application. The Board may ask questions and I'll give an opportunity for anybody to make comment or ask the Board a question on either the application or the environmental review we have to do pursuant to SEQR.

2. APPROVAL OF MINUTES OF MARCH 25, 2024

■ A motion was made by MS. RASMUSSEN to approve the minutes with suggested changes and the motion was seconded by MR. KESTLER.

Motion carried by voice vote with all voting aye.

3. LEGAL NOTICE

The following Legal Notice was published in the Finger Lakes Times newspaper on Monday, April 15, 2024:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by and before the Planning Board of the Town of Gorham on the 22nd day of April 2024 commencing at 7:30 p.m., Eastern Daylight Savings Time, at the Gorham Town Hall, 4736 South Street, in the Town of Gorham, Ontario County, New York 14461 to consider the following subdivision application and to discuss all matters relevant to the environmental review under the New York State Environmental Quality Review Act:

PB #74-2024: PAUL SCHWEIGERT 4466 KIPP ROAD, CANANDAIGUA, NEW YORK, 14424: Single Lot Subdivision Plat approval of land, identified as 4466 Kipp Road and Tax Map Account 127.00-1-27.100, containing approximately a total of 31.527 acres of land and is further identified as the Subdivision of Land of Paul G. & Kimberly A. Schweigert. The proposed action involves creating Lot 1 consisting 2.761 acres with existing house and Lot 2 consisting of 28.766 acres. The property is located at 4466 Kipp Road and is zoned R-1 Residential.

All persons wishing to appear at such hearing may do so in person, by attorney or other representative.

Thomas P. Harvey, Chairperson
Planning Board

4. NEW PUBLIC HEARING

PB #74-2024: PAUL SCHWEIGERT 4466 KIPP ROAD, CANANDAIGUA, NEW YORK, 14424:

Single Lot Subdivision Plat approval of land, identified as 4466 Kipp Road and Tax Map Account 127.00-1-27.100, containing approximately a total of 31.527 acres of land and is further identified as the Subdivision of Land of Paul G. & Kimberly A. Schweigert. The proposed action involves creating Lot 1 consisting 2.761 acres with existing house and Lot 2 consisting of 28.766 acres. The property is located at 4466 Kipp Road and is zoned R-1 Residential.

Paul and Kim Schweigert of 4466 Kipp Road and Bill Grove of Grove Engineering presented the application.

Mr. Harvey said alright there is a single application and you are aware that the Town cannot require a separate site plan as long as you are getting a subdivision, so the site plan is part of the subdivision. So tell us what is going on.

Mr. Schweigert said Kim and I would like to build a house that is more suitable to us as we get into our senior years. We would like to stay out of an assisted living or nursing home and hopefully this will do just that for us.

Mr. Harvey said do you live in the house next door?

Mr. Schweigert said yes.

Mr. Harvey said and that's going to be sold.

Ms. Schweigert said yes and that's the first thing we have to solidify is to go back to the original three acres around that house.

Mr. Harvey said and James as far as that goes it meets all the dimensional criteria on the new lots.

Mr. Morse said yes.

Mr. Grove said on that new lot we are proposing a single family residence. I don't know if anybody has been to the site yet but they cleared out the area and started a driveway back to the site.

Mr. Harvey said so you cut down some trees or brush.

Mr. Schweigert said we avoided cutting down some of the nicer trees so that we can keep them.

Mr. Harvey said so you're aware of the Town's requirements that anything that is over 4-6 inches is supposed to be on the plan.

Mr. Grove said I don't know if there is anything that size.

Mr. Harvey said well there isn't any more but that's fine go ahead.

Mr. Grove said you come in the driveway and on the left will be the garage and behind the garage will be the house. Downhill of the house we have a septic system going in, which we did get approval from the watershed today on that. So it is pretty straightforward as far as site plan goes.

Mr. Harvey said so it does say the driveway is existing, the full extent of what's shown on here, I can find it a little hard to believe that there's a cut into the garage on the existing driveway.

Mr. Grove said it is actually probably bigger than what's shown because the garage footprint.

Mr. Harvey said and it has been there for a while.

Ms. Schweigert said less than a month.

Mr. Morse said it meets the distance. We talked about it when we met.

Mr. Harvey said it does.

Mr. Morse said yes, I looked it up afterwards.

Mr. Harvey said my only comment back to you would be, so your stormwater calcs don't have any trouble with them as far as methodology, except that you got to account for the deck, you got to account for the driveway. The driveway wasn't there before. So if you have brush land and then you are creating yard, right that's a different coefficient, you have to calculate that are and it goes in the stormwater calcs.

Mr. Grove said no problem I can revise that. It's oversized anyways.

Mr. Harvey said I think you'll have no problem. The issue you'll have is going alright how am I going to get that water into that but you'll deal with that. Similarly like in front of the building, I see this contouring and you're going to intercept the flow, which is great, away from the house. I think you have to mess with that contour right there, 484, you kind of brought it in right there and I think you want to drain that area a little bit more positively in front of the house. Get that water out of there instead of creating a mud hole for them. You are creating a swale and then you are leaving a mud hole right in front of his house. I think he will thank you for that. Other than that everything flows away from the house and away from the leach field. I'd tell you to extend the silt fence or something for your discharge point around the swale since that's been cut in there. You're grading it and cutting that swale through there, so you're disturbing the ground. So Town Highway has no problem with the location and the design of the driveway?

Mr. Morse said I think that's who you talked to, wasn't it, prior to that or Jeff did.

Mr. Schweigert said yes.

Mr. Morse said so I would assume yes.

Mr. Harvey said you assume so or should I make it a condition?

Mr. Morse said you can make it to condition that Zach agrees with the location of it.

Mr. Harvey if there is any exterior lighting just put a note on the plan that they are going to be dark sky compliant. You will need to submit those fixtures to Jim as part of the building permit app. I saw the well on here and obviously the septic system, so we'll probably put a condition on there that talks about after construction when you work with NYSEG we will need to know where the electric lines are going to go. I didn't see any poll lines on the plan, so the board prefers them and actually the regs require them to be underground.

Mr. Grove said I show the electric service coming in.

Mr. Harvey said okay, so the condition will probably be to confirm and add it to your survey at the end of the project so we have a record of where it is. I am assuming the well hasn't been drilled yet?

Mr. Schweigert said it has been. That's one of the reasons we had to put some of the driveway in to get a truck back there.

Mr. Harvey said has that been submitted to you?

Mr. Morse said no, it will be part of the CofO, we get all that information.

Mr. Harvey said personally I hate approving them until we know the water is potable, but that's up to the board. Is it going to be a full masonry foundation building?

Mr. Schweigert said we are going to use fox blocks.

Mr. Harvey said okay so it's going to look like masonry. Roof pitch has got to be at least three on one. That's all I have. Does anybody else have anything?

Ms. Harris said I have a question about the storm water system, what does the roof look like because it looks like you have stuff on north going to swale, I'm just wondering how the water from the south side is going to get picked up.

Mr. Grove said yeah, we will have to collect that on that south side. There will be a perimeter drain.

Ms. Harris said and also, it's all going to go to the swale. It would be helpful to see that on the plan. Do you have a detail for that swale?

Mr. Grove said it's just a depression but I thought there was a detail.

****inaudible comments****

Mr. Harvey said any other comments?

Mr. Morse said 12B was triggered but they got a letter of nonsignificant from New York State.

Mr. Harvey said what is the date on that?

Mr. Morse said the date on that is April 18th, 2024.

Mr. Harvey said hearing no other comments we are going to close the public hearing at this time. We have to make a determination of significance under the State Environmental Quality Review Act. I am proposing Part 2 that all the answers are no or small impact and on Part 3 noting the answer to question 4 that there are no critical or environmental areas that have been established within or approximate to the Town of Gorham. Second in regard to Part 2, Question 8, which deals with historic archaeological architectural aesthetic resources, we based our answer upon the no impact letter from New York State Office of Parks, Recreation, and Historic Preservation dated April 18, 2024. Third in regard to Part 2, Questions 9 and 10, which deal with increased potential for erosion, flooding and drainage problems and nine deals with adverse effect on natural resources, wetlands, water bodies, groundwater, air quality, they are saying that the assessment was based upon the modifications and or conditions of approval made to the Planning Board. In particular those will be the changes to the erosion control fencing and revision of the stormwater calcs to include the area of brush being converted to driveway area, brush being converted to lawn being taken in account and the modifications of the roof drains to lead to the infiltration area that's been designed. That's it.

Mr. Harvey made a motion to accept the Environmental Assessment Form, Part 2 and Part 3 and to make a negative determination of significance. Ms. Rasmussen seconded the motion. Mr. Harvey said a motion was made and seconded, is there any further discussion? Hearing none, all those in favor, please indicate by saying aye, motioned was carried by voice vote will all voting aye.

Mr. Kestler made a motion to approve the following standard resolution for subdivision with the conditions listed and that motion was seconded by Ms. Harris. Mr. Harvey said a motion was made and seconded, is there any further discussion? Hearing none, all those in favor of approving this subdivision please indicate by saying aye, motioned was carried by voice vote will all voting aye.

**SCHWEIGERT SUBDIVISION
RESOLUTION
Application #74-2024**

WHEREAS, Kim & Paul Schweigert submitted a subdivision application, known as the Schweigert Subdivision Application #74-2024, for property located at 4466 Kipp Road on March 11, 2024; and

WHEREAS, The Planning Board of the Town of Gorham made a negative determination of significance under SEQR in regard to said subdivision application; and

WHEREAS, A Public Hearing on said subdivision application was advertised in the official newspaper of the Town of Gorham, specifically in the Finger Lakes Times on April 15, 2024; and

WHEREAS, The Planning Board did conduct a Public Hearing at 7:30 PM on April 22, 2024, at the Gorham Town Hall, located at 4736 South Street in the Town of Gorham; and

WHEREAS, The Planning Board finds that there does not appear to be any public controversy in regard to this subdivision application; now, therefore be it

RESOLVED, That the Planning Board does hereby grant final subdivision approval with the following conditions:

1. The driveway location design needs to be approved by the Town Highway Superintendent including culverts size and placements.
2. The stormwater calculations need to be revised and resubmitted taking in account the deck, the driveway, and changes in land cover.
3. Piping be added to the plan to connect the roof drains on the south side of the house to the stormwater infiltration facility and including the design detail added.
4. Exterior lighting fixtures and use shall be dark sky compliant. The fixtures will be filed with the Town Code Enforcement Officer prior to issuance of a Certificate of Occupancy.
5. Location of the underground utilities will be added to a site plan based on a survey after construction is complete and filed with the Town Code Enforcement Officer.
6. Water tests for the well must be filed with the Town Code Enforcement Officer prior to issuance of the Certificate of Occupancy.
7. The silt fence will be extended to include the full area being disturbed, in particular the diversion around the proposed leach field location.

8. Revision of the grading in front of the house at the 482 and 484 contours to make sure we have positive drainage from the front of the house and around the proposed leach field; and therefore it be further

RESOLVED, That the Chairman of this Planning Board is hereby authorized and empowered to sign the subdivision plat associated with said Subdivision Application within 180 days of adoption of this resolution upon the applicant producing the following items:

1. Mylar original of the Subdivision Plat, bearing the seal of a Professional Engineer, Surveyor, or Landscape Architect licensed to practice in the State of New York;
2. Three paper copies of said Mylar Subdivision Plat, bearing the seal of a Professional Engineer, Surveyor, or Landscape Architect licensed to practice in the State of New York;
3. A copy of the deed(s) for all new parcels to be created as part of this subdivision; and further

RESOLVED, That the applicant shall have 60 days from the date the Chairman of the Planning Board affixes his signature on said subdivision plat to file said Mylar and 2 paper copies, along with the deed for each lot, in the office of the Ontario County Clerk; and further

RESOLVED, That failure on the part of the applicant to comply with any requirements of this resolution shall render the approval of this subdivision application null and void; and further

RESOLVED, That copies of this resolution be sent to the applicant, filed in the office of the Town Clerk and the Town of Gorham Planning and Zoning Office.

Mr. Harvey said just for the record, it's always a grey area in the law, once a Planning Board gives approval you are approving that that building lot is buildable and the water supply is potable.

Mr. Grove says the Health Department says that every well is a test well until it proves otherwise.

Mr. Grove said do you require a site plan like this for every subdivision or can you subdivide land without?

Mr. Harvey said you can but then we are going to mark the subdivision as no construction until there is a site plan. The statute basically says site plan was nowhere on the books, so they wrote the subdivision statute and then they came in and they added the site plan statute and buried in there, that a lot of municipalities try to ignore, is the fact that it says if you require subdivision approval you can't also, for the same application, require a site plan.

So you can voluntarily as an applicant say I don't have any development plans now, here's my subdivision and here's the layout, and the Board can approve it and then we'll mark it and then whoever you sell it to comes in with a site plan later. Or if you want to do it all at once, it's one fee instead of two and we are done.

Mr. Schweigert said a house number for the new house?

Mr. Harvey said see Jim. He will give you a number that complies with the County addressing system.

5. MISCELLANEOUS

May 20, 2024 Meeting

Mr. Morse said next month's meeting is going to be extremely busy and one of the applications is the final Phase 1 for Scenic Ridge Rise. We also changed the date per Tom's instructions to Monday, May 20, 2024. We have four applications with one being Scenic Ridge Rise. Do you want to split the applications or start earlier?

Mr. Harvey said that would be a Board decision. Do we want to start at 7p and get through all of them?

Ms. Harris said it is easier for her to all be done in one night and just start earlier.

Mr. Morse said his suggestion would be to start at 6pm.

All present agreed to change the start of the May 20, 2024, meeting to 6pm.

Mr. Morse said MRB is trying to get us all the comments for Scenic Ridge Rise as fast as possible for the final to make sure all requirements have been met.

Mr. Harvey said so he has made application but we haven't deemed it complete yet. That will be the tentative plan as long as MRB can finish the review for sure. We will start at 6pm and get through it and listen to everybody's comments and see where that goes.

Mr. Morse said would you like the application reviewed by the County.

Mr. Harvey said I would send it back to the County because of all the changes.

Mr. Morse said okay so we will do both a Public Hearing and send it to the County for review.

Dancause Sign

Ms. Rasmussen asks about the Dancause sign.

Mr. Morse said to be honest that just went up this week and I already have Jamie handling it. He is allowed a sign, I believe it is only twenty square feet, but he has to come in and apply for a business.

Ms. Rasmussen said they have always had the shop there. They never posted it as a business.

Mr. Harvey said I remember talking to Bob years ago about that and I remember he told me he came in and got a variance, or something else, to have that business there because it wasn't allowed in that district at the time but the condition was he couldn't have external signage.

Mr. Morse said we will go back and do some research.

Mr. Harvey said it was a nonconforming use at that time.

Proctor Roofing

Mr. Morse said he came in and met with me two different times about wanting to put up a much larger building. We have talked him into not putting the building as far back as he wanted to based on our commercial guidelines.

Mr. Harvey said he should have his loading area in the back.

Mr. Morse said when he comes in for site plan he will need variances because he is so close to Flint Creek. You have already done his site plan when he was supposed to be a pizza shop but he's been a roofing company for four years. He is aware that he cannot apply until all that scrap is gone.

Mr. Kestler said what happened to them putting that parking lot in?

Mr. Morse said there is parking back behind there, it's just that company has gotten huge.

Ms. Rasmussen said he didn't make them the way we planned it. The dumpster is not in the right place.

Mr. Morse said it is in the right place but the surround leaves a bit to be desired. They did what was on the site plan but the scrap from West Swamp Road ended up over there. I like the idea of a bigger building because that means everything is inside.

Mr. Harvey said one of the things he's going to have to show is how many employees he has and where they are all going to park and so on.

Mr. Morse said anytime I ask him to do something he immediately takes care of it. He wants to move the business over there [West Swamp Road] when he tears this building down temporarily and he said he was going to clean up the back a little bit and he has. I

will say there will be a fix of either the sewer or storm when that building comes down because it runs right underneath the building.

Ms. Rasmussen said it's the raceway.

Mr. Harvey said the property he owns at the end of County Road 18 and 245 he can't play the game of starving the wetland by grading it towards the road. It should be graded so the water runs off the back and he should restore the natural flow. He can't come back in and do a wetland delineation after two years of cutting the water off from the wetland.

Mr. Morse said his ideas with the gas station aren't great but they aren't horrible but I told him he was going to have to do an environmental study.

Mr. Harvey said next time you talk to him tell him he has to restore the flow back to the wetland and it has to be graded down from the road into the wetland.

6. NEXT MEETING

The next regular meeting of the Planning Board will be held on Monday, May 20, 2024, at 6:00 p.m. at the Gorham Town Hall, 4736 South Street.

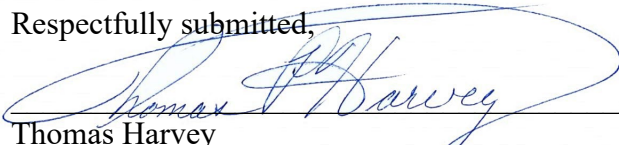
7. ADJOURNMENT

■ A motion was made by MS. RASMUSSEN, seconded by MR. KESTLER, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 8:13 p.m.

Respectfully submitted,



Thomas Harvey L.S.
Chairperson to the Planning Board