

Town of Gorham

4736 South Street
Gorham, New York 1461

PLANNING BOARD

Monday, July 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*
Lizabeth Rasmussen
Bob Farmer
Richard Perry

Board Members Absent: Mike Kestler
Andrew Hoover
Gabrielle Harris

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

Applicant Present:
Lynn & Mike Klotz
Doug Eldred
Josh Raymor, Bayer Landscaping
Mark Bayer, Bayer Landscaping
Wendy Meagher, Meagher Engineering
Bill Grove, Grove Engineering

Others Present:
Helene & Bill Messner
Others who did not sign in

Other's Via Zoom:
Not identified

1. MEETING OPENING

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

Mr. Harvey said we have one continued public hearing and three new site plan public hearings this evening. I will open the public hearing on each application separately. 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 and/or their representatives to explain their application. If it is a reopening of a public hearing I will ask the applicant to talk about what was changed. The Board may ask questions and I'll give an opportunity for anybody to make comments 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 JUNE 24, 2024

■ A motion was made by MS. RASMUSSEN to approve the minutes from JUNE 24, 2024 and the motion was seconded by MR. PERRY.

Motion carried by voice vote with all voting aye.

3. LEGAL NOTICE

NOTICE IS HEREBY GIVEN that Public Hearings will be held by and before the Planning Board of the Town of Gorham on the 22nd day of July 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 applications and to discuss all matters relevant to the environmental review under the New York State Environmental Quality Review Act:

PB #85-2024: BAYER LANDSCAPE ARCHITECTURE, PLLC 19 NORTH MAIN STREET, HONEOYE FALLS, NEW YORK, 14472: Requests site plan approval to construct a single family residence approximately 2237 square feet in size with included site improvements to landscaping and drainage. The property is located at 3776 Meadow View Drive and is zoned R1 Residential and LFO Lake Front Overlay District.

PB #86-2024: LYNN & MICHAEL KLOTZ 7456 E. MAIN STREET, LIMA, NEW YORK, 14485: Requests site plan approval to construct a single family residence approximately 2975 square feet in size with included site improvements to grading, drainage and utilities. The property is located at 4554 Lake Drive and is zoned R1 Residential and LFO Lake Front Overlay District.

PB #87-2024: LYNN & MICHAEL KLOTZ 7456 E. MAIN STREET, LIMA, NEW YORK, 14485: Requests site plan approval to construct a single family residence approximately 1619 square feet in size with included site improvements to grading, drainage and utilities. The property is located at 4565 Lake Drive and is zoned HR Hamlet 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. CONTINUED PUBLIC HEARING

PB #79-2024: SPRINGHILL SUBDIVISION LLC 1777 EAST HENRIETTA ROAD BUILDING A SUITE 100, ROCHESTER, NEW YORK, 14623:

Final Overall Subdivision and Phase 1 approval of 80 lots consisting of 55.6 acres known as the Scenic Ridge Rise Subdivision. The property on the east side of NYS Route 364 south of Angela Way and is zoned R1 Residential.

Mr. Harvey said do we have everything we need yet from our Town Engineer?

Mr. Morse said not with the new information that I believe he is going to talk about tonight, but the Town Engineer has not reviewed anything since July 12, 2024.

Mr. Harvey said we will reopen the public hearing and hear the comments and figure out what we are doing from that.

Mr. Eldred said I updated comments to the Town Engineer. I was not aware at the time that review had been suspended pending collection of engineering fees. I am assuming that you would want him to respond to those. I think they are all technical comments that can be handled between him and I but certainly that's your prerogative not mine. I kind of objected to some fees that I got charged but I know I am going to lose that battle. We will have to send in the rest of the money eventually. I'm going broke in this project.

Mr. Harvey said development is a tough game.

Mr. Eldred said I guess it's up to you where you want to go with it tonight. I feel I can resolve anything that is left with MRB. I went over and met with Collin. There were some things that were confusing that I think we clarified, so I was able to respond to those.

Mr. Harvey said again I think it's just any changes to the plan. We did get an email about DOT.

Mr. Morse said from Mark Becue. It looks like he is signed into ZOOM.

Mr. Harvey said let me say a few things about that. Every project goes through some changes. I guess what is either not in your email or DOT failed to explain to you is that they do make allowances and there is accepted engineering practice to take traffic samples and then extend them for peak seasons and peak times of year and take that into account. While they have not issued final permits it's their normal process to rereview that stuff

before they give those final permits that they need. That is up to them and it is not a basis for reopening the environmental review or design on a project. They should have explained that to you.

Mr. Harvey then read a Letter to the Editor given to him and also written by Dr. Justin Martin Jr entitled "A reaction to Gorham zoning 'over-reaction'" published Monday, February 25, 1991. A copy of the article will be filed with the minutes.

Dr. Martin said I own 500 acres in that zone. We have a family preservation plan for that. My youngest grandson, Chase, is buying that from me. He will be in his 50's by time he owns it. Then he has added to that plan by getting married and having the first child, a boy. If there are any woman here that I am upsetting by saying it's a boy, I have five girls and not a single one of them want to take a shot at it. So we are skipping one generation and moving on to the next. We border this development all the way along and I'm terribly worried because all of the manure. I had a man from Canandaigua call me one day because he wanted to buy some of the property and I said we put manure on all that land. He said what's manure and I knew I was in trouble. I said let's cease this conversation right now because you're not going to like manure if you don't know what it is. I have five girls and they all haul it and they all know what it's all about. I happen to belong to the watershed association of both Canandaigua and the one on Cayuga Lake. I have a property on Cayuga Lake that is 140 feet across the front. It was bought by my grandmother in 1935. I was born the next year. That property she bought for \$350 in 1935 and is assessed now for \$260,000. This okay but what she assessed, the Assessor here, upped my property for was almost what I bought the first, for one year, 360 acres for. Things are out of wack over here. I hope he understands that. Then on TV the other day I learned how many feet, and you probably already know it, have to be between each hydrant. If they are going to be that close I say, and I don't know if he has it in his development plans, you better get a water tower up at the east end of that area or a good pond. If you have a fire, as I told you the last time I was here, on the west end of that thing and you have a slight breeze that night off the lake you'll burn all those houses up. Somebody told me that there was eighty acres involved in that development. Thirty of it has to be used for setbacks and roads, so that leaves fifty acres to develop eighty homes.

Mr. Harvey said 55.6 acres.

Dr. Martin said that is just not going to be the right type of development and we have promises within the family that it will stay a farm as long as there is a male to take it. These are our plans. We just put on a double sized barn that we took down and that will double the number of cows we can put on there because it's going to be kept indoors. The cows we have now roam all over the place. Chase was to be with me today but he is hauling straw. He is a hard worker and I don't want those tenants hauling him into court all the time telling him how bad the smell is. I have chatted with some of the people that have lake frontage along there. When I bought the farm you could buy a piece of lake frontage for \$35,000, that's impossible today. I have nothing against the developer what's so ever. I don't want them to go in there because I know we are going to be putting in more manure pits. We also plan to put, and I haven't filed for the privilege yet, windmills. If his tenants

will like windmills, I don't know. I don't know if the people here or the Town Board will approve of them, but that is one of the other plans that we have. Two brothers, Chase and his older brother Lane, who is a Marine veteran, are working together on that farm plus three Mennonite boys working closely with them.

Mr. Harvey said you are very blessed that your particular farm has good soils. For that part of Town, a lot of that part of Town, that's not true. It's certainly not true with this guy's property. I certainly understand your concern, Jake. All I can tell you is the zoning on your property is Farmland Preferred and you are in the County Agricultural District. I don't foresee that changing. Every one of the buyers in this subdivision is going to get a notice that they are within 500 feet of an operating farm in a County Agricultural District and because of that and the Town's Right to Farm Law nobody is going to be able to complain about what you are doing on that property that is an accepted agricultural practice. You are protected. I would also say because of the soils and depth of bedrock he has pushed the development as far north on his piece of property that he can and you have quit a buffer there as well. I appreciate your input and comments.

Mr. Eldred said I grew up on a farm. My father was a farmer. I worked on my uncles farm from when I was twelve until I was eighteen and I shoveled a whole lot of that stuff that you call manure. It is what it is and I would champion your right to farm there as long as you want to. As we are going to the south there we are hitting higher bedrock and my soils are not conducive to farming. They are garbage quite frankly.

Dr. Martin said I talked to a girl I met on Cayuga Lake and she said how are you going to let them go ahead with that. I said I'm not the one that makes the decisions.

Mr. Harvey said the engineers have to weigh in on the water supply and there are standards you have to meet for fire flow and residual pressure and apparently he can meet all those. It's part of the expense of developing. Would anybody else like to make comments on this application? I will remind everybody that the stage this project is in is the environmental review is complete. It was a full environmental impact statement and process that we went through with every involved and interested agency to get to where we are. The Town Planning Board has issued findings and then approved with a slew of conditions the preliminary subdivision. The Planning Board elected to have a public hearing on the final. If you want your comments to have weight I would strongly urge you to review the materials on file with the planning office and talk about whether the final submission documents comply with the conditions of the preliminary approval. That is really what we are limited to here in terms of the Planning Board.

At this point in the meeting it was discovered that there was an issue with the ZOOM connection and the people that were signed in could not hear the meeting being conducted at the Town Hall.

Mr. Harvey said the public hearing has been technically open, is there anyone else who would like to speak otherwise we have to adjourn.

Mr. Eldred said just one more thing, so the plans have not actually been updated with all the comments because I want to do them all and I just got the Ontario Sewer and Water District comments in. I didn't want approvals on plans that weren't completed.

Mr. Harvey said for everybody's benefit it is pretty typical that there are modifications that sometimes happen.

At this point during the meeting Mr. Morse was able to resume the ZOOM part of the public hearing.

Mr. Harvey said all of our final approvals are going to be based on those modifications, if indeed there is an approval. I apologize to everybody, let's adjourn the public hearing to the August 26, 2024 meeting. Sorry about all that. That will give you time to resolve everything with the Town Board.

5. NEW PUBLIC HEARINGS

PB #85-2024: BAYER LANDSCAPE ARCHITECTURE, PLLC 19 NORTH MAIN STREET, HONEOYE FALLS, NEW YORK, 14472:

Requests site plan approval to construct a single family residence approximately 2237 square feet in size with included site improvements to landscaping and drainage. The property is located at 3776 Meadow View Drive and is zoned R1 Residential and LFO Lake Front Overlay District.

Mark Bayer with Bayer Landscape Architecture and Jared Coon with Hanlon Architects presented the application.

Mr. Bayer said Josh Raymor is here from our office, Jared Coon from Hanlon, Bill Grove from Grove Engineering is also here with us. Also, Megan Larrabee who is the interior designer and a family member is here. We are here tonight on behalf of Adam and Jesse Larrabee. They purchased the property a little over a year ago. Their intent was to do a rehabilitation but quickly realized after review with the engineering and architectural team that wasn't going to be practical given structural issues with the foundation. Then soon after, last winter, they had a major water leak that wiped out the whole ceiling on the first floor. Long story short the economics of renovation versus rebuild made them decide to do a rebuild. We have been before the Zoning Board at Jim Morse recommendation we had to get a couple of variances. We did get two area variances. One for lot coverage and the other for lakeside setback. The project is pretty straightforward. It's basically the new lake house with lakeside patio and terrace, new front walk, and landscape related improvements. The other thing that we are doing is three infiltration gardens/ rain gardens as part of the project and some infiltration trenching to manage the stormwater. Bill Grove has worked with us on that. The project has a number of significant benefits and improvements that I just want to point out. We are actually reducing the lot coverage with this. The lot coverage is decreasing by 3.75% and we are also reducing the building envelope. The new building envelope is about 306 square feet

smaller than the existing envelope. We are converting 505 square feet of pavement on the lakeside to green area so we are reducing impervious as well there. Then we are adding, again, the three infiltration/rain garden's with infiltration trenching to manage stormwater. Today, on site, there is no such thing. There is no real effort to manage stormwater. The actual building footprint of the new building is all going to fall within the setbacks. The reason we had to get a variance is because there is an open porch on the northwest corner of the building that over hanged. Beyond that the building is all within the setback whereas the existing structure all four sides are not compliant in terms of setbacks. You will notice that the existing building is closer to the mean high water line. It's closest point on that footprint is about twenty three feet from the mean high water line. Our closest corner on the new proposal is closer to thirty two feet not counting the one roof overhang on the porch which I mentioned earlier. The other thing that we are doing as an improvement on this site is we are taking and removing the lakeside gazebo which is right up on the bluff right above the lake and that is coming out. Along with the improvements that we are making in terms of the setback on the lakeside it improves the sight line for both neighbors. Another thing I will mention with the new building design the character of the new building both within terms of massing and architectural treatments and the idea of incorporating the recesses with the porches it has dramatically improved in terms of character. We are also doing a pretty subtle pallet of materials in terms of the siding, the roofing, and the stone materials used on the house. From the lake it is a significantly improved situation. The other thing that we will be doing with the planting and the replanting of the site we will be using a significant portion of indigenous native material to the northeast. Everything from introducing some native trees and shrubs and ferns the pallet is going to include significant number of native plants. To summarize, I think with the new building and our new site plan the project is definitely without question much greener in terms of much improved stormwater management where today there is very little to no stormwater management. We have a smaller building envelope footprint. We have improved setbacks. We have enhanced lakeside character. We are much more with keeping with the Town's guidelines for lakefront properties and definitely keeping within the surrounding neighborhood context.

Mr. Harvey said who did the lot coverage calculations.

Mr. Bayer said we did the lot coverage calcs.

Mr. Harvey said do you have a markup sheet or something that shows the areas that you took into, I know you have the summary statistics here.

Mr. Bayer said we have all the summary statistics.

Mr. Harvey said either you can produce a plan or we are going to give it to our Town engineer to say did you count this; did you count that.

Mr. Bayer said we did and we can provide that. We did excruciating detailed calculations because the neighbor next door was very concerned and rightfully so and Jim can attest to this and so can the ZBA Chair. We did very careful calcs.

Mr. Harvey said if it has been provided to the ZBA and we have it on file and not in our package that's fine.

Mr. Bayer said no we definitely did that very carefully and just for your knowledge if you look at this chart we had the required calcs we had previously provided which was the first round with the ZBA. Then the Chairperson and that Board asked us to take another look and see what else we could do to reduce lot coverage and we did that and went from 28.75% down to 27.25%. We actually went from, I think, two setback variances down to one. We brought the front setback into compliance and we reduced the footprint of the building.

Mr. Harvey said so let's be very clear the two variances that you got was because you guys chose to tear down the existing building and the rule is you got to conform to everything. With the design you have your new proposed building will have a larger setback from the lake than the existing it still doesn't comply which is why you needed the variance for the open porch. Same thing with the lot coverage even though it's an improvement it's still not 25% of the lot it's still 27.25%.

Mr. Bayer said as we explained in detail to the Zoning Board the encroachment on the new building is just the overhang on that porch roof and that was the reason for that variance.

Mr. Harvey said so the stormwater recharge area, what is the standard that it was designed to and how much of the runoff are you capturing? Again, the Town's rules are you can't make it any worse but you are kind of making it better.

Mr. Grove said we are making it much better. We used the 100 year 60 minute storm which is 2.2 inches of water. We proved that we can infiltrate the 2.2 inches in fifteen minutes and we can infiltrate the runoff from that storm at a fifteen minute increment. We have the ability to infiltrate that and we can store the total which is 7826 gallons for about fifteen hours before it completely absorbs into the ground.

Mr. Harvey said so it is a much better situation.

Mr. Bayer said we really wanted to do a good job managing that and again with reductions in building mass and so on the situation is much improved.

Ms. Rasmussen said is there any outdoor lighting?

Mr. Bayer said not currently planned other than some low voltage landscape lights we will probably have around the garden.

Mr. Harvey said you will have to have a note on here somewhere.

Mr. Bayer said everything we do will be dark sky compliant.

Mr. Harvey said it will still be a condition on the plan. We understand the two variances and they have presented a very detailed lot coverage calculation plan?

Mr. Morse said yes.

Mr. Harvey said as long as the Zoning Board of Appeals and you are satisfied with it and it is reflected in these documents that's fine. Does anybody on the Board have any questions? Typically we would have a requirement that after construction you would do a final survey verified with everything's location. If any of the utilities get moved or are in a different place we need that documented and that goes back to Jim. Is there anybody else that would like to speak about this application?

Mr. Doebler said I'm the neighbor to houses to the north. I'm a realtor so I am pro building and looking forward to a new house there. I showed that house as a realtor to people while it was for sale. The joke with the neighbors is someone is going to buy this and tear it down. They thought I was nuts for saying that but now it's happening. My just general question, some of the neighbors were going to come but didn't want to take the time, so I said I like these meetings I'll go kind of informally on behalf of everyone. I manage the road. It's a private drive there's no HOA. It's really lose I knock on doors and collect \$100 a year to pay for the snow plowing. I knock on doors to collect \$50, \$60, \$80 to collect the potholes and I've been doing that for twenty years. I live there year round. Is there a general start date of the project?

Mr. Bayer said I think the general intent was to let the main summer season die down. I think they were hoping to get underway this fall. Jim still has to review everything for permits.

Mr. Doebler said is there any thoughts on construction equipment and truck management there? The powerlines are low and it's tough down there. Everyone seems to turn around in my driveway because I have driveway on both sides. I will offer my property for their excess parking. Have you talked about that?

Mr. Bayer said we have had New Energy Works involved from the earliest days. They have been studying and kind of making a work plan of how to do this on this side. They have really been thinking it through. That's why we engaged them very early.

Mr. Doebler said is there plans for, I was looking at that property today and there are some massive trees on that property. On the northern boundary there has to be 100-125 foot tall pine trees. There are some dead trees that should come down. I noticed a big oak in the front. Is the whole place going to be gutted out and cleared?

Mr. Bayer said the intent is the oak in the front is in conflict with the roof and the house so that has to come down on the lakeside. The spruce and as many of the trees on the side of the property we are trying to retain them and there is a hedge in the front of the house which we are trying to retain as much of that. There will be construction access

through that but we are going to try to keep that as small a window as we can because the owners want the buffer.

Mr. Doebler said that makes sense. Is there a permanent dock or boat house planned in this application process?

Mr. Bayer said not in this process. Right now I think it is a temporary dock out there and I think that is the near term intent. I don't know about long term.

Mr. Doebler said are they allowed new boat houses?

Mr. Morse said the Docks and Mouring Laws are for all of Canandaigua Lake not just for the Town of Gorham, so it is based on the frontage.

Mr. Doebler said is there a Planning Board process if they try to build a boat house.

Mr. Morse said not with that because as a uniform thing they approved it so there is no process to it unless you go over the 400 square feet. There could be a condition where it comes in but they are in talks with the DEC because we are updating the Docks and Mouring Law and should be out in September or October.

Mr. Harvey said would anyone else like to address the Board regarding this application? Hearing none he closes the public hearing on this application. The first thing the Board has to consider is the environmental review. You did a really good job on the grading and I don't have any comments on the grading which is unusual. Everything flows away from the house. You may want to look if you have sufficient grade from the front of the house.

Mr. Harvey said the Environmental Assessment Form Part 2 all answers were no or small impact. Question 4 stating there are no officially established critical environmental areas in the Town. Question 8 we based our answer on the May 22, 2024 letter from the NYS Office of Parks, Recreation, and Historic Preservation saying they didn't have any concern with archeological or historic resources with regard to this project. Question 9 and 10 which have to do with stormwater and erosion control, the Planning Board based it's answer on the extensive stormwater mitigation that was proposed as part of the design.

Ms. Rasmussen makes a motion to move Part 2 and 3 of the Environmental Assessment Form and the motion was seconded by Mr. Perry to approve and to make a negative determination of significance. The motion was carried with all present voting aye.

A motion was made by MS. RASMUSSEN and the motion was seconded by MR. PERRY to approve the site plan as submitted with conditions. The motion was carried with all present voted aye.

**LARRABEE SITE PLAN
RESOLUTION
Application #85-2024**

WHEREAS, Bayer Landscape Architecture, PLLC submitted a site plan application, known as the Larrabee Residence Site Plan Application #85-2024, for the property located at 3776 Meadow View Drive on June 4, 2024; and

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

WHEREAS, A Public Hearing on said site plan application was advertised in the official newspaper of the Town of Gorham, specifically in the Finger Lakes Times on July 13, 2024; and

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

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

1. All exterior lighting must be dark sky compliant.
2. As-built must be submitted to the Town once construction is complete showing the location of the underground utilities including the electric.

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

1. Two paper copies of said Site Plan, bearing the seal of a Professional Engineer, Surveyor, or Landscape Architect licensed to practice in the State of New York must be submitted to the Town for signatures;

BE IT 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.

PB #86-2024: LYNN & MICHAEL KLOTZ 7456 E. MAIN STREET, LIMA, NEW YORK, 14485:

Requests site plan approval to construct a single family residence approximately 2975 square feet in size with included site improvements to grading, drainage and utilities.

The property is located at 4554 Lake Drive and is zoned R1 Residential and LFO Lake Front Overlay District.

Wendy Meagher with Meagher Engineering, Lynn Klotz and Mike Klotz presented this application.

Ms. Meagher said the existing cottage is 127 years old. It's seen it's better life.

Mr. Harvey said but it has been modified several times.

Ms. Meagher said it has.

Mr. Harvey said thank you, so it has no historic significance.

Ms. Meagher said no. The existing lot is substandard. It only about 8700 square feet versus 15,000 which makes it challenging to develop. It has quite a few nonconformities. The existing side setback for the garage is less than a foot. The rear setback is 2.2 feet. The lot coverage is 50.1%. We did go before the Zoning Board last month for the one variance that was required for lot coverage. We reduced the lot coverage by 20%.

Mr. Harvey said it was 60%?

Ms. Meagher said it was 50.1%.

Mr. Harvey said now it says 40.8%.

Ms. Meagher said correct. I know it is important for you to see the existing building versus the proposed building square footage. The existing house is about 1871 square feet and it has a detached garage which is about 532 square feet, so total existing is about 2404 square feet. The proposed has an attached garage and it is around 2100 and then 393 square feet of decks and patios, so a total square footage for the building is 2484. So we are about 77 square foot more but we are also taking care of a lot of nonconformities with the lot coverage, setbacks and rear setback. We have made a lot of improvements. Obviously with the existing site plan there is no stormwater management. We have three infiltration basins that from the surface will be a "sumped" grassy area but actually has infiltration soils in it. Holds back and treats the 10 year and also hold back the 25 year storm.

Mr. Harvey said I am going to ask; you reduced the lot coverage so anything you do in terms of stormwater management is going to be an improvement. On the other end on the next application I am going to ask you a different question. What is the rate of stormwater flow that the bioretention areas can handle? I didn't see any percolation tests or any particular calculation.

Ms. Meagher said there is a 166 page drainage report that we submitted. If you look at the stormwater design of the existing these are the 10 year and 25 year storm and this the 10 and 25 year storm for the proposed, so we are reducing the runoff by quite a bit.

Mr. Harvey said you didn't really have to do stormwater mitigation so everything is wonderful that you added.

Ms. Meagher said when we have lot coverages that you do we want to make sure that we are handling that storm water runoff being so close to the lake, so we have done our due diligence on the stormwater management.

Mr. Harvey said what is the basis of the design of the infiltration rate? The last guy did some percolation tests.

Ms. Meagher said ours are not considered infiltration basins they are considered filtration practices. What we do is put a sumped area in the lawn, downspouts go to splash blocks run into the sumped area and then infiltrate to the filter medium and cleanse and that's what meets the stormwater requirements. Then it goes out to the lake. So you hold back the storm and infiltrate the 10 year, so that's the practices. We didn't perc because that's not the intent for these practices.

Mr. Harvey said it may not be your intent.

Ms. Meagher said it is meeting the stormwater requirements for the Town of Gorham. We are treating the stormwater for the 10 year and holding back the 25 year.

Mr. Harvey said do you have the 50 and 100 year calculations in there?

Ms. Meagher said I do not have the 50 and 100 year calculations.

Mr. Harvey said it also asks you to calculate those and see what it would be and if it was sufficient to handle them. Again, you have done but improve the situation. It is not really a requirement. Is there anyone from the public who would like to make a comment?

Ms. Haisch said the home that I own is on the corner of Clover and East Lake directly across from Lynn and Mike. I have no concerns. I am here to support them. Lynn has shared quite a bit with me in terms of what they are doing. I have nothing to bring up or any concerns.

Mr. Harvey said thank you. I appreciate the bioretention areas. I would love to see some actual infiltration. You went to all this expense. Get it into the ground water when you can. Exterior lighting needs to be dark sky. This application had a statement that there is at least 2% slope away from the foundation but the grading plan does not reflect that.

Ms. Meagher said there is not a lot of room on the sides. We want to try to keep the existing vegetation buffer.

Mr. Harvey said okay, so all it really takes is going like this with the ends. Anytime you have perpendicular lines or nearly perpendicular lines its moving the water parallel to the foundation and we want to move it away.

Ms. Meagher said we can curve the ends of those a little bit.

Mr. Harvey said when he does his inspection and when you get your end of construction survey done that's what we are going to be looking for.

Ms. Meagher said the only thing on that side there is the only access they have to maintain the lakeside, so we wanted to keep an alleyway as wide as we could adjacent to the house. Like I said, there is an existing hedge there that we want to keep.

Mr. Morse said in our code the first five feet has to be 2%.

Mr. Harvey said and it's 2% away from the foundation. Just look at where your foundation level is.

Mr. Morse said ours is 2% for five.

Mr. Harvey said it's actually 2% for ten but we let you get away with five.

Ms. Meagher said on a standard lot and that's the hard part is this is a substandard lot.

Mr. Harvey said since there are no other comments I will close the public hearing at this time.

Ms. Rasmussen said the electric will go underground.

Ms. Klotz said yes, currently the pole for us and our neighbor is right in the middle. I have contacted NYSEG and we have signed and notarized the easement, as have our neighbors to the south. Then they are going to move the pole right on the property line and then be underground from there.

Mr. Harvey said one of the conditions will be to put that all on the plan once its constructed or the survey after construction. The environmental review completion is the first step that the Board has to do. Environmental Assessment Form Part 2 all answers were no or small impact. Question 4 stating there are no officially established critical environmental areas in the Town. Question 8 we based our answer on the April 9, 2024 letter from the NYS Office of Parks, Recreation, and Historic Preservation saying they didn't have any concern with archeological or historic resources with regard to this project. Question 9 and 10 the Planning Board based it's answer on the extensive stormwater mitigation that was proposed as part of the design and is beyond what is required.

Mr. Harvey makes a motion to move Part 2 and 3 of the Environmental Assessment Form and the motion was seconded by Ms. Rasmussen to approve and to make a negative determination of significance. The motion was carried with all present voting aye.

A motion was made by MR. FARMER and the motion was seconded by MR. PERRY to approve the site plan as submitted with conditions. The motion was carried with all present voted aye.

**KLOTZ SITE PLAN
RESOLUTION
Application #86-2024**

WHEREAS, Lynn & Michael Klotz submitted a site plan application, known as the Klotz Site Plan for Lynn & Michael Klotz Application #86-2024, for property located at 4554 Lake Drive on June 7, 2024; and

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

WHEREAS, A Public Hearing on said site plan application was advertised in the official newspaper of the Town of Gorham, specifically in the Finger Lakes Times on July 13, 2024; and

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

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

1. Modification to show 2% positive slope away from the foundation.
2. All exterior lighting must be dark sky compliant.
3. As-built must be submitted to the Town once construction is complete showing the location of the underground utilities including the electric.

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

1. Two paper copies of said Site Plan, bearing the seal of a Professional Engineer, Surveyor, or Landscape Architect licensed to practice in the State of New York must be submitted to the Town for signatures;

BE IT 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.

PB #87-2024: LYNN & MICHAEL KLOTZ 7456 E. MAIN STREET, LIMA, NEW YORK, 14485:

Requests site plan approval to construct a single family residence approximately 1619 square feet in size with included site improvements to grading, drainage and utilities. The property is located at 4565 Lake Drive and is zoned HR Hamlet Residential.

Wendy Meagher with Meagher Engineering, Lynn Klotz and Mike Klotz presented this application as well.

Ms. Meagher said the existing lot is kind of catty corner. It formally had an old mobile home on it. I don't know how long it was there. The Klotz purchased this property to put a garage/dwelling.

Mr. Harvey said if it's not going to be considered part of the same lot it's going to be a single family dwelling classification.

Ms. Meagher said it is a single family dwelling.

Mr. Harvey said let's call it that.

Ms. Meagher said it has all the requirements per code. Again we have proposed storm-water management with filtration practices.

Mr. Harvey said those will not meet the Town's stormwater requirements. Any additional runoff you got to get it back into the ground water. You will need to do a percolation test when you do your stormwater management facilities and you will need to document the infiltration rate that those support equal the designed storm rate of flow and only then will we start discussing storage. This is not an exercise to create storage in a bioretention and filtering area this is an exercise to get it back in the ground.

Ms. Meagher said the 10 year storm?

Mr. Harvey said no we have recently changed our "m.o." to 100 year storm.

Ms. Meagher said we have to hold back and infiltrate 100 year storm?

Mr. Harvey said correct. You will have to do some engineering based on the soils that are located on the site.

Ms. Meagher said the soils are included in our engineer report.

Mr. Harvey said if this is glaciated soil and you're using the soil survey they don't map anything less than two acres in size. That's a general expectation of what's in the area but we live in a glaciated soil area so you never know what you will run into unless you perc test.

Ms. Meagher said we will perform perc tests. The fact that we are holding back and reducing runoff doesn't count?

Mr. Harvey said get it in the ground water. That's where it's going that's where it's supposed to be. Again, you are responsible for the difference in flow.

Ms. Meagher said which we have proved and reduced. There is different ways to look at it.

Mr. Harvey said okay, I'm going to look at it the way the Town looks at it, we only accept a detention area if you come back and do your engineering and can't get it back into the ground water at a sufficient rate.

Ms. Meagher said and it has to be a 100 year pond?

Mr. Harvey said it has to be 100 year infiltration, yes. What we have found with our subdivisions and our other designs, as you probably well know, the design storms, the intensities are less than what we are actually experiencing and the frequencies are greater than what the DEC is in the process of updating. The Town used to have 10 and 20 year standards and we found those to be inadequate.

Ms. Meagher said is this for an empty lot?

Mr. Harvey said yes.

Ms. Meagher said there was a structure there it just happened to be demolished a month ago.

Mr. Harvey said oops.

Ms. Meagher said so that is why you are making us do the different requirements?

Mr. Harvey said the difference would be the lot coverage from the former building.

Ms. Meagher said it was an old manufactured home, so because that was removed the criteria is different now?

Mr. Harvey said now you come in and presented basically an undeveloped lot. The only difference would have been is we would have gotten your existing flow calculations based on, a small lot like this, the rational method. It would have been here are what the existing flows are and here are what the new flows are.

Ms. Meagher said which I did. I did it with the preexisting conditions with just a paved driveway because they moved the manufactured home.

Mr. Klotz said how would we have known that ahead of time? We got the demolition permit from the Town.

Mr. Harvey said it's the same standard that the Board wants. If you want to go back and recalculate with the mobile home being there, do it.

Ms. Meagher said but it meets the criteria for the other stormwater management, not the 100 year though. Right Jim?

Mr. Morse said you are questioning what they are going to prove it on versus what's in the code, right?

Ms. Meagher said right.

Mr. Morse said that is a question not for me because I'm not the Board. They are talking about what they are comfortable with you designing it to but what's in the book is what I go by.

Ms. Meagher said it's what I went by.

Mr. Morse said that's the difference and I'm not trying to give you the run around but I have to go by a book and what's in black and white writing.

Mr. Harvey said we can vary our standards.

Mr. Morse said usually you take the mobile home and the driveway into consideration.

Ms. Klotz said the concrete pad is still there.

Ms. Meagher said it was a developed lot.

Mr. Klotz said we thought we were improving the situation by removing this decrepit infested structure.

Mr. Harvey said all I can say is I don't have anything that says existing home or existing driveway hence my comments are based on what I saw in the application.

Ms. Meagher said so we are not meeting the stormwater requirements and we need to go back to the drawing board on holding back and infiltrating a 100 year storm.

Mr. Harvey said correct.

Ms. Klotz said would providing the first survey we had before the mobile home was removed be

Mr. Harvey said if that was the existing condition, that's fine.

Ms. Klotz said we have that.

Mr. Morse said what was the existing lot coverage?

Ms. Meagher said I don't have it with me Jim but I can get it to you.

Mr. Harvey said if you have a survey that shows the concrete pad it was sitting on the concrete pad counts towards lot coverage.

Ms. Meagher said I don't think it was on a concrete pad.

Ms. Klotz said partially but there is still a big piece of concrete there.

Ms. Meagher said that is further back.

Mr. Harvey said you guys are going to have to figure that out. Existing conditions versus future conditions.

Ms. Meagher said if we resubmit the existing conditions with the mobile home on there

Mr. Morse said figure the difference of the new versus the old. I'm not speaking for Tom but I think that is what he is getting at.

Ms. Meagher said so you want the 10, 25, 50 and 100 year storm?

Mr. Harvey said there you go and if you can come and prove that it is untenable to do a 50 or 100 year storm, then we will have the discussion about relaxing the standards. The Town stormwater regs read rate in total quantity. You are right on the lake so I am not really as concerned as I am with this lot because it drains to other people's property.

Ms. Meagher said rate and quantity.

Mr. Harvey said yes, total.

Ms. Meagher said so we have done that with the existing and proposed rate is less than what the existing.

Mr. Harvey said the discharge rate is less than.

Ms. Meagher said correct and that's what you are looking for but for the 50 and 100 year storm.

Mr. Harvey said correct.

Ms. Meagher said is this something that is going to be changed in the code, Jim?

Mr. Morse we are going to have to. I truly think it going in that direction because we are getting pounded with every single storm. Again, it goes by what they are comfortable with and a lot of time he has them show it on the plans before he signs it.

Mr. Harvey said the guy that was here for the subdivision application that we postponed; his whole subdivision was designed for 100 year storm.

Ms. Meagher said well subdivisions I can understand, but single family homes seems different.

Mr. Harvey said so if I have 80 single family homes don't they equal 80 single family lots, so why would I treat them differently.

Ms. Meagher said the size of the lots are extremely small. It's very difficult.

Mr. Harvey said when you have a substandard size of lot look at the design guidelines and figure out what the Town says is acceptable to develop on that small of a lot.

Ms. Meagher said unfortunately the Town approved these substandard lots way back when.

Mr. Harvey said the Town didn't. They were divided before the Town had zoning. That is why there are design standards that show when you have this small of a lot that this is what fits on that small of a lot.

Ms. Klotz said and we understood that and that was part of our interest from going from being able to retire and be here year round so we could move driveway and garage space to this lot and in order to meet the code of 950 square feet of living space.

Mr. Klotz said and to answer your question we have no intention of that. We would like to build this structure with the idea that we need the garage space and we also need bedroom space for our growing family. We have no interest in being an Airbnb.

Mr. Harvey said if you notice this year New York State did adopt a short term registry law but has not been given to the Governor to sign yet. We were just reading it today. Any municipality that also has a registry that is in effect at the time when the state law goes into effect it can keep its local law, still require the registry, give copies of whatever licensing that goes through the state registry so you guys can compare notes. It requires the online booking services to collect sales and occupancy tax. Sales tax to the state of New York and the occupancy tax to the County. They are obligated by state law to do

that once the Governor signs the legislation. If a local municipality doesn't already have a registry local law requirement they are prohibited from implementing one after.

Mr. Morse said well we have a good one.

Mr. Harvey said it has been passed by both houses of the legislature but has not been sent to the Governor. Sometime before the next legislative term it has to go to the Governor.

Ms. Meagher said just a couple more questions, do you want Jim to witness the perc test?

Mr. Morse said no, you are engineers and you are going to stamp it so I am comfortable with that.

Ms. Meagher said what is the number of perc's per area?

Mr. Harvey said you are going to do it in the area where the stormwater facility is proposed. It is really up to your engineering discretions because it has to work and you are taking professional responsibility and liability for it. The state doesn't really have any standards for that kind of design.

Ms. Meagher said they do for larger but not for these. I am just trying to cover my bases.

Mr. Harvey said I appreciate your professionalism.

Ms. Craugh said I am the neighbor behind them. I have never seen these plans so how high is it? What does it look like?

Mr. Harvey said they have been on file in Jim's Office.

Mr. Morse said we have had the site plan as well as elevations available in our office. They have proposed a two car garage with a small apartment above.

Ms. Meagher said it meets all the height requirements.

Ms. Craugh said what is the height?

Ms. Meagher said it is 28.7 where 35 is allowed.

Ms. Klotz then reviewed the plans with Ms. Craugh.

Mr. Harvey said Carol before I close this public hearing is there anything that you would like to say?

Ms. Haisch said I haven't seen the design either but it will be a tremendous improvement from what was there and I overlook that property. I wouldn't mind seeing it if you could turn the tripod so I could see the design of it.

Ms. Klotz said I can send you the sketch of this as well. We are not doing these at the same time. Part of why we bought 4565 is because we don't have room at 4554 for any staging. Then they can put the roof trusses there and things like that.

Ms. Haisch said I wouldn't mind seeing the plans. I am very happy that trailer is gone, thank you.

Mr. Harvey said what is the Board pleasure, do you want to adjourn the public hearing or close it?

Ms. Rasmussen said close it.

Mr. Farmer said close it.

Mr. Harvey said okay, I will close the public hearing at this time. The environmental review completion is the first step that the Board has to do. Environmental Assessment Form Part 2 all answers were no or small impact. Question 4 stating there are no officially established critical environmental areas in the Town. Question 8 we based our answer on the April 9, 2024 letter from the NYS Office of Parks, Recreation, and Historic Preservation saying they didn't have any concern with archeological or historic resources with regard to this project. Question 9 and 10 the answer is based upon the changes the Planning Board will require to the stormwater management facilities as part of the site plan approval .

Ms. Rasmussen makes a motion to move Part 2 and 3 of the Environmental Assessment Form and the motion was seconded by Mr. Perry to approve and to make a negative determination of significance. The motion was carried with all present voting aye.

A motion was made by MS. RASMUSSEN and the motion was seconded by MR. PERRY to approve the site plan as submitted with conditions. The motion was carried with all present voted aye.

**KLOTZ SITE PLAN
RESOLUTION
Application #87-2024**

WHEREAS, Lynn & Michael Klotz submitted a site plan application, known as the Klotz Guest House Site Plan for Lynn & Michael Klotz Application #87-2024, for property located at 4565 Lake Drive on June 7, 2024; and

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

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

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

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

1. Revise the stormwater management and the grading plan to accommodate the 100 year storm and if that can be documented then the Chair has direction to sign the site plan and if not then further review by the Planning Board will be required.
2. All exterior lighting must be dark sky compliant.
3. As-built must be submitted to the Town once construction is complete showing the location of the underground utilities including the electric.

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

1. Two paper copies of said Site Plan, bearing the seal of a Professional Engineer, Surveyor, or Landscape Architect licensed to practice in the State of New York must be submitted to the Town for signatures;

BE IT 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.

6. MISCELLANEOUS

Mr. Morse said we have been asked a couple of times for an interpretation on the Special Use Permit for Lincoln Hill Farms. We need to request or the Chairperson to request him to attend the meeting and get on the agenda before the meeting.

Mr. Harvey said and write up his questions more formally.

Mr. Morse said to informally express his questions, there was a Special Use and site plan modification for the glamping, he has concerns because no noise was supposed to go over the property line and no fireworks. He was under the impression that the Chairperson said any condition that was put on that goes for the farm too.

Mr. Harvey said I told him for the record that Special Use Permits run with the property not the owner.

Mr. Morse said he was confused so he now thinks that I am not enforcing the Special Use Permit because of the fireworks going on for the 4th of July and a few other things he feels as though he is in violation of. He is citing that condition and that night's Special Use. One condition to grant the glamping area it says in the glamping area no atv's, no nothing, no drones etc. I think it got turned into a grey area with the glamping area. This person has also made other accusations about stormwater management. We did talk about it at the Town Board meeting the other night in an open forum. The Town Board wants the Planning Board to give him a formal interpretation.

Mr. Harvey said it would be a clarification and we will get our language very clear. Jim makes interpretations on zoning and if there are disputes in regard to a zoning ordinance then you request an interpretation from the ZBA. If you want a clarification and explanation as to what the Planning Board's intent was that's the Planning Board.

Mr. Morse said we wanted him to come tonight, but the Town Board wants the interpretation to be formally served to him.

Mr. Harvey said it's an owner who owns a house that has had a lot of storm water issues. He did not come in here for site plan approval it was done administratively, was it not.

Mr. Morse said I don't know.

Ms. Rasmussen said I don't think that came in front of us.

Mr. Morse said that would explain to me an awful lot.

Mr. Harvey said the owner was advised that it would be really bad idea to put a walkout basement on that piece of property because of the proximity to a blue line stream. Technically he could have been blown in to the Army Corp of Engineers and the DEC for the work he has done in the blue line stream.

Mr. Morse said they are involved with what has gone on with his property with the filling. He has talked to them and there is a disturbance. The DEC and I have talked trying to put this to rest. We said if you take out the walkout door, which he did, and put in an egress window and backfill it three feet you will never have water in your basement again. Which he hasn't. Kevin Olvaney has gone on record with me saying I told him flat out do not put a basement in that house on that property.

Mr. Harvey said it was all Grody could do to move the house back.

Mr. Morse said I can get a statement from the builder themselves, Key Homes, has made the statement that we got him to sign an affidavit that he should not build on that lot because of the water. We need to give him an opportunity to come to that meeting to formally

request in writing what you want interpreted. This from what I gather started before my time.

Mr. Harvey said I told him straight up that I as an individual cannot interpret the Planning Board's intention or clarify it.

7. NEXT MEETING

The next regular meeting of the Planning Board will be held on Monday, August 26, 2024, at 7:30 p.m. at the Gorham Town Hall, 4736 South Street.

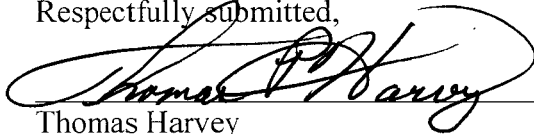
8. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 9:29 p.m.

Respectfully submitted,



Thomas Harvey
Chairperson to the Planning Board

L.S.

A reaction to Gorham zoning 'over-reaction'

To the editor:

"The Russians are Coming, The Russians are Coming!" was a popular movie where a disabled Russian submarine came into the harbor of a small New England town and frightened the startled residents into a series of over-reactions to the unknown "enemy." In a scene reminiscent of this movie, the Gorham Town Board on Feb. 13 passed the most sweeping change in the zoning regulations of the western one-fourth of the town in recent years to the cry of "The Developers are Coming, The Developers are Coming!"

In a preamble that read: "... to protect the environment by basing lot size on the carrying capacity of the environment, to promote a more rural character to the town by promoting the use of open space, to focus development in those portions of the town where public sewer and water is available, and to provide the opportunity for various residential neighborhoods from large lot farmettes to

saleable lot size by an individual landowner in these heavy clay soils from 1/2 or 1 acre to a minimal 2.5 acres.

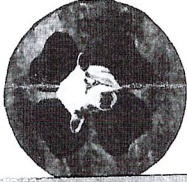
Contrarily, the large developer who can run sewer lines to the lake lines can "cluster" houses on 1/2 acre or put up multifamily houses as dense as four per acre. How has this "promoted a more rural character to the town" or endeavored to preserve the environment in the Canandaigua Lake Watershed?

In attending a public hearing about two weeks earlier, it was obvious this document was undergoing completion that evening, so it was not until a few days later that a resident could obtain the completed document from the town. So with the ink barely dry on the ordinance and no members of the press present, the board chose to reject suggestions that the building moratorium be extended or that their vote be tabled while informational meetings be held or that the principal landowners in this 3,000-5,000 acre area be contacted for their input. Only one other land-

a board member. Further, the authors of the document decided that the smallest parcel on which livestock could be kept was 5 acres. In a drive recently, it was noted where families on 1 to 2 acres had live-stock and seemed to be living in harmony with their environment. It seems a shame that a young family that has saved to move to a rural environment on an acre or 2 will be forbidden from raising a 4-H steer or having a pony.

Are the property owners in the section of Gorham west of Middle Road familiar and happy with these sweeping changes in their zoning ordinance? Do you feel you had much input in them or that your interests were represented? Do you wish them to stand as quickly voted on Feb. 13? If not, I would urge that you obtain copies at your Town Hall, contract your Town Board members and ask for recall of the ordinance until an informed public can be heard.

Dr. Justin Martin Jr.



From the desk of:

Jake Martin

6-28-24

Dear Tom,
A lady in Beechville found "answers" down in her house and gave it to me yesterday. My question to each of you is: where do we stand? I where stand on this development on 80 very large developed on my North Canandaigua Road, Canandaigua, N.Y. 14424
Sincerely,
Jake Martin