

Town of Gorham

4736 South Street
Gorham, New York 1461

PLANNING BOARD

Monday, December 23, 2024 7:30 p.m.

MINUTES—Approved

A quorum of the Planning Board was NOT present at the Town Hall, so the members present treated the meeting as an informal workshop. 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: Jeremy Stowe
 Mike Kestler
 Lynn Klotz, *Alternate*

Board Members Excused: Gabrielle Harris
 Andrew Hoover

Board Members via Zoom: Thomas Harvey, *Chairperson*

Board Members Absent: Bob Farmer
 Rick Perry

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

Applicant Present:
Nelson Nolt
Katherine Hoover
Logan Rockcastle, Marks Engineering
Scott Harter, Engineer
John Thomann

Others Present:
Allen & Tracy Galens
Kevin Farnsworth

Applicant Via Zoom:
Thomas Smith

Mark Thomann

1. MEETING OPENING

Mr. Harvey said for those in the audience and those at home the rules are as Chairman or any individual can participate as a Board Member remotely, with the Chair's permission. Because we have a seven-member Planning Board four members, a quorum, must be present at the Town Hall to conduct business per the rules of the State of New York. I believe it is in the open meetings or public officers law. Mr. Harvey said it is 7:30pm. We will give them a couple minutes and see if anybody else shows up otherwise all we will be able to do tonight is establish a new meeting date. If anybody wants to offer comments because they can't come to a future meeting we will record those and take them down and we will rehear them at the official meeting. I am thinking when about 7:35pm rolls around we are going to call it. We will end up treating this like a workshop because we cannot conduct any official business but we will certainly listen to, record and transcribe notes especially for people if we have to reschedule. For the record, I have a bunch of comments for the applicants and it is only fair to have the applicant to not address them but to be aware so they can be prepared for the next meeting.

2. APPROVAL OF MINUTES OF NOVEMBER 25, 2024

■ Due to lack of quorum the NOVEMBER 25, 2024 meeting minutes were unable to be approved.

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 23rd day of December 2024 commencing at 7:30 p.m. 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 #99-2024: NELSON NOLT & KATHERINE HOOVER 3090 COUNTY ROAD 18, STANLEY, NEW YORK, 14561: Requests site plan approval to construct a new dry goods store, parking area and loading dock with included site improvements to grading, drainage and utilities. The property is located at 3090 County Road 18 and is zoned FP Farmland Priority.

PB #100-2024: THOMAS SMITH 108 YACHT HAVEN DRIVE, COCOA BEACH, FLORIDA, 32931: Requests subdivision plat approval for a single lot subdivision known as the Subdivision of Land of Kay A. Smith & Thomas H. Smith & Lois S. Adrian creating Lot 1 consisting of .221 acres with existing house and Lot 2 consisting of .284 acres also with an existing house. The property is located at 4260 State Route 364 and is zoned R1 Residential and LFO Lake Front Overlay District.

PB #101-2024: JOHN THOMANN 4290 FIRESIDE DRIVE, WILLIAMSVILLE, NEW YORK, 14221: Requests site plan approval to construct a single family residence and attached garage with included site and utility improvements. The property is located at 4546 Lake Drive and is zoned R1 Residential and LFO Lake Front Overlay District.

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

Thomas P. Harvey, Chairperson
Planning Board

The Town will need to re-advertise a new public hearing for its January 27, 2025 meeting.

4. WORKSHOP

Mr. Harvey said we do not have a quorum present at Town Hall so we cannot have a meeting. Thus we will treat tonight as an informal workshop. Is Nelson Nolt and Katherine Hoover present?

Mr. Nolt, Ms. Hoover and Logan Rockcastle from Marks Engineering were all present on behalf of this application.

PB #99-2024: NELSON NOLT & KATHERINE HOOVER 3090 COUNTY ROAD 18, STANLEY, NEW YORK, 14561: Requests site plan approval to construct a new dry goods store, parking area and loading dock with included site improvements to grading, drainage and utilities. The property is located at 3090 County Road 18 and is zoned FP Farmland Priority.

Mr. Harvey asked if we got a letter from the State Office of Parks, Recreation and Historic Preservation? It did trigger on the environmental assessment form that it was in an area designated as sensitive for archaeological sites.

Ms. Mitchell said we did not receive that letter as of yet and neither did Marks Engineering.

Mr. Harvey said without the letter the Board wouldn't have been able to take action on this application tonight even if there was a quorum present. He stated that the plan does not specify how far the new driveway is from the existing one; is it the required 440 feet? I can't tell without a scale? Please show that dimension on the plan. More importantly the applicant should be prepared when you come back and we have the public hearing, to offer any comments from County Highway engineering. Have they approved or commented on the proposed driveway location? There is no stormwater management shown on the plans that I saw. There is erosion control on the plan. There is no infiltration anywhere to compensate for the additional runoff from the proposed building. That needs to

be added to the plan and calculations need to be done and stamped by the engineer. Is this coming in as a Class “A” home business? Is that what Jim has classified it as?

Ms. Mitchell said I don’t know that answer.

Mr. Harvey said that has to be clear if it falls within those standards it’s fine. If it is a Class “B” it needs a Special Use Permit. It does not fall in the definition of a farm market.

Ms. Mitchell said in your packet, I believe, is an email from Marks Engineering confirming that it is a farm market.

Mr. Harvey said they are incorrect. A farm market as a use of right is limited to 120 square feet if you look at the definition in the zoning ordinance. It is either a home business Class “A” or Class “B” because that building is way bigger than 120 square feet. Again, if there hasn’t been any outreach to County Highway that needs to be taken care of. They are going to ask for, and the Planning Board will too, some spot elevations on the proposed driveway to ensure that it drains properly and it does not drain out onto County Road 18. Is there a sketch of the proposed building in the packet? I saw the site plan but no sketch of the building. Character is going to be real important there because if you read the intent it is a home based business either “A” or “B” it has to be within the rural character. You have a farmhouse and a pole building as an existing barn so just be aware of that. We are going to want to see those sketches of the building itself. I am a little concerned and again County Highway is going to weigh in on it and I understand why you selected the driveway location that you did to try to maximize the sight distance that is proposed. Whether or not that is sufficient is up to County Highway and they will make the determination. Those are my initial comments that I want to see addressed in the plan. This application will be placed on our next regularly scheduled meeting agenda on January 27, 2025. Mr. Harvey asked if there were any other comments or questions from the Board members or from those in attendance, especially if they are not able to attend the January 27, 2025 meeting. There were none.

PB #100-2024: THOMAS SMITH 108 YACHT HAVEN DRIVE, COCOA BEACH, FLORIDA, 32931: Requests subdivision plat approval for a single lot subdivision known as the Subdivision of Land of Kay A. Smith & Thomas H. Smith & Lois S. Adrian creating Lot 1 consisting of .221 acres with existing house and Lot 2 consisting of .284 acres also with an existing house. The property is located at 4260 State Route 364 and is zoned R1 Residential and LFO Lake Front Overlay District.

Mr. Harvey asked if the motivation for this subdivision is a family thing or are they trying to sell it? I understand there are two existing houses, but before the Planning Board can approve the division of property the lots have to be able to stand by themselves. The Board will want to understand the parking situation because there is one garage. I don’t understand where the other residence is going to park and how that is going to work. Same thing with the dock that would basically straddle the lot line extended unless there

is an agreement drafted that that is going to be a shared facility. I want to know how that works because otherwise it is in violation of the docks and mooring's local law by putting a parcel boundary in that location. I am assuming both houses have their own sewer lateral, their own water service, their own electric service and we are going to want that all specified on the plan. Sarah, Jim needs to clarify if there are any variances involved or not.

Ms. Mitchell said there is and I believe that information was in the packet and also listed on the plan. They do have granted variances from our Zoning Board back in 2023.

Mr. Harvey said for lot size and width?

Ms. Mitchell said the dock was to be on one lot which their site plans shows. They were required to remove the concrete for the shuffleboard which is also on the plan.

Mr. Harvey said I saw that. Under the uniform docks and mooring local law, so the dock goes to one of the parcels but under docks and mooring that means the other parcel would be entitled to its own dock.

Ms. Mitchell said the condition in the variance says, "the dock is to be shared by both properties and in the event that either property is ever sold that both lost must have conforming dock put in within a 180 days of purchase and the existing dock removed."

Mr. Harvey said so the dock is shared as long as the same person owns both parcels, so as soon as it's sold the dock comes out and two new conforming docks go in.

Ms. Mitchell said within 180 days.

Mr. Harvey said ok, that is basically what I have. The parking is a concern for me and if there are going to be any improvements there. It will also be subject to access management if they want to put in some type of driveway. This application will be placed on our next regularly scheduled meeting agenda on January 27, 2025. Mr. Harvey asked if any other Planning Board member had a question or comment, or if anyone else wished to comment at this time if they are unable to attend the January 27, 2025 meeting. There were none.

PB #101-2024: JOHN THOMANN 4290 FIRESIDE DRIVE, WILLIAMSVILLE, NEW YORK, 14221: Requests site plan approval to construct a single family residence and attached garage with included site and utility improvements. The property is located at 4546 Lake Drive and is zoned R1 Residential and LFO Lake Front Overlay District.

Mr. Harvey said I don't have a single comment on this. The plan is well done. The only thing I am going to say is that the Town Engineer, MRB, should verify that the storm-water infiltration system that has been designed is adequate for addressing the additional stormwater flow.

Mark Thomann said Scott did you want to say anything on the question on the infiltration system?

Mr. Harter said what was interesting about designing that when we did our deep hole test we found that the soils were favorable to what we show on the plans. I had estimated that we would receive comments from MRB and I would provide more design detail in terms of calculations. The situation is we have a layer of gravel below the soil about five feet that we can tap into with our runoff from not only the perimeter drainage but with our roof drainage.

Mr. Harvey said I appreciate that and with the deep hole test there is nothing like looking at the actual soil out there and having a good design.

Mark Thomann said for the January meeting should we submit anything else or are we ok going in with what we have?

Mr. Harvey said I can't tell you that officially but personally I'm not looking for anything else other than having the Town Engineer review the stormwater calcs.

Mr. Harter said and I can provide calcs as backup to what you see on the plans.

Mr. Harvey said perfect because they will want to know the basis of the design.

Ms. Klotz said looking at the EAF Question #9 it asks if it meets the energy requirements and you checked no.

Mr. Harter said if we checked no that would be incorrect.

Mr. Klotz said ok, that's what I thought. Question #12b says is the project located adjacent to a designated area sensitive for archaeological sites.

Mr. Harter said that should be yes and we submitted a letter from SHPO stating there was no impact. Again, this will be added to the next regularly scheduled meeting agenda on January 27, 2025. Mr. Harvey asked if anyone else in attendance had a comment, especially if they could not attend the January 27, 2025 meeting. There were none.

Mr. Harvey said I apologize to everyone as we should have moved this meeting date to ensure we had a quorum. We will readvertise and take care of all this business at our next meeting.

5. MISCELLANEOUS

None

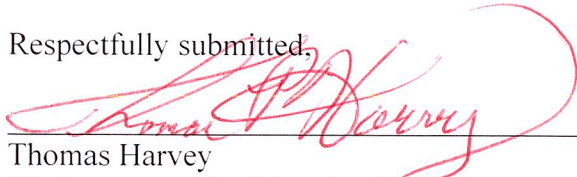
6. NEXT MEETING

The next regular meeting of the Planning Board will be held on Monday, January 27, 2025, at **7:00 p.m.** at the Gorham Town Hall, 4736 South Street.

7. ADJOURNMENT

The workshop was adjourned at 7:54 p.m.

Respectfully submitted,



Thomas Harvey
Chairperson to the Planning Board