

Town of Gorham

4736 South Street
Gorham, New York 1461

PLANNING BOARD

Monday, January 27, 2025 7:00 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*
Bob Farmer
Mike Kestler
Andrew Hoover
Jeremy Stowe
Lynn Klotz, *Alternate*
Jon Willis, *Alternate*

Board Members Excused: Gabrielle Harris
Richard Perry

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

Applicant Present:
Nelson Nolt
Katherine Hoover
Keith Burley, Marks Engineering
Scott Harter, Engineer
Kevin Lightfoote
Seth Bay
Shelby Kemp

Others Present:
Allen & Tracy Galens
Jonathan Horst

Applicant Via Zoom:

Thomas Smith
Mark Thomann
Lois Smith

1. MEETING OPENING

The meeting was called to order at 7:03 p.m. by Mr. Harvey.

Mr. Harvey said we have several public hearings this evening. Generally we will open the public hearing and I will announce the name of the applicant, the type of application it is, and I will ask Sarah to read the public hearing notice as it was published in the official paper of the Town. We will ask the applicant to explain the application. The Board may ask questions and then I will give the opportunity for anybody who wants to make comment on the application. For subdivisions by law we have to take action on the environmental review before the public hearing. For the site plans we will open the public hearing and take comments and after we close the public hearing we will take action. If the Board feels they have enough information they will close the public hearing and take action. On the application themselves, the Board can deny, they can approve as submitted, or they can approve with conditions. That is true whether we have a subdivision, or a site plan, or even a special use permit.

2. APPROVAL OF MINUTES OF NOVEMBER 25, 2024

■ A motion was made by MR. KESTLER to approve the minutes from NOVEMBER 25, 2024 and the motion was seconded by MR. HOOVER.

Motion carried by voice vote with all present 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 27th day of January 2025 commencing at 7:00 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.

PB #1-2025: SETH BAY 4368 LAKE TO LAKE ROAD, CANANDAIGUA, NEW YORK, 14424: Requests subdivision plat approval known as the Subdivision of Land of Michael R. & Matthew C. Bay creating Lot 1 consisting of approximately 64 acres and Lot 2 consisting of 3.546 acres. The applicant is also requesting site plan approval to construct a single family residence upon Lot 2 with site improvements to grading, drainage, and utilities. The property is located at 4364 Lake to Lake Road and is zoned FP Farming Preferred/Farmland Priority.

PB #2-2025: MARKS ENGINEERING 4303 ROUTES 5&20, CANANDAIGUA, NEW YORK, 14424: Requests subdivision plat approval known as the Subdivision of Land of Kevin B. Lightfoote & Sarah L. Boyce creating Lot 1 consisting of .655 acres with existing house and Lot 2 consisting of 1.860 acres with existing ag. structures. The applicant is also requesting site plan approval to construct a single family residence upon Lot 2 with site improvements to grading, drainage, and utilities. The property is located at 3932 County Road 17 and is zoned FP Farming Preferred/Farmland Priority.

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 HEARINGS

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 said is this existing driveway being removed? Is that the proposal?

Mr. Nolt said this driveway currently goes straight out to the road and it will be removed.

Mr. Harvey said what about the other driveway, is that proposed to stay?

Mr. Nolt said yes.

Mr. Harvey said is it sufficient distance, Jim, from the other one because 440 feet is the requirement.

Mr. Morse said I will get a scale to double check.

Mr. Harvey said is there stormwater management other than dumping it into the roadside ditch as part of this application?

Mr. Nolt said there is a catch basin here.

Mr. Burley said it looks like you guys have an old set of plans. I have a new set of plans showing the catch basin.

Mr. Harvey said were those submitted to the Town? Jim, do you have his new set of plans?

Mr. Morse said the ones I have are dated back in October.

Mr. Burley said the ones I have are dated for November. They must have been updated and you guys didn't get them.

Mr. Harvey said then I will take comments tonight because those have to be on file at least five days ahead of the meeting for the public to be able to review them. Please proceed.

Mr. Burley said we basically have a dry basin for stormwater mitigation. The pipe going out to the roadside is an emergency overflow. You can see it on the western side of the new structure between the existing and new driveway.

Mr. Harvey said Jim, do you have an answer yet [on the driveway]?

Mr. Morse said yes, it just makes it.

Mr. Harvey said so it's legal. Have you guys corresponded with the County and County Highway?

Mr. Burley said it has been sent to the County, yes.

Mr. Harvey said County Highway not the County Planning, right?

Mr. Burley said that I do not know.

Mr. Harvey said they are going to weigh in on your driveway location for sure. County Highway has to be a part of this discussion and approve the driveway location. Do you have stormwater calcs that go with the plan?

Mr. Burley said yes they do have drainage calcs here.

Mr. Harvey said and a bulk table?

Mr. Burley said yes, that is on here obviously because of the stormwater basin it will be on the updated plans.

Mr. Harvey said the engineer has stamped those and he has compensated for the additional runoff not just storage but he has infiltration in there getting that back into ground water.

Mr. Burley said yes.

Mr. Harvey said we will refer that to MRB once we get a copy and they will verify it and then I think that will be all good. Did the public hearing notice include both the Special Use Permit and a Site Plan?

Ms. Mitchell said no it did not.

Mr. Harvey said well if we didn't do it we will advertise for that for February's meeting. The issue there is that, and you can talk to Jim about that, but we interpret the farm stand/farm store use as being basically one that we permit for sale of goods and products that are perused on the farm. This is more of a retail dry good store and, in our opinion, it requires a special use permit as a homebase business. You can have a separate building. Jim can go over the limits with you to make sure what you've got in front of us is all in compliance in terms of number of employees and things of that nature. Anything else you want to explain? I think those are the big questions that we had.

Mr. Burley said I will get the updated plans sent over.

Mr. Harvey said did you get anything back from the Office of Parks and Rec on the SHPO?

Mr. Morse said yes and the letter is dated January 9, 2025.

Mr. Harvey said and they said the standard no impact?

Mr. Morse said yes.

Mr. Harvey said does the Board have any further questions or comments? Hearing none does the public or anyone online have comments?

Ms. Galens said this property is right next to us and directly impacts us. We are concerned about the size, the added traffic, and the possible added noise. We were told this is 2400 square feet. Our driveway is consistently used as a turnaround and if there is more added traffic and this becomes like a tourist attraction, as it could be you don't know, I'm concerned about added damage and noise. County Road 18 has, for the thirty three years that we have been there, the traffic is tremendous now. I'm concerned about possible accidents.

Mr. Harvey said that is why we will refer to County Highway. The Town has access management local law that talks about the spacing of driveways in relation to what is safe for a 55 mph road. Yes I know people on County Road 18 don't usually travel 55 but that is what they are supposed to be traveling and that's what the standards are based on.

Ms. Galens said my concern also is there are other dry goods in a pretty close proximity and if they can't make a go at selling dry goods is the creep going to be groceries and then deli and then it becomes a grocery store and not a dry good store. I don't want to be put in a situation as a neighbor to police that. I don't ever want to have to worry about that. I don't think the Town has the capacity to constantly check on that either.

Mr. Harvey said very good. We will review and try to be very specific. It is one of the reasons we sat down and talked about what the Town's roles were and pushed it over to a special use permit because we will want to consider future uses and make sure if there is an approval that we put the right parameters or conditions on it.

Ms. Galens said if it is a special use permit, what are they limited to as far as size then?

Mr. Morse said it is in our code. I am researching that right now. I will add it to the legal notice when it is published.

Ms. Galens said because their house is 1800 square feet and this is 2400 square feet from what I was told. That's huge. That seems to be almost like Oak Hill.

Mr. Harvey said yes, thank you. So you have heard some of the things so be prepared in February to talk about what your response is and the nature of the business so we will have a very clear idea. Anything else?

Ms. Galens said that's it.

Mr. Harvey said anybody else? We appreciate your time, thank you.

Mr. Stowe said it looks like you only have four parking spaces.

Mr. Nolt said yes.

Mr. Stowe said do you think that is going to support the amount of traffic in and out of there?

Mr. Nolt said I believe it should. If there is ever a time where it doesn't we will cross that bridge when we get there. For the time being from what I can see I see no reason why that shouldn't easily support the traffic.

Ms. Klotz said I have a question about bicycle or pedestrian traffic. I might anticipate that people who are frequenting your store will be coming by bike and with the speed limit at 55 is there an opportunity to widen the driveway, which I assume goes back to the County. It seems that it just could be a safety concern.

Mr. Harvey said would anybody else in the public like to speak? Anybody on zoom? Hearing none we are going to adjourn this public hearing and readvertise it for February 24th at 7pm. As long as we get the updated plans. Jim, are you going to send it to County Highway?

Mr. Morse said usually the applicant sends it to County Highway for approval. Just be sure to copy the Town in on the email.

Mr. Farmer said will there be signs and lighting?

Mr. Burley said lighting will be dark sky compliant.

Mr. Nolt said the only sign will be a black sign on the front end of the store that is two foot high by three foot wide. It will be cut out of metal and painted black. There will be no signage on the road.

Mr. Harvey said for the special use permit you should come in and tell us what you think is reasonable for hours of operation, days of operation and those types of things.

Mr. Nolt said I have that ready for you if you want it.

Mr. Harvey said we will want it in writing but I would appreciate it if you had it now.

Mr. Nolt said Monday, Tuesday, Wednesday, Friday 9a-6p and Saturday 9a-3p is what we are planning on.

Mr. Harvey said so what that means is it becomes part of the special use permit application and the Board will review that and if there is an approval that's what you would be limited to. So if you wake up one day and decide to stay open until 5p on a Saturday you would be technically in violation of your approval. So make sure that is really what you want to live by.

Mr. Nolt said ok.

Mr. Harvey said otherwise you are going to have to come back and see us. With that we are going to adjourn the public hearing.

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 said since this is a subdivision we are required to complete the environmental review prior to opening the public hearing.

Mr. Harvey said the Environmental Assessment Form Part 2 all answers were no or small impact. On Part 3 we would establish on Question 4 there are no officially established critical environmental areas in the Town. In regard to Question 5, that was a question we had at our workshop in December. In order to be subdivided each parcel has to meet the Town's requirement or get variances there from that includes if there is a residence you have to have two off street parking spaces. That was the big question. My proposed answer to Part 2 Question 5 is the Planning Board will require compliance with the Town's access management local law and require each parcel to meet the Town's requirements for off street parking. Question 8 we answered no because the property is not on or approximate to an archeological sensitive area or involves a property listed on the state lists of historic properties maintained by the NYS Office of Parks, Recreation, and Historic Preservation letter dated November 20, 2024.

Mr. Farmer makes a motion to accept Part 2 and 3 of the Environmental Assessment Form and to make a negative determination of significance and the motion was seconded by Mr. Kestler. The motion was carried with all present voting aye.

Mr. Morse said this application did receive variances.

Mr. Harvey said for lot size?

Mr. Morse said yes. This one did go to the County some time ago and their recommendation was, because there were two residences on a single parcel, that it would fix a preexisting nonconforming.

Mr. Harvey said we had a short discussion in December about the condition that was put on by the ZBA concerning the dock. From what I recall, and please correct me if I'm wrong, the dock stays in its existing situation until one of the parcels is sold and then it's got to be removed. Then you have to make application with the Town to put something up, if you want a dock, that complies with the docks and mooring's local law.

Mr. Morse said that is correct.

Mr. Harvey said ok. Where is the off street parking for Lot #1?

Mr. Smith said ****inaudible****.

Mr. Morse said I think he said it would be to the north of the building.

Mr. Harvey said so that exists now, sir?

Mr. Smith said yes.

Mr. Harvey said that is the only question I had really.

Mr. Smith said can I ask a few questions?

Mr. Harvey said sure.

Mr. Smith said the minutes from the December 23, 2023 ****inaudible**** that a dock must be installed ****inaudible****.

Mr. Harvey said you are fading in and out on our end. We heard the minutes from December 2023 and I guess that is referring to the ZBA and the dock.

Mr. Morse said yes.

Mr. Harvey said I have that right here "in the event that either property is ever sold that both lots must have a conforming dock put in within 180 days of purchase and the existing dock removed if purchase of lot 2, furthermore the lot line has to be moved so that the entire entryway is on one property either lot 1 or 2 but not the dock that is existing on one side".

Mr. Burley said that is important, the boundary line was moved to encompass the dock all on the southern property.

Mr. Harvey said to Mr. Smith that there is a problem with his audio and that we could not hear him and asked him to type his questions in the chat box.

Ms. Smith said I am his sister and I think one of his questions is, what happens if lot 2 is sold and the new owners don't want to put in a dock?

Mr. Harvey said the location of the existing dock is nonconforming, so even though the lot line was moved it's not conforming with the docks and mooring local law because it still intercepts the extended lot line.

Mr. Morse said I think what she means is do they have to put in a new dock.

Mr. Harvey said I would say in that event you have to go back to the ZBA because that is what their resolution says when they granted the variances. I am not going to say it's poorly worded but it doesn't address that situation. I think the Town would be perfectly happy if one of the lots didn't want a dock and you just have one on one lot and not two.

Mr. Morse said that is why the ZBA made this condition because we have too many issues with people once they sell and they are not sharing the dock as they should. That is why the ZBA put this condition because if lot 2 is sold and their family stays on lot 1 and then all of a sudden lot 2 doesn't share the dock then it becomes a huge issue. Their thought was if one or the other is sold the one that is there has to get torn out because it does not meet code as it stands. Now you are doing the subdivision so if that one gets torn out and if they want a dock then it needs to meet code.

Mr. Harvey said and I think that is her point because it doesn't say if they want one it says they have too.

Mr. Burley said from my standpoint there is no way to enforce that because you won't know if the lot sells. How does one police that once you get that notification? How does that get written into the title of the property?

Mr. Harvey said it doesn't get written into the title of the property unless the Town wants it in there. The way the Town enforces those is either through complaint or the next time one of these people come in for a permit and anytime there is a nonconforming situation they can't get a permit for anything whether it's a subdivision or a remodeling or anything they can't do anything until they clear up the violation.

Mr. Burley said what I'm saying is when somebody goes to purchase that parcel and there is a condition that's not filed with the County Clerk's Office then the buyer and sellers attorney would have no notice of this. That creates issues of title and that is a major concern for somebody buying this lot. That is a permanent dock that would cost tens of thousands of dollars for someone to first takeout and then they would need a water rights survey to be able to put a new dock in and they would have to go through that process. From a survey standpoint that is a major title issue that would not come to the attention of either sides attorney in any instance because it would not be filed with the County Clerk's Office and it wouldn't be in the abstract.

Mr. Morse said when there is a title transfer every attorney is supposed to contact the Town Building Department and ask if any variances exist, if there are building permits on file, if there are outstanding building permits and they are supposed to contact us. The attorneys now are making people sign waivers that say it's your own responsibility. It is up to the attorney and the real estate agents for them to do their due diligence and if they don't that where it falls is on them.

Mr. Harvey said the subdivision map will be recorded as well and it should be part of the title search and we will put that condition on the plat. We will require it to be put on the plat.

Mr. Burley said then there would be notice of that. I just don't want to create a hectic situation that wouldn't be fun for either party.

Mr. Harvey said thank you for bringing that up. We will make sure if there is an approval we will make the notes on the plat.

Mr. Smith typed the following question in the zoom chat box: if a new lot 1 owner does not build a dock within 180 days, a new dock cannot be built on day 190?

Mr. Morse said if they get a building permit it would be good for a year, so that is not necessarily true. This resolution was written during the transition between Sue and Sarah, so we had someone helping us do the resolutions so that's why it was a little grey. I do remember this at length with the Zoning Board and why they said they wanted each one to have their own dock because they didn't want issues if they were no longer family members. Currently each house is owned by family but if it's not is why they put that on there.

Mr. Harvey said very good. My best advice to the applicant is if you want that amended, the way the ZBA condition is written, you would have to go back to the ZBA and ask them to do that. From my point of view from the Planning Board I have no issue with it. Your consultant that prepared the survey map has indicated we are probably going to require that condition to be put on the plan. If you want that condition reworded somehow you better let us know.

Mr. Morse said or if you put the condition on your approval that it had to be on the plan that you sign and it gets filed then it is automatically at the Town so they can't miss it.

Mr. Harvey said absolutely. I think the way we will leave it is the applicant can make up his mind and we will sign it as it's presented on the mylar with the Zoning Board of Appeals conditions mentioned on there.

Mr. Burley said as long as it's recorded on there so it doesn't get lost in translation.

Mr. Morse said when you bring in your plans, if they agree to it, have the variance conditions listed right on the survey.

Mr. Harvey said and if he wants it amended then don't come see me until that is taken care of with the ZBA. Does anyone else have a question on this application? Anybody from the public? Anybody from online? If not, we are going to close the public hearing at this time. The Chair would entertain a motion to approve with the condition that the variance including conditions granted by the ZBA for this subdivision.

Ms. Smith said the other issue in the conditions upon the subdivision was to get rid of a shuffleboard court.

Mr. Morse said it already says on the plans to be removed.

Mr. Harvey said it already says that on the plan.

Ms. Smith said so that means if we go through with the subdivision we have to get rid of the shuffleboard court.

Mr. Harvey said that's what the plans say, yes.

Ms. Klotz said otherwise it exceeds the lot coverage.

Mr. Harvey said correct.

Ms. Smith said it will only improve the lot coverage by less than 1% and it is going to cost \$4000 to remove it.

Mr. Morse said this was talked about at length with the ZBA and they were not budging on that.

Ms. Smith said this is after we have spent \$5000 to improve the drainage caused by the State and the County on the drainage on 364. We have had to pay \$5000 for that and we are going to have to pay another \$4000 in order to get rid of 1% of the coverage.

Mr. Morse said that was an approval by the ZBA.

Mr. Harvey said I can't vey that. Again, if you want to talk to the ZBA. The way we have worded the motion to approve is it is subject to the ZBA conditions. If you are successful in getting the ZBA to change any of those then those will be on the plan. This Board cannot overrule another Board. It doesn't work that way. I will say again the chair will entertain a motion to approve a standard resolution that will recite the public hearing notice dates, the date of the plans and the fact that this went to the County Planning Board etc. It will recite the condition that the ZBA variance is applicable to the subdivision and listed on the subdivision plat.

Mr. Hoover offered a standard resolution and it was seconded by Ms. Klotz and the offer carried with all present voting aye.

**SMITH SUBDIVISION & SITE PLAN
RESOLUTION
Application #100-2024**

WHEREAS, Thomas Smith submitted a subdivision and site plan application, known as the Subdivision of Land of Kay A. Smith & Thomas H. Smith & Lois S. Adrian Application #100-2024, for property located at 4260 State Route 364 on November 8, 2024; and

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

WHEREAS, A Public Hearing on said subdivision and site plan application was advertised in the official newspaper of the Town of Gorham, specifically in the Finger Lakes Times on January 20, 2025; and

WHEREAS, The Planning Board did conduct a Public Hearing at 7:00 PM on January 27, 2025, 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 subdivision plat approval with the following conditions:

1. Subdivision Plat must reflect all conditions granted by the Zoning Board of Appeals of the Town of Gorham

RESOLVED, That the Chairman of this Planning Board is hereby authorized and empowered to sign the site plan and subdivision plat associated with said 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
4. 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

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

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 #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 we are going to open the public hearing at this time on this application.

Ms. Klotz stated for the record that she lives two doors south of the Thomann's and I have no financial interest or benefit in this parcel.

Mr. Harvey said thank you. We have gone back and forth a little bit about what constitutes to a conflict of interest and it's not a family member and you have no financial interest. You are not the immediate adjacent property owner so it's our best discernment that there is no conflict of interest. To be overly cautious I appreciate the disclosure.

Mr. Thomann said we purchased the house almost ten years ago now. The house has been kind of cobbled together over many years. We are finding we are in the position where a lot of things are in a poor state so we decided to rebuild rather than try to renovate because we realize we won't achieve what we want to do. With that said, when we moved in the lot coverage was approximately 42%. We had a large deck that was hanging over the edge on the lake front that we had several issues with. One it was starting to rot; two it was blocking some of our views of the lake and three we don't think it really complied with the Lakefront Overlay District having that natural embankment in terms of landscapes and planting was achieved. We actually took that out because we had to and in doing so with the new project we have been able to get it down to 26% lot coverage which we did receive a variance for.

Mr. Harvey said so the plans as submitted meet the variances.

Mr. Harter said yes.

Mr. Harvey said do we have plans for the house itself?

Mr. Harter said yes, we submitted building elevations. The pictures in color are simulations that Mark did for the front view.

Mr. Harvey said is this a garage?

Mr. Harter said yes, that is a garage.

Mr. Harvey said how does this comply with the Town's design guidelines?

Mr. Thomann said like I said we have the variance for the lot coverage. There was a long discussion with the Zoning Board as to what constituted to an attached garage versus a detached garage. In the end they decided that they didn't want to set precedence with this project because it was grey area but where we landed was they gave us a variance of six

feet for the height. There are two reasons the garage is in this location. Currently there is a small garage/shed on the corner and it didn't meet the setbacks and to redo it into a proper garage for winter it wouldn't have worked. So what we wanted to do to maintain the views for the neighbor is to pull the garage off from the house and connect it with the mudroom as opposed to batching the whole house together and creating one mass which would have followed the zoning guidelines. The six foot variance was also compositional in terms of allowing the rooflines to have consistency between the main structure and the garage. We have done so many things to meet the effects on the neighbors and the zoning regulations. That is where we are at now with the two variances.

Mr. Harvey said the design guidelines would basically be the Town's site plan regs and what is missing from this application is a landscaping plan. I am pretty sure after you tear everything out you are going to plant something back here. Is it all going to be grass?

Mr. Thomann said it just so happens that I am a landscape architect and we are planting the slope the embankment with native perennials and there are existing site walls that we are not touching. The main part of the yard is lawn.

Mr. Harvey said so there isn't going to be any landscape planting? No trees planted. Nothing like that as part of this project.

Mr. Thomann said everything that is currently in is in with the current house. To answer your question there may be some additional perennials and a vegetable garden and such.

Mr. Harvey said I will repeat my comment, what is missing from this application is a landscaping plan.

Mr. Harter said Mark, don't you have something proposed for the front of the house by the retaining wall.

Mr. Thomann said yes I can share that with him.

Mr. Harvey said we prefer more native species. Select your plant material and specify them. I don't think it is a critical error on a small lot I think for the Board's approval. Before I sign it there has to be a landscaping plan that is compliant.

Mr. Harter said we can provide a landscaping plan as one of our sheets.

Mr. Harvey said perfect. Exterior lighting is not specified.

Mr. Harter said we didn't specify but we can put a note that if there is any it will be dark sky compliant.

Mr. Harvey said as part of your building permit it will be submitted to Jim as part of the building permit application and will document that it is dark sky compliant. The existing utilities are where?

Mr. Harter said we have a separate sheet for utilities which shows the existing and the proposed.

Mr. Harvey said where is the electric on here?

Mr. Harter said the electric is aerial. It is coming across the street and it goes all the way to the structure currently. We are anticipating that will be the same with the new structure.

Mr. Harvey said is Lake Drive a Town road?

Mr. Harter said yes.

Mr. Harvey said there will be a condition there that after construction there will be a survey that documents where everything actually went in and that will include where the aerial comes in the building. While we prefer stuff underground but we understand that you aren't going to boar under the road for that.

Mr. Stowe said this is the existing garage and the neighbor across the road looks like they are in direct line of this view. I don't know if I misunderstood what he said but he said this is kind of in the way now and by ridding this it is almost opening their view. Then we are going to be putting a garage in here right in direct path of their current view. I have two questions the elevation of this house over here is it up high enough to have this garage out of sight and how much view are we taking away from the neighbors on the other side?

Mr. Thomann said the rendering actually shows the view from their porch across the street. So they do see through and over. This was quite the discussion during the Zoning Board because according to the zoning envelope we could build the mass of the house directly in front of their view. That is what the zoning envelope calls for. That was part of the reason for moving the garage slightly to the south and then creating that opening through. Additionally, having a one story connecting mud room. If you are following what I am saying, the zoning envelope would have the garage pushed up against the main part of the house to have an attached garage. That would have complied with zoning, lot coverage and everything. All the design work that was done was to move that garage over to give the neighbors some view. Additionally, they are up higher.

Mr. Harvey said so I would say that the design that you proposed is more in conformance within design guidelines by making sure that you have created some views to the lake than attaching the garage and blocking the whole thing.

Mr. Morse said at the request of the neighbors, at the ZBA meeting, he created his garage to be a single story because of that. He could have build a two story because he is well within his right.

Mr. Harvey said any other comments from the public?

Ms. Klotz said I am unfamiliar with this style of home and I don't see any gutters on it and I wondered about the roof runoff.

Mr. Thomann said there are gutters.

Mr. Harter said on the utility plan we show a system of perimeter piping that picks up the downspouts and routes them to an infiltration area on the west side of the house.

Mr. Harvey said you have perc tests and you based the design from the infiltration area so you are getting back into the groundwater the additional runoff created by the additional lot coverage.

Mr. Harter said we actually have two systems, if you will, one is for the roof and one is for the perimeter drainage.

Mr. Morse said and that has been reviewed by MRB.

Mr. Harvey said alright I am closing the public hearing at this time.

Mr. Morse said the SHPO letter is dated July 31, 2024.

Mr. Harvey said the Environmental Assessment Form Part 2 all answers were no or small impact. On Part 3 we would establish on Question 4 there are no officially established critical environmental areas in the Town of Gorham. Question 8 we answered no because the property is not on or approximate to an archeological sensitive area or involves a property listed on the state lists of historic properties maintained by the NYS Office of Parks, Recreation, and Historic Preservation letter dated July 31, 2024.

The Chair makes a motion to accept Part 2 and 3 of the Environmental Assessment Form and to make a negative determination of significance and the motion was seconded by Mr. Hoover. The motion was carried with all present voting aye.

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

**THOMANN
RESOLUTION
Application #101-2024**

WHEREAS, John Thomann submitted a site application, known as the Thomann Family Lake House Trust for 4546 Lake Drive Application #101-2024 on November 8, 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 January 20, 2025; and

WHEREAS, The Planning Board did conduct a Public Hearing at 7:00 PM on January 27, 2025 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. As-built must be submitted to the Town once construction is complete showing approved variances, the location of the utilities including the overhead electric.
2. Provide a Landscaping Plan showing what is proposed to be planted.
3. All exterior lighting must be dark sky compliant and shown of the building plans for the building permit.
4. A staging/material stockpile area and construction entrance must be shown on the plans for demolition and construction.
5. Silt fence must be shown on the demolition plan.

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 #1-2025: SETH BAY 4368 LAKE TO LAKE ROAD, CANANDAIGUA, NEW YORK, 14424: Requests subdivision plat approval known as the Subdivision of Land of Michael R. & Matthew C. Bay creating Lot 1 consisting of approximately 64 acres and Lot 2 consisting of 3.546 acres. The applicant is also requesting site plan approval to construct a single family residence upon Lot 2 with site improvements to grading, drainage, and utilities. The property is located at 4364 Lake to Lake Road and is zoned FP Farming Preferred/Farmland Priority.

Mr. Harvey said since this is a subdivision we are required to complete the environmental review prior to opening the public hearing.

Mr. Harvey said the Environmental Assessment Form Part 2 all answers were no or small impact. On Part 3 we would establish on Question 4 there are no officially established critical environmental areas in the Town. Part 2 Question 5 has to do with will the proposed action result in an adverse change in the existing level of traffic or effect existing infrastructure and we are going to require compliance with the Town's access management local law. This will include sharing access to the adjacent parcel. What that means is when we get to the subdivision you have to record an easement or something that goes with access to the property next door. Part 2 Question 8 we answered no because the property is not on or approximate to an archeological sensitive area or involves a property listed on the state lists of historic properties maintained by the NYS Office of Parks, Recreation, and Historic Preservation. Part 2 Question 9 and 10 we are going to base our answer on the stormwater and erosion control elements that are included in the plan.

Mr. Burley said is this only an Ag Access easement or all encompassing?

Mr. Harvey said it is going to be all encompassing.

Mr. Burley said do you have any specific widths that you like to see on the plat for this easement?

Mr. Harvey said that is a good question and we will get to that when we talk about it in the subdivision review during the public hearing.

Mr. Kestler makes a motion to accept Part 2 and 3 of the Environmental Assessment Form and to make a negative determination of significance and the motion was seconded by Mr. Farmer. The motion was carried with all present voting aye.

Mr. Harvey said I will now open the public hearing on this application. Our general site plan and subdivision regs say make the driveway as short as possible and that is a long driveway.

Mr. Bay said we attempted to be in compliance to give our neighbor plenty of room for privacy reasons and to make everybody happy.

Mr. Burley said it does mirror Stell's driveway. We basically, when we did that, we put it next to his parents' house so when you go down Lake to Lake they would all be similar distance off the road and similar driveways as well.

Mr. Harvey said where is your landscaping plan?

Mr. Bay said it is going to mostly be farm fields as much as possible with native landscaping along the driveway.

Mr. Harvey said talk to your engineer and have him put down on paper what you are planning to do. It's fine if this is going to remain lawn and this will remain farm field.

Mr. Burley said do you want to see a separate page for a landscape plan or can it be on the site plan page.

Mr. Harvey said it can be on that page as far as I'm concerned. It's simple enough to be shown. Anything you want to walk us through?

Mr. Burley said it is pretty straightforward on this one. On the west side of the driveway we do have a grass line swale for stormwater mitigation encompassing the entire west side of the driveway. We have a short grass line swale on the southeast part of the driveway to control that stormwater. There is a temporary topsoil pile here. Typical wastewater system design. On that we do have a swale coming down the eastside of that to control runoff from going over that.

Mr. Harvey said so the grass line swale is such that it is going to get the water back into the groundwater.

Mr. Burley said yes, that is the way that it is designed.

Mr. Harvey said on the sheet you have calcs then.

Mr. Burley said yes they do have drainage calcs.

Mr. Harvey said it's just not storage it's the infiltration.

Mr. Burley said yes, exactly.

Mr. Harvey said so the infiltration rate is based on?

Mr. Burley said we did perc tests on the entire site and the drainage calculations are based on the onsite percolation tests.

Mr. Harvey said with the access easement they come off the road and where the elbow is there they are going to turn right or they are going to access the farm field, so it would make sense to encompass as much width, to me, as the existing driveway up to at least the

leg there to get onto the other parcel. You guys can come up with some easement language and we will run it past our consultant to make sure it makes sense.

Mr. Burley said typically we would show that on the subdivision plat.

Mr. Harvey said correct.

Mr. Burley said question about that is I will basically put that easement on to make it work for what we see fit as long as it is okay with you. My question would be does that easement have to be drafted and approved, finalized, and filed with the County Clerk's office before you give final approval and signature?

Mr. Harvey said no it can all be done at the same time.

Mr. Morse said it can be a condition of approval.

Mr. Harvey said so when you go to record it you need to record the easement and subdivision map all at the same time.

Mr. Burley said so that would be through an attorney.

Mr. Harvey said yes. He is going to have to draw up your deed. You will give him the metes and bounds description and the attorney will put it on the deed.

Mr. Burley said it's the new craze in the Town's right now is easements before final approval, so that's why I asked. The second revised I will have it called out as a proposed access easement and I will also put the metes and bounds as far as distances.

Mr. Harvey said you bring up a good point with the easement. I am rethinking the scenario there because what usually works best when the subdivision maps are recorded is that you put the note for the easement and you put the deed reference right on the map.

Mr. Burley said when its filed.

Mr. Harvey said yes, exactly. Get the easement done quick.

Mr. Burley said that would require doing all the easement work first prior to final signature or prior to approval?

Mr. Harvey said prior to final signature. Are there any further questions?

Mr. Stowe said how much further back is your house from the next house over? Stell's house.

Mr. Burley said I honestly don't remember. Basically the whole design was to conform with the existing house to the east and to the west. I do not have the number off the top of

my head. I could put a box on the overall plan where Stell's house is, if you are curious to see where it is.

Mr. Stowe said it was more so out of curiosity.

Mr. Burley said I would say it's within fifty feet probably. I can't give you an exact amount but that was the whole design to keep it matching the existing houses from the road.

Mr. Harvey said and the sign advertising the public hearing is up on the property.

Mr. Bay said it was still there an hour ago.

Ms. Klotz said I just had one question. The grading notes say it conforms with the Town of Canandaigua.

Mr. Burley said we will make that change.

Ms. Klotz said is it all wooded back there?

Mr. Bay said it's all Ag behind the house.

Ms. Klotz said so you're not taking down trees.

Mr. Bay said no.

Mr. Burley said there is a hedgerow that runs along the westside between them and Stell's and that won't be effected at all.

Mr. Harvey said the property is in the County Agricultural District, right?

Mr. Morse said it is in Farming Preferred.

Mr. Harvey said that is for the Town. It's in the County Agricultural District. How big is this property?

Mr. Morse said 3.546 acres.

Mr. Harvey said so the perc rates are low enough so we know you will be in compliance.

Mr. Morse said it perc's. It's a conventional system and Tyler already verbally ok'd it.

Mr. Harvey said I am going to ask you a very direct question. Based on the landscaping plan you are going to draw up, you will need to document that you are not taking more than two and a half acres out of agricultural production. Otherwise this whole thing becomes a Type I action and we go back to square one.

Mr. Burley said that's at the County level?

Mr. Harvey said that's because under the State Environmental Quality Review Act, the Ag & Markets Law, and the SEQR Regs if you take more than ten acres out of agricultural production the project is automatically a Type I action under SEQR. Except within the boundaries of a County Agricultural District then the limit is 25% of that. So if you take more than 2.5 acres out of active agricultural production it is a Type I action. So be very careful when you draw up the landscape plan that you don't take more than 2.5 acres out of ag production and that you indicate what is remaining on the farm fields.

Mr. Burley said I'm trying to figure out a way to put all of that on a site plan.

Mr. Morse said just put it in the comments.

Mr. Harvey said yes.

Mr. Burley said so you have mapping on that? I have never heard of that.

Mr. Harvey said the County Ag District? It's on Oncon. Just turn on the ag district layer. If the owner is receiving an agricultural exemption on it, which I would guess he is, there will be a penalty involved when he sells his property. They will recapture three years of whatever the ag exemption is, so just be aware of that as well. Any other questions? Exterior lighting you have to stick with dark sky compliance. We are probably going to have a comment about post construction survey showing the final location for all the utilities. Your electric is underground I am assuming. Let me put it a different way, your electric will be underground and you will show it on the final survey when you work out the location with NYS electric and gas.

Mr. Burley said they set a new pole so on the as-builts I will show the new pole and I will show the electric meter on the house.

Mr. Harvey said anything else? For appearance sake, did we see plans for this? Peaked roof? Horizontal siding? Masonry foundation?

Mr. Bay said slab on grade.

Mr. Harvey said fair enough. We have very limited appearance standards in this Town but those are things we have to document. Slab on grade is fine. Appearance of a masonry foundation and horizontal siding unless you have some architectural design. As long as your plans are going to conform to that then Jim won't have a problem and it will be fine. Any other questions from the Board? Anybody from the public? Anybody online? Hearing none we will close the public hearing at this time.

MR. HOOVER offered a standard resolution for approval and was seconded by **MR. STOWE** to approve the subdivision and site plan as submitted with conditions. The motion was carried with all present voted aye.

**BAY SUBDIVISION & SITE PLAN
RESOLUTION
Application #1-2025**

WHEREAS, Seth Bay submitted a subdivision and site plan application, known as the Seth Bay Site Plan & Subdivision of Land of Michael R. & Matthew C. Bay Application #1-2025, for property located at 4364 Lake to Lake Road on December 9, 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 & subdivision application; and

WHEREAS, A Public Hearing on said subdivision and site plan application was advertised in the official newspaper of the Town of Gorham, specifically in the Finger Lakes Times on January 20, 2025; and

WHEREAS, The Planning Board did conduct a Public Hearing at 7:00 PM on January 27, 2025, 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. As-built must be submitted to the Town once construction is complete showing the location of the final utilities and underground electric.
2. Landscaping plan must be submitted and must include documentation that less than 2.5 acres will be taken out of active agricultural production.
3. An easement to the adjoining property to the north must be approved by the Town and then filed with the County Clerk and referenced on the final subdivision plat.
4. All exterior lighting must be dark sky compliant.

RESOLVED, That the Chairman of this Planning Board is hereby authorized and empowered to sign the site plan and subdivision plat associated with said 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
4. 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;

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

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 #2-2025: MARKS ENGINEERING 4303 ROUTES 5&20, CANANDAIGUA, NEW YORK, 14424: Requests subdivision plat approval known as the Subdivision of Land of Kevin B. Lightfoote & Sarah L. Boyce creating Lot 1 consisting of .655 acres with existing house and Lot 2 consisting of 1.860 acres with existing ag. structures. The applicant is also requesting site plan approval to construct a single family residence upon Lot 2 with site improvements to grading, drainage, and utilities. The property is located at 3932 County Road 17 and is zoned FP Farming Preferred/Farmland Priority.

Mr. Harvey said since this is a subdivision we are required to complete the environmental review prior to opening the public hearing.

Mr. Harvey said the Environmental Assessment Form Part 2 all answers were no or small impact. On Part 3 we would establish on Question 4 there are no officially established critical environmental areas in the Town. Part 2 Question 5 the Planning Board will require compliance with the Town's Access Management Local Law or waive some of the law's requirements because of the impracticality of conformance. Part 2 Question 8 we answered no because the property is not on or approximate to an archeological sensitive area or involves a property listed on the state lists of historic properties maintained by the NYS Office of Parks, Recreation, and Historic Preservation. Part 2 Question 9 and 10 we are going to base our answer on the stormwater and erosion control elements that are included in the plan.

Mr. Kestler makes a motion to accept Part 2 and 3 of the Environmental Assessment Form and to make a negative determination of significance and the motion was seconded by Mr. Hoover. The motion was carried with all present voting aye.

Mr. Harvey said we are going to open the public hearing at this time on this application.

Mr. Lightfoote said our plan is to build a second home. The one we are in currently in we looked at renovating because it is an old farmhouse with steep stairs and everything else and by the time we got the cost for looking to renovate it was cheaper to build a new one. The lot is unique because County Road 17 intersected the lot so it's on both sides with the existing structure being on the west side currently. We went to the ZBA and they approved dividing it off.

Mr. Hoover said so you would be building across the road.

Mr. Lightfoote said yes to the north.

Mr. Burley said we have an existing conditions page that shows all the topo and the site plan.

Mr. Harvey said you can walk us through it.

Mr. Burley said it is very straightforward. The existing house lot isn't changing at all and neither is the other existing lot.

Mr. Harvey said it complies with all the standards and it's existing and there is no construction.

Mr. Burley said nothing is happening on this lot on the west side. That is an existing house and the existing driveway.

Mr. Harvey said the lot lines are drawn. The septic system and everything is on that lot?

Mr. Burley said yes. Lot 2 is the ag lot. This is the lot as it exists today. Its not changing. We aren't doing anything. It is just basically splitting these two lots by the road. Both of these are deeded and mapped to the centerline. The acreages are on the maps that the variances were given are the ones at the bottom as you see are area to road line and those are the variance areas for both of those lots.

Mr. Harvey said is there less than two and a half acres being taken out of ag production?

Mr. Lightfoote said it's not in ag production.

Mr. Harvey said it is in the County Ag District but it is not in ag production.

Mr. Lightfoote said no it hasn't been since before I was born.

Mr. Harvey said okay, do you want to flip over to the proposed house since this is all part of the subdivision app.

Mr. Burley said this is the proposed house, driveway, grading and wastewater system on Lot 2 on the east side.

Mr. Harvey said County Road 17 is a 55mph road so I guess where the barns are you can't put the driveway exactly across from the other one.

Mr. Burley said no it's an existing stone entrance.

Mr. Harvey said that's nice. So that would be a leftover from the agricultural use so it doesn't count as a permanent in a house right of way. So the Access Management Local Law would want you to make them meet opposite unless for some reason you can tell me that they can't.

Mr. Lightfoot said if you were to straighten it out it would almost run into the silo and it runs right into the barn hill on the other side of the street.

Mr. Burley said we are restricted by the topo of the slope as you can see with the contours here. Where the silo is it is a very steep grade coming down.

Mr. Harvey said but the silo is not across from the one across the street.

Mr. Burley said but the hill is. This is really steep right here.

Mr. Harvey said somebody put some fill in there to level it out around a building at one point.

Mr. Burley said it's just the old style barn where it is raised up to the front of the barn and the backside of the barn is all exposed so that is that slope going north.

Mr. Harvey said and the other one is just agricultural? The one across.

Mr. Burley said no this is a driveway for this house here.

Mr. Harvey said so it is aligned as closely as you can get it from your engineering calculations.

Mr. Burley said you would spend a ton of money to put in a very expensive retaining wall otherwise.

Mr. Harvey said that wasn't the question that I asked. It's aligned as much as it is practical.

Mr. Burley said absolutely. The topo on that slope is feet.

Mr. Harvey said fair enough. Walk us through stormwater management.

Mr. Burley said we don't have any major stormwater features like basins or stormwater structures like ponds. We are using grass line swales to mitigate gutter runoff and grade runoff on this site.

Mr. Harvey said so the calcs are on the sheet.

Mr. Burley said they did not do the drainage calcs on this because we don't have any infiltration chambers or trenches on this.

Mr. Harvey said those same standards apply out here.

Mr. Burley said so you want to see drainage calcs ****inaudible****.

Mr. Harvey said yes you have to show the Board that you have as much infiltration as the rate of runoff for the design storm. If you can't get that then you start talking about storage. Grading all works from a drainage point of view.

Mr. Burley said yes.

Mr. Harvey said there are a couple places where you are close to ninety degree into the building.

Mr. Burley said they are sloped away from the building.

Mr. Harvey said all I want to make sure is that the code says ten feet away at least 2% cross slope away from the building.

Mr. Burley said and if it's not I will note that on the as-built.

Mr. Harvey said if it's not you will fix it.

Mr. Burley said right but I will see that out in the field and see that it needs to be changed because we put that note on the as-built too.

Mr. Harvey said perfect. Exterior lighting?

Mr. Burley said dark sky compliant and it's noted on here.

Mr. Harvey said is there a landscaping plan for this?

Mr. Burley said are you good with seeing that on the site plan, you don't want a whole separate page?

Mr. Harvey said absolutely, as long as it is readable. Anybody else have a question or comment?

Mr. Stowe said is this an asphalt driveway here?

Mr. Burley said no asphalt. It's stone on both sides. Do you mean proposed or existing?

Mr. Stowe said the proposed driveway is going to be a stone driveway?

Mr. Lightfoot said as of right now yes. We haven't even gotten to that point yet with the house.

Mr. Harvey said if you are going to contemplate paving it at some point you will need to let him know because he will have to design the stormwater facilities to accommodate it.

Ms. Klotz said is there a plan for holding back the steep grade on the east side?

Mr. Burley said this will all be grass lawn. It won't be too steep to be mowed. It won't be over three on one.

Mr. Harvey said peaked roof and masonry foundation?

Mr. Lightfoote said block foundation, basement, and it's a ranch.

Mr. Harvey said are there any other comments? Hearing none, I will close the public hearing.

MR. HOOVER offered a standard resolution for approval and was seconded by **MR. STOWE** to approve the subdivision and site plan as submitted with conditions. The motion was carried with all present voted aye.

**LIGHTFOOTE SUBDIVISION & SITE PLAN
RESOLUTION
Application #2-2025**

WHEREAS, Kevin Lightfoote & Sarah Boyce submitted a subdivision and site plan application, known as the Site Plan & Subdivision of Land of Kevin B. Lightfoote & Sarah L. Boyce Application #2-2025, for property located at 3932 County Road 17 on November 8, 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 & subdivision application; and

WHEREAS, A Public Hearing on said subdivision and site plan application was advertised in the official newspaper of the Town of Gorham, specifically in the Finger Lakes Times on January 20, 2025; and

WHEREAS, The Planning Board did conduct a Public Hearing at 7:00 PM on January 27, 2025, 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. As-built must be submitted to the Town once construction is complete showing the location of the final utilities and underground electric.
2. Landscaping plan must be submitted to the Town for approval.
3. Drainage calculations must be submitted to the Town for review and approval.
4. All exterior lighting must be dark sky compliant.

RESOLVED, That the Chairman of this Planning Board is hereby authorized and empowered to sign the site plan and subdivision plat associated with said 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
4. 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;

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

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.

5. MISCELLANEOUS

Mr. Harvey said Ryan Davis, the Economic Developer, and yours truly, as Planning Director, are going around doing presentations on housing assessment. How is our agenda for February?

Ms. Mitchell said we have the continuation from tonight plus one new application.

Mr. Harvey said we take about an hour we could do it the same night or another night. We are going around to every Town in the County.

Mr. Morse said is it just for the Planning Board?

Mr. Harvey said we will invite everybody.

Mr. Morse said that should probably be with the Town Board and then you can invite your Board that night.

Mr. Harvey said I will talk it over with Dale and decide what night we will do it.

Mr. Morse said are you talking about assessments?

Mr. Harvey said we did a study about housing across the County.

Mr. Morse said I think you are going to be better doing it at a Town Board meeting because they are going to want to hear it.

Mr. Harvey said we want everybody there so that is fine. Just be aware that we will be trying to schedule that and it would be good if when you got the notice you were able to attend.

6. NEXT MEETING

The next regular meeting of the Planning Board will be held on Monday, February 24, 2025, at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

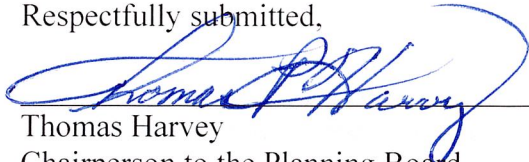
7. ADJOURNMENT

■ A motion was made by MR. HOOVER, seconded by MR. STOWE, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,



Thomas Harvey
Chairperson to the Planning Board