

MINUTES
TOWN OF GORHAM PLANNING BOARD
April 3, 2017

PRESENT: Chairman Harvey Mr. Zimmerman
 Mr. Hoover Mrs. Rasmussen
 Mr. Farmer Mr. Henry
 Mr. Dailey

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Zimmerman made a motion to approve the February 27, 2017, minutes as presented. Mrs. Rasmussen seconded the motion. The February 27, 2017, minutes were further discussed. On page 2 8th paragraph change "Chairman Hoover" to "Chairman Harvey". Mr. Henry made a motion to approve the amended minutes. Mr. Zimmerman seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #06-2017, Jeffrey & Pamela Gambrill, owners of property at 5021 County Rd 11, requests site plan approval to build a 32' x 64' pole barn.

The public hearing was opened and the notice, as it appeared in the official newspaper of the town, was read.

Jeffrey Gambrill & Justin Kellogg, Engineer was present and presented the application to the board.

Mr. Kellogg stated that they have been working very closely with Gordon Freida, Code Enforcement Officer and have made several revisions to the plans.

Mr. Kellogg stated that Mr. Gambrill did get a permit from Gordon Freida for the site work that was done on the site.

Mr. Gambrill stated that the reason they are placing the pole barn as located on the plan is that they wanted to be in the woods, pleasing from the road and basically equivalent to their neighbor's house. He did not want it to be out front where there might be a view blockage. They are leaving about 30 feet of trees in between so there is plenty of privacy. The purpose of the barn is to park a boat, jet skis, car and lawn mowers and other things.

Mr. Kellogg stated that another concern was the drainage. They went and looked at all the drainage from the preexisting forest area before there was a gravel pad. He looked at the whole watershed from that creek and made a report. He presented the report to the board. The results were that there is no increase in runoff. That is because

the watershed for this creek is about 9 acres. The area being developed is 1.5 acres. It is a negligible increase.

Chairman Harvey stated it is negligible in the watershed, but not on the property.

Chairman Harvey stated that he is not convinced that with adding that much hardscape and removing that much ground area using the site specific model is not going to show an increase in runoff.

The water runoff from the site was discussed.

Mr. Gambrill stated that they did want to make sure that all water was captured so they are planning on running underground downspouts.

Chairman Harvey stated that the town would like to see an underground recharge area and a rain garden or something to capture the additional hardscape runoff.

Mr. Kellogg stated that the driveway is at a 10% grade.

Chairman Harvey stated that the Town's Design Standards are at 8% max.

Mr. Kellogg stated that he could not find documentation stating the 8%.

Chairman Harvey stated that the Town has a set of Design Guidelines and a set of Design Standards. There are engineering standards to make sure that emergency vehicles have good access even in bad weather. This will certainly put you in a different insurance category.

Mr. Henry stated that this was his major concern last month. "If we approve this and God forbid something happens with a fire situation and a truck can't get to it. I don't want to see that the town has approved something that you are then going to turn around and say that we should have never approved this."

Mr. Kellogg asked if they could have a signature line for the fire chief in the district to take a look at and sign off.

Chairman Harvey stated that if they are stuck with this grade maybe some language can be developed and attached to the deed.

Mr. Kellogg stated that the runoff from the driveway flows into about 25 feet of grass and brush before it gets into the road side ditch, which provides treatment. Is that enough treatment by the town's standards? Would you like to see another rain garden in that area?

Chairman Harvey stated certainly, that is Ontario County's right of way they could expand the road. If you capture more of the uphill flow and have a rain garden that

takes care of that. It is not about capturing every rain drop it's about treating more than you're disturbing.

Mr. Gambrill stated that they have added a front porch to the pole barn. It will be a shed roof with a concrete pad. If the board would like to see shrubs planted in the front he can do this.

Mr. Farmer asked if electricity is the only utility they are putting in. He also asked about outside lighting.

Mr. Gambrill stated that they are only putting electric in the barn. They are planning on a couple dark sky compliant lights on the back of the building.

Chairman Harvey asked if there were any comments from the public. Hearing none, the public hearing was closed.

Chairman Harvey stated that he would like to see some more landscaping that complies with the Town's Design Guidelines. Do some calculations and put in a rain garden or something that will compensate the additional flow of water.

Mr. Dailey stated that he would ask that they use lake friendly colors for the siding and roof of the building.

Chairman Harvey stated that is also in the Town's Design Guidelines.

Chairman Harvey stated that he would like to see some language either that is recorded with the deed or with the site plan in a format that is acceptable to the town that relieves the town from liability concerning emergency vehicle access to the pole barn. The other alternative is to go to the Town Board and ask them to waive the standard.

The Planning Board reviewed Part 1 of the Short Environmental Assessment Form. The board discussed and completed Part 2 of the Short Environmental Assessment Form. The board determined this to be an unlisted action under SEQOR that will not receive coordinated review since no other discretionary agency approval is required.

Mr. Henry made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mr. Dailey seconded the motion, which carried unanimously.

Mrs. Rasmussen made a motion to approve the site plan with the following conditions: 1. Add landscaping to the site plan that complies with the Town of Gorham's Design Guidelines. 2. Provide calculations for a small parcel to

compensate for the storm water runoff and add a rain garden or some type of infiltration. 3. Sign off for the liability concerning emergency vehicles access to the pole barn or a waiver from the Town Board. 4. The lights on the back of the building must be dark sky compliant and can't spill over onto the neighbor's property. Mr. Hoover seconded the motion, which carried unanimously.

Application #07-2017, Ashley Isliker, owner of property at 3674 Nibawauka Bch, requests site plan approval to replace an existing garage with a 672 square foot garage.

The public hearing was opened and the notice, as it appeared in the official newspaper of the town, was read.

On March 23, 2017, the Zoning Board of Appeals granted a north side yard variance of 10' for a setback of 5' to the overhang and a rear yard variance of 13' for a setback of 17' to the overhang.

Carmen Torchia & Teresa Winship, from Torchia Structural Engineering & Design P.C., representing the Islikers were present and presented the application to the board.

Mr. Torchia stated that they have revised the plans to coincide with the variances that were granted and they have also added some landscaping to the plan. The new garage will match the architecture of the house. There will be gutters and downspouts on the proposed garage. They are planning on putting in rain gardens on the north and south sides.

Chairman Harvey asked if there was going to be lighting on the garage.

Mr. Torchia stated that there will be residential light fixtures on the garage.

Chairman Harvey stated that the lights must be dark sky compliant.

Chairman Harvey asked if there were any comments from the public. Hearing none, the public hearing was closed.

The Planning Board discussed and completed Part 2 of the Short Environmental Assessment Form. The board determined this to be an unlisted action under SEQR that will not receive coordinated review since no other discretionary agency approval is required.

Mr. Dailey made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant,

adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mr. Henry seconded the motion, which carried unanimously.

Mr. Dailey made a motion to approve the 3/24/2017, site plan with the following condition: 1. Any outside lighting be design so that the light does not spill off of the property. Mr. Hoover seconded the motion, which carried unanimously.

Application #09-2017, William Pelicano owner of property on State Rt. 364 & Deep Run Cove requests subdivision approval to merge tax map numbers 127.11-1-19.000, 127.11-1-20.000, 127.11-1-21.000

The public hearing was opened and the notice, as it appeared in the official newspaper of the town, was read.

Tim Tyskiewicz, Architect and Rick Szkapi were present and presented the application to the board.

The parcels have since been transferred from William Pelicano to Andy Prestigiaco.

Chairman Harvey stated that there needs to be something filed with the Town of Gorham Zoning Office signed by Andy Prestigiaco saying that he is in favor of merging the lots into one lot.

Chairman Harvey explained that he does not have a problem with the 15' access easement that is granted to the adjoining property but the private right of way has to still exist.

Mr. Tyskiewicz explained that he has added some rain gardens to take care of the storm water runoff. Also it shows on the plan the tree line that will remain and a row of trees that will be planted along the driveway.

Mr. Tyskiewicz stated that the trees along the drive will be deciduous.

Chairman Harvey stated that he would like to see something indigenous planted there, such as a sugar maple or American beech.

Mr. Dailey stated that there were some deed restrictions that were placed on Parcel 1 and he wondered if those restrictions follow along on the new parcel.

Chairman Harvey stated that there is not too much land on the new parcel to develop. He will only get one home and there will be no more development.

Chairman Harvey asked if there were any comments from the public. Hearing none, the public hearing was closed.

A letter dated March 2, 2017, was received from New York Office of Parks, Recreation and Historic Preservation on this application, stating that there is no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

The Planning Board discussed and completed Part 2 of the Short Environmental Assessment Form. The board determined this to be an unlisted action under SEQR that will not receive coordinated review since no other discretionary agency approval is required.

Mr. Farmer made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mrs. Rasmussen seconded the motion, which carried unanimously.

Mr. Hoover offered a resolution [attached hereto] to approve the subdivision with the following conditions: 1. The town requires a written letter of permission from the current owner for the subdivision and the individual is the current owner of the LLC. Mr. Zimmerman seconded the resolution, which carried unanimously.

Application #10-2017, Stephen P. Cassidy, owner of property 5398 County Road 11, requests site plan approval to build a 30' x 40' pole barn style garage.

The public hearing was opened and the notice, as it appeared in the official newspaper of the town, was read.

On March 23, 2017, the Zoning Board of Appeals granted a 1.5' variance for a 15.5' maximum height for a pole barn style garage.

Stephen Cassidy & Bill Grove, Engineer was present and presented the application to the board.

Mr. Grove stated that they plan on erecting the barn on an existing gravel pad. The garage doors will face the south side of the building. The existing gravel pad needs to be expanded slightly to accommodate the traffic in and out on the south side of the barn. They are proposing to collect the runoff from the roof of the building and convey it to a rip rap splash pad apron before returning it to sheet flow and then it falls down towards the northwest into the existing gully.

Chairman Harvey explained that he would like to see the runoff from the roof drains away from the gully.

Mr. Zimmerman asked if they considered moving the pole barn 10 feet to the south. He has a concern with encroachment on the gully and further erosion, especially during construction.

Chairman Harvey asked Mr. Zimmerman if he would have a problem giving the applicant a little latitude to reconsider that, and approve the present location and also approve upon further site investigation if possible move it away from the gully a few feet.

Mr. Grove stated that there is no engineering reason placing the pole barn in the proposed spot, but the gravel pad exists in that spot and there will be minimal ground disturbance to put the building in that spot. The main reason for the barn is for boat storage.

Mr. Zimmerman stated that he would not have a problem having them reconsider the location. Even if they moved it a little counter clockwise and pulled it a little south.

Chairman Harvey asked if there were any comments from the public on this application. Hearing none the public hearing was closed.

A letter dated March 2, 2017, was received from New York Office of Parks, Recreation and Historic Preservation on this application, stating that there is no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

The Planning Board discussed and completed Part 2 of the Short Environmental Assessment Form. The board determined this to be an unlisted action under SEQR that will not receive coordinated review since no other discretionary agency approval is required.

Mrs. Rasmussen made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mr. Zimmerman seconded the motion, which carried unanimously.

Mr. Henry made a motion to approve the site plan with the following conditions. 1. Give the applicant flexibility to try and move the pole barn south a few feet back from the gully. 2. Extend the stormwater line down to maximize the length of run on the property to increase

opportunity for infiltration. Mr. Zimmerman seconded the motion, which carried unanimously.

Application #11-2017, Mary Ann Barbarita, owner of property at 4731 Deer Run, requests site plan approval to build a single family home and garage.

The public hearing was opened and the notice, as it appeared in the official newspaper of the town, was read.

Brennan Marks, Engineer & Sam Rode, Contractor were present and presented the application to the board.

Chairman Harvey explained that the environmental review (SEQR) was completed at the time the subdivision was approved in the late 80's.

Mr. Marks stated that they are proposing an 1800 square foot ranch with a basement. There is an electric easement through the property. There is water and sewer available to the property. The parcel slopes from east to west towards Deer Run. They will not be changing the drainage pattern. There is a detention pond on the opposite side of Deer Run on East Main Street. There is a tree line on the south side that they are not encroaching on other than a little bit of the driveway. They will not be disturbing any of the mature trees. The gutter drainage will daylight at the front of the site then overland to the road side ditch. The home will have exterior lights on the front and the back. They will be dark sky compliant.

Chairman Harvey asked what the pitch of the roof was going to be and what type of siding will be on the home.

The elevations and plans were presented to the board.

Mr. Marks stated that the roof will be a 12 in 12 pitch with multiple peaks.

Chairman Harvey stated that the home appears to comply with town's Design Guidelines.

Chairman Harvey asked if they had a landscaping plan for the site.

Mr. Marks stated that there is a hardscape walk that will go across the front of the home. There are ample areas for landscaping and landscaping beds.

Chairman Harvey asked if there were any comments from the public. Hearing none the public hearing was closed.

Chairman Harvey stated that during the subdivision approval the SEQR was completed and all the drainage and stormwater issues were dealt with.

Mr. Zimmerman made a motion to approve the site plan with the following conditions: 1. A landscaping plan be submitted to the town that complies with the town's Design Guidelines. 2. The external lighting must be dark sky

compliant and does not spill off of the property. Mrs. Rasmussen seconded the motion, which carried unanimously.

Application # 12-2017, Jon Bagley, owner of property at 2625 State Rt. 245, requests site plan approval for a laundromat and first floor apartment in existing building.

The public hearing was opened and the notice, as it appeared in the official newspaper of the town, was read.

Jon Bagley was present and presented the application to the board.

Mr. Bagley stated that he is proposing a small laundry with an apartment in the back. He has a lot of requests to have a machine big enough to do horse blankets. The dryers are like the one the fire departments use for their turn out gear. The dryers are an electric cabinet that opens up and hangers come out and you hang the blanket close the door and it dries them. He will have one of these washers and one of these dryers. The machines he will have use very little water.

Chairman Harvey asked where the off street parking was going to be for the apartment.

Mr. Bagley presented the map that shows the parking along the side of the building.

Chairman Harvey asked if there would be any signage in the parking area.

Mr. Bagley stated that he will have signage in the parking area designating the parking space by apartment number. He will pay for trash removal, snow removal and lawn care.

Chairman Harvey asked if there would be any ground excavation done for this project.

Mr. Bagley stated that there will be no ground excavation.

Mr. Bagley stated that he would like to add some lights on the outside of the building.

Mr. Dailey asked how many square feet in the apartment.

Mr. Bagley stated that the apartment and the laundry will be about 900 to 1000 square foot each.

Mrs. Rasmussen stated that after the Planning Board discussed changing the zoning so that an apartment could go on the first floor in the Hamlet Commercial District she was under the understanding that the board's recommendation was that if nothing else retail wise could be done, which would have to be proven then an apartment could be looked at.

Chairman Harvey and Mrs. Rasmussen stated that they think the change in the new zoning requires first floor apartments in the Hamlet Commercial to receive approval through a special use permit.

Mrs. Rasmussen stated that she believes the Planning Board was to have some control over allowing apartments on the first floor.

Chairman Harvey asked Mr. Bagley if he is successful with the laundromat and needs to expand where he will expand too.

Mr. Bagley stated there is only one direction to go, but he does not see the volume being any more than what is being proposed.

Mr. Dailey asked what the hours of operation were.

Mr. Bagley stated 7:00AM to 9:00PM.

Chairman Harvey asked if there were any comments from the public. Hearing none the public hearing was closed.

Chairman Harvey explained that the application was filed with the Town before the amended zoning changes were in effect. If the business wants to expand or a new business is proposed the board will be favor of eliminating the apartment. The Town's preference is for there to be commercial on the first floor.

A letter dated March 15, 2017, was received from New York Office of Parks, Recreation and Historic Preservation on this application, stating that there is no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

The Planning Board discussed and completed Part 2 of the Short Environmental Assessment Form. The board determined this to be an unlisted action under SEQR that will not receive coordinated review since no other discretionary agency approval is required.

Mr. Henry made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mrs. Rasmussen seconded the motion, which carried unanimously.

Mr. Dailey made a motion to approve the site plan with the following conditions. 1. Small compliant signs be placed to identify reserved parking for the apartments on the side of the building. 2. The sign in the front of the

building will be no closer to the porch level than 8 feet.
3. All exterior lights will be down facing, dark sky compliant and will not shine on any parcel that the applicant doesn't own. Mr. Hoover seconded the motion, which carried unanimously.

Application #13-2017, Jon Bagley, owner of property at 2629 State Rt. 245, requests a special use permit for a community center for a youth wrestling club.

The public hearing was opened and the notice, as it appeared in the official newspaper of the town, was read.

Jon Bagley was present and presented the application to the board.

Mr. Bagley stated that at this point he is just applying for a wrestling room. The wrestlers will only be using it from spring to fall a few hours on some nights. There is another group that wants to use the building for yoga. This is where he wants to start and then see where it goes. At this point he does not personally have a personal business use for this site.

Chairman Harvey explained that a couple of uses have been outlined. If the board gives you a special use permit and establishes the parameters for those uses and then if you want to expand it you will have to come back to the board.

Mr. Bagley stated that the only physical change to the property will be gravel added to the parking area.

Mr. Bagley stated that he plans on using the lights that are already on the building.

Chairman Harvey asked about hours of operation.

Mr. Bagley stated that the building will be closed after 9:30PM.

The hours of operation were discussed. After discussion it was decided 5:00AM to 9:30PM.

Chairman Harvey asked if there were any comments from the public. Hearing none the public hearing was closed.

Mrs. Rasmussen asked if there would be a sign on the building.

Mr. Bagley stated that at some point there could be a sign on the building at this point no sign is being proposed.

Chairman Harvey stated that he believes the board will not be opposed to a sign. The Town has sign regulations and as long as it meets the regulations it can be approved by the Zoning Officer.

A letter dated March 16, 2017, was received from New York Office of Parks, Recreation and Historic Preservation

on this application, stating that there is no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

The Planning Board discussed and completed Part 2 of the Short Environmental Assessment Form. The board determined this to be an unlisted action under SEQR that will not receive coordinated review since no other discretionary agency approval is required.

Mrs. Rasmussen made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mr. Henry seconded the motion, which carried unanimously.

Mr. Henry offered a resolution [attached hereto] for a special use permit with the following conditions: 1. Hours of operation are 5:00AM to 9:30PM. 2. Uses are for a wrestling club, yoga/dance classes and things of that nature. 3. There is to be no loud music or amplified music hearable past the property line. 4. Signage is to be in compliance with the Town's sign regulations. 5. Any additional uses are to be submitted to the Town of Gorham Code Enforcement Officer to insure that they fall within the Town's definition of a "Community Center". Mr. Farmer seconded the motion, which carried unanimously.

MISCELLANEOUS:

Robert Brenner a land use attorney with Nixon Peabody was present to talk informally to the board about an application that has been presented to the Town Board for rezoning on Pelican Point LLC property on County Road 11 and State Rt. 364.

Mr. Brenner stated that he has recommended to the applicants to annex the two small lots on County Road 11 into the larger General Business lot that they own. This will prevent another user coming in and starting a business on those two small lots. He also suggested that Pelican Point annex the three small lots along the lake into the larger General Business lot. There also is a contiguous parcel that they own that fronts onto State Rt. 364 that he has recommend that they annex this parcel to the bigger parcel. They then could stage trailers in the rear of the

parcel on State Rt. 364 for the summer. They would like to have a stand-alone gravel drive off of State Rt. 364 to get the boat trailers to the back of the lot.

Chairman Harvey asked Mr. Brenner if he was familiar with the Town of Gorham's Access Management Local Law.

Mr. Brenner stated that he is familiar with the site distancing, but not with the Town's Access Management Local Law.

Chairman Harvey stated that he would like to see a sketch plan describing what they are intending to do with the property.

This will be on the agenda on April 24, 2017, for a recommendation to the Town of Gorham Town Board for rezoning.

Mr. Henry made a motion to adjourn the meeting at 9:54. Mrs. Rasmussen seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary