

MINUTES
TOWN OF GORHAM PLANNING BOARD
March 26, 2007

PRESENT: Mr. Frankish Mr. Atkins
 Mr. Hoover Ms. Watkins

EXCUSED: Chairman Harvey Mr. McCadden
 Mr. Farmer

Mr. Frankish called the meeting to order at 7:30 PM. Mr. Atkins made a motion to approve the February 26, 2007 minutes as presented. Mr. Hoover seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #08-2007, Carmen Laviano, owner of property on State Rt. 364, known as the East Lake View Estates, requests final subdivision approval on Section 1, Phase C for 14 lots.

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

Steve Schultz, from MRB Group & Carmen Laviano were present and presented the application to the board.

Mr. Schultz stated that the rear lot lines on lots 38 through 40 have been moved back so that a great room and decks will fit within the required setbacks. The green space lot line was extended back to provide the same amount of green space that was proposed. The swales will be outside of the property lines.

Sniedze Associates, Consulting Engineer that is representing the Town, made a recommendation that the curb on the proposed cul-de-sac at the end of Carmelo Lane be reviewed by the Highway Superintendent for snow removal and emergency vehicle access. This was discussed and Mr. Freida will discuss this with the Town of Gorham Highway Superintendent.

Mr. Schultz stated that there will be a tree in each cul-de-sac.

Mr. Schultz stated that the soil & erosion plan has been submitted to Ontario County Soil & Water Conservation Department.

Mr. Freida stated that during construction, sometimes the existing swale that is in fairly good condition gets damaged. "The swale needs to be looked at as every home is

built, as well as the connection into the swale behind the existing cul-de-sac."

Mr. Atkins stated that he believes that the developer and contractor should know enough to keep track of the swale's condition and clean it as needed without Mr. Freida having to tell them. "During construction we have had ongoing conversations about maintaining the existing swales and drainage paths. That is part of their responsibility. I think that part of our condition (of approval) is that you guys are going to have to be aware of what is going on and you should be coming to the Town and letting us know about the problem, not Mr. Freida going to you with the problem."

Mr. Freida stated that with the sheet flow from up above we may have to look into placing a small sediment pond up there to capture some of the water.

Mr. Laviano stated that he did talk to Tom Harvey, the Planning Board Chairman, as to possibly changing the minimum square footage of the homes from 1600 square feet to 1300 or 1400 square feet. "Tom did not go for it. The Homeowners (Association document) states 1600 square feet."

A representative from Ryan Homes was present and stated that the homes on the plan for this phase have the biggest footprint and will fit on the lots.

Mr. Freida stated that he would hate to see the new people get into a situation where they can not fit any appendages to the back of their homes.

The representative from Ryan Homes stated that allowing homes smaller than the 1600 square feet would give them more of a marketing opportunity.

The board briefly discussed this and agreed that they would not like to see any thing less than 1600 square feet at this time.

Mr. Frankish asked if there were any comments from the public.

Steve Biklen, stated to clarify the size: "Are we at 1600 minimum? The other question I have with respect to the water with the new swales and so forth. When we get a good storm are we going to get additional flow that is going to come down the existing swales that we have now or is it solely independent and that water goes some where else?"

Mr. Laviano stated that they will not get any additional water.

Mr. Freida stated, and went over it on the map, that the water will run in the existing swale between the cul-de-sacs and dump into the pond in Phase B.

Judy Graper asked if it is only during construction that these existing swales are degrading or is it actually something that could happen all the time; that we will always have to be concerned about as proprietors of a homeowners association? "Do we have to inspect it ourselves and make sure there is ongoing maintenance of these things?"

Mr. Freida stated that there is always going to be preventive maintenance of them. "I think that once the upland water is addressed, I think they will do their job, but there will be some maintenance."

Eric Leonard stated that during the construction phase it would be nice to have sod put down to get vegetation established.

Mr. Freida stated as I have mentioned before we need to look at somehow trying to get retention up above.

Britta Anderson stated that a lot of the drainage issues have been discussed but "I don't know if you have really discussed the issue as to what happens during and after construction, in terms of prevention of erosion. We had a lot of houses built this past winter in our subdivision and during this heavy spring runoff that we have had, there is just nothing but clear mud flowing down the road every time it rains. There are no hay bales; the plastic that was put up to try to prevent the soil from crossing into the road has fallen down or has been trampled down by the plows or what ever. It has been a disaster mud area up there this spring. I just am so upset about the fact that we haven't got something to prevent all of that mud from leaching into the lake. I have heard that people from the experts in the field telling us how bad all that sedimentation is for the lake. I don't think that it is too much to ask that after a house is built, if you cannot seed it and I am hoping that the town will absolutely require that no house be sold without a lawn put in. In Springhill you required that, but I don't know that this has been required in our subdivision up to this point. If it can't be put in, then hay bales and all kinds of other soil erosion measures be established to prevent this incessant mud runoff into the overflow ponds and into the stream and everywhere else. I just really urge the town to take some action to insure that those standards are being upheld. At least to the extent that you put in place for the Springhill Subdivision, which was I thought very adequate and very thoughtful on the part of the Planning Board. Another item that I have is that when you first approved the subdivision back in 2003, there was a lot of talk about open space and recreation. We don't have very much open space; you have just changed the rules, thank goodness, so that

there will, in new subdivisions be more open space required. We have a few acres, we have some wooded areas and you required at that time that a plan for trails be developed and a walking trail around the ponds. Right now it is nothing but a wilderness up there and nothing has been done. I was wondering if this is something that is still coming and is it something that needs to be reiterated by the town that these things have to be taken care of. I'm referring to your minutes of the 2nd of June 2003, and also the 28th of July 2003, where you put those conditions in. We would very much like to see something be done. That will enhance the property values as well and it will certainly help make a much nicer area. The other thing that I wanted to mention was that we have talked a lot about the size of the homes and I certainly understand the Ryan representative, but they have put in two homes that are the lowest size and I can tell you that those small 1300, 1400 square foot homes they really look out of place in our subdivision. It is very noticeable that they are very small houses. I am sure they will be lovely people moving in there, but a lot of us have spent a lot of money in the subdivision and I think that what Ryan put together is blend of houses for the 1600 square foot minimum has served the subdivision very well. It looks very nice. It is, I think, a very pleasant area. I think if you put in more houses that just don't fit with this prevailing blend you really detract from the property values of those of us who have invested a lot in our houses."

Mr. Frankish stated that we can not stop the houses from being built until they can get the lawn in. "As far as silt fence and bales, I do agree with you there, they need to be in place."

Mr. Freida stated that he met a representative from Ryan Homes up there last week and told them that they better get going on the silt fence repair. "I also reiterated getting the sweeper back in there. Every new lot that starts construction will have silt fence rimed at the gutters. Supervisor Calabrese and I went up there a month ago and advised them that once the weather breaks, if it is not up and if it is not maintained and any mud that comes on the road needs to be sweep or no more building permits will be issued. We gave them another couple weeks to get it done. As far as the lawns: what we are doing is issuing Temporary Certificate of Occupancy's based on final grade, final seed, curb boxes, the water shutoff and the storm sewers brought up to final grade."

Mr. Frankish asked if there were any more comments. Hearing none, the public hearing was closed.

The Town of Gorham Planning Board completed the Environmental review process for the entire subdivision on June 2, 2003.

Mr. Atkins expressed that he does not believe that it is Mr. Freida's job to keep on the contractor and developer about the erosion control. "I think that if we are going to approve Phase C some things are going to have to change. Whoever's responsibility it is, they are going to have to be a little more proactive. I want to hear Gordy when he gets back saying that it looks good. If the builder has to spend extra money, so be it that is his obligation. That is what I needed to say and now I need to hear from you guys about how you're going to address this."

Mr. Frankish expressed that Mr. Laviano needs to find some way to keep these things in check.

Mr. Freida stated that once construction starts on this Phase, the Town engineer will be up there weekly and the Town will get the weekly SWEPES reports; and they will also go to the DEC and the developer. "I would like to make a suggestion that we have a weekly meeting with Mr. Laviano and myself and I will bring Dick Calabrese with me. There could be a possibility of no issue of permits until things are taken care of. It happened once before and things got accomplished. There again the surety bond that is posted, I have been instructed that if the work isn't completed after a letter is written, the money will be released to a contractor to do the work."

Mr. Atkins asked Mr. Laviano where he was with the trails and recreation.

Mr. Laviano stated that he did not believe that was a requirement of his approval.

The records of the June 2, 2003, July 28, 2003, and August 11, 2003 meetings were reviewed. For the preliminary approval condition number 11 read: A trail, sidewalk, bike lane system be added to the plan showing linkage between housing clusters, open/recreation/green space areas. For the final approval on Phase A of Section 1 condition number 6 read: The Homeowners Association shall have the ability and right to construct sidewalks and trails in the public road right-of-way and through common property owned by the Association.

This was briefly discussed. The board suggested that Mr. Laviano and the Homeowners get together and come up with a recreation and trail plan and present it to the Planning Board.

Mr. Atkins offered a resolution [attached hereto] for final subdivision approval on Phase C of Section 1 with the following conditions:

1. Bearings and distances for sanitary sewer and water main easements should be shown on the drawing, and written descriptions should also be provided. The sanitary sewer easements should be submitted to Ontario County for review.
2. Bearings and distances for drainage easements should be shown on the drawing and written descriptions should also be provided.
3. Bearings and distances for the right-of-way should be shown on the drawing, and written description should also be provided.
4. NYS Department of Health Approval of plans for Water System should be submitted.
5. NYS Department of Health Realty Subdivision Approval should be submitted.
6. NYS Department of Environmental Conservation Approval of plans for Sanitary Sewer System and SPEDES permit for storm water should be submitted.
7. Record Maps for Phase C of Section One shall be submitted after construction and prior to final release of any surety on that phase.
8. Heavy site work equipment shall access off of the site from Turner Road; the other construction vehicles should use the Turner Road access as the weather permits.
9. A base and wheel wash at the Turner Road entrance shall be installed at the commencement of construction of this phase.
10. Proof of Ontario County approval of the design of the Sanitary Sewers shall be submitted.
11. The applicant shall post a surety in an amount set by the Town Engineer and form acceptable to the Town Board,
12. The emergency access road is to be provided with a base sufficient to support emergency vehicles as determined to be acceptable by the Town Building Inspector, who is free to consult with the Town Engineer, Crystal Beach Fire Company, or other competent source.
13. A plan for a temporary detention pond upland be presented to Ontario County Soil, Water Conservation Department for their review and recommendations.

14. A plan for the maintenance of the soil erosion and swales be presented to the Town.
15. A design plan for sidewalks and trail system be presented to the Town.
16. A construction meeting with the site contractor, Mr. Laviano, the engineer and Mr. Freida shall be held before the start of construction on this phase.

Ms. Watkins seconded the resolution, which carried unanimously.

SKETCH PLAN:

Bob Bringley from Parrone Engineering & Mark Epling owner of property on County Road 1, State Rt. 364 and Maiden Lane, were present, and presented a sketch of a proposed 68 lot subdivision, known as Montebella Estates.

Mr. Epling stated that they are going to try and eliminate the entrances to Treasure House Road, Wild Rose Lane and Lincoln Ave from State Rt. 364 and bring them through the proposed subdivision for access. There are too many owners on Piccadilly Lane to eliminate that access.

Mr. Epling stated that he is going to try and contact the people who own the two 30 foot lots in the middle of this property and swap land with them so that they have the same rights that they have always had and relocate them out of the middle of the property. The land that borders onto County Road 1 has not been calculated into any of the calculations so that land can be sold to any neighboring property owner along County Road 1.

The next step is to submit a preliminary subdivision map to the zoning office and a public hearing will be set.

MISCELLANEOUS:

The draft Local Law to Amend the Zoning Local Law of the Town of Gorham for Wind Energy Conversion Systems was discussed.

After a brief discussion the board agreed that the area for the WECS is in the Average Annual Wind Speed at 100 meters area designated as the pink area on the map. The maximum height should be no higher than 300 feet to the tip of the blade. The flutter shadow should be changed to 5 minutes a day. The setbacks should be set at 1 ½ times the maximum height of the tower.

Mr. Frankish made a motion to adjourn the meeting at 10:20 PM. Mr. Atkins seconded the motion, which carried unanimously.

Dale Frankish, Vice Chairman

Sue Yarger, Secretary