

MINUTES
TOWN OF GORHAM PLANNING BOARD
May 14, 2007

PRESENT: Chairman Harvey Mr. Frankish
 Mr. Atkins Mr. Hoover
 Mr. McCadden

EXCUSED: Ms. Watkins ABSENT: Mr. Farmer

Chairman Harvey called the meeting to order at 7:30 PM. The April 23, 2007, minutes were discussed and the following change was made: Page 2 2nd paragraph should read: The observations from the public at the Town Board meeting on Wind Farms,.....was discussed. Mr. Atkins made a motion to approve the April 23, 2007, minutes as amended. Mr. Frankish seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #09-2007, James & Sharon Allen owners of property on South St., requests final subdivision approval on .976 acres known as lots 2 and 3 on approved preliminary map.

The public hearing was re-opened from April 23, 2007, and the notice, as it appeared in the official newspaper of the Town was read.

Mr. & Mrs. Allen were present and presented the final subdivision map for lots 2 and 3 to the board.

Lots 2 & 3, which was previously approved on the preliminary map is now being proposed as one lot on the final map.

Mr. Allen stated that the reason for putting the lots together as one is that there is a water drainage problem and the proposed buyer has agreed to let Mr. Allen put in a grass water way with an easement for Mr. Allen to maintain it. The buyer would also like a bigger lot.

The 20 foot drainage easement will be drawn on the map. Mr. Allen is working with Ontario County Soil and Water in having the easement drawn up.

Mr. Allen stated that he is also going to take the north end of the field and seed it down to help slow the water.

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

The Environmental Assessment Form was reviewed and completed on March 27, 2006.

Mr. Frankish offered a resolution [attached hereto] to approve the subdivision as final with the following condition: 1. The 20 foot drainage easement is to be added to the plan. Mr. Atkins seconded the resolution, which carried unanimously.

Application #12-2007, Chad Bond, owner of property on Lake to Lake Road & Dewey Ave, requests site plan approval to build a 24 x 46 wood frame shop.

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

Mr. Bond was present and presented his application to the board.

Mr. Bond stated that the pole barn will be used for storage, a wood shop and to change the oil in his vehicles.

There will only be electric to the building. There will not be septic or running water to the building.

The building will have metal siding.

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

The Short Environmental Assessment Form was reviewed; side two was completed by the board. The board determined this to be an unlisted action under SEQOR and will not receive coordinated review, since no other discretionary agency approval is required.

Mr. Atkins made a motion to approve the Short Environmental Assessment Form, as submitted by the applicant, making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse negative environmental impacts. Mr. Hoover seconded the motion, which carried unanimously.

Mr. Bond added the underground electric location to the map.

Mr. McCadden made a motion to approve the site plan as preliminary and final with the addition of the underground electric location. Mr. Frankish seconded the motion, which carried unanimously.

Application #13-2007, Titan Property Enterprises LLC, owner of property on Mayflower Road, requests subdivision approval to merge tax parcel 127.19-2-43.000 & 127.19-2-44.000 into one parcel to build a single family home.

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

Trevor Bettencourt and Steve Doane were present and presented the application to the board.

Chairman Harvey stated that the drainage contours need to be changed on the uphill site to intercept the water before it gets to the house. The drainage as presented on the plan is inadequate.

Chairman Harvey stated for the record, that surveyors are not licensed to do proposed grading. They are licensed to do existing grading.

Mr. McCadden stated that he would like to see some semblance if there is going to be a stoop, sidewalks and where all the services are coming in.

Mr. Bettencourt stated that it is his intentions to have a walkout basement.

Chairman Harvey stated that if they do not finalize the proposed house they will have to come back with a separate site plan application.

Chairman Harvey stated that as far as merging the two lots together the board would have no problem doing that.

Chairman Harvey adjourned the public hearing to be re-opened on June 18, 2007, at 7:30 PM in the Gorham Town Hall.

Application #10-2007, Framark Development, owner of property on State Rt. 364 & County Road 1, requests preliminary major subdivision approval for 68 lots, and final subdivision approval on Section 1, for 12 lots.

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

Bob Bringley, from Parrone Engineering and Mark Epling were present and presented the subdivision to the board.

The application did go to the Ontario County Planning Board for their review and comments. As of this date we have not received their comments.

Bob Bringley gave a brief overview of the project to the board and the public. They are requesting a cluster development. The lots will be an average of 80 feet in width. The minimum lot size will be 10,000 square feet, which is about a quarter of an acre. The maximum lot size in this project is 28,000 square feet, which is just over a half of an acre. The average lot size in this project is 13,000 square feet. The site has a total of 41.6 acres. The open space that will be provided is about 12 acres.

Chairman Harvey asked if there were any comments from the public.

Mr. Fladd asked if there were going to be any sidewalks in the development.

Mr. Bringley stated that they are not proposing any internal sidewalks.

Sue Bath asked if the water basins are open water basins.

Mr. Bringley stated that they would retain water in them during a storm event and after the storm event. They are required by the DEC to handle storm water drainage and treat the storm water prior to it being discharged down stream.

Reggie O'Hearn stated that he is representing 4592 Treasure House Rd., "which is the concentration of the retention area and the roadway." He presented the board with a survey of the property. "It shows Treasure House at a 40' wide width. When I looked at the proposed scaled map it looked like the road that they are proposing is about 12 to 12 ½ feet. More like a driveway. What I am asking the board to take a look at is to have any road attached to Treasure House or Piccadilly Lane meet the Town's specifications, so that when they get turned over that the town will maintain those roads also.

Chairman Harvey stated that Treasure House is just a private drive. "I think the intention in the proposal is to provide a different means of egress to that property and close off the existing curb cut at State Rt. 364, to be in compliance with the Town's Access Management Law."

Mr. O'Hearn stated that the "other issue is that the road has been known as Treasure House Rd. and to save change of address and so forth consider keeping it the same name for that road even if it comes off the new entry. The other issue that I would like to see addressed there, is a buffer. I would like to see it identified as a twelve month buffer to protect the back yard areas, in a form of evergreen and maybe a two row off set, with a minimum planting of a 6 foot height for the first planting. The #2 retention pond is fairly close as I scaled it off the map; it was something like 50 to 75 feet from the property line. I would like to see if that could be moved back some to a safer distance?

Chairman Harvey asked Mr. O'Hearn if he had any suggestions.

Mr. O'Hearn stated that maybe reconfigure it on the order of #1 and back it up a ways. "I am concerned. It is proposed with a 5 to 6 foot berm and if there is a possible breach we could have some flooding."

Mr. Bringley stated that they would make a deep hole 6 to 7 feet; "there will be a safety bench around all of the ponds; the deep areas are located away from the safety bench. We go from the water surface elevation that's flat and then we develop a safety bench, which goes from 15 feet out from the edge of the water. It is only about 12 to 18 inches in depth for 15 feet out and then it goes down steeply. We want

to promote the natural vegetation to grow in the safety bench, for storm water wet land facilities and what that does is allow the storm water that comes into it, the natural plants and the biological system within that pond picks up the natural pollutants and helps to clean that water so that when it is discharged down stream it removes particulate matter and oils and stuff that is collected off of a typical residential subdivision. The ponds are engineered and there are a series of what we call outlet control structures, which monitor and control the discharge of the ponds at different elevations, so for different storm events these are routed for two year storm through a hundred year storm. This is all in part of the submission to the Town, documented in the engineers report. The Town's engineer has reviewed it and is in agreement with our calculations, which show the stage storage discharge of each of these ponds."

Mr. McCadden stated that you were asked by the public about sidewalks and you said no. "On the plans that I have it has 4 foot sidewalks."

Mr. Epling stated that they do show a 4 foot sidewalk on one side.

Mike VanDusen expressed his concerns with the ponds and mosquitoes and also thought there is way too many homes for the area being proposed. He also expressed a concern with the placement of the sign of notification of the meeting. It was too far down in the ditch on State Rt. 364.

Mr. Bringley stated that there are mosquitoes every where and what studies have shown with storm water wet lands facilities is that it does not breed mosquitoes if the water is moving. "Mosquitoes like stagnant water. Mosquitoes will breed in shallow stagnant water; they don't breed as well in these ponds. These ponds will have a variety of wildlife associated with them, birds etc. that will feed on mosquitoes. The studies have shown that these types of facilities, which are being built all over in all the counties in New York State to comply with storm water regulations do not increase the mosquito population."

Mr. VanDusen expressed his concern with the drainage and the amount of water that runs off of the property.

Mr. Bringley stated that there is a dedicated storm water system parallel to the roadway system, which picks up all the new homes, the roof gutters, also the rear yards. "There are inlets going in the rear yards the size to handle the appropriate storm, so we're not just talking about putting 4 inch pipe. There is a significant series of infrastructure that we are installing to handle the storm water event that occurs. All the drainage that's now being

left unchecked, which is going down to the Piccadilly area, we're going to pick that drainage up and convey it in an enclosed system to those detention areas. So it is going to help the properties along State Rt. 364 because it is going to intercept that storm water before it gets to those properties."

Chairman Harvey stated that it gives someplace for the water to back up and then it discharges at a controlled rate to what the ditch can handle along State Rt. 364.

Mr. Fladd asked if the application had to be approved by the State Department of Environmental Conservation and the County Planning Board regarding the detention ponds.

Mr. Bringley stated that they are required for subdivision approval from this board. "We have also submitted to the DEC what is called notice of intent, to meet the storm water pollution prevention plan requirement. They have given us a permit for the NOI that will allow us to start construction. In the terms of the DEC they have approved our plan in terms of storm water and how we are proposing to handle the storm water."

Chairman Harvey stated that they have submitted an Environmental Assessment Form along with the application. "The board has got to decide whether it is a big enough project for a coordinated review, what other agencies need to be involved and make a determination of significance under the State Environmental Quality Review Act."

Someone from public expressed his concern with the environment and pesticides running into the lake, and hoped that the environmental review would address these concerns. He also questioned if there was some type of bond that they would have to come up with in case they make a mistake or there is a problem.

Mr. Bringley stated that the developer will post a letter of credit. "That is for anything that is built on this project that would be dedicated to the Town, such as the water main, the storm & sanitary sewers and the roadway systems. These are all posted in a letter of credit, which basically guarantees that this work will be completed. If the developer goes away for what ever reason the Town would have the resources to make sure the project left as constructed."

Chairman Harvey stated that Parrone engineering also has professional liability insurance.

Someone from the public asked what kind of separation between houses is being proposed, compared to the Bero project across the road. He also asked what the square footage of the houses would be and what style they would be.

Mr. Epling stated that the houses would start at a value of somewhere \$150,000 to \$170,000 and up. "The footprint could be 50 to 60 feet wide and 40 feet deep. That's 2400 square feet on one floor. The configuration of the house usually isn't a square box. The smallest house would be at what ever the minimum home requirement would be."

Someone from the public expressed his concern with the maintenance of the retention ponds.

Mr. Epling stated that he maintains the ponds during construction and for two years after construction.

Chairman Harvey asked if there was a proposal to dedicate it to the Town.

Mr. Epling stated yes as part of the storm water system.

Someone from the public asked as far as the water pressure, are they going to upgrade our water facilities down at the plant.

Scott Wager also expressed his concern with the water pressure.

Mr. Bringley stated that "they can meet the State Health Departments requirements for normal domestic use, which is 15 gallons a minute per home at the minimum of PSI. The fire flow condition on the upper half today is roughly about 400 gallons a minute at the top of Maiden Lane. That will need to be addressed. The Town engineer did bring that up. We will need to have discussion with the fire department. It is a matter of providing adequate fire protection. So whether we build today or not we are aware of the fire protection problem at the top of that hill. The State Health Department requirement is 750 gallons per minute at 20 PSI and the current system will deliver about 400 gallons per minute at that flow rate. We are going to have to look at that."

Chairman Harvey stated that they will have to work with the Town Board and the Town engineer to get that straightened out.

Someone from the public asked if the homes will have basements or built on slabs and will the owners own the land.

Mr. Epling stated that they will be individual lots and sold as individual lots and they can have basements.

Someone from the public asked what they would be doing with the land that is not part of the first phase.

Mr. Bringley stated that eventually the entire project will be constructed. "We do not know the time frame. We would phase it so the future lots would not be built on until such time as we applied for subdivision approval for that. Then we would go in and put the utilities the roadways and the infrastructure to support that development. Until such

time that land is virtually going to remain as it exists today.

Someone from the public asked if they still are proposing walkways in the open space as they did before.

Mr. Bringley stated that there will be a walkway system, which is designated by the heavy dotted line on the plan, which enters into the open space. "The open space will also have access to Driftwood. It will be accessible through Lincoln and through Cherry Lane."

Jack Dailey stated that his neighbors and he bought the old Thendara Golf Course because they were concerned about the quality of what was happening in their area. "We thought that was a good way to ensure that the natural beauty of the lake in the area was maintained. We continue to be concerned that developments blossom in our area and we are not sure that everybody has the same concerns for the beauty of our area; and, we are asking the board to make sure that that is part of the plan as you look at this project. In taking that thought a step further I am also on the board of the Lake Cottager Association and we are very concerned about development that has taken place in our town. I know there has been some discussion among the board members about enacting a moratorium on building or the number of permits that go out each year. We urge you to take a closer look at that. We are concerned about traffic that goes up and down State Rt. 364. From what I am aware of the lake is deteriorating. The quality of the drinking water is not as good as it was several years ago. Again we ask that you look real closely at this."

Mr. Frankish stated that he would like to see the information on the poor quality water report. "I am on the lakeside study board and have been for many years and I have not seen anything like that."

Mike Sweeney asked if the individual parcels would have lake rights.

Chairman Harvey stated that there is a lake right of way that goes with this parcel, but the Town's requirement is that that right will be assigned to just one lot.

Someone from the public asked if there was a requirement that the houses have to be a certain size.

Chairman Harvey stated that the board is going to want to see what the types of homes are that are going to be put in there. "What is the minimum square footage? What architectural and other standards is he going to hold his buyers too? What are they going to be required and permitted to build?"

Florence Humphrey asked if they would be manufactured homes or site constructed homes.

Chairman Harvey stated that it does not matter if someone trucks it in. "It depends on what it looks like and the quality of it."

Someone from the public expressed her concern with regards to the entrance coming out on Maiden Lane. "The road in that area is not very wide for two cars to travel up and down the road. What is the proposal to make it wider? What are they going to do in regards to the traffic, a lot of kids play in that area?"

Chairman Harvey asked if they have traffic counts on the Maiden Lane area.

Mr. Bringley stated that they do not have counts on Maiden Lane. "It is a low volume road. We would anticipate the majority of trips that we would generate would be off of State Rt. 364. The Maiden Lane access is for not only convenience, but safety in terms of emergency vehicles."

Scott Wager stated that if you drive up and down that area, probably half of the cars that come to the intersection of County Road 1 and State Rt. 364 will go up County Road 1. "I do it myself and I live on Mayflower Drive. I don't think your assessment there is really correct."

David Noaker asked if the green space would be accessed by vehicles or walking trails. He was curious if Lincoln Ave was going to continue on into the green space or stay how it is now.

Mr. Epling stated that it will stay as it is now.

Mr. Fladd asked who develops those 12 acres. "Is that part of the group that builds the homes or do they have an organization that will develop that or is it forever wild?"

Mr. Epling stated that it will remain the way it is now.

Chairman Harvey stated that is open for negotiation to decide whether there is going to be any improvements there or whether it is going to remain the way it is.

Someone from the public asked what will happen with the small parcels owned by other people in the middle of the subdivision.

Chairman Harvey stated that they will have to negotiate with them and exchange property with them in some other location. "If they can't negotiate with them they will have to provide access to those parcels, a means of egress to those parcels and they may lose a couple of those lots."

Chairman Harvey adjourned the public hearing to be re-opened on June 18, 2007, at 7:45 PM in the Gorham Town Hall.

Mr. Freida stated that there is a set of plans of the project in the Town Zoning Office that are available for the public to review during regular office hours.

Part 1 of the Environmental Assessment Form was reviewed. On page 8 the Town water district needs be listed under local agencies. Under other regional agencies Canandaigua Lake County Sewer District needs to be listed. NYS Office of Parks, Recreation, & Historic Preservation needs to be listed under state agencies.

Mr. Atkins made a motion requesting lead agency status for the Planning Board and to start the process for coordinated review and authorize the Planning and Zoning Officer to distribute a letter with copies of the Environmental Assessment Form and plans of the project to all the interested agencies. Mr. Frankish seconded the motion, which carried unanimously.

The proposed right of way connecting Treasure House road to the road in the development was discussed. It does not appear that there is enough room to make it wide enough to be dedicated to the Town.

Mr. Epling stated that the right of way is being proposed as a private driveway constructed in the proposed configuration.

Mr. McCadden questioned how the park area was going to be maintained.

Mr. Epling stated that he wants to give the town the option to take the open space. If the town does not want the open space, it will be joined with a lot with deed restricted open space.

Mr. McCadden expressed that he would like to see something a little clearer than that before they approve the subdivision.

Chairman Harvey stated that they need to talk to the Town Board; and if they are not willing to take it over then they will need to have a Homeowner's Association or have the Finger Lakes Land Trust or someone else take it over.

Mr. McCadden expressed his concerns with the lands not included on the plan; whether they would be buildable lots.

Mr. Epling stated that those lots can go with each of the other lots; they were just not included in the calculations so they could be sold to adjoining neighboring properties.

Mr. McCadden stated that he just does not want to have them separated out and then in a year from now they come back and say they have a lot that the board said they could do something with.

Chairman Harvey stated that they should label some of those areas showing where they are going to be annexed.

Mr. Bringley stated that the final subdivision map will address those lots and the open space.

Mr. McCadden asked what would happen to the individual lots that are owned by other people in the middle of the development and their lake rights.

Mr. Epling stated that the perfect scenario would be that those people would let him move them to another location and that their lake rights would continue.

Mr. McCadden stated that those lots and issues need to be addressed.

Mr. McCadden suggested that if the Town does not take over the park and it remains a private park for the people in that area, signs should be placed at all the entrances stating that it is a private park.

Mr. McCadden asked if there was any way to locate any of the retention ponds so that they are not all clumped together.

Mr. Bringley stated that they could divert the upper half of the project to a detention facility in the open space area. "Our thinking was to develop a system of ponds that would look neat and dress up the entrance. It was a very effective way to handle the storm drainage. The land that is draining over the open field, we would just as soon not pick that up. That allows for water quality. The end of that drainage is right at the State Rt. 364 entrance and goes to the north and follows State Rt. 364 for a ways and then it crosses over and goes to the lake."

Mr. Atkins asked as far as the rule that the town has, do you understand and accept the fact that only one lot in your development is going to have lake access.

Mr. Epling stated well that is what you are telling me. "I am not saying that I agree with that."

Chairman Harvey said that Mr. Atkins stated that just so that it is in the minutes that you are aware of it.

Chairman Harvey stated that he is going to reiterate some of the main points that we heard tonight. "What was not in the submission to date is a real idea of the size of the homes, the types of homes, any deed restrictions or design requirements for the homes. "You have done a good job in complying with the Town Access Management Plan. I don't think it would hurt to take a look at Maiden Lane and get a trip generation on it."

SKETCH PLAN:

Application #11-2007, Jeffrey & Elizabeth Coons, owners of property at 4550 Lake Dr., requests sketch plan to build a single family home.

Sandy Kramer, Architect & Jeffrey Coons were present and presented the plan to the board.

The drainage was discussed. The drainage onto the neighboring property needs to be addressed so that it does not drain onto the neighboring property.

The applicant is requesting from the Zoning Board of Appeals the following variances: A rear yard setback, front yard setback and lot coverage.

Mr. McCadden stated that he had a concern with the stone wall on the south property line being right on the property line.

The stone wall was discussed. It was decided that it should be regulated the same as a fence which needs to be two feet off the property line unless there is a written agreement with the neighboring property owner.

The Planning Board requested the applicant to get them what the existing lot coverage is and expressed that the Zoning Board of Appeals will want to know that percentage also.

MISCELLANEOUS:

The board discussed the uphill drainage and trails and sidewalks at the East Lake View Estates.

The Homeowners Association Agreement has been sent to the Town Attorney for his interpretation as to whether Carmen Laviano, the developer, is still the controlling interest in the Homeowners Association.

Britta Anderson & Stephen Biklen were present and explained to the board that the way the Homeowners Association Agreement reads is that Mr. Laviano is the sole board member and that does not change until all the lots are sold. They have no voice and no votes. Mr. Laviano decides everything.

Ms. Anderson stated that what Mr. Laviano was told to do by the board at the last meeting that he attended on March 26, he has not done. "That was to comply with what the original directions for approval back 2003 that he creates a plan for a trail system. The town put in, and it is part of the Town Board minutes, the overall letter of credit that the money that was in that letter of credit was to be used for the development of the trail system."

Mr. Atkins stated that if they were elements of the approval for final approval, then maybe the approval should be yanked.

Mr. Biklen stated that at the March 26, meeting, a condition as part of the approval was for him to get together with the Homeowners and come up with a plan for the trails. "He has not done that yet."

Ms. Anderson stated that the common areas have one foot grass growing in the common areas. "All of the homeowners are neat little pins. We are trying to beautify our homes. The common areas look like dumps. These are the ones that suppose to be seeded and have trees on them. We have a petition going to Ryan and Laviano from all the homeowners to deal with that issue before we come to you on that. Right now we simply would like him to adhere to what he was told by the Town and that is why we are here tonight to try to reinforce that all homeowners are very interested in the beautification and the maintenance of our common area including the 4 acres of woods that we have. We would like a couple of paths through there, and some trails around the detention ponds."

Mr. Atkins questioned if the drainage systems were being maintained like they asked him to do. "It was a condition that he come up with a plan and meet with his engineer so that Gordy would not have to go to him when there was a problem."

Mr. Frieda stated that he has talked to Steve Schultz, from MRB several times. "I go up there several times a week, it is not an issue right now. As far as the uphill drainage, if the swale gets rebuilt and re-vegetated that should conduct the water. The drainage now is probably working the best it ever has."

Mr. Biklen stated that the Homeowners Association is going to have to be involved in the maintenance of the overall system. "The problem is he won't get the association together so we can figure out what we are doing."

Mr. Atkins stated that he will have to do it on his own. "This goes back to what we just said and what we tried to accomplish at the meeting last time when we said as a condition of approval this stuff needs to be done. If it is not done then he does not get final approval on Phase C and that's it."

Ms. Anderson asked if the town has gotten a plan for maintenance of the soil erosion and swales. "That was also a condition that you put in. We have so many homeowners who are so concerned about their swales particularly on the north side where they have standing water."

Mr. Atkins stated that was another condition of the approval and the engineer that was with him that night got a little bit concerned about that.

Ms. Anderson stated that Ryan is now selling homes in that phase.

The board stated until the conditions are met and the map is signed by the Chairman of the Planning Board and filed and recorded with the County Clerks Office, no lots can be sold.

Chairman Harvey stated that the Town Attorney is looking at the Homeowners Association agreement and until we see minutes from what the homeowners want, no subdivision map will be signed.

A draft of the local law on Wind Energy Conversion Systems was reviewed and discussed.

The height of the WECS was discussed and was decided that in the AG district the maximum height shall be 200 feet to the tip of the blade and in the WFD (Wind Farm District) the maximum height shall be 300 feet to the tip of the blade.

Shadow flicker was changed from 10 minutes per day to 5 minutes per day on average in a year.

All WECS will be subject to site plan review. Commercial WECS are also subject to a special use permit. Wind Farms are subject to rezoning and site plan review.

Mr. Atkins made a motion to refer the draft of the Local Law for Wind Energy Conversion Systems to the Town Board. Mr. Frankish seconded the motion, which carried unanimously.

The meeting was adjourned at 10:55 PM.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary