

MINUTES
TOWN OF GORHAM PLANNING BOARD
June 18, 2007

PRESENT: Chairman Harvey Mr. Frankish
 Mr. Atkins Mr. Hoover
 Mr. McCadden Ms. Watkins
 Mr. Farmer

Vice Chairman Frankish called the meeting to order at 7:30 PM. Mr. Atkins made a motion to approve the May 14, 2007 minutes as submitted. Ms. Watkins seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #11-2007, Jeffrey & Elizabeth Coons, owners of property at 4550 Lake Dr., requests site plan 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.

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

Mr. Coons stated that they have spoken with the neighbor on the south and that the neighbor is comfortable with having the retaining wall on the property line.

A letter from the adjoining property owner will be submitted to the zoning office stating that the retaining wall can be on the property line.

Mr. McCadden would like to see the surveyor locate the retaining wall on the property line so that it does not go over the property line.

The Zoning Board of Appeals, on May 17, 2007, made a motion to grant a variance of 3% for lot coverage of 28%, eliminating the front and rear yard variances so that it meets the required setbacks of 30 feet on the front and 20 feet on the rear.

Mr. Kramer explained to the board how they were able to accomplish the required setbacks and variance of 28% lot coverage.

Mr. Atkins asked where the roof drains would drain.

Mr. Kramer stated that the downspouts will all be fed to a dedicated perimeter drain, separate from the foundation drain and other drains.

Mr. McCadden stated that when the as built survey is done all the utilities should be shown on the drawing.

Mr. Frankish 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 SEQR 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. McCadden seconded the motion, which carried unanimously.

Mr. McCadden made a motion to approve the site plan as preliminary and final with the condition that the utilities and the retaining wall be placed on the as built survey. Mr. Atkins 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 re-opened from May 14, 2007, 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.

Mr. Bettencourt stated that they have eliminated the walkout basement.

The drainage on the property was discussed. It was determined that a small swale would need be put in to drain the water to a ditch on Mayflower Road so that the water does not drain on the neighboring property.

Mr. McCadden questioned what the height and the width of the retaining wall that is shown on the plan would be.

The details of the retaining wall will be added to the plan.

Mr. Atkins questioned where the utilities were going to come in to the property. These items will need to be shown on the plan. The board prefers the electric to be underground.

Mr. McCadden stated that if they are going to have a basement garage he would like to see the finish floor elevation of the basement on the plan.

Mr. Frankish 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. McCadden 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. Atkins seconded the motion, which carried unanimously.

Mr. McCadden offered a resolution [attached hereto] to approve the subdivision as preliminary and final with the following conditions: 1. Show location of roof drains. 2. Show location of the sidewalk and steps. 3. Show the height and width of the retaining wall. 4. Show a small swale out to Mayflower Road. 5. Show the location of the underground electric, phone and cable. 6. Show the finished floor elevation of the basement. 7. Obtain approval from Kelly Ayers, Highway Superintendent for the curb cut. 8. Show the dimensions of the deck. Mr. Hoover seconded the resolution, which carried unanimously.

Application #14-2007, Robert H. Paterson, owner of property at 5132 County Rd. 11, requests subdivision approval to subdivide 100' x 240' parcel out of a 2.5 acre parcel.

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

Jean Seager, from Nothnagle Realtors, was present to represent the Paterson Family, and presented the subdivision map to the board.

Chairman Harvey joined the board at this time.

Ms. Seager stated that they are applying for a subdivision for a 100' x 240' parcel on the north end of their property for resale.

Ms. Seager questioned what the building setbacks would be for the parcel with a sewer easement running through the property.

Mr. Freida stated that the setbacks are 30' from the road, 30' from the high water mark and 15' on the sides. The Ontario County Sewer District will allow you to build right up to the easement.

Chairman Harvey stated that the real challenge with subdividing this parcel is how it is going to comply with the Access Management Plan.

Access to the parcel was discussed at length. The distance required between curb cuts in that area is 245 feet.

The variance process is through the Planning Board. Until a plan is presented to the board as to how they are going to combine the driveways and manage the access points, subdivision of the parcel will not be granted.

Chairman Harvey adjourned the public hearing to be re-opened on July 23, 2007, at 7:30 PM in the Gorham Town Hall.

Application #15-2007, Leo & Judy Srodawa, owners of property at 4527 Lake Dr., requests site plan approval to build a single family home & garage.

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

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

The proposed home & garage meets all setback requirements and the lot coverage requirement of the town.

The proposed drive is replacing the existing drive and the existing drive will be removed.

The utilities will be underground and will be put on the plan at the time of construction.

Mr. McCadden suggested that silt fencing for erosion control be added to the plan.

Drainage was briefly discussed. Show spot elevation around the retaining wall during construction.

As many trees as possible will be saved.

It was suggested that the steps and any pavers for a sidewalk be added to the plan, not to exceed 30% lot coverage.

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. Frankish seconded the motion, which carried unanimously.

Mr. McCadden made a motion to grant the site plan as preliminary and final with the following conditions: 1. Show a couple spot elevation around the retaining wall during construction. 2. Utilities will be underground and will be added to the plan during construction. 3. Show the silt fence on the site plan. 4. An as built survey after the

foundation is laid will be required. 5. Add the steps and sidewalk to the plan. Mr. Hoover seconded the motion, which carried unanimously.

Application #16-2007, Richard & June Mehlenbacher, owners of property at 2555 East Main St., requests a Special Use Permit & site plan for an attached garage with an accessory apartment.

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

Mr. & Mrs. Mehlenbacher were present and presented their site plan to the board.

Mr. Freida stated that for a special use permit for an accessory apartment, the apartment has to be attached by 25% to the principle structure. The accessory apartment has to have a minimum of 300 square feet, and not more than 800 square feet. There should be sufficient parking. The lot shall meet the requirement of the zoning district for a single family home.

The application meets all the above requirements for an accessory apartment.

There needs to be three parking spaces. The plan shows the required parking spaces.

The entrance to the accessory apartment will be by exterior stairs. These will be added to the plan. The sidewalk will also need to be added to the plan.

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 SEQR and will not receive coordinated review, since no other discretionary agency approval is required.

Mr. McCadden 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. Atkins seconded the motion, which carried unanimously.

Ms. Watkins made a motion to approve the special use permit for an accessory apartment as it meets all the Town of Gorham zoning requirements for an accessory apartment. Mr. Atkins seconded the motion, which carried unanimously.

Mr. McCadden made a motion to approve the site plan as preliminary and final with the following conditions: 1. Show the exterior deck and stairs on the plan. 2. Locate the

sidewalks on the plan. Mr. Atkins seconded the motion, which carried unanimously.

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 re-opened from May 14, 2007.

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

Chairman Harvey stated that one of the concerns that the water district has is adequate service of water supply and pressure on the upper section of the development.

Mr. Bringley stated that it meets all the minimum Department of Health requirements for fire flow and protection, but there is a recommended standard for the Department of Health, that the working pressure exceeds 35 psi. "Those lots the working pressure will be between 25 and 35 psi for approximately about 12 lots on the upper half. That is the result of the height of the existing tank. It meets all the Department of Health requirements for fire protection, so health and safety exceeds the full requirements of 750 gallons per minute and the minimum pressure of 20 psi. Those calculations were sent to the engineer and he does agree with that assessment."

Chairman Harvey read to the board a letter dated June 13, 2007, from Olgerts P. Sniedze, P.E., Sniedze Associates to Richard Erb, Chief Operator, Water/Sewer Plants, regarding Montebella Estates on the water distribution system. This letter will be kept in the file.

Chairman Harvey asked if they plan on addressing the 35 psi issue.

Mr. Bringley stated that they submitted the information to the Town engineer and we have also tried to contact Rick to set up a meeting. "There are a number of different solutions for those 12 homes under normal working pressures that could be initiated to increase their pressures inside their homes. Again it is a recommendation it is not a requirement. It is a recommended standard it is not a required standard. The 20 psi is what is required, but we are willing to sit down and talk with them."

Mr. Bringley stated that the open space, as discussed last time, will either be offered to the Town for dedication or it will be retained with one of the lots and will be deed restricted.

Chairman Harvey stated that he believes the Town Board has talked about this preliminarily and will probably be

looking for the Planning Board to make a recommendation about ownership back to the Town Board.

The application did go to the Ontario County Planning Board for their review. The Ontario County Planning Board made the following comments: 1. The Town and applicant are asked to specifically provide for proper implementation, inspection and maintenance of the proposed erosion control measures in accordance with SPDES requirements. 2. The Town is asked to give special scrutiny to traffic and needed mitigation. 3. The Town and applicant are also encouraged to remove as many of the short dead end roads as possible, possibly incorporating them into the access for this development. 4. Large scale residential developments can have intermunicipal impacts related to traffic, open space, and overall community character. 5. The subdivision is located on State Rt. 364. 6. The proposal will leave ½ of the 41.6 acres undeveloped. 7. The Town has specific plan in place to manage access and traffic along State Rt. 364. 8. The applicant has addressed impacts related traffic, drainage to the satisfaction of the board.

Chairman Harvey explained to the public the procedure for the SEQR review and asked the public if they had any comments.

Barbara Phillips - "What is the archeological significance of the property?"

Chairman Harvey stated that the State Historic Preservation Office has a map of all known archeological sites in the State of New York. "They do not reveal to the public the locations of those archeological sites. What they do is draw a fuzzy circle about a mile in radius that says there is a known archeological site here. So if you have a project that falls within those circles or squares on a map you ought to call SHIPO and have them make a determination whether there is anything on that site and whether they recommend an archeological study to be conducted on the site."

Don Bergmann - "I am a professional engineer living across the street across East Lake Road. I have had 48 years in the practice of civil engineering, 43 in Rochester. Twenty four years as founder and CEO of Bergmann Associates. Quite relevant to this in that a great major portion of our work is on large site development. As some of you may remember I was very much against the previous proposal. I thought the Planning Board very carefully, fortunately, wisely rejected it. However, I am just as concerned and against this particular proposed development. I do have five

major concerns that I would just like to express very briefly. I am not very comfortable with the experience and the capability of the developer, Franmark who is the same as proposed before and has the same leader that they have really motivated or improving what's around this neighborhood for their experience in this type of work. In the planning the building, selling and future maintenance of such projects, so that the long term quality home, land and infrastructure. His last proposal was very wisely rejected and I thought this was excellent and there were serious concerns of well over 300 people expressing something of this nature. I thought that the developer exhibited at this time, and of course I have not had the opportunity to review the plans this time, are quite poor judgment in helping the long term increase in quality of homes in this area. I do not have confidence that it will be able to achieve what this Town of Gorham and the residence in this area want to achieve and that is essentially to increase the quality of development and residences around. This goes in the opposite direction. A second concern is I am very concerned about the quality of the homes, perhaps intended to be good, I have a gut feeling it will eventually still become similar, not a trailer park but, similar to the characteristics of a trailer park over time. It takes time for that to happen. It still could happen. Very many small homes they could be manufactured the code allows it, it could be as low as 950 square feet the code allows it, or as proposed as I understand 1250 square feet average. The current buyers that would buy these in the future depending resale would very likely not prevent as well as they should the decay of these kinds of structures. They would deteriorate into rather poor development. The reason I say this, I have seen this so preventively through out many parts of Florida, through out one of the developments on East Lake Road, I think that is within the Town of Gorham, if not it is Canandaigua, plus three more in the Town of Canandaigua. A third concern I have is the significant increase in taxes for the neighbors and other residence of Gorham as the result of this project. The quality of the residence, nearly all the over 100 homes close to this development, the quality of residents and their property has been increasing exceedingly well over the 21 years that we have been living here, very pleasing. Small homes, perhaps manufactured in nature on small lots that are not well maintained will not be at any where near the kind of value, any where near it that the neighborhood has. Thus, they will have relatively low taxes compared to the rest of us. Most residences are likely to have children, nothing wrong with

that. This increases obviously the overall school budget and taxes. The increased cost of the schooling will be mostly borne, and not proportioned, covered by taxes to the mostly better homes in Gorham. Ditto on infrastructure costs. Our property taxes right now happen to be currently \$26,000 a year. There are many homes with higher, equal and close to that. A fourth concern I can express very easily and very quickly, is the major decrease in potential value of property in this neighborhood. When such a less of level of development occurs in the midsts of much better homes and property so close to it, the selling value of the neighboring properties will seriously decrease from what it would be. The last one I am concerned about is admittedly very local, just us Barbara and I, 90% of the drainage from the home site here the southern end of this property goes directly through our yard and driveway. This happens because there is an old 14 to 16 inch culvert under East Lake Road just south of the old Lincoln Wood house and just the northern edge of this site development on East Lake Road. It goes under it and it dumps into an open portion of land about 40 feet west of East Lake Road. It dumps right out into the open. For many years about nine hundred feet of our yard several times has significant flooding. The proposed detention ponds I believe will certainly help the extremely increasing runoff when you develop land, but during the heaviest storms they will likely increase the flooding in our yard to a great extent, and much more frequently then has been occurring for the last 21 years. Thus, I know we will likely have a very expensive cost to do what ever we have to figure out to do to prevent such flooding, unless of course the developer is required to do something to help. Sorry to be so negative in what appears to be a very constructive and optimistic development project, but sorry I have a great deal of respect for this Planning Board and the Town Board after what happened before, and the little I know of it but because of that respect I have some confidence that something is going to have to change in this and I hope it does to get a type of quality that really helps not to continue to degrade what we have, the increase in grading and improvements and all those houses, all of them, and this is not going in that direction. Thank-You."

Chairman Harvey suggested that Mr. Bergmann take a look at the school district budget and the student population in the district. "The student population is way way down. Increase of students is not an issue in the Marcus Whitman School District. They have room for 2400 to 2500 students

and right now they are around 1500. They have more infrastructure than they can use."

Doug Martin asked if the board was going to require a full SEQR review on the project.

Chairman Harvey stated that after they become lead agency they will take the public comments and comments from the other agencies and make a determination of significance at that time.

Mr. Martin stated that he would strongly recommend it.

Chairman Harvey told Mr. Martin that was a nice statement and to give them the bases for that comment.

Mr. Martin stated that he believes it is going to have a definite effect on the whole neighborhood and the whole area. As the gentlemen mentioned with the types of homes that they are going to build and also primarily the drainage problems that could affect the lake, the quality of the lake.

Roger Kober - "I would just like to echo Don's comments. I'm president of the Cottage City Cove Association, representing 26 lake front owners. We are just down the hill from this development. I would like to go on the record as supporting Mr. Bergmann's comments on their behalf as well as my own."

Scott Wager - "I just have a technical question regarding the water. I was wondering if the developer could provide information of how this development is going to change the water pressure of the existing houses that are all ready at the top close to that water tank."

Mr. Bringley stated that the water pressure on County Road 1 and above a certain elevation it is what it is because of the height of the tank. "This project, whether we go forward and build one home or we go forward and build 68 homes, this plan will not impact or change the water pressures along County Road 1 or above that elevation."

Several people from the public questioned what price range, square footage and types of homes are being proposed.

Mr. Epling stated that he will present the types of homes that are being proposed at the meeting on July 23, 2007. "There will be three different styles of homes, a regular conventional two story house, a ranch style house or a patio style house will be available, any where from probably 1500 square feet and up."

Mr. Epling stated that as far as price each customer is different. "They could spend \$125 or they could spend \$200 a square foot in the house, so the house could start out at a base price of \$150,000 and before they get done it could be \$200,000."

Chairman Harvey stated that this is a fair housing town so despite the comments that were made tonight it is fair to have a schedule and a range of houses.

Someone from the public asked if they would be built on site.

Mr. Epling stated yes. "Right now the homes are proposed to be stick built."

Someone from the public expressed her concern with the traffic and was wondering if there was a plan of a stop light or something to make it easier. They don't want a stop light on East Lake Road.

Chairman Harvey stated that as far as he knows there is not a plan for a stop light and suggested that they see Mr. Freida for more information on traffic and the Access Management Plan.

Sandy Blanchard - "I also live on Deep Run Cove two places up from this supposedly lot that they are talking about using. I don't know which one of the gentlemen talked about it. Do you know what I am talking about? The access to the lake lot."

Chairman Harvey asked if she knew what the Town's rules were on that.

Mr. Blanchard stated that her impression was that it was part of a deed but it was not an access to 68 homes.

Chairman Harvey explained the Town's rules on this. "The town has rules and what that is called is Key Hole Development which means you have a small piece of property or access right of way that goes to the lake and you can't grant that to multiple land owners any more. It was done years ago and created lots of problems. The town rule is he gets to pick one of the lots and that right goes to one lot. It does not go to all of them."

Mr. Atkins explained that those who have access to that right of way at this point will still continue to have access.

Mike VanDusen - "What are you planning on doing with Piccadilly Lane in the future?"

Mr. Epling stated nothing.

Mr. VanDusen asked Mr. Epling if he planned on maintaining the road.

Mr. Epling stated that he does not plan on maintaining the road.

Mr. VanDusen asked if it was ok for him to still maintain the road like he has for the last 30 years.

Mr. Epling stated feel free.

Mr. VanDusen asked if he would be willing to sell it to people on that road.

Mr. Epling stated that they could talk about that.
Chairman Harvey stated that it would be nice to clean that situation up.

Pamela Schrank asked if the development would be done in stages.

Mr. Bringley stated that the first section will be 32 lots and then the balance will be 36 lots.

Mrs. Schrank asked if most of the homes in the first phase would be sold before the second is started.

Mr. Epling stated that that would be preferable.

Mr. Bringley stated that they would post a letter of credit for the improvements in the first section, and that is a significant amount of money so there would need to be a large portion of homes constructed before another phase was done.

Chairman Havery adjourned the public hearing to be re-opened on July 23, 2007, at approximately 7:30 PM.

MISCELLANEOUS:

Chairman Harvey made a motion to recommend that the Town Board extend the moratorium on Wind Farms for a period of time adequate to get the local law drafted and adopted. Mr. Frankish seconded the motion, which carried unanimously.

Fred Lightfoote, Town Council Member was present and thanked the board for all of their efforts and hard work on Wind Energy.

Mr. Atkins stated that the Wind Energy should also be put into the Comprehensive Plan.

Chairman Harvey stated that the Town Board plans on taking a look at updating the Comprehensive Plan next year so it can be done at that time.

The meeting was adjourned at 10:02 PM.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary