

MINUTES
TOWN OF GORHAM PLANNING BOARD
July 23, 2007

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

EXCUSED: Mr. Farmer

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Atkins made a motion to approve the June 18, 2007, minutes as submitted. Mr. McCadden seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

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.

Chairman Harvey re-opened the public hearing from June 18, 2007, and noted that the applicant has withdrawn their application.

Application #17-2007, Crystal Beach Fire Department Inc., owners of property at 4468 State Rt. 364, requests site plan approval to build a 36' x 48' addition to the existing building.

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

The Zoning Board of Appeals on July 19, 2007, granted a variance of 5.3 feet for a setback of 14.7 feet and the lot coverage is not to exceed 80%.

Peter Fowles from Chrisantha Construction Corp was present and presented the site plan for the applicant.

Mr. Fowles stated that the addition is going to be used for additional storage and a new mechanical room.

Mr. Fowles stated that they will be removing about 50 sq feet of pavement to comply with the 80% lot coverage requirement.

Mr. Fowles stated that they will have overhead doors on the addition, but do not plan to store the trucks inside of the addition. They plan to put a storage trailer and chairs in the addition.

Mr. McCadden expressed that he would like to see the barbeque units also stored in the addition, instead of leaving them outside.

Chairman Harvey stated that due to the parking situation the board does not want to see the trucks parked inside of the addition.

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. Frankish 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 made a motion to approve the site plan as preliminary and final with the following conditions: 1. No fire fighting apparatus is to be stored in the addition so that parking is allowed on that side of the building. 2. Paving is to be removed to comply with the 80% lot coverage requirement. 3. The splash blocks will be tied into the sub-grade drain on the north side of the addition. 4. All outside storage will be eliminated. Ms. Watkins seconded the motion, which carried unanimously.

Application #18-2007, Alan Nolt, owner of property at 5000 Phelps Road requests a Special Use Permit & site plan for a private school.

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

Alan Nolt & Joe Zeiset were present and presented the application to the board.

The area of land where the school will be located is 190' x 300' and has a 99 year lease between Allen Nolt and Meadow View School.

The school will be one story with a peaked roof, vinyl siding, front porch and will have the appearance of the 3 other Mennonite Schools in the town.

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. 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 made a motion to approve the special use permit and site plan as presented with the understanding that it will be constructed similar to the other private schools in the town. Mr. Hoover seconded the motion, which carried unanimously.

Application #19-2007, Jerry Proctor, owner of property at 2630 State Rt. 245 requests site plan approval for change of use from a motor cycle shop to a motor vehicle sales, service & repair; and a small pizza and wing shop.

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

Jerry Proctor was present and presented his application to the board.

Mr. Proctor explained that gas sales will be in the rear of the property, the vehicle sales and service in one end of the building and a possible pizza and wing shop in the other end of the building.

There are a couple of spaces in the front of the building for parking.

The entry to the pizza shop will be in the front of the building.

Chairman Harvey asked if there would be one-way traffic for the gas sales.

Mr. Procter stated that that is the plan.

Mr. McCadden asked if there were any environmental reports done on the property.

Mr. Procter stated no.

Mr. Frankish stated that as part of the agreement for the motorcycle shop all the drains were sealed.

Mr. McCadden stated that the concern he has would be that "if they are going to have any appreciable amount of traffic in and out and the egress out for what ever reason they don't have an agreement with the adjoining property owner, I think that 14 feet makes it very tight to get vehicles out and back onto the road. I strongly recommend that you have some sort of a mutual agreement."

This was briefly discussed and since there is a shared driveway with the restaurant the board would like to see a mutual access agreement between the two land owners.

Chairman Harvey stated that he would like to see a dimension from the utility pole to the entry drive, and would like to see the hydrant location placed on the site plan.

Chairman Harvey stated that the vehicle parking area looks to be very close to the bank of the creek and asked if there are plans for pavement in that area.

Mr. Proctor stated that they could pave it. They only sell a few cars at a time so they could stay across the street.

Chairman Harvey stated that if they are going to propose as part of this plan to have 5 cars on this site, show if it is going to be paved and show that they are out of the way. "The further you get them away from that bank the better off you will be."

Chairman Harvey asked how many fuel pumps there will be.

Mr. Proctor stated that there will be two double sided.

Mr. Proctor stated that they still need to get all of the approvals yet from the Department of Environmental Conservation for the gasoline sales.

Mr. McCadden stated that "it might be worthwhile where the 5 vehicle sales parking is we don't know where the pavement ends and the creek actually begins from looking at the plan. It might be worthwhile to see what the elevations are to see what the grade is to see if you can put them in that area, because there is a reasonably steep grade down to the creek. I would like to see some dimensions before we say yes you can put 5 cars there."

Mr. Atkins asked where the used oil would be stored.

Mr. Proctor stated that the oil will be stored in a 55 gallon drum. There are several places that will take the used oil that will burn it for heat.

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

It was discussed that with the gasoline sales on the plan, a coordinated review will need to be done with the Department of Environmental Conservation Department.

This was discussed and Mr. Proctor decided to eliminate the gasoline sales from his application at this time.

Mr. McCadden stated that if there is going to be no gasoline sales then the 5 vehicle sales parking can move in to the paved parking area.

There will be no additional lighting put in. All the lighting will remain the same as it is today.

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.

Ms. Watkins 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. McCadden made a motion to grant the site plan as preliminary and final with the following conditions: 1. The above ground tanks are to be removed from the site plan. 2. The 5 vehicle sales parking is to be relocated to the existing asphalt area on the plan. Mr. Frankish 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 June 18, 2007.

Mike Montellto, from Parrone Engineering and Mark Epling were present and presented the subdivision to the board.

Mr. Epling stated that they had a meeting with the town on the water issue. They will be taking care of only the 68 lots in this development that have pressure issues. They will be putting in a small booster pump to service only the 68 lots in the subdivision. There will be no improvement to the rest of the water district.

Chairman Harvey stated that "just a note in regards to the water system to solve some of the existing problems on other properties, the solution is to move the tank up the hill. The town also has some issues with the tank and is busy figuring out what they are going to do within the next decade to address those issues. Your booster pump may be obsolete in ten years or so."

Chairman Harvey asked if they had any of the floor plans with them to present.

Mr. Epling stated that he ran off and forgot them.

Chairman Harvey stated that they are going to want to see a very concrete proposal in terms of the sizes and how many of that size.

Mr. Epling stated that he would get the proposed floor plans for the types of homes to the zoning office in the next few days.

New York State Office of Parks, Recreation and Historic Preservation have recommended that a Phase 1 archeological survey be completed.

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

Elmer Adkins - representing the Cottage City Cove Association, stated that their major concern is conformance with the Comprehensive Town Plan for development in the Town. They are seriously concerned with the runoff into the lake.

Chairman Harvey stated that as far as the drainage, he is a little bit concerned with where the water goes after it leaves the developments outlet and the condition of the drainage downstream on State Rt. 364. Additional documentation maybe requested on this issue.

Jack Dailey - representing East Shore Cottagers Association, expressed several concerns such as traffic, drainage, lake water quality and also invited the board to attend the meeting of the East Shore Cottagers Association Saturday July 28, 2007, at 9:30 AM.

The drainage study for the Crystal Beach Area was discussed and the map of the study was reviewed.

The lake right to one lot was discussed. The board will want to see the right identified on the plan.

Mr. McCadden stated that they have the capability on this project to be very limited with the amount of construction traffic onto State Rt. 364. "Once you make the initial cut in, you can do a lot of your site work so that it doesn't track out onto State Rt. 364, minimize the effect of any runoff and such, and after a couple of houses are sold you can have all of your construction traffic come in from the Maiden Lane access. I want to make sure the plans can delineate that and show that."

Willard Johnson - expressed his concerns with the water and water pressure coming down County Road 1.

Mr. Montellto stated that with this development there will be no change to the existing water system.

Mr. Johnson asked if the homes were going to be stick built.

Mr. Epling stated that they will be stick built and that modular could also fit the criteria.

Mr. Johnson asked what a patio home is.

Mr. Epling stated that it is like a ranch house that is more square than rectangle.

Chairman Harvey stated that the concerns with the water pressure outside of this subdivision needs to be addressed with the Town Board.

Jack Dailey - expressed his concerns with all of the development that has occurred in the Town of Gorham in the last few years, and asked why the Planning Board is allowing all the development to happen. The character of the Town is rural and has drastically changed with all of the development.

Chairman Harvey explained that that is the law on the books right now and all the Planning Board can do is accept the applications and make sure the developments are done correctly.

Chairman Harvey adjourned the public hearing to be re-opened on August 27, 2007, at approximately 7:30 PM.

Chairman Harvey made a motion that the Planning Board accepts its position as lead agency for the environmental review, since there was no disagreement from any of the involved and interested agencies, no determination of significance will be made until the phase I archeological survey is completed and all the information that has been asked by the Planning Board is received. Mr. Frankish seconded the motion, which carried unanimously.

MISCELLANEOUS:

"Amending Chapter 31 (Zoning Ordinance) as It Pertains to Wind Energy Facilities" was reviewed and discussed.

Mr. Atkins made a motion to recommend adoption of the local law "Amending Chapter 31 (Zoning Ordinance) as It Pertains to Wind Energy Facilities by the Town Board. Ms. Watkins seconded the motion, which carried unanimously.

Drainage Districts for new major and minor subdivisions was discussed.

Mr. McCadden stated that he would like to make sure that the drainage district includes any of the grassy areas around the drainage facilities to make sure it is kept up and mowed.

Chairman Harvey made a motion to recommend to the Town Board the adoption of special drainage districts for minor and major subdivisions with the condition that any grassy area around the drainage facilities also be maintained. Mr. McCadden seconded the motion, which carried unanimously.

The meeting was adjourned at 9:30 PM.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary