

MINUTES
TOWN OF GORHAM PLANNING BOARD
September 24, 2007

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

EXCUSED: Mr. Frankish Mr. McCadden

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Atkins made a motion to approve the August 27, 2007, minutes as submitted. Mr. Hoover seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #25-2007, Judith Smith, owner of property at 3702 Nibawauka Beach, requests site plan approval 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.

Marty Fredricksen, Architect, representing Judith Smith was present and presented the site plan to the board.

On July 19, 2007, the Zoning Board of Appeals made a motion to grant a variance of 6 feet for a 9 foot setback on the south side, an 11 foot variance for a setback of 19 feet on the rear and a lot coverage variance of 4.6% for coverage of 29.6%. The driveway is to be permeable paving of block with grass.

The home will have a basement. It was suggested that the basement have a sump pump due to the elevation of the basement.

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. 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. Ms. Watkins seconded the motion, which carried unanimously.

Mr. Farmer made a motion to approve the site plan as preliminary and final with the following conditions: 1. Modify the drawing to indicate where the splash blocks are going. 2. Basement drain is to be a sump pump. 3. The utilities are to be underground. 4. A notation of the treatment of the driveway be added to the plan. Mr. Hoover seconded the motion, which carried unanimously.

Application #26-2007, Tracy Galens, requests site plan approval to open a Hair Salon at 2627 Main Street.

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

Tracy Galens was present and presented the site plan to the board.

Ms. Galens stated that there will be a sign in the window and she also plans on an A-frame sign that she will place on the sidewalk during the times that she is open.

Ms. Galens presented a letter of lease agreement from the landlord and presented a note with the hours of operation. These will be kept in the file.

The salon will have two ways of egress, one in the front and an emergency exit in the back.

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.

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. Atkins seconded the motion, which carried unanimously.

Mr. Farmer made a motion to approve the site plan as preliminary and final with the following conditions: 1. That there is a minimum 32" egress for the emergency exit. 2. The signage meets what is allowed by the Town, one on the building and one small A-frame sign. Mr. Hoover seconded the motion, which carried unanimously.

Application #27-2007, Richard & Joanne Fox, owner of property at 3800 State Rt. 364, requests site plan approval 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.

Richard Fox & Chuck Smith, Architect, were present and presented the site plan to the board.

Mr. Fox stated that they want to build a larger home; they have 5 adult kids and the 4th grandchild on the way and need a place where they all fit under one roof.

Mr. Smith reviewed with the board what is existing on the plan and what is being proposed. The existing driveway and parking area is going to remain. They will be removing 4 trees and all of the other mature trees will remain on the lakeside, north side and east side. The grading will not be changed substantially.

Mr. Smith reviewed the drainage plan with the board.

Mr. Atkins expressed that he would like them to consider an alternative way to drain the roof drains and the parking area as opposed to piping it into the lake.

Alternative drainage, such as a sand filter was discussed, and the applicant agreed that it would be doable.

Gordon Freida, Code Enforcement Officer, stated that the lot coverage and setbacks meet the Town of Gorham Zoning Ordinance.

Mr. Smith presented aerial photos to the board showing how the building sets in relation to the neighboring properties.

Chairman Harvey asked June Fisher, neighboring property owner, to the table to look at the photos and plans.

Ms. Fisher presented pictures to the board showing how the property exists today.

The new home will not affect Ms. Fisher's view.

Mr. Smith drew a quick rendering of the side of the home that will face Ms. Fisher's property for the board and Ms. Fisher.

A letter from Ms. Fisher's son was received in the zoning office and presented to the board for their review.

Ms. Fisher stated that as her son has explained they would like to see some landscaping placed to divide the properties. They would like a landscaped area by the parking area from the back of the house to delineate the back part of the property.

Mr. Atkins stated that he believes the landscaping is important with this size of a building. "It is a very large building upwards of 8000 square feet, on a lot that one would typically put a 3500 to 4000 square foot house. I would like to see the landscaping taken care of as well as consideration for an alternative to the drainage flowing into the lake off of the roof and the driveway."

Mr. Smith stated that since the plan was submitted to the town they have removed from the plan a small portion of

the home on the north side, and will submitted a revised plan.

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

Mr. Atkins asked the applicant if there was any other use planned for this parcel and home.

Mr. Fox stated no sir. "The only other piece of the plan is whether we are going to make this our full time residence."

Chairman Harvey asked Mr. Freida if a Bed and Breakfast is allowed in that district.

Mr. Freida stated that it is allowed with site plan approve by the Planning Board.

Chairman Harvey stated that the only other caveat is does the right of access cover a commercial use.

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. Farmer 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. Ms. Watkins seconded the motion, which carried unanimously.

Chairman Harvey made a motion to approve the site plan as preliminary and final with the following conditions: 1. Show on the plan a sand filter or other treatment mechanism to treat the storm water run off from the roof area and the driveway. 2. A landscape plan be approved and signed by the Fishers and submitted to the Town. 3. The contours be corrected to show the drainage going away from the house. 4. A revised plan is submitted showing the removal of the large bay on the north east side of the building. 5. This is not an approval for a Bed & Breakfast as the board has not reviewed the adequacy of the access rights for such commercial use on the property. 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 August 27, 2007.

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

The Covenants, Conditions and Restrictions were reviewed by the Planning Board.

The lake right of way was discussed. Mr. Epling stated that he will provide Gordy with a copy of their deed of transfer. There will not be a clause in the deed for the lake rights. Mr. Epling will continue to have the right as long as he owns property in the development. If he sells everything, there will be no lake rights.

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

Jack Dailey a board member of the East Lake Shore Cottagers Association stated that on the Covenants, Conditions and Restrictions under the Building Development Standards he is uncomfortable with the word "attempt". He was also expecting something much more significant as far as what the houses would look like. He also was concerned that the notice states final on 12 lots and now Mr. Epling is talking about 32 lots.

Mr. Epling stated that the drawings have been on file at the Town office, which shows the first phase at 32 lots.

Mr. Dailey stated that he did look at the drawings, but is not an engineer; he has talked to the town officials and has looked at the postings, which state 12 lots.

Mr. Atkins stated that on the Environmental Assessment Form filed, it does state 32 lots.

Mr. Dailey expressed his concerns with the increase of school taxes with additional children moving into the area and asked the board to take a look at this.

Mr. Dailey expressed his concern with the deviation on the lot size with the setbacks on the sides of 10 feet when the requirement is 15 feet.

Chairman Harvey stated that one of the reasons the Marcus Whitman School District has such a high pupil to cost ratio is because they have a number of mandated programs and a building that is way over capacity. The school district is starving for children.

Mr. Dailey asked if they should get a letter from the school saying that they can accommodate these new kids and the cost of the new kids would be less than \$13,000 per kid.

Mr. Atkins stated that that has been discussed on a previous application and it was thoroughly discussed.

Chairman Harvey stated that we are a fair housing community, but this is a fair concern and that is why the board has asked what the mix of house types are going to be.

The mix of homes was discussed. Chairman Harvey stated that the Planning Board has a lot of latitude and authority in terms of deciding whether the criteria that the developer has presented is sufficient; if not, a site plan may be required on each individual lot.

Mr. Dailey stated that he would like to make sure that the board is looking at the plan of liability of this developer to complete the project successfully and not wind up with financial problems.

Chairman Harvey stated that the town does require a surety instrument for all the improvements before they are allowed to begin construction.

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

The board reviewed and completed Part 2 of the draft Environmental Assessment Form. The Planning Board does hereby find that the proposed Montebella Estates Subdivision will not have a significant adverse environmental impact. Any impact has been mitigated to a point in the application materials to the extent practical and that none of them are significant.

Chairman Harvey offered a resolution [attached hereto] to approve the 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. Ms. Watkins seconded the resolution, which carried unanimously.

Mr. Atkins offered a resolution [attached hereto] to approve the preliminary subdivision of the Montebella Estates subject to the following conditions and/or modifications:

1. The recreation open space area will be offered for dedication to the Town. The Planning Board will work with the applicant to designate a number of improvements to be made to said open space prior to the offer of dedication.
2. The Treasure House Road and Wild Rose Lane curb cuts on State Rt. 364 shall be eliminated and access provided through the new subdivision road as part of Section I.
3. Stormwater erosion control infrastructure will be put in place and stabilized prior to other ground work started. This includes both upstream diversion swales and stormwater management facilities.

4. The applicant shall add a second means of egress to the northern block of large open space from the main subdivision road between the westernmost lot on said road and the detention area.
5. Lots 25 & 31 shall not be approved as part of the preliminary or final approval unless the preexisting parcels are dissolved.
6. All housing types to be constructed in the project shall be approved by the Town of Gorham Planning Board. The Applicant shall file a number of housing types for approval with the Final Subdivision Approval. Any housing type proposed for construction that is not on the list approved with the Final Subdivision Plat, shall require site plan review approval from the Planning Board. A condition of Final Subdivision Approval shall be the submission of a report by the applicant on the number and types of homes constructed upon the issuance of a building permit for the 10th home in the subdivision. The Planning Board reserves the right to amend the list of approved homes and the number of each type of homes to be constructed after such 10th building permit is issued. No building permit shall be issued for any additional home after the first 10 until the Planning Board has reviewed said report and amended the list and number of each type of home to be constructed as the Planning Board finds necessary and appropriate.
7. The pieces of property not being dedicated as open space and not being proposed as separate lots must be either sold to the adjacent property owners and made part of those adjacent parcels or they must be combined with lots within the proposed subdivision and a conservation easement placed on those portions of the parcels preventing future development. These pieces of property are not to be approved nor identified as building lots.
8. The applicant shall form a lighting district and shall include plans for proposed improvements required for providing street lighting.
9. This preliminary subdivision approval is contingent upon:
 - a. the formation of a water district extension.
 - b. the formation of a drainage district.
 - c. the filing of a Phase I Archeological survey the Town Planning & Zoning Office.

10. The applicant shall provide a planting plan for wetland species in the erosion control detention areas with the submission for final subdivision approval.
11. The applicant shall include with the final Subdivision application a detailed construction schedule and shall designate that all trucks and construction equipment enter and exit the site via Maiden Lane to County Road 1. Construction vehicles are not to enter the site from the State Rt. 364 access.
12. The applicant shall show a wheel wash at the construction entrance in the materials filed for Final Subdivision Plat Approval.
13. The applicant shall add a statement to the Deed Covenants encouraging owners to minimize the use of lawn pesticides, herbicides & fertilizers, and to encourage the use of non phosphate bearing fertilizers whenever possible.
14. The applicant has volunteered and the Planning Board hereby makes it a condition of approval of the Preliminary Plat that the deeds for none of the proposed lots shall include the right to use the right-of-way off Deep Run Cove to access Canandaigua Lake. In other words, Lake Rights will not be transferred to any of the lots.

Mr. Hoover seconded the resolution, which carried unanimously.

The meeting was adjourned at 10:39 PM.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary