

MINUTES
TOWN OF GORHAM PLANNING BOARD
December 28, 2009

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

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Atkins made a motion to approve the November 23, 2009, minutes as submitted. Ms. Watkins seconded the motion, which was carried. Mr. McCadden abstained.

PUBLIC HEARINGS:

Frank A. Porter ETAL, owner of property at 5116 County Road 11, requests another review of Application #12-2009, for a waiver from the requirements and standards of the Access Management Local Law to subdivided parcel 154.12-1-3.000 into two lots

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

Frank Porter and Rocco Venezia were present and presented the subdivision to the board.

Mr. Porter stated that they cannot meet the Towns Access Management Local Law of 125 feet separation to have a driveway on each lot. From the Burke's property to the proposed driveway on lot 2 is 125 feet and from the Kala's property to the proposed driveway on lot 1 is 125 feet. That leaves 99.8 feet between the proposed driveways on Lots 1 and 2.

Chairman Harvey stated that the Town did a study and hired a traffic engineer, looked at access points on County Road 11 and State Rt. 364 and adopted the standards from the National American Society of Highway and Traffic Engineers.

Mr. Venezia stated that the only thing that he can come up with, to have some sort of relief from this, is that they are in a zoning area that requires 100 feet of frontage. "How can you have driveways that are 125 feet apart?"

Chairman Harvey stated that they would require shared driveways.

Mr. Porter stated that driveways are used as a playground for the children. The existing driveway is very steep. If the children are playing in this driveway it could be a liability for the two families. He thinks this is a very dangerous situation to have two families sharing a very steep driveway.

Chairman Harvey stated that the existing driveway can be replaced and a better driveway be put in somewhere on the lots, to be shared.

Chairman Harvey stated that the Planning Board could entertain a waiver if the applicant can show a unique or special condition that make strict application of the provision of the Local law impractical.

After briefly discussing the application, Mr. Atkins stated that he would like the applicant to come up with three different options showing in dollars and cents, why a shared driveway would not work.

Chairman Harvey stated that when the subdivision was approved, the applicant was asked to come up with a plan to comply with the Access Management Local Law. If the Access Management Local Law cannot be met then the applicant must show options and the expense of the options.

Mr. Porter stated that right now they do not want to do anything at a cost for them. They would like to wait until there is a buyer for Lot 1.

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

Mr. McCadden made a motion to allow the existing driveway to be relocated to a shared common access for parcels Lot 1 and Lot 2 in compliance with the Towns Access Management Local Law prior to sale. Mr. Atkins seconded the motion, which carried unanimously.

Application #13-2009, Mary Colleen Wilmot owner of property at 4096 State Rt. 364, requests subdivision approval to subdivide parcel 127.07-1-39.000 and annex with parcel 127.07-1-18.000 and 127.07-1-19.000. New porch and residential additions are being proposed at 4096 State Rt. 364. The applicant is also requesting that parcel 127.07-1-38.000 be annexed with parcel 127.07-1-19.000.

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

Dave Zacharias, surveyor with BME Associates and Jack Sigrist, architect with Architectural Innovations, P.C. were present and presented the application to the board.

On December 17, 2009, the Zoning Board of Appeals granted a front 6' variance for a setback of 24 feet, and lot coverage is to be reduced to 28.7%. This is contingent on the approval of subdivision from the Town of Gorham Planning board and the filing at the Ontario County Clerk's Office.

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.

Chairman Harvey stated that the access rights to the neighbors needs to be protected and noted on the plans.

Mr. Atkins offered a resolution [attached hereto] to approve the subdivision with the following condition: Note on the plan the 12 foot easement for continued use of the driveway over the existing pavement for the neighboring properties. Mr. Frankish seconded the resolution, which carried unanimously.

Application #18-2009, Stephen Page, owner of property at 4361 Turner Rd, requests site plan approval to build a pole barn style garage.

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

Stephen Page and Ken Welty, Contractor was present and presented the application to the board.

The proposed building meets all the Town's setback and lot coverage requirements.

Mr. McCadden stated that the extension of the crush stone driveway to the garage will need to be shown on the plan.

Mr. Welty stated that the existing pavers will be extended to the proposed garage.

Mr. McCadden stated that the extension of the pavers will need to be placed on the plan also.

The garage will have a 6 in 12 pitch to match the existing home. The garage will meet the height restriction of 35 feet. The garage will be vinyl sided.

The electric to the garage will come from the existing home, underground. This will be located and added to the plan during construction.

Chairman Harvey stated that erosion control needs to be in place and added to the plan.

Mr. Page stated that the garage is being built for storage. There will be 6 vehicles and other things that will be stored in the garage.

The electric service was discussed. It was decided that 50 Amps would be sufficient.

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. Hoover seconded the motion, which carried unanimously.

Mr. McCadden made a motion to approve the site plan with the following conditions: 1. Add erosion control to the plan. 2. Show the underground electric on the plan after it is located during construction. 3. The electric to the proposed garage will be no greater than a 50 Amp service. 4. Show the additional pavers and the extension of the gravel driveway to the proposed garage. 5. The proposed garage will meet the height requirement of no higher than 35 feet. Mr. Atkins seconded the motion, which carried unanimously.

Application #19-2009, Denise McKenzie, owner of property at 4202 State Rt. 364, requests site plan approval to demo existing structures and build a 2-story wood framed residence and a 2-car wood framed garage.

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

Dr. McKenzie and Matthew Rischpater, Architect were present and presented the application to the board.

On October 15, 2009, the Zoning Board of Appeals granted a variance for the home of 2.9 feet for a setback of 12.1 feet on the north side, a variance for the home of 9.6 feet for a setback of 20.4 feet from the road, a variance for the garage of 9.1 feet for a setback of 5.9 feet on both the north and south sides. Construction is to be started within 18 months.

Mr. Rischpater stated that they are trying to create a two story cottage look from the lane side, where on the lake side it opens up and terraces down to take advantage of all the great views.

Mr. Rischpater presented samples of the materials that will be used for the construction of the home, garage and driveway.

Lot coverage was discussed. It was requested that the lot coverage calculations be shown on the plan.

Mr. McCadden expressed a concern with the drainage ditch on the south property line.

Mr. Rischpater stated that their goal is to leave the drainage ditch as much the way it is as they can.

Mr. McCadden stated that on their side of the swale he would recommend that they take a look at it and see if there is some way to clean it up so that it flows better.

Chairman Harvey asked about the roof drains.

Mr. Rischpater stated that they are using splash blocks.

Mr. Atkins asked where the electric service for the house would be.

Mr. Rischpater stated that they are still working with NYSEG. They are hoping that it will come off the pole and then go underground.

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

William McCoy, a neighbor, expressed his support of what is being proposed.

Chairman Harvey asked if there were any more 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.

Mr. McCadden made a motion to approve the site plan with the following conditions: 1. Show the location of the underground electric once it is located in the field. 2. Add topography and detail on the improvements of the swale. 3. Show all the lot coverage calculations on the plan. Mr. Farmer seconded the motion, which carried unanimously.

Mr. Atkins made a motion to adjourn the meeting at 9:15PM. Mr. McCadden seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary