

MINUTES
TOWN OF GORHAM PLANNING BOARD
March 23, 2009

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

EXCUSED: Mr. McCadden

Mr. Frankish called the meeting to order at 7:30 PM. Ms. Watkins made a motion to approve the February 4, 2009, minutes as presented. Mr. Atkins seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #03-2009, Todd & Tracy Shaw, owners of property at 4698 State Rt. 245 requests a special use permit to open a small dog grooming shop.

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

The application was reviewed by the Ontario County Planning Board. The Ontario County Planning Board made the following comment: Clarification is needed regarding the size and layout of this operation. It's not clear what the applicant means when she states that no more than 2 customers will be on site. Are "customers" dogs or owners?

Tracy Shaw was present and presented her application to the board.

Ms. Shaw stated that the dog grooming shop will be in a corner of the basement. There will be a tub installed, which will be hooked into the sewer. This will be a small operation. There will only be one dog at a time. There will be no dogs kept over night and no outside dog runs.

Ms. Shaw stated that the sign will be a 2' x 2' sign, which she would like to mount on the fence. If it can not be mounted on the fence then she will put the sign on a post.

The sign was discussed. It was decided that the Planning Board did not have a problem with the sign on the fence if approval is granted from New York State Department of Transportation. A rendering of the sign was presented to the board.

Mr. Atkins asked if she had plans for future growth.

Ms. Shaw stated that if the operation were to expand they would pave an area along the existing driveway. "I am

not going to have people sitting waiting. They will drop off the dog and leave."

Mr. Atkins asked if she would be the sole operator, with no employees.

Ms. Shaw stated correct.

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.

Ms. Watkins made a motion to grant the Special Use Permit with the following conditions: 1. Any expansion to the operation the applicant must obtain Site Plan approval. 2. Approval for the sign to be placed on the fence must be obtained from New York State Department of Transportation. Mr. Hoover seconded the motion, which carried unanimously.

Application #04-2009, PFM Enterprises, LLC, owner of property on State Rt. 364 & County Road 1, request preliminary major subdivision approval for 68 lots and final subdivision approval on 32 lots.

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

The application was reviewed by the Ontario County Planning Board. No recommendation was made by the Ontario County Planning Board.

Frank DiFelice & Mike Montalto were present and presented the subdivision to the board.

The Town did grant preliminary approval in September of 2007. That approval has lapsed. The Planning Board must treat this as a new application. Approvals have already been granted from most of the other involved and interested agencies. The water approval from the New York State Department of Health is in the process. The involved and interested agencies will not be subject to another Environmental Assessment review.

A Phase 1A & 1B Archeological Study has been completed and a letter has been received from the New York State Office of Parks, Recreation and Historic Preservation and will be kept in the file.

Mr. Atkins asked where they stand with the State of New York Department of Health based on the letter from Sheryl Robbins, dated March 12, 2009.

Mr. Montalto stated that they need to meet with Gordy Freida, Coded Enforcement Officer and Rick Erb, Water Superintendent to determine what the parameters are going to be. "One of the premises of the development of this subdivision was that it would have no impact what so ever on the surrounding water supply system. The design that we came up with accomplishes that. Most of Sheryl Robbins comments pertain to the rest of the water system relative to some pressure issues that are in the adjacent areas. In the closing of her letter she recommends that we all get together to facilitate how we can meet those needs."

Mr. Freida stated that he will arrange, this week, a meeting between Rick Erb, Clark Paterson Lee, Mike Montalto, Frank DiFelice, and himself to discuss the water issues.

Mr. Montalto explained to the board and the public how the booster pump station will work within the subdivision.

Mr. Montalto stated that one of the things that resulted in the delay of finalizing the previous approval was the dissolving of the little lots that had existed internally. Mr. DiFelice has worked with the owners to accomplish this. The new lots for these owners are shown on the map along Piccadilly Lane. Sample deeds were submitted with the application. All the new lots are equivalent or bigger than the existing ones. The lake rights will continue on these parcels.

Mr. Montalto stated that the areas that abut County Road 1 are going with lots within the subdivision and will be deed restricted so that no access will be on County Road 1.

Mr. Montalto stated that at this time they believe the right of way to the lake will be attached to lot 18 and offered as a premium lot.

Mr. Montalto stated that the project does already have coverage under the Department of Environmental Conservation SPEDES permit for disturbing the site.

The roads will be dedicated to the Town and the open space will be dedicated to the Town at the end of Phase 2.

The comments from Kevin Olvany, Canandaigua Lake Watershed Program Manager, dated March 23, 2009, was reviewed and discussed.

Chairman Harvey stated that in regards to the drainage, the drainage calculations and submissions have been referred to and reviewed by the Town Engineer, also the adequacy of the drainage of the storm water down to Canandaigua Lake and along State Rt. 364 has been referred and reviewed by The New York State Department of Transportation, who agreed with the report, which states that after development the flows will be less than or not more than the existing storm water flow off of the property.

Mr. Montalto stated that what pond #2 and pond #3 are in essence the fore ways. "If this was a single pond system these are the deep pools and pond #1 is ultimately where the water quantity gets addressed. That is where the outlet control structure is. Ponds #2 and #3 in essence serve as one pond. The pipe in there is for equalization."

Mr. Montalto explained that the Time of Concentration for the outlet of Pond #1 will not negatively coincide with the natural drainage flow.

The roadways were discussed at length. Many things need to be finalized with the roadways, such as what roads will be dedicated, and what ones will remain private. Another issue is snow removal.

John Elliott questioned the lot sizes compared to the Bero subdivision.

In this subdivision the minimum lot size will be 10,000 square feet, maximum 28,097 square feet and an average lot size of 12,995. In the Bero subdivision the average lot size is approximately 16,000 square feet.

Linda Turner questioned where the road access to the subdivision would be.

There will be an access off of State Rt. 364 and Maiden Lane.

Willard Johnson expressed a concern with the public water capacity.

Mr. Montalto stated that the water tank is 38 feet high; there is a certain elevation that is strictly maintained in it. "If the Town runs the tank down then the pressure starts to drop. The tank has to be maintained. It is my understanding that there is more than adequate capacity to pump the tank full as often as needed."

Willard Johnson questioned what types of homes are going to be built.

Mr. Freida stated that 12 to 15 designs were submitted to the town along with the application. The homes will all be stick built.

The booklet of designs was passed around through out the people in the public.

After a building permit is issued for the 10th home the Planning Board will be review this again to make sure that there is the proper diversity in the home types that the Town is looking for.

John Elliott expressed his concern with his water pressure. He is lucky if he has 22 pounds of pressure.

Chairman Harvey stated that the water service was designed and was adequate years ago. Mr. Freida reported earlier that the Town Board had no plans to do major modifications to the district at this time.

John Elliott asked who they fall back on if this project lowers our pressure one or two pounds. "The gentleman again indicates that it will have no affect on us what so ever, but lets say it does. Who pays the price then? Who fixes it?"

Chairman Harvey stated that is why we have to be so careful in doing the engineering ahead of time. "That is why we have the developers engineer putting their stamp on it. That is why the Town engineer reviews the documentation and modeling and that is why the New York State Department of Health is doing a review of everyone's approval as well. The answer to your question is yes, we are doing our do diligence ahead of time and if there is a problem down the road then we get together and figure out what happened and how we are going to fix it. They will have to put in the infrastructure early before they build and offer homes for sale. So you will know early during the process basically while the developer is still here and is on site, and before they go and build section 2 that there is a problem, so you come and let the Town know and we will have to get them to fix it."

Linda Turner expressed a concern with the construction access off of Maiden Lane.

Mary Sue Bath had concerns and questions on what would happen to the rights that are listed in the existing parcel deeds.

Chairman Harvey stated that the open space is going to be offered for dedication to the town for everyone to use. The old 1933 or 1934 subdivision has been rescinded.

Mary Sue Bath expressed her concern with the ponds being a breeding area for mosquitoes and a concern with someone falling into the ponds.

Chairman Harvey explained the design of the ponds. The ponds will have a bank and then a safety ledge. The ponds are deep enough so that there will be critters in there to help the water from becoming stagnant, which helps with a mosquito problem.

Cathy Elliott asked what the time frame was on Section 1 and Section 2.

Mr. DiFelice stated that it will all depends on the market. "If we sell everything in two years it will be a two year time frame, but if it is like it is today, it could be longer."

James Bonhag asked if there would be some type of buffer for the homes that back up to the development on County Rd. 1 as well as the open space. "That's put it this way. It is 11.75 acres. Will it remain open? Is it going to be a big playground?"

Chairman Harvey stated that the only improvements that they have shown on the plans are the access and some parking areas.

Mr. Bonhag asked if there is any lighting proposed.

Mr. Montalto stated that there are six street lights proposed.

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

The Planning Board reviewed and completed Part 2 of the 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.

Mr. Hoover 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.

The right-of-way off Deep Run Cove to access Canandaigua Lake was discussed. The right-of-way will be deeded to only one new parcel. Which lot will be deeded this right-of-way will be decided at time of final approval.

The landscaped buffer between the lots that back up to the existing lots was discussed.

Mr. DiFelice stated that he is proposing pine trees.

Chairman Harvey stated that another issue with Section 1 is that it needs to be determined what is going to be done with the access on Wild Rose Lane, and a little more work needs to be done on how Treasure House is going to work.

Chairman Harvey stated that for final approval, signed documentation must be on file showing that notice was given to the people on Wild Rose Lane and Treasure House Road making them aware of what is going to change.

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

1. The 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, including provisions for active recreation prior to the offer of dedication to the Town.
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 1. The Planning Board reserves the right to adjust the location, ownership, and other characteristics of the alternative access to be provided to the owners of property fronting on Treasure House, Wild Rose, and Cherry Lane from what is depicted on the preliminary subdivision application. Prior to granting of any Final Subdivision, documentation satisfactory to the Planning Board that all affected owners of property fronting on Treasure House, Wild Rose, and Cherry Lane have been contacted in writing and are knowledgeable as to the changes proposed to their access to public roads.
3. Stormwater erosion control infrastructure will be put in place and stabilized prior to other ground work being started. This includes both upstream diversion swales and stormwater management facilities.
4. The applicant has proposed to dissolve the preexisting, landlocked, undeveloped parcels not owned by the applicant and to provide the owners thereof with new parcels of equal or larger size on Piccadilly Lane. The applicant must provide Written agreement of the transfer from the owners of said preexisting, land locked undeveloped parcels prior to final approval of Section 1 of said subdivision by the Planning Board. Where the owners of preexisting, land locked, undeveloped parcels currently have the right by deed to use a right-of-way located on Deep Run Cove to access Canandaigua Lake agree to swap their existing property for new lots to be created and accessed on Picadilly Lane, the applicant shall be permitted to grant equivalent use of said right-of-way by deed reference.

5. 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 any application for Final Subdivision Approval pursuant to this preliminary subdivision application. 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, types, size (square feet of floor area), and value 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 to achieve a desired mix of sizes, values, and styles to create a positive neighborhood character.
6. Any lot within the subdivision with frontage on County Road 1 must have a deed restriction prohibiting construction of a driveway or any other curb cut onto County Road 1.
7. The applicant may negotiate changes in ownership and lot line location from what is shown on the preliminary subdivision plat with owners of adjacent parcels with frontage on County Road 1 involving the applicant's property fronting on County Road 1 in order to avoid the creation of irregular shaped lots. Such changes shall not require reapplication for preliminary subdivision approval.
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 Town water district extension.
 - b. The formation of a Town drainage district.
 - c. Approval of plans for the waste water (sewage)

piping and any sewer district extension by the Canandaigua Lake County Sewer District and New York State Department of Environmental Conservation.

10. The applicant shall include with the final Subdivision application a detailed construction schedule and shall designate that all trucks and construction equipment shall 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. If, in the sole opinion of the Town, Maiden Lane is damaged by the applicant, its contractors, or the builders of any of the homes or other improvements made in or for this subdivision, it shall be repaired by and at the sole cost of the developer.
11. The applicant shall show a wheel wash at the construction entrance in the materials filed for Final Subdivision Plat Approval of Section 1.
12. 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.
13. The applicant has volunteered and the Planning Board hereby makes it a condition of approval of the Preliminary Plat that the deed for only one of the new 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 other lots in the subdivision, except as specified in condition 4 herein.
14. The applicant shall submit a landscaping plan providing a buffer on the proposed lots that back up to the existing lots.

Mr. Farmer seconded the resolution, which carried unanimously.

Final Subdivision approval for Section I will be discussed at the next regular Planning Board meeting on April 27, 2009.

MISCELLANEOUS:

A draft Amendment to the Comprehensive Plan for Residential Development Rate Cap was reviewed.

Mr. Frankish made a motion to recommend the Amendment to the Comprehensive Plan for Residential Development Rate Cap to the Gorham Town Board for their review and approval. Ms. Watkins seconded the motion, which carried unanimously.

Mr. Frankish made a motion to adjourn the meeting at 10:28 PM. Ms. Watkins seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary