

MINUTES
TOWN OF GORHAM PLANNING BOARD
April 28, 2008

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

EXCUSED: Mr. McCadden

Chairman Harvey called the meeting to order at 7:30 PM. The minutes of March 24, 2008, meeting was reviewed. Mr. Atkins made a motion to approve the minutes as submitted. Mr. Frankish seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #01-2008, John M. Swapceinski, owner of property at 4042 State Rt. 364, requests site plan approval to build a single family home.

Chairman Harvey re-opened the public hearing that was adjourned on March 24, 2008.

The Town of Gorham Zoning Board of Appeals made a motion to grant a 15.95' variance for a 14.05' setback on the rear yard, a 10.8' south side variance for a 4.2' setback to the edge of the stairs; the house proper must be 6.7' off of the property line, a 6.54' front yard variance for a 23.46' setback. The house must be under 25' maximum height. The applicant needs to show Mr. Freida that the surface of the driveway is 100% pervious to get the 100% reduction in lot coverage for the driveway, making the lot coverage at 25%.

David Healy, Architect, & Mom & Dad Swapceinski were present and presented the site plan to the board.

Mr. Healy presented the board with information on the pavers for the driveway. The manufacture states that the sub-drains should be designed and constructed to be a low point in the pavement construction. The sub-drains shall be soaked sufficiently to allow the water to infiltrate the pavement to flow to the sub-drain. A drainage system will need to be designed under the pavers.

Mr. Healy stated that they plan on draining the downspouts into a sand filter and will probably tie the driveway drainage into the sand filter also.

Drainage was discussed. The contours will need to be corrected, draining the water away from the foundation.

Mr. Healy stated that the siding will be Certainteed, vertical fiber cement siding, and presented the board with a brochure.

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

The existing driveway will be removed and a permit has been received by Ontario County Department of Public Works for the new curb cut.

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. Frankish seconded the motion, which carried unanimously.

Mr. Frankish made a motion to approve the site plan with the following conditions: 1. Correct the contours to show positive drainage away from the foundation. 2. Show the location of the roof drains. 3. Show the location of the sand filter system and submit the design to the Zoning Office. 4. Show spot elevations in the driveway showing a low point at least five feet away from the foundation. 5. Show how the water from the driveway will drain and be detained and filtered before reaching the lake. (Driveway installation design, including base materials, shall be provided.) 6. Show the location of all the utilities underground on the plan. Chairman Harvey will review final corrected plan and approve according to the above conditions. Ms. Watkins seconded the motion, which carried unanimously.

Application #02-2008, Roger Carroll & JoAnne Pedro-Carroll, owners of property at 5100 County Road 11, requests site plan approval to build an addition, attached deck and lakefront deck.

Chairman Harvey re-opened the public hearing that was adjourned on March 24, 2008.

The Town of Gorham Zoning Board of Appeals made a motion on March 20, 2008, to grant a variance on the north side of 8 feet for a setback of 7 feet, on the south a 2.4' variance for a setback of 12.6' setback for a 12' x 28' attached open front deck. A variance of 6' on the south

side for a 9' setback and a 4.5' variance on the north side for a 10.5' setback for the proposed second story addition, and the lot coverage is not to exceed 26%. The new construction must be started within a year from this date and revised plans must be submitted to the Planning Board for site plan approval. The Town of Gorham Zoning Board of Appeals made a motion on April 17, 2008, to grant a variance of a maximum of 32% lot coverage. The applicant needs to show Mr. Freida that the surface of the driveway is 90% pervious to get the 90% reduction in lot coverage for the driveway.

Roger Carroll was present and presented his site plan to the board.

Lot coverage was discussed. It was determined that 3.2 square feet needs to be eliminated to reach the 32% lot coverage.

Mr. Carroll stated that he will make the driveway 100% pervious and is willing to put in a sand filter for the perimeter drains, to get the lot coverage down to the 32%.

Mr. Carroll stated that he has letters from both adjoining property owners that they have all agreed to contour the land between the properties to insure proper drainage. These letters were read and will be kept in the file. This will also need to be shown on the site plan.

The width of the lot and height of the house was discussed. The lot at the road is 50 feet and at the lake is 49.72. It was stated that the width of the lot where the house sets will determine how high the home can be.

Mr. Freida stated that the height was discussed at the Zoning Board of Appeals meeting that the second story should not exceed the height of the existing second story.

Mr. Carroll stated that with the new roof line they are actually going to lower the height about a foot.

Chairman Harvey stated that if Mr. Carroll can prove to Mr. Freida that it is not higher than the existing building as the Zoning Board of Appeals stated he will accept the 24'5" height.

Mr. Frankish stated that in looking at the home from the lake he believes that our ordinance needs to be looked at and possibly changed.

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

Chairman Harvey stated for the record, that when you discovered how bad the shape was, that you thought about fixing the interior shape of the house before you invested in the foundation.

Mr. Carroll stated that if he had known he would have never have done all that he has done.

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.

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. Frankish seconded the motion. Harvey, Watkins, Frankish, Farmer, Hoover voted aye. Atkins voted nay.

The height of the home was discussed. It was questioned if the Zoning Board of Appeals meant that the height could be no more than the second story was before the foundation was put under the home or no higher than it is present with the new foundation. It was suggested that Jerry Hoover, Chairman to the Zoning Board of Appeals clarify what was meant by the Zoning Board of Appeals.

The board discussed whether the applicant would need to come back to the full board with these changes next month. It was decided that Chairman Harvey would look over the revised site plan to make sure all conditions were met before the site plan is signed.

Chairman Harvey made a motion to approve the site plan with the following conditions. 1. Location of all utilities are to be shown on the site plan. 2. Show spot elevations near the rear of the house. 3. Show the pipe under the walkway. 4. Show the grading onto the neighboring properties. 5. Fix the contours to show positive drainage around the home. 6. Show the sand filter for the roof drains. 7. Driveway-have an engineer look at perk tests and show how the water from the driveway will drain and be detained and filtered before reaching the lake. 8. Add a notation on the flag stone patio, which is to be removed. 9. The guidelines set by the Zoning Board of Appeals must be met as to the height of the building. Ms. Watkins seconded the motion. Chairman Harvey stated that if these conditions cannot be met the applicant will need to come back to the full board for another discussion. The motion carried unanimously.

SKETCH PLAN:

Application #04-2008, Lawrence E. Tillack, requests sketch plan to merge two parcels and build a duplex and a garage.

Larry & Ron Tillack were present and presented their sketch plan to the board.

They would like to merge a lot on Bluebird Road with one that backs up to it on Wildflower Dr. and build a duplex facing Bluebird and a garage facing Wildflower.

Chairman Harvey questioned why there is a driveway to the duplex and to the garage.

With the Towns Access Management Plan only one curb cut will be allowed for the parcel.

After discussing the proposal the applicants implied that they would like to use the garage for their own personal use to run a business.

Chairman Harvey stated that only one principle use is allowed on a parcel. An accessory structure is for the resident thereof. An accessory structure is an accessory to the residential use. If the residence is owner occupied a Home Business may be allowed.

Mr. Freida read from the Zoning Ordinance what is allowed under Home Business A. The setbacks for a Home Business are 75 feet from all side and rear property lines.

Chairman Harvey stated that the accessory use has to be an accessory to the duplex.

Mr. Frankish made a motion to adjourn the meeting at 9:30 PM. Mr. Atkins seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary