

MINUTES  
TOWN OF GORHAM PLANNING BOARD  
June 23, 2008

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

Chairman Harvey called the meeting to order at 7:30 PM. The minutes of May 19, 2008, meeting was reviewed. Mr. Atkins made a motion to approve the minutes as submitted. Mr. McCadden seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #07-2008, Jeff & Susan Fitch, owners of property at 3698 Nibawauka Bch, 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. The public hearing was adjourned to be re-opened July 28, 2008, at the 7:30PM in the Gorham Town Hall.

Application #09-2008, AGC Homes, representing White Haven Memorial Park, owner of property on Jones Road, known as Lakeview Cemetery, requests site plan approval to build an office building and maintenance garage.

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

Andrea Vittum, President of White Haven Memorial Park, was present and presented the site plan to the board.

Ms. Vittum stated that they are proposing to build an office and a maintenance garage, in either order. They can only financially do one at a time. Their main purpose is so that they can have employees on the site for more than a few hours at a time. As the cemetery becomes a little more active they expect the number of burials to increase, which will cause their employees to be there more often for longer periods of time to do work there. Having a restroom and a place to wash up would be essential to the cause, not only for their comfort but for their safety under OSHA guidelines.

Ms. Vittum stated that they were told early on that we might be able to use a manufactured home. "That was the least expensive option that we could come up with. I have

found out since then that a variance would need to be obtained from New York State."

Gordon Freida explained that if a manufactured home were to be used for a commercial use, a variance from the State Codes Board of Review would be required. The handicap accessibility is one of the main issues.

Ms. Vittum stated that if it makes more senses they are totally comfortable going ahead with the garage as the first order of business, and then look at a variety of options for the office facility that can be done later. They would like to put a restroom in the garage for employees only.

Mr. Freida stated that George Barden, Canandaigua Lake Watershed Inspector has approved a 1250 gallon holding tank. He will require a regular pumping schedule and a high level alarm on the holding tank.

The Zoning Board of Appeals granted a special use permit for Lakeview Cemetery on April 25, 1995.

Chairman Harvey stated that the proposed drainage needs to be shown on the plan. "This is a sloped site and you are putting the garage right as close as you can almost, 12 feet instead of 10 feet being the minimum to the lot line. I don't know where the water is going from the roof. Being so close I don't know how you're going to divert the water out to the front, but again that detail is missing from the plan."

Chairman Harvey stated that they would also need to know what material is being used for the driveway, and where is the runoff going from the driveway.

Chairman Harvey asked what the distance between the driveways were and if they meet the Town's Access Management Plan.

Mr. Freida stated that he has talked to Kelly Ayers, Highway Superintendent and he did not see an issue with putting a culvert in the proposed location.

Chairman Harvey stated that he wants to make sure it meets the Access Management requirements. The Town's goal is to keep the number of curb cuts on the roads to a minimum. "There needs to be a real good reason for having a second curb cut on the property."

Ms. Vittum stated that is the only way to get to that portion of the parcel.

Chairman Harvey asked why not put the office near the existing driveway.

Ms. Vittum stated that that is desirable burial property and where they are proposing the office it is not. "We wanted to find the place on the property where it would be least disruptive to the overall view and ambiance. That

lower corner down there is the easiest place where we could enhance the berm there and landscape it and do everything we could to hide it from view to the people who are actually in the cemetery."

Chairman Harvey stated that those details need to be on the plan.

Mr. McCadden questioned if anyone would be staying overnight in the office building.

Ms. Vittum stated no, there are two bedrooms in the home and the smallest bedroom would be an office, which will have a desk, a fax machine and a telephone. The other bedroom would be a storage room for equipment, if the office was built first. Once the garage was built the equipment would go in the garage and the other bedroom would be used as a sales office to display the markers that go into the ground.

Mr. Freida stated according to the Access Management Local Law with no posted speed limit it is 440 feet requirement between driveways.

Mr. McCadden questioned with the Special Use Permit that allows the cemetery to be there; does it also allow an auxiliary commercial building to be built?

Mr. Freida stated yes.

Mr. McCadden asked if the commercial building would stay with the property and would not be divided off into a residential property later on.

Mr. Freida stated that that would be up to the Planning Board.

Mr. McCadden stated that he does not understand why it is so removed from everything else. "The site is going to be very difficult for you to build on as far as elevations go."

Ms. Vittum stated that the manufactured home people did not think that that was going to be a problem.

Chairman Harvey explained and showed Ms. Vittum on the site plan how much earth movement they will end up doing just to make a semi flat pad to build on.

Mr. McCadden stated that he would like to see some of the elevations as far as how the manufactured home and garage will look after grading around them.

Chairman Harvey stated that they need 440 feet between the driveways to meet the Access Management Local Law.

Mr. McCadden asked what the height of the garage would be.

It was explained that the garage would be 16 feet to the peak. In that zoning district an accessory building can be 35 feet in height.

Ms. Vittum stated that what would make this the easiest is if they focused on the garage and try to get by without an office. If they only built the garage it could have access off of the existing drive and they could use the path to get their equipment to the garage.

Chairman Harvey stated that they would be very happy with that. "If you are going to eventually have an office somewhere, figure out where you want to put it and put it on the plan now."

Mr. Frankish stated that they really need to look at the grading, with that kind of a slope one end of the garage is going to be level with the ground and the other 6' off the ground. "You could put some money into putting fill in there."

Chairman Harvey stated that the board will want them to have the runoff draining out to the road ditch, so that it is not running across the neighbor's property.

Ms. Vittum stated that they move dirt a lot and they also put in drainage a lot.

Chairman Harvey asked if there were any comments from the public. Hearing none, the public hearing was adjourned to be re-opened July 28, 2008, at 7:30PM, in the Gorham Town Hall.

Ms. Vittum asked if the road would ever be paved and if it would be possible to have a guard rail put up on the opposite side of the road from the existing drive.

Mr. Freida stated that he doubted that the road would ever be paved, but would check with the Town of Gorham Highway Superintendent to see if something could be done with guard rails.

Ms. Vittum asked about signage.

Mr. Freida stated that the County would have to approve any type of sign on County Road 11, and the State would have to approve any type of sign on State Rt. 364. The sign on the property would be approved by the Planning Board.

Ms. Vittum stated that they already have signage at the entrance so that is not an issue.

Ms. Vittum stated that in the approval for the Special Use Permit it is stated that burials need to be so many feet from the property line. "My question is, I am kind of thinking that that means a burial as in a casket and I am wondering if it would be permissible, which I think the previous owners already did, if cremation burials might be closer than that."

Mr. Freida presented the site plan that was previously approved to the board.

Chairman Harvey stated that the driveway was put in per the approved site plan and special use permit. All the landscaping on the plan was to be installed. "This is what was asked for and what was granted to have burials in those areas, so if you are outside of those areas you are in violation of the Special Use Permit."

Ms. Vittum asked if what was granted with the special use permit could ever be changed.

Chairman Harvey stated that they could ask for it to be changed by going through the Special Use Permit process.

Mr. Freida stated that in the Zoning Local Law of the Town of Gorham, no interment shall take place within 50 feet of any street or property line.

Ms. Vittum stated that she believes under New York State Law cremation remains are not considered a body any more.

Chairman Harvey stated that to him a burial is a burial no matter what it is. "I believe that you will be able to convince the board that where ever 50 feet lays that is fine, but what was asked for and granted is in those dotted lines at that point in time, and I will also point out that all this landscaping was also suppose to be done."

Mr. Atkins stated that maybe they should review what was granted and compare it with their wishes and then apply to amend the Special Use Permit.

Chairman Harvey stated that if they want to make changes to the special use permit and site plan that they do it all at once.

Chairman Harvey stated that he would also like to see as part of the application package a plan on how the burial plots are going to lie out.

Application #10-2008, Alvin Martin, owner of property at 4118 State Rt. 247, requests site plan approval to build a manure storage facility.

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

Andrew Marooz, from Lu Engineers, was present and presented the site plan to the board.

Mr. Marooz stated that the manure storage facility will have 49500 gallons of storage, which will give him about 9 months of storage for 60 cows. It will probably be pumped out every 6 months, but is designed for 9 months.

Mr. Marooz stated that Mr. Martin has dual ownership of both parcels and is in the process of joining the parcels into on lot.

The merging of the two parcels will need to be done before the start of construction of the manure storage facility.

The property is serviced with public water; the well is no longer in service.

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

An erosion control plan will need to be added on the site plan.

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. Hoover seconded the motion, which carried unanimously.

Mr. McCadden made a motion to approve the site plan with the following conditions: 1. The two parcels are to be combined into one parcel. 2. The erosion control detail is to be added to the plan. Ms. Watkins seconded the motion, which carried unanimously.

Application #11-2008, Harvey H. Jr. & Nancy S. Sensenig, owners of property at 3788 Crowe Road, requests subdivision approval to merge tax parcels 156.00-1-24.000 and 156.00-1-13.200 into one parcel and build a heifer barn.

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

Harvey Sensenig was present and presented his subdivision map to the board.

Chairman Harvey asked how many head would be added to his operation.

Mr. Sensenig stated that he will not be adding more head. The new barn is just for his heifers. The heifers are now in the existing barn and pasture. He is milking 34 head presently but has stalls for 50 head.

Chairman Harvey stated that the board's only concern is that there are not any more cows than what the manure storage facility was designed for.

Mr. Freida stated that he believes the manure storage facility was designed for 50 head of cattle.

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

Fred Lightfoote asked if the barn is going to be a pack or free stall.

Mr. Sensenig stated that it is going to be a pack.

It was decided that with a pack the added manure would be minimal to the manure storage facility.

Chairman Harvey asked if there were any more comments. 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 SEQRA 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. Atkins offered a resolution [attached hereto] to approve the subdivision as preliminary and final. Mr. McCadden seconded the resolution, which carried unanimously.

Application #13-2008, James & Sharon Allen, owners of property on South Street requests final subdivision approval on lot 3 of the Allen subdivision 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.

Mr. Allen & Marty Gochenaur were present and presented the subdivision map to the board.

The driveway curb cut will be a shared access for lot 2 and lot 3.

Mr. Allen is working with Ontario County Soil and Water for the drainage on lot 2, in which lot 3 will drain to lot 2. Lot 2 will not be developed it will be used for the drainage off of the back field.

The home will be a Key Modular ranch home. The roof will have a 5 in 12 pitch roof. The home will have horizontal vinyl siding. The garage will be built on site within the year. The home meets all setback and lot coverage requirements.

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

Mr. Goodall stated that he had one concern. "The water that's running off of Jim's lot out back right now in the

spring floods the corner of my land. I am on lot 1. I just want to make sure that when they do the soil and water conservation down through there with Ontario County and Water that it is not going to flood me out. It has flooded my pole, it floods my electric and it is right on the corner of my water service. I got three feet of water running across there in the spring. I just want to make sure it's drained down enough that it will make it to the ditch and not come into my property."

Chairman Harvey asked Gordy to be aware of this so that whatever Ontario County Soil and Water comes up with to address this situation that it be file with the Town of Gorham and that it addresses the issue on lot 1.

Chairman Harvey stated that to address some of the drainage problems he would like the roof drains to drain out to the road ditch.

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

The Short Environmental Assessment Form (SEQR) was completed on March 27, 2006, where the Planning Board of the Town of Gorham made a negative determination of significance.

Ms. Watkins offered a resolution [attached hereto] to approve final subdivision on lot 3 of the James & Sharon Allen Subdivision with the following conditions: 1. There will be underground drainage for the roof drains on the proposed home out to the road side ditch. 2. A ditch is to be added to the north of lot 2 driveway to capture the runoff from the driveway bringing it to the road side ditch. 3. Mr. Allen, after working with Ontario County Soil and Water Conservation District to address the problems that occur around lot 1, is to submit the plan to the Town of Gorham Zoning Office. Mr. Frankish seconded the resolution, which carried unanimously.

#### Miscellaneous:

Application #05-2008, John & Josephine Schilbe, owners of property at 4700 Jones Rd, requests a special use permit and site plan approval to erect a commercial wind energy conversion system.

Mike Parks from Northeast Emergency Power and Jack Schilbe were present.

Mr. Schilbe presented pictures to the board that were taken from the west side of the lake and from several

different areas on the east side of the lake looking up to his property. These pictures will be kept in the file.

Mr. Schilbe stated that if NYSERTA states that they will not fund anything less than 120 feet, he would like approval for that height. He does not want to make it any higher than he has too. He is allowed a 200 foot tower according to zoning and does not want to have to come back to the board for another approval.

Mr. Parks stated that the tallest tower that Bergey makes is a 140 foot tower.

The height was discussed and the board decided that they did not have a problem allowing up to a 140 foot tower.

The site plan needs to have a seal and signature from a licensed engineer.

Ms. Watkins made a motion to grant the Special Use Permit and approve the site plan with the following condition that the site plan be signed and stamped by a licensed engineer. Mr. Frankish seconded the motion, which carried unanimously.

A meeting between the Planning Board, Town Board and Zoning Board of Appeals was discussed. The meeting will be set for sometime in the fall, late October or early November.

The meeting was adjourned at 9:10 PM.

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Thomas P. Harvey, Chairman

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Sue Yarger, Secretary