

MINUTES
TOWN OF GORHAM PLANNING BOARD
August 25, 2008

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

EXCUSED: Mr. McCadden

Chairman Harvey called the meeting to order at 7:30 PM. The minutes of the July 28, 2008, meeting were reviewed. Mr. Frankish made a motion to approve the minutes as submitted. Mr. Farmer seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #07-2008, Jeff & Susan Fitch, owners of property at 3698 Nibawauka Bch, requests site plan approval to build a single family home.

Chairman Harvey re-opened the public hearing that was adjourned on June 28, 2008.

The applicants have asked for more time to submit their site plan.

Chairman Harvey asked if there were any comments from the public. Hearing none, the public hearing was adjourned until September 22, 2008, at 7:30 PM in the Gorham Town Hall.

Application #19-2008, Canandaigua Lakeview Cemetery % White Haven Memorial Parks, Inc., requests a Special Use Permit & Site Plan approval for a cemetery on Jones Road.

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 Parks, Inc. & Mike Kapelke, from AGC Homes were present and presented the application to the board.

Chairman Harvey explained that the reason they are requesting a special use permit is because they are requesting to expand the footprint of the area where burials could take place on the property.

Andrea Vittum explained that they have reworked the plan to have only one entrance into the parcel. There will be a gravel parking lot, and the proposed buildings will be screened from the road by a few additional trees. There will be a berm area around the building area at five feet high at the max in some areas.

Chairman Harvey explained that the contours around the berm are not correct.

Ms. Vittum stated that the idea is to increase the berm and put plantings along it so as you look down on that area from the top of the hill you will see the plantings more than the buildings. This will soften the view.

Chairman Harvey stated that the drainage from the driveway has not been addressed on the site plan.

Mr. Kapelke stated that the driveway will be sheet drained off of the property as the existing land is now.

Chairman Harvey stated that if the driveway is a crusher run drive it will pack and become an impervious surface. The drainage needs to be intercepted somewhere.

Ms. Vittum asked if it would be acceptable to drain it into the roadside culvert.

Chairman Harvey stated that they will need to have their engineer add that to the plan.

A pervious surfaced driveway was discussed. The applicant is willing to look into the option of a pervious surfaced driveway.

Ms. Vittum stated that they have drawn the setbacks on the plan and have 50 feet on three sides and they would like to change the setback on the eastern boundary, with the approval of the neighboring property owner, Joseph Zeiset. A letter from Joseph Zeiset was presented and will be kept in the file. Mr. Zeiset is fine with going as close as 10 feet to the property line and as close as 5 feet in the forested area, with warning signs posted during hunting season.

Chairman Harvey stated that the board can waive the 50 foot setback.

The layout for the cremation burials was discussed. Pin markers are to be added to the plan to define the cremation burial area.

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

Robert Brancato, adjoining property owner across Jones Road - "You talked about drainage onto Jones Road; anymore water going onto Jones Road is going to be an additional disaster. If you have been on the road lately you have seen the mess that has been there after they have just fixed it last year. So, I would question putting anymore water onto the road. So again drainage from this property to there, I strongly encourage not to do that. Figure out some other way to deal with that water. Put it down the stream on the other side. You talk about a berm for the visual from the property to block the view of the buildings. How about if you are walking down Jones Road; what is going to impact the visuals

of those buildings from Jones Road? I don't know what the buildings are going to look like, how tall are they? I understand they are 30 x 30 and 30 x 14; again, I'm not quite sure exactly what they look like."

Ms. Vittum stated that the buildings will be 12 feet high and the trees will be 20 feet high when they grow.

Mr. Brancato - "Jones Road is a very beautiful road and the cemetery is a very beautiful cemetery, but a building there you also have to consider not just the views from the cemetery, there are also people on Jones Road who walk that and run it and everything else."

Ms. Vittum stated that she thinks they have taken very good care to screen that from the road.

Chairman Harvey asked what species of trees will be planted.

Ms. Vittum stated some river birch on the berm and they have some viburnum that they are going to put in that area, and some juniper and some evergreens. There will be some deciduates and some evergreens.

Mr. Kapelke stated that as far as the building that they are proposing to put up, it is vinyl sided with asphalt shingles.

Mr. Brancato - "The other concern that I have is you talk about the walking trail in the back to the joining farm, there's a hedgerow in there and trees, are you looking to cut into that hedgerow?"

Ms. Vittum stated no that they like the hedgerow.

Mr. Kapelke stated that as far as the drainage, they started doing the calculations and the amount of water off of the roof isn't enough to put into a calculation. A flow diffuser will be installed to stop the water from rushing out into the ditch.

Chairman Harvey suggested that they talk to the neighboring property owner to the west to see if it would be possible for the drainage from the roof drains and parking area to sheet flow in that direction if the stream on the property has sufficient capacity.

Gene Hermet, property owner on the corner of Jones Road - "Presently on the opposite side of Jones Road, to the north, there is a drain opening there, which goes into a tile and runs under the road and comes out under my property and into the gully. This last rain - that really flowed, in fact I had Kelly and the State up there, because it was really washing away. So we have got to keep the water off of there as much as we can. The other thing is; I know the Planning Board has gone through this, so it is too late for this, but my concern is the building, the location of it. Why couldn't

they have been more in the back of the land instead of along the road?"

Ms. Vittum stated that there is really not room for them in the other areas. "We are looking at the cost of bringing in utilities. The electric is coming directly from the neighboring property and with any distance is costly, so we really need to be within that area in order to make it cost efficient for us at all. And that, by far, is the levellest place on the property; every thing else is quite sloped."

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. 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.

Mr. Atkins made a motion to waive the 50 foot setback requirement on the eastern property line with the following modification: Pin markers will be placed in the field and also shown on the site plan where the limits of burials will be so that they can be found in the field, to accommodate existing burials and future burials. The adjacent property owner does not object to the 5 to 10 foot setback. Mr. Frankish seconded the motion, which carried unanimously.

Ms. Watkins made a motion to grant the Special Use Permit with the following conditions: 1. Pin markers are to be placed in the field and on the site plan. 2. Evergreens are encouraged to be placed around the back of the garage. 3. The plan of the final decision dealing with the runoff from the parking lot is to be filed with the Town of Gorham Zoning and Planning Office. Mr. Atkins seconded the motion, which carried unanimously.

Mr. Frankish made a motion to approve the site plan with the conditions set forth in the Special Use Permit approval. Mr. Farmer seconded the motion, which carried unanimously.

Application #17-2008, William & Mary Margaret Freese, owners of property at 4761 State Rt. 364, requests site plan approval for a 48' x 60' addition to existing structure for warehouse use.

Mr. Atkins recused himself and left the room.

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

The application was submitted to the Ontario County Planning Board. The County Planning Board classified the application as a Class 1 with the following Staff Summary: The building will be located behind an existing 130' x 40' barn over a lawn area. The lot currently accommodates the business and a single family home and two-car garage. All are accessed from a single curb cut on State Rt. 364. The zoning is AG Agricultural. The use is operating under a use variance. The development will not infringe on any mapped wetlands or floodplains.

Keith Gordner, Finger Lakes Construction, Bill Freese & Maggie Atkins were present and presented the site plan to the board.

Mrs. Atkins stated that they are putting an addition onto an existing building. It will be a barn like structure like the existing building.

Drainage was discussed and the contours need to be corrected on the plan showing positive drainage around the buildings.

Mr. Gordner stated that the building will be post frame construction, metal siding on the exterior. The interior will be unfinished. The pitch of the roof will mimic the pitch of the building that is existing.

Mrs. Atkins stated that the application states that it will be a 48' x 60', but it will actually be 48' x 63' so that it can tie in correctly with the existing building.

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

Ms. Watkins made a motion to approve the site plan with the following condition: 1. The grading around the south side of the building is to be revised showing positive drainage. Mr. Frankish seconded the motion, which carried unanimously.

Mr. Atkins re-joined the board at this time.

Application #18-2008, John & Rita Fuller, owners of property at 4545 Hall Rd, requests site plan approval to build a residential Wind Energy Conversion System.

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

The Town of Gorham Zoning Board of Appeals on August 25, 2008, made a motion to grant a variance of 59.15 feet for a setback of 139.8 feet as the B location as shown on the survey map dated July 17, 2008, to the owners dwelling; the maximum height to the pinnacle of the propellers 131.5 feet. If the tower is not used and out of service for a one year period it shall be removed. The owner shall provide a statement of to hold harmless to the Town of Gorham for the variance to the owner's dwelling. If the structure is not installed within a year the variances become null and void.

Mr. Fuller was present and presented his application to the board.

The Planning Board approved an application for site plan on a Wind Energy Conversion System 80 foot with 12 foot blades at this site on October 22, 2007. A 131.5 foot tower to the tip of the blades is being requested as needed for NYSERTA requirements.

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

Gene Hermet - "This is a relatively new ordinance to the Town. We are already looking for variances. I realize that it is in everybody's power to grant variances, but why didn't we look at all these things when we made the ordinance"

Mr. Atkins explained the reason for the need for the variance. The higher tower is to have the amount of wind needed to meet his needs for the design as required by NYSERTA.

Robert Brancato - expressed his concerns with the granting of the variance for the height of the tower.

Chairman Harvey stated that the Planning Board cannot overrule the Zoning Board of Appeals.

Mr. Brancato asked what the Planning Boards job was on the application.

Chairman Harvey stated that their job is to make sure it is located in the correct place. The Planning Board reviews and approves the layout of the improvements on the site.

Mr. Fuller stated that he would like to eliminate the fence around the tower and put sheet metal on the sides of the tower so no one can climb the tower.

Mr. Hermet stated that he heard someone say that it can't be seen from anywhere. "I am not so sure that is really true, if you travel down County Road 1. I think this needs to be considered in the future."

Mr. Atkins stated that there are two of them that have been approved. This one on Hall Road, which is near the lake and one on Jones Road, which is on an elevation out in the country, so there is a sampling at each location. Once they are built the Town will get a feel for what they are looking at.

Chairman Harvey stated that it is an open lattice tower with guide wires, gray in color.

A letter from Mike Pilarski, neighboring property owner, which was received in the Zoning Office, expressing his concerns was read. This letter will be kept in the file.

The engineering report was presented with the last application and is on file.

Chairman Harvey stated that the Zoning Board of Appeals chose to grant the variance and the applicant has the right to move forward with the application. The Planning Board's responsibility is to make sure all the dimensional criteria and functions are met as established in the code and as modified by the Zoning Board of Appeals.

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

The State Environmental Assessment Form was reviewed and completed on October 22, 2007.

Mr. Frankish made a motion to approve the site plan as preliminary and final as presented. Ms. Watkins seconded the motion, which carried unanimously.

The meeting was adjourned at 9:16 PM.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary