

MINUTES
TOWN OF GORHAM PLANNING BOARD
September 28, 2009

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

EXCUSED: Mr. McCadden

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Atkins made a motion to approve the August 24, 2009, minutes as submitted. Ms. Watkins seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Public hearing concerning the adoption of the Town of Gorham proposed 2009 Comprehensive Plan Update.

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

Chairman Harvey explained to the public that the Town Board asked the Planning Board to prepare an update to the Comprehensive Plan, which was started about 18 months ago. The Town Board hired the firm Clark Patterson Lee to assist the Planning Board in that endeavor. They worked on a public survey, had several meetings with different user groups and collected input to put the draft plan together.

Kerry Ivers, from Clark Patterson Lee, gave a brief overview of the Comprehensive Plan update.

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

Jim Engel - "When you mentioned the resources, I think of the watershed and I also think of drilling rights and stuff for gas. Is that all part of your comprehensive plan?"

Kerry stated that they do talk about controls, but was unsure if they talked specifically about drilling. Any thing that would impact the watershed, there has been additional controls placed.

Stuart Norris - "Is it the Planning Board that has responsibility to interpret whether something is or is not in conformance to the Comprehensive Plan?"

Chairman Harvey explained the procedure in the adoption of the Comprehensive Plan. After the plan is adopted by the Town Board they will start looking at the Zoning Local Law, Subdivision Regulations and other town

policies and decided what has to change to become in compliance with the new Comprehensive Plan.

Jim Engel - "There is some reference to, I don't know if it is the zoning regulations or not, as far as keeping open space in development in terms of I think it was like cluster development. Not sure if that was the term that was used, but kind of focusing development in one area and keeping open space. Could you elaborate a little bit more on that?"

Kerry stated that "the approach is to rather than encourage development spreading out over medium or midsize lots, allowing smaller lots to be developed in a smaller area so that large contiguous parcels of land can be maintained, either for open space purposes or more importantly in Gorham for productive farming, so that you don't all of a sudden cut off land that is no longer farmable because your having to carve in and out of residential development. It's providing some allowance to achieve smaller lots and higher density in places that can support it. You would have to have the right type of infrastructure available in order to allow it. It would need to make sense from a contact standpoint of where it is located and also it's supportable, and not going to cause major problems with traffic. It is a great tool to preserving open space and active farmland."

Chairman Harvey stated that the Town does have regulations and requirements in zoning that would permit or give the Planning Board the ability to require it in a subdivision application situation. The term the Town uses is "Conservation Subdivision".

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

The Planning Board reviewed and discussed the comments dated September 11, 2009, from New York State Department of Environmental Conservation. Changes were made to the Comprehensive Plan Update to reflect New York State Department of Environmental Conservation's comments.

The State Environmental Quality Review Full Environmental Assessment Form was reviewed and completed by the Planning Board. The board determined this to be a Type I action under SEQR requiring coordinated review from other agencies.

Mr. Frankish offered a resolution [attached hereto] to approve the Full Environmental Assessment Form, 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. Atkins offered a resolution [attached hereto] to refer the 2009 Comprehensive Plan Update to the Town Board and recommend adoption by the Town Board. Ms. Watkins seconded the resolution, which carried unanimously.

Application #09-2009, Boudewyn P. Kuenen applicant for the property at 3627 State Rt. 364, requests site plan approval to build a 32' x 40' pole barn .

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

Boudewyn P. Kuenen was present and presented his application to the board.

All setback requirements of the Town of Gorham will be met with the new building.

Chairman Harvey asked if the old barn that was torn down will be cleaned up during this project.

Mr. Kuenen stated that he did not plan to.

Chairman Harvey asked if it is not too much trouble would they consider cleaning up the old barn.

Mr. Kuenen stated that he would.

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

Ms. Walkins questioned where the parking is going to be.

Mr. Kuenen stated that it will be in the same places that it has been for the last two years. There are five parking spaces that are entered from the driveway and there are three spaces between the house and the garage. There is an overflow parking area near the old barn that was torn down.

The parking spaces were added to the plan.

Mr. Kuenen stated that the pole barn will be used for part of the manufacturing operation. The sales of the wine will be as existing on the porch of the home.

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. Frankish made a motion to approve the site plan as presented and modified to show the parking spaces. The old barn will be removed. Mr. Hoover seconded the motion, which carried unanimously.

Application #11-2009, Mary Bodine, owner of property on Kipp Road requests subdivision approval to subdivide two lots out of a 139.7 acre parcel. Lot 1 being 11.413 acres and Lot 2 being 5 acres.

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

John Bodine & family were present and presented the application to the board.

The driveway locations were discussed. The Town of Gorham's Access Management Local Law was referenced during the discussion. The driveways cannot be closer than 440 feet. The existing driveway to the farm field will be extended and used for Lot 2. The proposed driveway for Lot 1 is proposed at 225 feet from the neighboring driveway. Pictures were presented showing the drop off at the northwestern point of Lot 1 and other points on the lot. It was suggested by the Planning Board that the existing driveway also be extended to Lot 1. The applicant must present to the Planning Board a very good reason to vary from the requirement of the Access Management Local Law.

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

Rocco Venezia - "What is the minimum lot width here? Wouldn't it essentially be impossible to have a driveway 400 feet from other properties?"

Chairman Harvey stated that "if you are going to have individual driveways yes, so it makes you think about combining driveways or doing some other type of access."

Rocco Venezia - "Even with a 100 foot of frontage, which it is in some areas of the town?"

Chairman Harvey stated that it depends on the speed limit. "That standard is from the National Society of Transportation Engineers."

Rocco Venezia - "The next question that I would ask is what about site distance? If you start spacing driveways 400 feet....."

Chairman Harvey stated for him to go back to the National Association of Highway Engineers. The standard is established and recommended by them.

Rocco Venezia - "I just have never seen that spacing before."

Jim Engel - "I own the property across the road. I own 50 acres there and am in discussions with the Finger Lakes Land Trust to place a conservation easement on my property. I know the Arnold property up the road, the family has been having discussions as well with Finger Lakes Land Trust to place a conservation easement on that, and then Jake Martin is going for an agriculture easement on his property. It was kind of fortuitous that we were discussing comprehensive plan in terms of open space and my concern about subdividing this property is that depending on the placement of the houses that a lot of acres can be easily eaten up and I kind of say that because we have a large chunk of land out there, undeveloped land, open space land and based on the placement of houses it will change the whole character of the property out there. I would encourage, and certainly don't have the drawings in front of me of the placement of the houses, but if the placement of the houses could be located close together in terms of cluster development to maintain the rest of the lots." He expressed his concern with 15 acres being disturbed with the placement of two houses.

John Bodine showed Mr. Engel the subdivision map and the placement of the homes.

Chairman Harvey asked if there were any more comment from the public or the board.

Ms. Watkins expressed her concern with the area of the property that has the 100 foot of road frontage.

Chairman Harvey stated that since it is in a County Agricultural District and currently farmed the applicant must present a map that shows that when the land is disturbed that it will not effect more than 2 ½ acres of farm land, or it will be a Type I action under the Environmental Quality Review Act.

The applicant must present to the Planning Board the amount of land that will be disturbed in building the two homes. The applicant must also present documentation to the board for the Planning Board to consider a variance on the location of the driveway for Lot 1.

The public hearing was adjourned to be reopened on October 26, 2009, at 7:30PM.

Application #12-2009, Frank A. Porter ETAL, owners of property at 5116 County Road 11, requests subdivision approval 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.

Rocco Venezia, Surveyor, and Frank & Carol Porter were present and presented the application to the board.

Chairman Harvey stated that on County Road 11 the speed limit is 35mph making the required driveway separation 125 feet, so the access can be shared or 125 feet apart.

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

Stu Norris questioned if they were talking of splitting the lots again in the future.

The board stated that it will only be two houses on two lots.

Chairman Harvey stated that for the record the front lot lines are at the mean high water mark for Canandaigua Lake and is surveyed that way.

Rocco Venezia, Professional Land Surveyor stated that is correct and that he should note that on the survey.

Richard Calabrese asked if the barn was going to meet the setbacks after subdividing.

Chairman Harvey asked Mr. Freida, Town of Gorham Code Enforcement Officer, given the subdivision layout that is proposed if it meets all Zoning Requirements.

Mr. Freida stated correct.

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 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. Frankish offered a resolution [attached hereto] to approve the subdivision as preliminary and final with the following conditions: 1. The lots have a shared access or the surveyor produce documents to the Town of Gorham Code Enforcement Officer's satisfaction that the access points meet the Ontario County's approval and the spacing requirement of the Town of Gorham Access Management Plan, between the properties in the subdivision and the adjacent properties. 2. Any new construction will require site plan approval by the Planning Board. 3. Note the mean high

water mark on the survey. Mr. Atkins seconded the motion, which carried unanimously.

Mr. Atkins made a motion to adjourn the meeting at 9:53PM. Mr. Hoover seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary