

**MINUTES  
REGULAR MEETING AND PUBLIC HEARING  
GORHAM TOWN BOARD  
JULY 8, 2009**

The Gorham Town Board held a regular meeting on Wednesday, July 8, 2009 at 7:30 PM at the Town Hall, Gorham, NY. Present were Supervisor Calabrese, Councilmembers Lightfoote, Adam-Anderson and Glitch; Assessor Davey, Code Enforcement Officer Freida, Chief Operator Water/Wastewater Plants Erb, Jake Martin, Sharrie Della, Will McCoy, Michele Cutri-Bynoe, and Town Clerk Hollenbeck.

Councilmember Tony Bush passed away after a courageous battle with illness. Tony was an asset to this board and we will miss him.

1. Call to Order/Pledge to the Flag:
2. Privilege of the floor: none requested
3. Public Hearing: Addendum #4 to Comprehensive Plan, Residential Development Rate Cap. The legal notice as it appeared in the official newspaper was read, the public hearing opened.

Will McCoy commented that he recently attended a Marcus Whitman School Board meeting last November and a long range planning group made a report to the board that indicated that enrollment was going down and one of the many suggestions was to promote growth in the area to support the schools. We need to be sure that we talk to the school to see what their intent is to be sure we are in harmony. Regarding the cap of 50 houses per year, generally he is not in favor of a numerical cap unless they have some physical basis. If there is an issue with infrastructure, some other areas in the country address that in the permitting fees to maybe cover sewer, water, etc. If there is some other way to address the issues of infrastructure more directly rather than a numerical cap it may be preferable.

Sharrie Della commented that development continues to be along Route 364 and at what point do we reach saturation point?

Councilmember Glitch stated that regarding the school, according to reports we have seen, the decline in enrollment at the school has been going on for ten years and suddenly they are worried about it. They just built a new addition about five years ago knowing enrollment was declining. Most of the people in the town want the town to stay the same and if you increase development, the town will not stay the same. That is what we hear from the residents and the surveys we have done. As far as development along Route 364, if the lake wasn't there you would see less of it.

Councilmember Lightfoote stated that some of the concerns we face with increased development are the impact on the water, sewer and highway. If development occurs too fast it is very difficult to provide the services that are required. As far as the school district, he agrees with Mr. Glitch. It is not up to us

to try to fill up those buildings, and if we in fact did that we would create many more problems and demand for tax dollars in other areas. Making the two fit together may be an impossible thing.

Councilmember Adam-Anderson stated that it probably would be a good idea to let the school district know what we are doing, she could email Mr. Chirco to give him a brief synopsis of what we are doing along with the survey results so that they will know where we are coming from.

Supervisor Calabrese stated that other states do other things. If someone wanted to put in a 500 unit subdivision, which could come along, on the hill overlooking the lake, there would be problems with infrastructure. There have been developments where developers come in from out of state and put in 500-600 houses. It is hoped that his cap will prevent that. What we are doing right now is amending the Comprehensive Plan to include a building cap. In the months to come, work will be done to put this as a regulation into the Zoning Local Law. The law will be designed so that there is a variance process. The number of the houses in the cap can be addressed or adjusted every year as needed. In the last twelve years we have averaged about 25 houses per year. One year we had 43.

The public hearing was closed.

4. Approval of minutes of the June 10 and 24, 2009 meetings. On the motion by Councilmember Adam-Anderson seconded by Councilmember Lightfoote, a motion was made to approve the minutes. Councilmember Adam-Anderson requested a change to the 6/24/090 minutes, item 3.b., 5th line insert pavers after grading; then take out sidewalk put in park benches. Minutes were approved with those changes. Councilmember Glitch abstained from voting, he was not present at the last meeting. Motion carried unanimously. (3-0)053-2009

5. Reports of Town Officials

- a. Water/WasteWater Plants - Written report is on file.
- b. Highway Superintendent - Written report is on file. The Highway department is on vacation this week. Paving has been done on Bachelor Row and they have done a very nice job. The new paving around the Transfer Station and Highway Garage has also been completed and looks great.
- c. Zoning – Written report is on file.
- d. Assessor – Written report is on file.
- e. Town Clerk – written report on file.
- f. Supervisor – written report on file. Supervisor Calabrese stated that he recently met with Mr. Freida, Mr. Harvey and the seller of Pelican Point and explained the zoning requirements and what they could expect if they wanted to change the zoning. They were not aware of some aspects of the property. It was a productive informative meeting. As far as we know they have no offers at this time. The neighbors in that area would be very adamant against anything that

goes against the zoning that is in place. There are possibilities for that property, but we need to protect the area against over population.

On the motion by Councilmember Lightfoote, seconded by Councilmember Adam-Anderson, the reports of Town Officials were approved. Motion carried unanimously. (4-0) **054-2009**

6. Communications – on file

7. Audit of Bills:

Abstract #7 A	197-244	\$48,843.00
B	197-238	4,711.69
SL	242	471.99
DB	116-133	34,773.94
SW1	107-125	6,845.23
SS	49-57	1,921.24
HC	34	800.00
HD	33	10,234.91
HN	32	2,649.02

On the motion by Councilmember Lightfoote seconded by Councilmember Adam-Anderson, the bills were approved for payment. Motion carried unanimously. (4-0). **055-2009**

8. Business:

a. Addendum 4 to Comprehensive Plan

1. SEQR – The Full Environmental Assessment Form has been prepared and was reviewed by the Board. This is an addendum to the Comprehensive Plan. A Local Law will be drafted regarding the building cap at a later date. If everyone agrees with the comments regarding the SEQR a motion should be made that it has been determined that there will be no adverse impact on the environment and a negative declaration be filed.

The following resolution was adopted by a motion from Councilmember Lightfoote, seconded by Councilmember Adam-Anderson. Motion carried unanimously (4-0). **056-2009**

**RESOLUTION  
THE TOWN BOARD OF THE TOWN OF GORHAM**

**WHEREAS**, the Gorham Town Board (hereinafter referred to as Town Board) is considering taking formal action to enact Addendum 4 to the Town of Gorham 1997 Comprehensive Plan (hereinafter referred to as Action); and

**WHEREAS**, the Action is a Type I Action as defined under the State Environmental Quality Review (SEQR) Act; and

**WHEREAS**, the Town Board is the only Involved Agency identified under SEQR and, therefore, is responsible for making the determination of significance on said Action; and

**WHEREAS**, the Town Board has completed its review of the Full Environmental Assessment Forms prepared on said Action.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board determines the following criteria to be a true and accurate evaluation of the anticipated environmental impacts that are felt likely to occur from the adoption and enactment of this Action:

(i) There will not likely be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; or a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems that will occur from the adoption and enactment of the Action; and

(ii) There will not be a substantial adverse effect upon the environment caused by the removal or destruction of large quantities of vegetation or fauna; or a substantial interference with the movement of any resident or migratory fish or wildlife species; or adverse impacts upon a significant habitat area; or a substantial adverse impact upon a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources; and

(iii) There will be no impairment of the environmental characteristics of any Critical Environmental Areas as designated pursuant to subdivision 617.14 (g) of SEQR; and

(iv) Because this is an amendment to the comprehensive plan, there will not be the potential for the creation of material conflict with the recommended actions, goals and policies contained in the adopted Town of Gorham 1997 Comprehensive Plan; and

(v) There will be no impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character; and

(vi) There will be no significantly adverse change in the use of either the quantity or type of energy; and

(vii) There will be no creation of a hazard to human health; and

(viii) There will not likely be a substantial change in the uses of the land covered by these amendments; and

(ix) There will not likely be an attraction of a large number of people to the land involved with the Action for more than a few days each year, when compared to the number of people who would come to such a place absent the Action.; and

(x) There will not likely be a material demand created for other actions that would likely result in one of the above consequences; and

(xi) There are no known changes in two or more elements of the environment associated with this Action which have a significant impact upon the environment; and

(xii) There are no known related actions to be undertaken, funded or approved by the Town Board, that would have a significant adverse impact upon the environment, and when considered cumulatively would meet or exceed one or more of the criteria contained in Section 617.7 (C).

**BE IT FURTHER RESOLVED** that the Town Board did reasonably consider the related long-term, short-term, direct, indirect and cumulative impacts associated with the Action which include:

(a) The proposed Action is felt to be a necessary addition to the Town Comprehensive Plan which will set the stage for orderly growth and development of the community; and

(b) The above referenced plan is not dependent upon the proposed Action.

**BE IT FURTHER RESOLVED** that the Town Board did consider the significance of the likely consequences of the proposed Action in connection with:

(i) its setting and has determined that the proposed Action will complement the officially adopted land use recommendations contained in the Town of Gorham 1997 Comprehensive Plan in that it provides for the orderly growth and development of the community, the Town of Gorham; and

(ii) that this Action will allow for amendments to the subdivision regulations and zoning local law to require proof of the existence of adequate public infrastructure, and tie any phasing plan for a project to plans for the expansion of said infrastructure. And

(iii) its duration will likely mitigate any change in land use; and

(iv) it will not result in a project or projects that cannot allow the land to be reverted back to its original condition should there be need; and

(v) its geographic scope will not likely have an adverse effect on the loss of natural resources including active and productive farmlands that have been identified as being important to the community in its officially adopted plans; and

(vi) its magnitude and has determined that the proposed Action will affect a small portion of the total land in the Town and, therefore, does not appear likely to have a large adverse impact upon the environment; and

(vii) the number of people who likely may be adversely affected by the Action is presently unknown.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board does hereby reasonably conclude that based upon the above evaluation said Action will not likely have a potentially significant adverse impact upon the environment.

I, Nancy Hollenbeck, Town Clerk of the Town of Gorham do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on July 8, 2009, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Richard Calabrese	X_____	_____
William Glitch	X_____	_____
Allyson Adam Anderson	X_____	_____
Frederick Lightfoote	X_____	_____
Anthony Busch	_____	_____

2. Determination of Significance – on the motion by Councilmember Glitch, seconded by Councilmember Lightfoote, the following resolution, Determination of Significance was adopted. Motion carried unanimously. (4-0). **057-2009**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GORHAM,  
DETERMINATION OF SIGNIFICANCE OF  
ADDENDUM 4 TO THE TOWN OF GORHAM 1997 COMPREHENSIVE PLAN**

**WHEREAS**, the Town of Gorham Town Board, hereinafter referred to as Town Board, has determined Addendum 4 to the Town of Gorham 1997 Comprehensive Plan (hereinafter referred to as Action) to be a Type I Action under the State Environmental Quality Review (SEQR) Regulations, and,

**WHEREAS**, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

**WHEREAS**, the Town Board has considered the potential impacts associated with said action.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Board makes this Determination of Non-Significance based upon: the Full Environmental Assessment Form, Parts 1 and 2, prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

**BE IT FURTHER RESOLVED THAT**, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

I, Nancy Hollenbeck, Town Clerk of the Town of Gorham do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on July 8, 2009, by the following vote

	<u><b>Aye</b></u>	<u><b>Nay</b></u>
Richard Calabrese	X_____	_____
William Glitch	X_____	_____
Allyson Adam Anderson	X_____	_____
Frederick Lightfoote	X_____	_____
Anthony Busch	_____	_____

3. Adoption – On the motion by Councilmember Adam-Anderson, seconded by Councilmember Glitch the following resolution authorizing adoption of Addendum 4 to the Town of Gorham Comprehensive Plan of 1997 was approved. Motion carried unanimously. (4-0). **058-2009**

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GORHAM OF ADDENDUM 4 TO THE TOWN OF GORHAM 1997 COMPREHENSIVE PLAN**

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Gorham for a public hearing to be held by said Town Board on July 8, 2009, at 7:30 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York, to hear all interested parties on the proposed Addendum 4 to the Town of Gorham 1997 Comprehensive Plan; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on June 23, 2009 and other notices required to be given by law were properly served, posted or given; and

**WHEREAS**, said public hearing was duly held on July 8, 2009, at 7:30 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Addendum 4, or any part thereof; and

**WHEREAS**, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Addendum 4 to the Town of Gorham 1997 Comprehensive Plan would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQOR

**WHEREAS**, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interest of the Town of Gorham to adopt said Addendum 4.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Gorham hereby amends the Town of Gorham 1997 Comprehensive Plan by adopting Addendum 4 to the Town of Gorham 1997 Comprehensive Plan, a copy of which is attached hereto and made a part of this resolution; and be it further

**RESOLVED**, that the Town Clerk be and she hereby is directed to file said Addendum 4 with the records of the Town of Gorham in her office and with the Office of the Ontario County Planning Board.

I, Nancy Hollenbeck, Town Clerk of the Town of Gorham do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on July 8, 2009, by the following vote: **Aye**                      **Nay**

Richard Calabrese	X_____	_____
William Glitch	X_____	_____
Allyson Adam Anderson	X_____	_____
Frederick Lightfoote	X_____	_____
Anthony Busch	_____	_____

b. Purchase Development Rights – Tamberlane Farms. Supervisor Calabrese stated that he has been talking to Dr. Justin (Jake) Martin for several years regarding his property (360 acres between Route 364 and Middle Road) and the possible purchase of development rights. There is a program with the State of New York to purchase development rights. The Town has funds to contribute and the owner is willing to help as well. Basically we are asking that the Town Board support this so that we can continue and apply for a grant through NYS Ag and Markets. The grants have not yet been announced, but it is expected any day. A map of the area with the parcels outlined was shown and discussed.

Dr. Martin stated that he bought the property in 1975. There have been five owners since the Civil War. In the late 1800's to early 1900's a dairy was operated there; then a turkey farm (ranch); then rabbits were raised there, pelts were sold to a small company in Rochester called Xerox, to use on brushes to take care of the static on certain machines. Dr. Martin purchased the property in 1975, raised five daughters and continues to farm the land. He moved from Penfield to this area because he was seeing too many roof tops. Now when he looks across the lake he sees many rooftops. He would like to see this land stay the way it is. Years ago he thought he would be a developer, but over the years his family has convinced him that it should stay a farm. There are two housing developments north of this property, one has been built, the other has seen no action. When he goes to the west side of the lake and looks east it looks like quite a nice long green piece. He would like to see it stay that way. Dr. Martin has 150 to 200 cattle at the parcel and plans to continue to use the property as a farm.

The letter of intent describes what this project will entail. It will take as long as two years to complete. This project is competitive in nature with other efforts around the State. We feel that this property will rank very highly because of its proximity to the lake which is the source of drinking water for more than 50,000 people.

1. Letter of intent – on the motion by Councilmember Glitch, seconded by Councilmember Adam-Anderson, authorization is granted to sign a

letter of intent, agreement to submit a grant application for approximately 360 acres to be funded approximately 75% by grant, 12.5% by the Town of Gorham and 12.5% from Dr. Martin donating funds back. Approval will be after grant applications are complete. The Town will hire a grant writer and appraiser as part of the project. Motion carried unanimously. (4-0). **059-2009**

Supervisor Calabrese stated that he thought this is a very significant step proving that the Town wants to preserve agriculture and preserve land on the lake side and help in a small way to save our drinking water.

2. Hire Grant writer – Supervisor Calabrese and Councilmember Lightfoote recently meet with two consultants regarding grant writing for PDR of Tamberlane Farms. Behan Planning has more experience, has had more successful grants and they were originally involved with the Town of Pittsford's preservation program which has been successful as well as other communities. If we are serious about this project we need serious people working with us on it. Given that we were very impressed with Behan Planning and we both felt they would be a good choice to see us through the process.

On the motion by Councilmember Adam-Anderson, seconded by Councilmember Lightfoote, Behan Planning is hired to write the grant for PDR for Tamberlane Farms. Motion carried unanimously. (4-0). **060-2009**

3. Transfer \$25,000 from Land Preservation Reserve to cover administration, etc.

Councilmember Glitch made a motion to authorize the Town Clerk to take the necessary steps to transfer \$25,000 from the Land Preservation Reserve fund to be used for administrative tasks involved in the purchase of development rights to the Tamberlane Farms. Councilmember Adam-Anderson seconded the motion that carried unanimously. (4-0). **061-2009**

c. Hamlet Park - Hire Clark Patterson Lee to draw up plans and prepare RFP. Councilmember Adam-Anderson stated that the Park Committee is winding down. They have reduced the costs of the park by about 25% from the original estimate by taking out the gazebo which was an exorbitant price. The committee met with an engineer and got a price on site work, topography, hardscape, rough in electric and plumbing not to exceed \$3500. The plan is to put it out for RFP, request for proposals, for Phase 1. Phase 2 would include a wood tek open sided gazebo with pavers all the way to the center, instead of decking. Gazebo could be installed after the hardscape is done. Would like to get the hardscape done this year and get some grass growing.

The bid for the parking lot (Ford Garage area) will be going out any day. We are finally, almost at the end of the environmental remediation of that parking area. The last injections did have some positive results so they will be doing another injection, but feel that we will be able to pave the area very soon.

Councilmember Adam-Anderson showed pictures of the materials that have so far been selected for the pavers, etc.

Councilmember Glitch made a motion to hire Clark Patterson Lee to draw up plans and prepare RFP for the Hamlet Park Project. Councilmember Lightfoote seconded the motion that carried unanimously. (4-0). **062-2009**

9. Other:

a. Motion to amend Sewer budget and do budget transfers. Transfer \$1,000 from Contingency to Town Board to cover school expenses; \$595.00 from Contingency to Auditor for auditor expenses; \$4,959.56 from SW1-8340.4 to SW2-9710.6 to pay debt early; \$0.44 from SW2-9710.7 to SW2-9710.6 closing out; \$1,079.56 from SW1-8340.4 to SW39710.6 pay debt early; \$0.44 from SW3-9710.7 to SW3-9710.6 closing out; \$29,000 from SW1-9950.9 to HM8340.4, interfund capital transfer, water capital projects; \$41,940 from amend Sewer budget SS599 to SS9730.6 debt principle, debt paid early; \$1,908.37 from Amend Sewer budget SS599 to SS9730.7 Debt interest, debt paid early. On the motion by Councilmember Glitch seconded by Councilmember Adam-Anderson, the aforementioned transfers were approved. Motion carried unanimously. (4-0).

**063-2009**

b. Executive Session: On the motion by Supervisor Calabrese, seconded by Councilmember Adam-Anderson, the Board went into Executive Session to discuss land acquisition and the need to fill the vacancy on the Town Board.

On the motion by Councilmember Lightfoote, seconded by Councilmember Adam-Anderson, the Board returned to regular session. No action was taken in executive session.

9. Privilege of the Floor: None requested

10. Set next meeting date: August 12, 2009

11. Adjournment: On the motion by Supervisor Calabrese, the meeting was adjourned at 9:25 PM.

Respectfully submitted,

Nancy Hollenbeck  
Town Clerk