

MINUTES
TOWN OF GORHAM PLANNING BOARD
August 28, 2017

PRESENT: Chairman Harvey Mr. Zimmerman
 Mr. Hoover Mrs. Rasmussen
 Mr. Dailey Mr. Farmer
 Mrs. Harris-Alternate

ABSENT: Mr. Henry

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Zimmerman made a motion to approve the July 24, 2017, minutes as presented. Mrs. Rasmussen seconded the motion, which carried unanimously. Mrs. Harris-Alternate will participate and vote on all applications.

PUBLIC HEARINGS:

Application #25-2017, Carol Oakleaf, owner of property at 3935 Middle Road, requests site plan approval to build a 28' x 40' horse barn.

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

On June 15, 2017, the Zoning Board of Appeals granted a variance of 100 feet for the use of animal husbandry for one horse with the following conditions: 1. a drainage swale be constructed from the low spot on the property to the road ditch based on final approval from the Planning Board. 2. A Concrete pad be constructed on the north east corner of the barn for the storage of the manure before it is taken off site. 3. Between April 1 and November 1 the manure is to be removed weekly and as much as possible from November 1 to April 1.

Ms. Oakleaf & Brennan Marks, Engineer, was present and presented the application to the board.

Mr. Marks stated that the proposal is for a 28 x 40 pole barn at the rear of the existing home. The driveway will be extended from the existing driveway. No new entrance is proposed. The barn is setback about 250 feet from the road. With the new barn there is going to be a concrete pad and a pasture area. There will be water and electric in the barn. There will be an exterior light on the front of the building, which will be dark sky compliant. There is a swale on the north side of the property draining to the road side ditch.

Chairman Harvey stated that storm water management by directing it to the road side ditch is not a solution that he would propose.

Mrs. Harris stated that in the description it mentioned a rain garden. She questioned if that was what the new garden is that is on the plan.

Mr. Marks stated that there will be a new garden but was unsure where the rain garden was going to be.

Chairman Harvey stated that he would love to see a rain garden to mitigate the storm water.

Mr. Marks stated that they can certainly put something in to address the runoff from the site either with a rain garden or another infiltration practice.

Chairman Harvey stated that somewhere along that northern swale if there was a rain garden or some sort of infiltration.

Mrs. Harris stated that they could create a lower spot along the swale to retain it and then over flow it further down.

Chairman Harvey agreed and stated that if it is a natural overflow he is good with it going to the road side ditch.

Mrs. Rasmussen questioned if the manure was being removed to another site.

Ms. Oakleaf stated that she has permission to put the manure on fields across the road on an agricultural parcel owned by Bill Rockefeller.

Chairman Harvey asked if the manure was going to be stored inside.

Ms. Oakleaf stated that it will be stored under the roof extension that is shown on the plan.

Ms. Oakleaf stated that there will only be one horse.

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

Ken Miles, neighbor to the south expressed his concern that she was allowed to start putting up the fencing around the property. He has a pool in his back yard and is concerned with having flies during the summer. He was also concerned that his property value will decrease in the future. "A couple years ago when Reggie filed for his plan, Carol rallied all the neighbors against it. Now she's setting her wanting it. Now it's ok for her but when it was somebody else it wasn't ok."

Chairman Harvey stated that the Planning Board is here to review the site plan. They can only look at the requirements for a site plan.

Mr. Miles stated that his concern is with runoff. He has put in 300 feet of drain tile since Ms. Oakleaf's property has been built because of runoff, which he expected. He questioned if there is going to be more runoff.

Chairman Harvey stated that is a fair question. In the site plan regulations the Town requires no increase in runoff after development.

Mr. Miles questioned if putting the fence up ahead of time was ok.

Chairman Harvey asked Gordon Freida, Code Enforcement Office to address that issue.

Mr. Freida stated permits are not required for pasture fence. He did inform Ms. Oakleaf that it would be nice if she waited till after she got site plan approval.

Mr. Dailey asked Ms. Oakleaf to explain more about the manure management.

Ms. Oakleaf stated that she will be storing the manure on concrete under the roof extension for the winter. It will be taken off site and spread on the agricultural property across the road during the stipulated times from the Zoning Board of Appeals.

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

Chairman Harvey asked if there was going to be any roof drains.

Mr. Marks stated that the roof drains will be diverted to the swale on the north.

Chairman Harvey stated that the Town's requirement is no increase in storm water flow. No decrease in water quality. Show a rain garden or some kind of infiltration system.

Mr. Marks stated that he will talk to Ms. Oakleaf but they could place some wetland plantings down the swale. This will add landscaping value to the property and also provide treatment to the swale. It will be a bio retention swale.

A letter dated August 1, 2017, was received from New York Office of Parks, Recreation and Historic Preservation on this application, stating that there is no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

The Planning Board discussed and completed Part 2 of the Short Environmental Assessment Form. The board determined this to be an unlisted action under SEQR that

will not receive coordinated review since no other discretionary agency approval is required.

Mr. Dailey made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mrs. Rasmussen seconded the motion, which carried unanimously.

Mr. Dailey made a motion to approve the site plan with the following conditions: 1. Modify the plan to show a bio retention swale or other engineered storm water infiltration system to mitigate the increased hard surfaces being introduced as well as dealing with the Zoning Board of Appeals condition to intercept the storm water flow from the neighboring property. 2. A Concrete pad be constructed on the north east corner of the barn for the storage of the manure before it is taken off site. 3. Between April 1 and November 1 the manure is to be removed weekly and as much as possible from November 1 to April 1. Mr. Zimmerman seconded the motion, which carried unanimously.

Application #26-2017, Ted Aguglia, owner of property on Mayflower Road, requests site plan approval to build a single family home.

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

Brennan Marks, engineer was present and presented the application to the board.

Mr. Marks stated that the proposal is for a three bedroom small footprint single story home.

The foundation of the home will have the appearance of a masonry foundation and will have horizontal vinyl siding.

Chairman Harvey stated that there needs to be something to deal with the storm water runoff.

Mr. Marks stated that there will be some sort of infiltration practice. The drainage pattern on Mayflower is pretty much east towards the lake with no defined swale. The idea is to divert it from the back end of the site to Mayflower Road, which then flows downhill.

Chairman Harvey stated that dumping the water in a ditch in Crystal Beach is not acceptable.

Mr. Marks stated that they can come up with some sort of storm water practice for the roof drains, like an infiltration trench.

Mr. Dailey questioned what an infiltration system is designed for.

Mr. Marks stated that on this site he will probably collect the gutter water and put it into something similar to a septic system. Infiltrators and run an infiltrator line and then over flow to the road side ditch. It will take the 1 and 2 year storms. The 5 and 10 year storms will go right through it.

Chairman Harvey complimented Mr. Marks on the nice grading job on the site plan.

Mr. Dailey asked if it was unreasonable to ask for something for a 25 year storm as opposed to a 1 or 2 year storm.

Mr. Marks stated that the problem with a 25 year storm is that they are so spontaneous. "You're getting 4 inches an hour and trying to get a design for that. For one, DEC doesn't even require it for commercial sites. What the DEC is concentrating their efforts on is the one year storm. They want to detain and treat the one year storm, which is like 1.19 inch. The 25 year storm is like 4 inches. It is unreasonable to apply that to every site, whether it is commercial or residential."

Mrs. Rasmussen stated that the Town has a problem with the drainage in Crystal Beach. "I think this is one place where we could ask for maybe a little more than the 1 year or 2 year storm."

Drainage was continued to be discussed. Mr. Marks is going to look at creating a depression in an area on the property and look at putting in some infiltration practices.

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

A letter dated July 20, 2017, was received from New York Office of Parks, Recreation and Historic Preservation on this application, stating that there is no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

The Planning Board discussed and completed Part 2 of the Short Environmental Assessment Form. The board determined this to be an unlisted action under SEQR that will not receive coordinated review since no other discretionary agency approval is required.

Mrs. Rasmussen made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mr. Zimmerman seconded the motion, which carried unanimously.

Mrs. Rasmussen made a motion to approve the site plan with the following condition: Add detention between a 5 and 10 year storm event and try to get infiltration to mitigate the flow from the additional hard surfaces. Put additional detention to regulate the discharge to the road side ditch. Mrs. Harris seconded the motion, which carried unanimously.

Application #27-2017, Richard Frere, owner of property on County Road 18, requests site plan approval to build a single family home.

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

Brennan Marks was present and presented the application to the board.

Mr. Marks stated that he has added to the site plan a pole barn that is under construction.

A letter has been received from George Barden, Watershed Inspector, dated July 7, 2017, for septic system approval.

Mr. Marks stated that Mr. Frere is going to remove some of the fill and restore areas that are not driveway or buildings to lawn.

Chairman Harvey suggested that the town require a performance bond or letter of credit for the restoration of the lawn area.

Chairman Harvey asked about outside lighting.

Mr. Marks stated that there will be a general note on the site plan that states all lighting will be dark sky compliant.

Drainage of storm water was discussed. Mr. Marks stated that they will probably put in a detention area with infiltration. It was suggested that something be put in place for at least a 5 year storm.

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

A letter dated July 20, 2017, was received from New York Office of Parks, Recreation and Historic Preservation on this application, stating that there is no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

The Planning Board discussed and completed Part 2 of the Short Environmental Assessment Form. The board determined this to be an unlisted action under SEQR that will not receive coordinated review since no other discretionary agency approval is required.

Mr. Farmer made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mr. Hoover seconded the motion, which carried unanimously.

Chairman Harvey made a motion to approve the site plan with the following conditions: 1. Add a note to the site plan that all exterior lighting will be dark sky compliant. 2. Add onsite infiltration or detention for at least a 5 year storm. 3. A letter of credit or performance bond or other surety in the form acceptable by the Town Board for the removal of the existing parking area and restoration to lawn or vegetation in a proper manner with at least 6 inches of top soil. The surety will be based on the engineer's calculation of the things listed above, plus the grading, the detention facility, silt fencing and the construction of the driveway. 4. Show the driveway connection to the pole barn. 5. All work must be completed in two years. Mr. Dailey seconded the motion, which carried unanimously.

MISCELLANEOUS:

Mrs. Rasmussen expressed her concern with a couple of issues.

Proctor's on Main Street continues to be an eyesore in the back of the property. There is so much equipment in the back of the building that there is not enough parking for the employees and so they are parking in the Town owned parking lot. People have commented that they thought that the restaurant was packed because there were so many cars

in the parking lot, when in fact there was not a soul in the restaurant.

Mr. Freida stated that he and Mr. Lightfoote have talked to Mr. Proctor several times about this. He will talk to Mr. Lightfoote about this again and they will talk to Mr. Proctor again.

Mrs. Rasmussen second concern was when people get a building permit to build a pole barn maybe the Town Planning Board needs to look at these or there needs to be some sort of guidelines so that ground water is not rerouted or impacted. There has been an incident were a property owner built a pole barn over top of a drainage swale and is now blaming the farmer even though the farming practices have not changed.

Chairman Harvey stated that he will look into this and look at the Town's regulations and see what can be done.

Mr. Dailey had a concern with the new home on Lincolnwood doing things that was not on the site plan and was not part of the approval from the Town Planning Board.

Mr. Freida stated that he has talked to the builder and they will be coming back in front of the Planning Board within the next couple of months because they want to build an accessory building.

Mr. Dailey stated that the neighboring property south of the new home has built a new break wall with lights that are on all night and they are not night sky compliant.

Mr. Freida stated that he would check this out.

Mr. Dailey made a motion to adjourn the meeting at 8:34. Mrs. Rasmussen seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary