

MINUTES  
TOWN OF GORHAM PLANNING BOARD  
August 27, 2018

PRESENT: Chairman Harvey            Mrs. Rasmussen  
          Mr. Dailey                    Mr. Zimmerman  
          Mr. Farmer

EXCUSED: Mrs. Harris                Mr. Hoover

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Dailey made a motion to approve the July 23, 2018, minutes. Mrs. Rasmussen seconded the motion. After further discussion the July 23, 2018, minutes were amended as follows: Page 2, paragraph 17, change "met" to "meant". The approval of the amended minutes carried 5-2.

PUBLIC HEARINGS:

Application #27-2018, Michael Spaan, owner of property at 4458 Lake Drive, requests site plan approval to demolish existing home and 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 applicant has asked that the application be adjourned to be re-opened on September 24, 2018.

Chairman Harvey asked if there was anyone from the public that would like to comment on this application.

Joan Dina Stein, neighbor at 4463 Lake Drive expressed her concern with the road during construction. The road was just re-paved a couple of years ago. When Mr. Spaan had stone work done on the front of his property there became cracks in the road. With a demolition and re-build there is heavy equipment. She would like the town to keep an eye on the road and its condition.

Chairman Harvey stated that is a great point. The inspections will be up to the Zoning Officer and the Highway Superintendent.

Ms. Dina Stein asked how this would be solved. "Would it be that it gets fixed before a certificate of occupancy is issued?"

Gordon Freida, Code Enforcement Officer stated that it would be handled by either a stop work order or the Town Board could make them post a bond.

Chairman Harvey explained to Ms. Dina Stein that if she has any documentation of what happened to the road during the previous construction send it to the Zoning Office or bring it

to the next hearing. During site plan review the Planning Board also has the ability to ask that a bond be posted before a permit is issued.

Michael Clawson, representing his in-laws at 4459 Lake Drive expressed their concerns with the view. His in-laws have spoken with a real estate broker and the broker stated that with the new build across the road it will decrease the property value. The big thing is it will take away the enjoyment of the property. Right now they have a great view from their deck, which will be gone once a new home is built.

Chairman Harvey thanked him for his comments and concerns. He explained that the Town has paid a lot of attention to the zoning in that area for a number of years and it is important for the town to hear the concerns that people have.

Gordon Freida, Code Enforcement Officer suggested that they come into the zoning office and look at the site plan and building plans.

Chairman Harvey asked if there were any more comments from the public. Hearing none, the public hearing was adjourned to be re-opened September 24, 2018.

Application #24-2018, Patrick Laveck, owner of property at 5008 County Road 11, requests site plan approval to demolish existing home and build a new single family home.

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

On August 16, 2018, the Zoning Board of Appeals amended the motion granted on May 17, 2018. The following motion was made: An 8.6' variance for a south side yard setback of 6.4' for the steps and landing. A variance of 5.6 feet for a south side yard setback of 9.4 feet to the overhang. A variance of 10 feet for a 5 foot north side yard setback to the overhang. The shed is to be moved to set in line with the proposed home on the north side. The 5' variance that was granted on the west side is to be removed.

Patrick Laveck was present and presented his application to the board.

Mr. Laveck stated that swales were added to the site plan and an engineer has approved them.

Chairman Harvey explained to the board and the public that the change on the plan is that swales have been added both on the north and the south side of the proposed building so that none of the drainage is going to go onto the neighbor's property.

Chairman Harvey stated for the record that he would like to recognize a very clear re-statement of the variance being

granted by the Zoning Board of Appeals, which helps them greatly.

Mr. Dailey asked if there was a rendering of what the home was going to look like.

The renderings, which has been in the Zoning Office was shown to the board. The chimney that is shown on the renderings is going to be removed.

Mr. Laveck presented a photo of the property as it is existing today.

The existing ham radio antenna is going to be removed from the property.

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

Ken Hinett, 5006 County Road 11, questioned with the design and engineering of the swales was that based on a fixed rain fall. "What's the flow characteristics that that's going to protect my property from?"

Chairman Harvey stated that on the plan it states that all site drainage runoff produced by the proposed onsite improvements will not be directed towards the neighboring parcels or building foundations. "There is no doubt that a 6 inch deep swale can be overwhelmed by a 100 year storm, but the footprint of the house is not going to impact that one way or another."

Mr. Hinett stated that more specifically his concern is with the west side of the house he has built up the earth around the front of the house and so there is a very steep drop from the edge of the house down to the 5 foot setback, which they have now put a swale and his concern is with the velocity of the water coming out of the spout.

Chairman Harvey stated that they are not creating swales in any of the fill. The engineer has created the swales in cut.

Chairman Harvey invited Mr. Hinett to the table to look at the site plan.

Mr. Hinett showed Chairman Harvey on the plan where his concern is. "The question is will that swale contain that velocity in that direction. My second point, I guess at the zoning meeting in May, which I wasn't available there was a lot of discussion about the shed being re-located or re-placed. There was a lot of people that went away believing that the shed was going to be re-placed. It now say re-located metal shed. The shed is 40 years old, rusted, battered, and beaten, with moss on the roof. I can't believe that meets any architectural standard of today when your building a new house on the property. So there's some confusion apparently there was an agreement to replace the shed, but that hasn't been documented and hasn't been brought forward in these drawings. They still

show it as being re-located. So I would ask that that topic be discussed and the effect of that shed be considered."

Chairman Harvey stated that both the plans and the latest motion of approval for the variance from the Zoning Board of Appeals states re-locating the metal shed. This board can't over rule that but the Planning Board can require the shed to be repaired and asked the applicant what his intention is.

Mr. Laveck stated that his intention is to either paint it or replace it. It hasn't been decided yet.

Chairman Harvey stated that if the site plan is voted on this evening one of the things on his list is that Gordon Freida review the shed in terms of its structural adequacy. The Planning Board can deal with the appearance.

Chairman Harvey asked if there was anyone else that would like to make a comment on the application from the public.

Lynn Schaertl, 5010 County Road 11, stated that she was at the May meeting and she did walk away from that meeting with the understanding that the shed would be replaced with a new shed. She also has concerns about the drainage. She wants to make sure the drainage is correct on both sides of the house. She has a concern with losing some lake view with the second floor of this house. She presented pictures to the board showing the lake view that she felt she would lose from her second floor. These pictures will be kept in the file. She asked what the siding would be on the new home.

Mr. Laveck stated that it will be vinyl tan color with a brown roof.

Ms. Schaertl asked where the windows would be placed. She had a concern with them looking into her windows. She was invited to the table to take a look at the renderings of the new home. She doesn't want a window looking into her bedroom window. She asked that the variances be read again that were granted.

The variances that were granted by the Zoning Board of Appeals were read again at this time.

Chairman Harvey stated that the variances that were granted are consistent with what is on the plan.

Ms. Schaertl stated again that her main concerns is her lake view, drainage and the shed. She presented some pictures to the board. These will be kept in the file.

It was suggested that the proposed home be moved to the east away from the lake to open up the view for the neighboring properties.

Chairman Harvey asked Mr. Hinett and Ms. Schaertl what their opinion would be if the house was moved to the east about 10 feet.

Mr. Hinett stated that would be outstanding and Ms. Schaertl stated that she would love that.

Chairman Harvey stated that one of the things that made him think about moving the home beside the public comments is the Town's Design Guidelines. One of the overriding principles in there is trying to not put the driveway all the way down through the lot and make the driveway as short as possible.

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

Chairman Harvey stated that moving the home about 10 feet would appease the neighbors and some of the other things identified during the public hearing and asked Mr. Laveck if he would have a problem with moving the home.

Mr. Laveck stated "yes. No one has talked about my view. I have two large houses on either side. On the north the house is at the 30 foot setback."

Chairman Harvey stated that the home on the north looks to be back further than 30 feet.

Mr. Hinett explained that his home on the north is at the 30 foot setback but the shoreline jogs in 8 or 10 feet.

Mr. Laveck stated that the shoreline has a natural curve. "I'm taking the 30 foot setback."

Chairman Harvey stated that the zoning states 30 feet as the minimum required. "Tell me why it's a bad idea to move you back farther."

Mr. Laveck stated "we're going to lose our view."

Chairman Harvey stated "how? You don't have a view from a second floor now because you don't have a second floor."

Mr. Laveck stated that he is not talking about a second floor.

Chairman Harvey stated that he would be willing to entertain a house that had a first story out that far and a second story back farther.

Mr. Laveck stated that he would like to stay at the 30 foot setback.

Chairman Harvey stated that he understands that is his request.

Mr. Laveck stated that he had a 5 foot variance on the west side and he gave that up. "That is fair enough. I would like to stay at the 30 foot setback. And if my south neighbor decides to build they can go at the 30' setback. It is normally where you put a cottage."

Chairman Harvey stated that he appreciates his input.

Chairman Harvey stated that the engineer needs to reexamine the swale on the north side of the house in relation to the

downspout to ensure that the water is going to get captured in the swale. A couple topographical lines on the south need to be revised slightly to ensure that the water drains away from the foundation.

Mrs. Rasmussen asked if there would be a better way to drain the roof drains instead of splash blocks.

Chairman Harvey stated possibly. "It may be just as simple as amending the direction of flow from the splash blocks so that it goes down into the swale and gets contained. So it doesn't have the velocity on top of the foot and a half drop and end up being an erosion issue. That is something the engineer has got to address and there are multiple ways to address this I believe. The second issue is the shed. If it is relocated it is either going to get resided or rehabilitated so that it has a good appearance. We are going to note that the chimney gets removed from the plan. It's in compliance with the variances that were granted. You specified the siding we're holding you to that. So I'm thinking the shed's going to be something that matches color wise or siding material wise. As far as the setback from the lakefront and its position I'm open for dialog by the board."

The board discussed the moving of the new proposed home further from the lake front.

Mr. Dailey agreed that he believes that it is a nice way to clean up that part of the lake. "To have all the houses that are on a parallel to each other and we don't have one that is 10 to 15 feet towards the lake and the rest of the ones are back. I think it's a good compromise for all the people."

Chairman Harvey stated that it is his personal feeling but it is more in tune with the design guidelines.

Mr. Farmer expressed his concern with the view that the south neighbor would have of stairs and landing. He believes if the home was moved back further from the lake the south neighbor would have a better view.

Mrs. Rasmussen stated that she has a problem with criticizing his windows and his stairway on the side of the house. "It's petty. It's ridiculous."

Chairman Harvey stated that he is not having a hard time with the stairs. It shows a wood railing per code. The ZBA has granted variances for the stairs and landing.

Mr. Laveck stated that he can offer a solution. The architect has looked at this and the door and landing can be moved back 6 feet toward the center of the home.

Mrs. Rasmussen stated that she is torn with the moving of the home back further from the lake. "I could see stair stepping the second floor, which would make it a little more interesting architecturally, but that would mean shifting his

inside plan. I guess I wouldn't have such a hard time with it if we had come up with this last time."

Mr. Zimmerman stated that he wishes he knew what was on the north side.

Gordon Freida pulled the survey of the property on the north side for the board to look at.

After looking at the survey of the property on the north side the board found that if the proposed home was moved 8 feet to the east it would be in line with the home on the north.

A letter dated May 31, 2018, 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 SEQOR that will not receive coordinated review since no other discretionary agency approval is required.

Mr. Zimmerman 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. Dailey seconded the motion, which carried 5-2.

Mr. Zimmerman made a motion to approve the site plan with the following conditions: 1. The engineer look at the downspouts on the north west and north east corner and come up with a modification that will ensure that it can be handled within the swale and not direct storm water onto the adjacent property. 2. The shed needs to match color and or siding complimentary to the house color scheme. The shed must be rehabilitated. No Certificate of Occupancy will be issued until the shed is addressed. 3. The Chimney is removed from the plan. 4. The proposed home and deck is to be moved 8 feet further to the east. 5. The amended site plan can be reviewed by the Chairman of the board and signed without further board action. Mr. Dailey seconded the motion, which carried 5-2.

Mr. Dailey made a motion to adjourn the meeting at 8:32PM. Mr. Farmer seconded the motion, which carried 5-2.

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Thomas P. Harvey, Chairman

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Sue Yarger, Secretary