

MINUTES
TOWN OF GORHAM PLANNING BOARD
March 27, 2023

PRESENT: Chairman Harvey Mrs. Rasmussen
 Mr. Farmer Mr. Perry
 Mr. Hoover Mrs. Harris

EXCUSED: Mr. Kestler

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Hoover made a motion to approve the February 27, 2023, minutes as submitted. Mrs. Rasmussen seconded the motion which carried unanimously.

PUBLIC HEARING:

Application #01-2023, Gregory Guy owner of property at 4272 County Road 18, requests site plan approval to renovate and expand an existing barn for an event venue.

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

Alfred LaRue, Engineer was present and presented the application to the board.

Mr. LaRue stated that they have submitted the plans to the Canandaigua Watershed Inspector. They have also submitted a SPEDES report to the DEC that included an engineer's report. These are on file with the town as well. Item 20 and 21 on the engineers report have been completed.

Chairman Harvey had a question on the detention area storage. What the town looks for when you have impervious areas and have additional flow what's getting back into the ground. He would like to see the increase in the rate or total flow off the site after development. What he saw earlier was storage calculations that continued to be discharged.

Mr. LaRue stated that there is a discharge. They have submitted a stormwater pollution plan. The calculations are a result of that calculation so there is no more total runoff than there is in the undeveloped condition. The pond going to the road they have changed from a pipe to a rip rap spill way. They have also added in the back a rain garden.

Chairman Harvey asked how that impacted their area of disturbance from the initial Environmental Assessment Form.

Mr. LaRue stated that they have an overall area of disturbance of about 7.4 acres. They have a staging plan. The first stage is 4.8 acres.

Chairman Harvey asked Jim Morse, Code Enforcement Officer if MRB Group has finished the review of the Pollution Prevention Plan.

Mr. Morse stated that he does not believe that we have gotten a response from MRB Group yet.

Chairman Harvey asked if the plan shows a sanitary sewer easement.

Mr. LaRue stated that it does not. There information shows that it is going to be on the other side of the road and this is a historic house so there is a lot of things out front.

Chairman Harvey stated that they asked for it down the front and along the property line.

Mr. LaRue stated that they haven't prepared for that and have not agreed with it at this point.

Chairman Harvey stated that a condition of the SPEDES permit from DEC for sanitary sewer one of the conditions would be when municipal sewer was available they would be required to hook up.

Mrs. Rasmussen stated that in looking at the trees that they have chosen which are beautiful trees but will not give any shielding in the under story. They are all trees that will provide coverage in the canopy but she would like to see some shrubs of some sort in the under story to help block the light.

Mr. LaRue stated that they can do that.

Chairman Harvey stated that the board does not care if it is plantings, fence or a berm but it must be at headlight height.

Mr. LaRue stated that he is looking at a golden cypress which gets about 5 foot tall and 5 foot wide.

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

Chairman Harvey explained that this application was granted a Special Use Permit by the Town Board. The Town Board held a public hearing on March 8, 2023, and adopted a resolution to require themselves as lead agency for the environmental review. They also adopted a series of findings and then made a declaration of significance. What the environmental regulations require is for the Planning Board to do as an involved agency in this project is to issue their own findings before action is taken on the application.

The Town Board had the following findings. 1. The project will be required to roughly balance cut and fill during site plan review. 2. It Involves a site without significant geological features unique to the site or area. 3. It will involve the creation of storm water detention facilities on site designed and constructed in a manner compliant with or exceeding

current state and town requirements for storm water quality and quantity discharges both during and after construction.

4. It will not involve impacts to groundwater as the project will be required to have the same infiltration of storm water into the ground after construction as exists prior to construction as part of the site plan review by the Town Planning Board. 5. It will not involve construction in areas of special flood hazard as identified by the Federal Emergency Management Agency nor will storm water discharges from the site increase in intensity or total quantity after construction of the project. 6. It will involve air emissions from construction vehicles during site grading, construction of storm water management facilities, the on-site parking lot, demolition of a small barn, renovation of other barns, installation of utilities, and related items, but those emissions are judged to be minor as are the emissions that will occur during operation primarily from motor vehicles used for deliveries of supplies and transportation of employees, venue guests and event participants. 7. I will not impact any species of special concern. 8. It will not significantly impact agricultural resources as the building expansion and storm water facilities will be constructed on areas mowed as lawn and not used for agriculture, the area for the proposed parking lot has not been used for field crops for many years and was most recently fenced off as a horse pasture used for pleasure and not for agriculture, and the remaining property to the east of the buildings are intended to remain available for rent and used for grain crop farming. Thus, the project is not expected to have an impact on agricultural resources or use. 9. It will not impact any significant views either of or from the project site, and all site lighting will be required to be dark sky compliant during site plan review. 10. It will not impact historic or archeological resources on site because neither the town or the State Office of Parks, Recreation and Historic Preservation are aware of any significant historic or archeological resources on or proximate to the project site or effected by the project. 11. It will not impact recreation opportunities or resources in the town. 12. It will not impact a critical environmental area as there have been no critical environmental areas established either in the town or within the adjacent town of Hopewell. 13. It will not impact traffic as County Road 18 has sufficient capacity as does State Rt. 364, to which it leads. 14. It will involve a minor increase in the use of energy on site, but all renovations will have to meet the current New York State Energy Code, so the impacts are judged to be minor. 15. It will involve noise from heavy equipment during construction activities on site for a limited amount of time in a sparsely populated area

of the towns of Gorham and Hopewell, but during normal daytime work hours. Operation will involve indoor activities, including music, from 10 am to 6 pm weekdays and 10 am to 10 pm on weekends. As a result, the increase in ambient noise levels expected from operations and construction activities are judged to be minor.

Chairman Harvey asked what the outdoor patios are to be used for.

Olivia Guy stated that the patio will be used when the weather is nice for people to hang out for something like a cocktail hour. There will not be a DJ or a band in that area.

Town Board findings continued. 16. It will not generate significant odors and all lighting will be required to be dark sky compliant by the Planning Board during site plan review. Further, fencing and/or landscape plantings or berm will be required during site plan review to limit the impact of vehicle headlights on adjacent properties. 17. It will not involve activities posing any danger to human health. 18. It is located in the Town's Planned Development District, an area designated by the town for a mix of residential and commercial uses in both the Town's Comprehensive Plan and Zoning Local Law. 19. It will reuse existing barns preserving and enhancing the rural character of this portion of the town while parking areas will be required to be screened from view from County Road 18 and adjacent properties during site plan review by the Town Planning Board.

Mrs. Rasmussen made a motion to approve the Town Board findings and make them also findings of the Planning Board. Mr. Hoover seconded the motion which carried unanimously.

Chairman Harvey asked about the erosion control and if there will be erosion control on site.

Mr. LaRue stated that there definitely will be erosion control on site during construction.

Chairman Harvey asked if they would be using any of the storm water management facilities as part of the erosion control.

Mr. LaRue stated that the only one they are using is the existing pond. When they stage this they will probably dig the pond down the hill from it first and get that facility in before there is a lot of water heading towards it.

Chairman Harvey read question 18 on the engineers report. Will any stormwater management facilities be used as temporary sediment traps or basins? If so, this should be noted on the plans and sizing calculations should be provided for review. The answer is no.

Mr. LaRue stated that he does not think they want to use the existing pond. We don't want to fill it up with silt. His

idea is they are going to set some traps outside of it so that when they construct the big pond we will have a piping system going to it. And so they will dig an area which they haven't shown but it will be just for the silt mitigation.

Chairman Harvey asked if this was fully provided in the SWPP that they provided.

Mr. LaRue stated yes.

Chairman Harvey asked if the swales would have a 2% slope.

Mr. LaRue stated that they will be less than 2% slope because they are using a grassy swale component to slow the water down. This is part of the recharge design.

Chairman Harvey asked if there was any plantings proposed between County Road 18 and the parking lot.

Mr. LaRue stated that is going to stay looking like it does now.

Chairman Harvey stated that the board would like to see and it is in the findings a little bit of vegetation in front of the parking lot.

Mr. Farmer made a motion to approve the site plan with the following conditions: 1. Revise the landscaping plan to provide a high enough berm and under story to prevent headlights from being seen from neighboring properties. Add plantings or berm to block the view from County Road 18 in the parking area. 2. Decision from the Town Engineer on the specifics of the Pollution Prevention Plan and the adequacy of the storm water design. 3. Location of the sewer easement on the road frontage and along the northern property line. Mr. Hoover seconded the motion which carried unanimously.

Application #03-2023, Paul Greco & Charin Cirel-Greco owners of property at 4186 State Rt. 364, requests site plan approval to 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.

On January 19, 2023, the Zoning Board of Appeals granted a 23.69' setback on the southwest corner of a 6.31 foot variance all the way across the lakeside of the property. The second variance is the rear yard setback of 23.89 feet for a variance of 6.11 feet. The garage must be torn down upon completion of the residence being built. The slab can remain for footing for the shed but must be in the confines of the proposed variance and setback laws for the shed to go in.

Anthony Venezia, Venezia Associates and Jay Palermo, JC Concepts were present and presented the application to the board.

Mr. Venezia presented to the board a new site plan for the project.

Chairman Harvey stated that new plans need to be on file with the town 5 days before the public hearing.

Mr. Venezia stated that they were brought into the zoning office two weeks ago.

Mr. Venezia stated that this is a teardown and rebuild of an existing cottage. The old garage is going to be torn down that is on the lake front portion of the property. The small shed is also going to be torn down. On the roadside between East Lake Road and State Rt. 364 will be a proposed barn.

Mr. Venezia stated for the stormwater they are going to be using a small indentation called a drainage meadow. It is not a rain garden but acts like a rain garden where the water will flow into the meadow.

Chairman Harvey asked if they have talked to the Sewer Department as the drainage meadow is in the sewer easement.

Mr. Venezia stated that he has done this in the past and the Sewer Department did not have a problem with it.

Chairman Harvey stated that he will need something from the Sewer Department stating that they will allow this.

Mr. Venezia stated that he will get something in writing from the Sewer Department.

Mr. Venezia stated that on the lakeside they are putting in an infiltration trench with infiltration pipe that will run parallel with the lake with two drywells on both sides.

Mrs. Harris stated that the meadow doesn't have an overflow.

Mr. Venezia stated that he would have to double check that. He believes that there is a rip rap overflow on the southwest side of the meadow.

Chairman Harvey asked if this is the site that in the last couple of years have removed all the trees that were on site.

Mr. Palermo stated that they did remove all the dead ash trees and a couple of the pine trees that were endangering the neighboring properties.

Chairman Harvey asked what species of cedar tree were they envisioning there.

Mr. Venezia stated that they will pick a species to plant.

Chairman Harvey stated that they will need to follow the Town Design Guidelines. Nobody wants something big blocking someone's view but the town's design standards need to be followed.

Mrs. Harris stated that she would like to know how many trees were removed. There were several trees on this property. She thinks that more trees should be shown on the landscaping plan to offset what was taken down.

Mr. Palermo stated that there were two on the lakeside and 14 on the rest of the property and the arborist took down trees

on the neighboring property to the south that was dying. There was quite a few ash trees that were totally dead. There was three trees in the area where the new barn is going to be built.

Mrs. Harris asked what species those trees were.

Mr. Palermo stated that one was a maple and two pines.

Chairman Harvey stated that there is nothing wrong with some foundation plantings that you have but the board is looking for some more trees to dress up the site. He asked that they revise the landscaping plan to add them.

Mr. Venezia stated that they can revise the landscaping plan.

Chairman Harvey asked if there was lighting on the plan.

Mr. Venezia stated that he believes that there is a note on the plan.

Mrs. Harris asked if the electric was going to be underground.

Mr. Venezia stated that the electric will be underground.

Mrs. Harris had a question on the infiltration trench. It shows 85 foot long stone trench on the west side of the building. She asked if this was part of their catchment area.

Mr. Venezia stated yes the pipe itself.

Mrs. Harris stated so the water is meant to go in the two dry wells and flow. The pipe runs across the grade where the grade keeps getting higher and higher.

Mr. Venezia stated that the pipe is going to lay flat.

Mrs. Harris stated that it is confusing to her as it is shown on the plan. She asked if the roof runoff was going to the two dry wells.

Mr. Venezia stated that the roof runoff is being directed to the pipe.

Mrs. Harris asked if that could be shown on the plan.

Mr. Venezia stated that they could do that.

Mrs. Harris asked why the house is going to be so high up.

Mr. Venezia stated that they are trying to get it a little more level with the existing driveway.

Mrs. Harris asked if water goes to the meadow from the surface flow or from the roof leaders on the barn.

Mr. Venezia stated that he believes it is from surface flow.

Mrs. Harris questioned where the pitch is on the north side.

Mr. Venezia stated that they are not pulling the north side. They are trying to get the water to come around and sheet flow. They could tie it into the under drain if necessary. They could also tie in the roof drains.

Mrs. Harris stated that this would be cleaner.

Mr. Venezia stated that it may be an issue going across the sewer easement.

Mr. Farmer asked what the height of the pole barn was going to be.

Mr. Palermo stated that the height of the pole barn will be 13'10" just under the 14' height requirement.

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

Matt Smith stated that he works for the owner of the house next door at 4182 East Lake Road, Dan Prokupets. "Specifically to the house I have those same concerns and there is a lot of them. Starting with the trees those are the first things to come down. I don't know exactly how many. I know there was a portable sawmill on site. The first concern and this was in the fall and if I have anything incorrect just from the homeowners and anyone working on the project just feel free to correct me. It was sometime in the fall it might have been late summer there was a rig that moved in to put a permanent dock in. So as soon as I knew about that I called and spoke with Jim Morse and asked if I could see a copy of the permit. Dan's mother Alana is obviously concerned. We knew the house changed hands at that time there was no permit honestly I don't know if there was any work being done or the machine was just there in anticipation of getting a permit."

Chairman Harvey stated that this plan does not show that.

Mr. Venezia stated that the dock is almost completed now and it did have a permit that they got from Jim.

Jim Morse stated that it has not had a final inspection on it yet but they did get a permit and from the submitted application it complies with the Canandaigua Lake Docks and Moorings law but does need a final inspection.

Mr. Smith stated, "But at the time they want to be a good neighbor, there wasn't a permit so there wasn't anything to comment on. And there thinking was as long as things have the proper setbacks. It turns out it's a monstrosity. It completely kills the view. Again with the vegetation. There's nothing illegal about doing that? It's just not consistent with the character of the town and the comprehensive plan. The concerns now are about runoff in the future. I have been following along with the minutes for various variances. There is a lot of them again I don't think there is any variance in and of itself they would have put up a fight or certainly got a lawyer involved but it just seemed like everything's being pushed. And then when you actually go see it the dock it doesn't have the roof on it yet. When this is all built its going to take away value, take away enjoyment, take away their viewshed. That is pretty much it. And just like the endless

variances. Everything's being pushed. The concern is when is that going to stop especially with the vegetation and runoff worries that aren't necessarily illegal so once you get permitted you can say I am going to do this I am going to do that when it comes to trees and things. But what's actually happened causes a lot of concern that things might not go as planned. I've been there a few times obviously they should have gotten involved earlier but those are my concerns and those are their concerns. They want to be good neighbors. They don't want to stop people from doing everything. It seems like it is getting a little out of control."

Chairman Harvey explained that the town does have some pretty good regulations and requirements for storm water management. The board has reviewed this and have requested some changes. From the grading plans provided they are not putting any additional water onto the adjacent property. Jim's job is to make sure that the site is graded in compliance with the plans. The landscaping plan will need to be revised to meet the town's requirements.

Mr. Palermo stated that a neighbor to the north did stop by when they were removing the trees from the southwest corner from his barn. "They were on our property and he asked us to remove them because they were potentially going to fall on their garage which I did at no additional cost to my homeowner but an additional cost to me to be a good neighbor. Everything that we are going to do on these plans is going to be above and beyond regulations and what you guys expect. And even the boat house there is height restrictions to the roof, we are within those guidelines. There is size restrictions to the square footage and the frontage those are all met with the permit for the dock."

Chairman Harvey stated that there is a Canandaigua Lake Uniform Docks and Moorings Regulation Local Law every municipality boarding on the lake has agreed to. There all the same regulations. There is no site plan review process for that as long as they comply with those regulations they get a permit. It also regulates where they can be located in relation to someone's property line.

Mrs. Harris stated that when they do the landscaping plan make sure that they show the size of the trees that are going to be replaced.

Mr. Venezia asked what size would the board like to see.

Mrs. Harris stated she thinks they should be 8 to 10 foot tall trees if there was a 50 foot tree taken out. She would like to see a couple significant tall trees. She would like to see some native trees.

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

A letter dated September 19, 2022, 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 SEQRA that will not receive coordinated review since no other discretionary agency approval is required.

Mrs. Harris 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. Hoover made a motion to approve the site plan with the following conditions: 1. Sign off from the County Sewer District for the design of the detention meadow in the sanitary sewer easement. 2. Modification to the landscaping plan to designate some native tree species replacing some of the large trees that were removed. Specify the caliper. The landscaping plan is to be submitted and approved before any permit is issued for construction. 3. Confirm the dry well and the infiltration trench detail. Show conveyance from the downspouts to the infiltration trench. This is to be reviewed by the Town Engineer. 4. Add a note that all exterior lighting will be dark sky compliant. 5. Supply a post construction survey showing compliance with the approved site plan and show the underground electric location. 6. Revise the grading to the east of the barn or add a drywell to make sure that they are not grading soil up against the metal pole barn. Mrs. Rasmussen seconded the motion which carried unanimously.

Review Scenic Ridge Rise Draft Environmental Impact Statement to determine if it sufficiently addresses the scope.

Chairman Harvey stated that Doug Eldred, Site Engineer for the Scenic Ridge Rise subdivision has completed and submitted the Draft Environmental Impact Statement. It's the Planning Boards responsibility as the duly designated lead agency for the environmental review of this project to determine if it is ready for public review.

A public hearing must be at least 10 days before the end of the public comment period. There has to be a 30 day public comment period.

Chairman Harvey asked Mr. Eldred to tell them about the changes from the first submission.

Mr. Eldred stated that the biggest change is the southern road. It has been moved north for many reasons the biggest reason is because of the bedrock.

Water supply was discussed. Mr. Eldred explained that there is plenty of good water with good pressure. What happens is when there is a break or heavy use on State Rt. 364, the area that is impacted the most is the higher elevation. They are going to put in a 10 inch main instead of an 8 inch main. Their first alternative is that they do nothing about this. Their second alternative is that they temporarily put a booster pump in to supply just enough water for domestic. The third alternative is the water main gets extended up to Turner Road.

The homes being proposed are all single family homes on individual lots. The proposed number is 80 lots.

The trail was discussed. The trail will go behind every lot. Most of the trail will be grass. Where it will be more heavily used there will be some gravel. The Homeowner Association will be responsible to keep the trail mowed. The trail will have signs for public access. It is two miles of trails.

Chairman Harvey asked if he was proposing a town drainage district. He believes that the town board does want a town drainage district.

Mr. Eldred stated that he believes that the HOA should be responsible for the aesthetics.

Chairman Harvey stated but the town have the responsibility to go in and maintain drainage ponds.

Mr. Eldred stated that the open space will have grass and wildflowers and will be mowed three times a year.

Mr. Eldred stated that the town code calls for 10 foot lighting. He does not feel that is tall enough and is proposing 18 foot lighting. They will be downward LED lights.

Chairman Harvey asked if this was going to be done in phases.

Mr. Eldred stated yes one phase will be 39 lots and the other phase 41 lots.

Chairman Harvey stated that the only thing that he would like added to the Draft Environmental Impact Statement document is the scope.

Chairman Harvey stated that this is preliminary subdivision and has been modified so will need to go to the County Planning

Board. Public hearing notice must be published 14 days in advance to the hearing date in the newspapers and in the ENB.

The board discussed when to schedule a public hearing for the preliminary subdivision.

Mrs. Harris made a motion stating that the application is ready for public review and set the public hearing on the DEIS and the preliminary subdivision for May 22, 2023, at 7:30 PM in the Gorham Town Hall. Mr. Hoover seconded the motion which carried unanimously.

Mrs. Harris made a motion to adjourn the meeting at 9:34PM. Mr. Farmer seconded the motion which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary