

Town of Gorham

4736 South Street
Gorham, New York 14461

PLANNING BOARD

Monday, February 23, 2026 7:00 p.m.

MINUTES—Approved

The minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Gorham Planning Board. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions.

Board Members Present: Thomas Harvey, *Chairperson*
Greg Kern, *Alternate*
Bob Farmer
Richard Perry
Jeremy Stowe
Jon Willis, *Alternate*
Gabrielle Harris

Board Members Excused: Andrew Hoover
Lynn Klotz

Staff Via Zoom:
James Morse, Town of Gorham Code Enforcement Officer

Applicant Present:
Anthony Venezia, Venezia Land Surveyors
Chris Iversen, Deer Run
Alexander Amering, Costich Engineering
Bob & Debbie Jacob
Brian Mastersimone

Others Present:
Bob & Judy VanCampen
Matt Hunt
Jeffrey Airth
Tom DeBlaere

Applicant Via Zoom:

None

Other's Via Zoom:

Jane

Darby & Greg

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Mr. Harvey. We have three public hearings scheduled for this evening and we will use the same process for most of them. An environmental review gets done which the Board has to do first before we open the public hearing. Under the State Environmental Quality Review Act we have to make a determination of significance before an application is final so we will discuss that. We may ask the applicant questions. We may have conversations among ourselves. When we get through with that, if we make a negative determination of significance we will open the public hearing. We will ask the applicant to explain the application. The Board may ask questions. We will give everyone that wants to speak, either here in person or online, a chance to make comment. Please direct your comments to the Board and not the applicant. If the Board feels they have enough information at that point in time it will entertain a resolution to either approve, approve with modifications, or deny the application.

2. APPROVAL OF MINUTES OF JANUARY 26, 2026

■ A motion was made by MR. PERRY to approve the minutes from JANUARY 26, 2026 and the motion was seconded by MS. HARRIS.

Motion carried by voice vote with all present voting aye.

3. LEGAL NOTICE

NOTICE IS HEREBY GIVEN that Public Hearings will be held by and before the Planning Board of the Town of Gorham on the 23rd day of February 2026 commencing at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, in the Town of Gorham, Ontario County, New York 14461 to consider the following applications and to discuss all matters relevant to the environmental review under the New York State Environmental Quality Review Act:

PB #4-2026: COSTICH ENGINEERING, 217 LAKE AVE, ROCHESTER, NEW YORK, 14608: Requests Final Re-Subdivision Plat approval of Lot R-13 and Lot R-17 creating Lots 13, 14, 15, 17, 18, and 19 of the Deer Run Subdivision Phase 2. All lots are to remain vacant requiring site plan approval prior to permits being issued. The property is located at 4750 and 4753 Deer Run and is zoned HR Hamlet Residential.

PB #6-2026: ROBERT & DEBRANNE JACOB, 36 WOODRIDGE DRIVE, MENDON, NEW YORK, 14506: Requests site plan approval to construct a new single story addition to the existing single family residence. The property is located at 4918 County Road 11 and is zoned R1 Residential and LFO Lakefront Overlay District.

PB #7-2026: LINCOLN HILL FARM BREWERY, 3792 STATE ROUTE 247, CANANDAIGUA, NEW YORK, 14424: Requests renewal of their Special Use Permit. The property is located at 3792 State Route 247 and is zoned PDD Planned Development District.

All persons wishing to appear at such hearing may do so in person, by attorney or other representative.

Thomas P. Harvey, Chairperson
Planning Board

4. NEW PUBLIC HEARINGS

PB #6-2026: ROBERT & DEBRANNE JACOB, 36 WOODRIDGE DRIVE, MENDON, NEW YORK, 14506: Requests site plan approval to construct a new single story addition to the existing single family residence. The property is located at 4918 County Road 11 and is zoned R1 Residential and LFO Lakefront Overlay District.

Mr. Harvey said we have to do a determination of significance. We will answer no to all the questions. On Part 3 we will remark that there are no critical environmental areas that have been established in the Town or near the Town. The Board's answer to Part 2 Question 8 has to do with historic resources, archaeological, architectural, or aesthetic resources and we are basing our answer of no on the December 29, 2025 letter from the New York State Office of Parks, Recreation and Historic Preservation. Part 2 Question 9 & 10 the Planning Board based it's answer on conditions or changes to the stormwater management infrastructure from what has been submitted.

MS. HARRIS offered a motion to approve the Environmental Assessment Form Part 2 as written making a negative determination of significance and the motion was seconded by **MR. WILLIS**. The motion was carried with all present voting aye.

Mr. Venezia said the plan here is to do an addition to the east and north side of the current cottage that is there. There is a section, like a storage building on the back side, that will come down as part of the plan. It is just a small section on the back side, the road-side, that is going to come down to tie into the existing framed cottage. Most of the water is split by the road so we are going to use shallow swales along either side of the building to bring some of the water that does comes down to the grass around the building and then away from the foundation of the building. The one thing that the previous owner did that we wanted to explain to the Board in a little more detail on this drainage swale that you see on the north side that takes up the whole north portion of the parcel. It is about a five or six foot wide naturalistic creek swale. The plan for now is to take the roof liters

and put them into that swale. We have a detail from when it was built. The understanding that the previous owner was going to, at some point, either tear down and rebuild or renovate and that was the first problem because there was that ditch there that was an old shallow drainage swale. It was tore out and rebuilt with stone in the bottom and about a foot of rip rap. Our plan is to get all the roof liters to that swale to allow it to sheet flow into that swale as it goes toward the lake.

Mr. Harvey said so there is no stormwater mitigation?

Mr. Venezia said not anything that is proposed new. The plan is to use what is there.

Mr. Harvey said which is a direct discharge to the lake?

Mr. Venezia said it's a naturalist swale that does allow some storage in it the way that it was designed and built, I guess. That is the current plan.

Mr. Harvey said are there questions from the Board?

Mr. Venezia said all the utilities will be reconnected. The only thing that is going to change is we have to move a small grinder pump system that will be replaced with a duplex grinder system and tying in the existing force main that goes under the road.

Mr. Harvey said the questions I have is this is really odd, why so complex?

Mr. Venezia said because it is hard to get that water to come across here and move away. It is a high point on the backside and then a swale on either side to shed water in either direction.

Mr. Harvey said but the inlet is way in here next to the foundation.

Mr. Venezia said it's just a small area drain for this small area that might collect water.

Mr. Harvey said why would you stick it so close to the building?

Mr. Venezia said we can adjust it and put it further away if we have to.

Mr. Harvey said if it was me doing this I'd put that at 698 and bring my swales up either side and drain it away and I would put my inlet out here.

Mr. Venezia said I can take a look at that, no problem.

Mr. Harvey said you know my deal; it can't be perpendicular to the wall it has to get positive drainage away from that. I know that it would be digging in another place but I would put it somewhere ****inaudible****.

Mr. Venezia said we can move it away a little bit. It is just this small little area and we wanted most of the water to come down and spread apart. We can probably address that with some grading.

Mr. Harvey said this would get your low point farther away from the foundation.

Mr. Venezia said we can make that work.

Mr. Harvey said the plans will need an engineer stamp.

Mr. Venezia said we have that all taken care of.

Mr. Harvey said I would say everything else looks good. So there really is no opportunity trying to get some infiltration?

Mr. Venezia said that is why we were trying to dump it as high as possible and keep it around the foundation and bring it around and dump it into ****inaudible****.

Mr. Harvey said if you can do an engineer study of that and show me how much gets into the ground and if that does it for you and it compensates for this extra area then I'm good with it.

Mr. Venezia said ok. I can take a look and see how we can analyze that. It's a little tough.

Mr. Harvey said I'm not speaking for the full Board, if they go along with that, that works for me. If not, you got to get it into the ground somewhere.

Mr. Venezia said understood.

Mr. Stowe said I would say the biggest concern is the water issues we are seeing on Canandaigua Lake so if this is not capturing enough water and just spilling out a rain-storm is just going to make it dirty, so I would second that.

Mr. Venezia said I can take a look at that and see if we can come up with an analysis.

Ms. Harris said when it's raining is water really flowing down it?

Mr. Venezia said water is moving. In a heavy storm it does move water.

Mr. Jacob said it has stopped a lot since the church has done their work because this was all coming from the church down the road so it has definitely been reduced.

Mr. Stowe said when was this built?

Mr. Jacob said the stamp is on here because the previous owner had this done.

Mr. Venezia said 2017.

Mr. Harvey said the other thing I would say is that per the Town's design guidelines you owe us a landscaping plan.

Mr. Venezia said we can do that.

Ms. Harris said there is a lot of nice trees and stuff on this lot already.

Mr. Venezia said I will highlight what's there and we are going to add some plantings and things down low from the lakeside of the building so we can show those and what's existing.

Ms. Jacob said there is quite a bit of landscaping there now.

Mr. Harvey said again, this part, you are doing a lot of grading and you are going to lose a lot of stuff up here. The design guidelines try to move you away from a square box and you don't have a square box so it still calls for how you are going to plant trees or other landscape materials to dress it up a little bit. Any other comments? All utilities are underground, you aren't changing anything?

Mr. Venezia said the only thing we are doing is adding gas because there is no gas there now. We have already talked to NYSEG and that is already approved.

Mr. Jacob said and the permits have already been granted for the boaring under the road.

Mr. Harvey said any new exterior lighting?

Mr. Venezia said there will be exterior lighting but it will all be dark sky compliant.

Ms. Harris said it has a couple downspouts on this side that are not going to be able to get over to that. Are you planning on taking those?

Mr. Venezia said we are going to try to because we do have a full basement. The basement is right at the level 693.2.

Mr. Harvey said you are .2 feet above. Just so you are aware, given this plan, you are probably going to have a wet spot here.

Mr. Venezia said we will adjust for that.

Mr. Harvey said I don't mind that. It kind of slows that down.

Mr. Venezia said that is the grade now coming across there. It does make its way and this is more of a flush retaining wall, the break wall, so it will make its way down there.

Mr. Harvey said it moves down there. There really is no defined swale there but you got one up here so you are capturing everything here. You have some inlets but again I would get this little swale farther away from the building.

Mr. Venezia said that's fine we can move it across. We were trying to use that existing swale to offset some of that infrastructure that needs to be put in.

Mr. Harvey said I am all for surface drainage and I think you have room to do it here.

Mr. Venezia said we can tweak it a little bit.

Mr. Harvey said any other questions from the Board? Hearing none, is there anyone in the public that wants to make a comment on this application? Hearing none, anybody online? Hearing none, I will close the public hearing at this time.

Mr. Harvey reviewed the draft resolution and possible conditions with the Board.

Mr. Harvey said the Town has a lot of experience, and they are not good experience, with these small lots that are on the lakefront with people getting site plan approval and then the driveway gets paved or sidewalks get added or other things that don't trigger a permit but put you way over in the lot coverage. I think we will explore with the Town Attorney what form of a covenant or something else or guarantee and giving the Town the right to order it's removal if you exceed the lot coverage.

Mr. Morse said you can put it as a condition that if they do anything and they don't remove it within 30 days then we will remove it. We can create a form and we will just have them sign it.

Mr. Harvey said and I am good with that let's just run it past the Town Attorney and make it all legal.

Mr. Morse said I would just do it as a condition.

MR. STOWE made a motion to approve the site plan with conditions and the motion was seconded by **MS. HARRIS**. The motion carried with all present voted aye.

**RESOLUTION OF THE TOWN OF GORHAM PLANNING BOARD: SITE
PLAN APPROVAL OF APPLICATION PB6-2026**

WHEREAS, The Town of Gorham Planning Board (Planning Board) is in receipt of an application from Robert and Debranne Jacob for Site Plan Approval to add a new first floor addition and make grading and drainage improvements to the existing residence at 4918 County Road 11 on property zoned R-1 Residential and in the Lake Front Overlay District; and

WHEREAS, The Planning Board of the Town of Gorham (the “Planning Board”) has determined this to be an unlisted action as such is defined in the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as “SEQR”) in regard to the environmental review of said Site Plan Application; and

WHEREAS, The Planning Board did make a Negative Declaration pursuant to SEQR finding that the proposed project will not have a significant negative impact on the environment; and

WHEREAS, A public hearing was duly noticed and held before the Planning Board on February 23, 2026 to hear public comment on Planning Board Application PB 6-2026; now, therefore be it

RESOLVED, That in regard to the Town’s Design Guidelines, the Planning Board finds the varying details in the roofline and wall details complies with recommendations for the lakeshore portion of the town; now, therefore, be it

RESOLVED, That Site Plan Approval is hereby granted for Planning Board Application PB 6-2026 with the following conditions:

1. All exterior lighting to be dark sky compliant.
2. The site plan shall bear the stamp and signature of a professional engineer licensed to practice in New York State.
3. The site plan be modified as follows:
 - a. Show positive slope of at least 2% away from the house foundation for a minimum of 5 feet and 10 feet where possible.
 - b. Move stormwater drain inlets to locations at least 5 feet away from the house foundation.
 - c. Provide a porous material sidewalk connection between the parking area and the proposed porch of the residence.
 - d. Add storm water management facilities capable of handling the increase in rate of stormwater runoff after construction as compared to the existing condition based upon a comparison of runoff calculated using the rational method or such method as approved and accepted by the MRB Group as Town Engineer. Such design shall be based upon percolation tests conducted on site in native soils in the proposed location of the storm water facility.
4. The applicant shall submit a notarized letter to the Town of Gorham that no additional impervious materials shall be added increasing the lot coverage on the site from what is shown on the approved site plan without the applicant first obtaining a variance

from the Town of Gorham Zoning Board of Appeals, agreeing that the Town has the right to order the removal of any such items installed without such approval, and the Town has the right to remove such items at the owner's expense if such items are not removed within 30 days of such order.

5. After construction and prior to the issuance of a certificate of compliance or occupancy under the New York State Uniform Fire Prevention and Building Code, a survey bearing the stamp and signature of a professional Land Surveyor licensed to practice in New York State shall be filed with the town Code Enforcement Officer documenting the final as built location of all utilities, structures, grading (topography) with spot elevations showing compliance with the approved site plan.

PB #4-2026: COSTICH ENGINEERING, 217 LAKE AVE, ROCHESTER, NEW YORK, 14608: Requests Final Re-Subdivision Plat approval of Lot R-13 and Lot R-17 creating Lots 13, 14, 15, 17, 18, and 19 of the Deer Run Subdivision Phase 2. All lots are to remain vacant requiring site plan approval prior to permits being issued. The property is located at 4750 and 4753 Deer Run and is zoned HR Hamlet Residential.

Mr. Harvey said we have to talk about this before we open the public hearing to make sure what we are doing. We had a lot of correspondence with the Town engineering consultants and I was just looking at the minutes and I don't see that we made a decision on if we were going to conduct an environmental review or not. The Town engineering consultant recommends that we do because there has been so much time since the environmental review was done on the whole subdivision back in the late 80's. Again, until we say that a new environmental review is not going to be done or we make a negative determination of significance the application is not technically complete under the way the zoning enabling statutes were written in 1995 and became effective sometime in 1996. What is the Board's feeling about that? I think the other big recommendation from the Town Engineer was to make some kind of commitment statement, or whatever, about the future stages, if any, of the remaining property that is not subdivided that's part of this property. In reviewing all the records, these are pretty large lots and while the previous Planning Board approvals talked about putting sidewalks in that has never occurred. We can't find where either the Board or the Town Board waived that requirement. I never heard any complaints from the neighbors there about the lack of sidewalks but again I think that is something that we as a Board should address. Thoughts?

Ms. Harris said on the environmental review, has there been changes in the process since this one was done?

Mr. Harvey said process?

Ms. Harris said changes in what they are required to do to review?

Mr. Harvey said no. The SEQR regulations have been amended a couple of times. We went through a coordinated review back in the 80's on this project for the whole

subdivision. The whole thing was platted and recorded as preliminary and a couple final phases were final subdivision approved. I'm not aware of the zoning minimums changing up there and the project has always been on municipal water and municipal sewer. The lot sizes have always been far in excess of the Town's minimum. The Hamlet hasn't grown substantially or the project isn't suddenly a burden. I know there was some drainage infrastructure issues coming down off of that development but that has been rectified.

Ms. Harris said and they have the plans to do the swale at the end of the development?

Mr. Harvey said there is a stormwater management facility that has always been on the plan. Nothing has changed about that. If anything there are less total number of lots contemplated now than were approved back in the 80's because of the developed lots were combined into one.

Ms. Harris said so it has less, if anything, impact possibly. To have to redo the environmental impact report just because of the time with nothing that is necessarily impacting the environment and the community in a negative way.

Mr. Harvey said I would be more inclined to reopening the environmental review if you were changing the fact that it was on Town water and sewer or it was on a state highway or there were other agencies were involved. My thinking is that every agency that is possibly impacted by this development is here in the Town and they all know about the project. From a public's point of view we decided we were going to have a public hearing on the final subdivision of this phase so people still have the opportunity to be heard. Again, I am all for doing the right thing but in this case if we did another environmental review I don't know if that gives the Board any different or better information that is anyway likely to change the Board's opinion about the project or give anybody else the opportunity to comment. On that basis, nothing has changed significantly about the zoning either so, I personally, would be happy to say the environmental review was completed in the 80's and nothing has changed significantly enough to warrant reopening a review.

Ms. Harris said I tend to agree with that.

Mr. Harvey said any differing opinions? Hearing none, does someone care to make a motion to that effect.

MR. FARMER makes a motion for all the reasons stated and that it does not improve the process to conduct a new environmental review on the proposed project and for that reason that the Board consider the environmental review done in the late 1980's as being sufficient for this phase of the project and the motion was seconded by **MS. HARRIS**. The motion was carried with all present voting aye.

Mr. Harvey said we now have a complete application and we will now open the public hearing at this time.

Mr. Amering said with me is Chris Iversen. We were before this Board a month ago for an informal discussion that revolved around the history of the project. One thing for clarification we called this Phase 2 and once we went through all the original documents this is all Phase 1 which received both preliminary and final approval back in 1989.

Mr. Harvey said and now it's Phase 2.

Mr. Amering said now it's Phase 1B or Phase 2.

Mr. Harvey said it's the same lot so I don't think it matters.

Mr. Amering said again to be clear these were all subdivided at one point. Chris did recombine them for tax purposes. The right of way was actually broken out as a separate parcel so that is ready for dedication. Aside from that, obviously, public sewer, public water, public road and all of that will be included in the right of way which will ultimately be dedicated to the Town. The water and sewer will connect and go up the Maple Extension.

Mr. Harvey said in terms of phasing are you going to put in the road and infrastructure up front?

Mr. Iversen said correct.

Mr. Amering said all these lots are for sale. Once they are purchased the buyer and their engineer will come in and get site plan approval from this Board.

Mr. Harvey said it may not be required it may be just going through the Building Department.

Mr. Iversen said I would like to address the sidewalks and street lighting. I think you have copies of correspondence from the 80's.

Mr. Amering said Chris did dig up some stuff. The resolution and also the dedication agreement. The dedication agreement outlines because it was through a letter of credit which included water, sewer, the road section itself, but you will notice there wasn't

Mr. Harvey said no mention of sidewalks so the Town Board made its decision.

Mr. Iversen said I believe we have complied with the Town Board's and the Planning Board's requirements and we would like to continue along the same way.

Mr. Harvey said the dispensation of Phase 2, that property, beyond the current end of this phase

Mr. Iversen said it is not owned by this applicant and has nothing to do with this application.

Mr. Harvey said I am trying to address one of the issues the Town Engineer brought up. Who owns that?

Mr. Iversen said someone very close to my heart but who has different ideas on the desirability of development.

Mr. Harvey said ok, so you have no control over that phase.

Mr. Iversen said correct.

Mr. Harvey said so they are open to either come back in or not develop it.

Mr. Iversen said correct.

Mr. Harvey said what other issues did we have?

Mr. Morse said it was just the sidewalks and the streetlights were the only two that I noticed. There were a couple concerns with MRB that I think they were addressed.

Mr. Harvey said yes we took care of that. We took MRB's advice under consideration and made a different decision. Any other questions from the Board?

Mr. Iversen said we have a plan and I know there are neighbors here that perhaps have not seen the plan and I would like to take the opportunity to show them.

Mr. Iversen then reviewed the plan with the neighbors in the audience.

Mr. Amering said there is one thing that is changing which came up in the MRB comments we intend not to install this dead-end here. There road will curve and this lot will have a flag so they can bring their driveway out and not to the road if that makes sense. That will clean up the right of way more.

Mr. Harvey said so you will need to show on the plan where the Town right of way is then. You deeded the property and not just the right of way on the other roads, right, because the lot deeds don't go to the center of the road.

Mr. Iversen said correct.

Mr. Amering said it's part of the subdivision that right of way parcel will be modified.

Mr. Harvey said the Town may want to retain a right of way across that.

Mr. Amering said we talked about granting an access and drainage easement.

Mr. Harvey said are there questions or comments from the public?

Mr. Hunt said my question is about the water pressure. Is that going to affect what we have there?

Mr. Iversen said I would think it would improve it by looping it.

Mr. Amering said it should improve. Like Chris said the sewer is two separate runs because it's gravity but the water will become a looped system so it will connect.

Mr. Harvey said I don't know if it is going to increase your water pressure up there but it will give you redundancy so if there is a problem anywhere you will still have service.

Mr. Amering said the static won't go up but if there is someone else drawing at the same time as you, in theory, it shouldn't drop as much.

Mr. Harvey said true. Anything else?

Mr. Hunt said was the stormwater just going to run to that swale? No pond?

Mr. Amering said there is an infiltration basin and we are looking at putting it further back on the site potentially if Chris can talk to someone near and dear to his heart.

Mr. Iversen said it would follow the path that is there now.

Mr. Amering said there is actually better soils in the back and obviously we would prefer to do an infiltration basin that is dry the majority of the time verses a wet basin that has water accumulating in it.

Mr. Harvey said any other questions? If you get approval is this scheduled for this year or next year?

Mr. Iversen said this spring if we can get the approval.

Mr. Harvey said anybody else have a comment? Anybody online? Hearing none I will close the public hearing at this time.

Mr. Morse said did you get your letter from SHPO for your archeological study yet?

Mr. Iversen said they are planning on getting out as soon as they can do a couple digs.

Mr. Amering said doing the fieldwork now is hard.

Mr. Morse said just make sure we get a copy of that please.

Mr. Amering said I think it's required. The DEC requires it now as part of the SWPPP permitting process.

MR. PERRY offered a resolution to approve the subdivision with conditions and seconded by **MS. HARRIS**. The resolution carried with all present voted aye.

RESOLUTION OF THE TOWN OF GORHAM PLANNING BOARD: APPROVAL OF FINAL SUBDIVISION PHASE 2 DEER RUN, APPLICATION PB4-2026

WHEREAS, The Town of Gorham Planning Board (Planning Board) is in receipt of an application from Costich Engineering for Final Subdivision Approval of Phase 2 of the Deer Run Subdivision creating Lots 13, 14, 15, 17, 18, and 19 located at 4750 and 4753 Deer Run located in the HR Hamlet Residential District; and

WHEREAS, The Entire Deer Run Subdivision was the subject of a coordinated environmental review pursuant to the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as “SEQR”); and

WHEREAS, The Planning Board did make a Negative Declaration pursuant to SEQR finding that the proposed project will not have a significant negative impact on the environment; and

WHEREAS, A public hearing was duly noticed and held before the Planning Board on February 23, 2026 to hear public comment on Planning Board Application PB 4-2026; and

WHEREAS, The subject property is served by a Gorham Water District and the Town of Gorham Sewer District; and

WHEREAS, Due to the large size of the building lots proposed in the subdivision and the relatively few number of homes to be built, the Town has waived the requirements for sidewalks and street lights to be installed along the dedicated roads; now, therefore be it

RESOLVED, That Final Subdivision Approval is hereby granted for Planning Board Application PB 4-2026 for phase 2 of the Deer Run Subdivision with the following conditions and modifications:

1. The Final Subdivision Map shall be modified to:
 - a. show Lot 15 to be served by a driveway and shall have access on Deer Run/Maple Drive over existing tax parcel 144.15-1-94.200 until such time as Deer Run is extended to the south past the intersection with Maple Ave.
 - b. The map shall indicate that construction on individual lots shall occur until site plan approval is granted by the Town.

- c. The final plans be approved by the New York State Historic Preservation Office
 - d. The location and design for the stormwater management facility proposed for tax parcel 144.15-1-94.100 to serve the proposed development be finalized, including submission to and approval of the Town Engineer that such stormwater facilities meet or exceed the current New York State Stormwater regulations.
 - e. Show an easement on tax parcel 144.15-1-94.100 for access to the proposed stormwater management facilities to be constructed in support of the proposed development.
2. An easement be granted by the owner of tax parcel 144.15-1-94.100 for construction and maintenance of the stormwater management infrastructure shown on the subdivision map to the Developer and also to the Town of Gorham, the latter for maintenance purposes only.
 3. An archeologist conduct sampling for archeological artifacts and the New York State Historic Preservation Office find that no significant historic or archeological resources will be disturbed by the proposed development or the plans have been modified such that no significant historic or archeological resources will be disturbed by the proposed development.
 4. No building permits shall be issued for construction on the lots shown on the Final Subdivision Map until such time as:
 - a. Maple Ave and Deer Run roads have been extended to intersect with each other and the Town of Gorham has accepted dedication of both roads.
 - b. All storm water management infrastructure shown on said Subdivision Map has been constructed.
 - c. All water and sewer mains have been installed and the Town of Gorham has accepted their dedication.
 - d. All electric, natural gas, and cable infrastructure along Deer Run and Maple Ave. have been installed underground and accepted by the relevant utility company; and further

RESOLVED, That this resolution shall take effect immediately.

PB #7-2026: LINCOLN HILL FARM BREWERY, 3792 STATE ROUTE 247, CANANDAIGUA, NEW YORK, 14424: Requests renewal of their Special Use Permit. The property is located at 3792 State Route 247 and is zoned PDD Planned Development District.

Mr. Harvey said the environmental review for this was done. The renewal of permits without changes are exempt from environmental review. We will open the public hearing at this time on this application. Jim, one of the reasons we made this a renewable permit is acknowledging the issues surrounding sanitary sewer progress and, originally, the NYS Department of Health's insistence that progress be made towards getting public sewer over there and your desire to get it there. I think the concern that you were abiding by the conditions of the special use permit that we weren't seeing a lot of traffic, complaints from the neighbors, and things of that nature. Jim you are front and center, sorry, how have we done? Have we fielded a lot of complaints? What are the issues?

Mr. Morse said we have had the one, I believe he is here, and we talked about noise and things like that.

Mr. Harvey said we had a host of conditions on the special use permit and one of them was about sound and music not being above ambient levels beyond the property line and things of that nature. We limited the hours of operation to 10pm weekdays and 10pm during the school year and 11pm on weekends.

Mr. Mastersimone said it's actually 9pm during school days if it's not a weekend. If there is school the next day it's 9pm. That is what it was the last time we were here.

Mr. Morse said and you set specific dates.

Mr. Mastersimone said then weekends are still 11pm and weekdays are 10pm no matter what unless it's a school day then it's 9pm which is not good for us but we will deal with it. I mean CMAC has 11pm.

Mr. Harvey said ok the public hearing is open are there comments?

Mr. DeBlaere said I would like to see those hours scaled back. I get up at five in the morning to go to work and if it doesn't get done, on weekdays, until 10pm by the time traffic alleviates it's 10:30pm. It is right on the edge of a 55mph zone and we are to the north and get the majority of the traffic. They have their radios blasting and if it's nice out they got their windows open so in my opinion I would like those to be earlier.

Mr. Harvey said do you have a specific recommendation in mind?

Mr. DeBlaere said an hour earlier across the board.

Mr. Harvey said ok, any other comments?

Mr. DeBlaere said there are some questions in my mind whether amplified music at that level violates Chapter 57 of the Town of Gorham noise law specifically Section 4. It states that every person is entitled an environment in which disturbing, excessive, or offensive noise is not detrimental to his or her life, health, or enjoyment of property.

Mr. Harvey said so the point being, you believe that during the hours of operation you can hear their music at your residence.

Mr. DeBlaere said yes 100% outside and inside. I can lay in my bed with the windows closed and hear the lyrics of the music. The bass rattles my windows at times. I met a guy who is deaf from church and he lives more north than me and he can feel it in his chest sometimes. So yes I can definitely hear the music from my residence. I feel the noise level is excessive to a point where we had friends there on August 30th of last year and all the people standing in front of the stage had to wear ear plugs. That's how loud it was. Is that necessary to be that loud?

Mr. Stowe said what was that comment? Can you just repeat that?

Mr. Mastersimone said on August 30th people at the farm had to wear ear plugs? They came to a show and wore ear plugs?

Mr. DeBlaere said yes. It was so loud no one could stand to be in front of the stage without wearing ear plugs.

Mr. Stowe said what is the Town of Gorham's established quiet hours?

Mr. Morse said I believe they follow the times we gave them.

Mr. Mastersimone said no they don't. It's 11pm across the board.

inaudible conversation

Mr. Morse said and then the noise law is enforced by the Sheriff's Office. They always throw it back in our court and I say well we don't have decibel readers and we aren't trained to do that but they are. Usually they will go up there and listen and do their thing and then they call us and say so and so called us but that never amounts to anything.

Mr. Harvey said they have to determine that it is a nuisance or somebody has to swear out a complaint. That's how that works. You are aware of that right?

Mr. DeBlaere said yeah I've been in that situation several times.

Mr. Harvey said in what situation? You have sworn out a complaint?

Mr. DeBlaere said I've called the Sheriff and the Sheriff shows up and says why don't you talk to the Town they are the ones that approved a concert venue in a residential area.

It was his opinion that if it was louder than a vacuum cleaner to constitute to a noise complaint or violation. That's what the Sheriff told me.

Mr. Mastersimone said so if you were running a vacuum you would hear the music over the vacuum in your house?

Mr. DeBlaere said if it is louder than a vacuum cleaner the decibel level of a vacuum cleaner at the edge of your property. If the decibel level is louder than running a vacuum cleaner then it is a violation. That's what the Sheriff told me.

Mr. Harvey said and he never asked you if you wanted to swear out a complaint?

Mr. DeBlaere said he sent me back to the Town and I talked to several people here.

Mr. Morse said you talked to me here. Usually if you talk to somebody here it's me unless you are talking to Dale separately. We've talked and usually if you contact the authorities they follow up with me on Monday if it was a weekend. They always call me the next day if it's a weekday. Then I usually get the same answer from them too. They say the same thing to CMAC and the racetrack that they have to have a decibel reader set to the Town Codes and they have it sitting in front of them at all times.

Mr. Mastersimone said and we do.

Mr. Harvey said what are your limits?

Mr. Morse said they are listed in the noise section.

Mr. DeBlaere said so Chapter 57?

Mr. Morse said I don't know if it's that chapter but there is a section that talks about noise and decibel readings.

Mr. Stowe said do you have a decibel reader?

Mr. Mastersimone said yes we have multiple on the farm. We have one at the sound board. I have one and I have gone to his house specifically. I have never gone on his property but in front of his mailbox. I have video of the decibel reader. You can hardly hear it. If a truck or car comes by it's way louder. CMAC is there you can hear CMAC and 100% that is way louder than my farm.

Mr. Morse said there is impacts like the wind direction and we talked about it with the races. It depends on where the wind is blowing. If it's blowing in their direction you are going to hear it louder.

Mr. Mastersimone said if it's colder it will go longer and if it's warmer it's going to go shorter because the molecules are tighter.

Mr. Harvey said have you ever considered and there has never been a firm commitment on the number of concert events per season.

Mr. Mastersimone said I don't know. The more we grow the less concerts we want to do. Right now I think we have fifty in the season is where we started at the beginning is fifty total days. I would hate to handcuff myself. Do I think I will ever go over fifty, absolutely not. Last year I think we were doing one a week and sometimes two. That wasn't May through October that was June, July and part of August. September is total wedding season. We are going to try to do weddings on both sides in September. October is our Halloween events so there is some music on those days on Friday's and Saturday's. Then we end around 8pm on the first Saturday in November, so not even close to 11pm.

Mr. Harvey said anything else?

Mr. DeBlaere said I had a question about the number of events and what constitutes to an event. Can an event be a wedding, a concert, yoga and something else all day? How many events per year?

Mr. Perry said are you referring to, you just mentioned four events, does he count that as four in the same day or just one because it's all on the same day?

Mr. DeBlaere said yes I want him to define what an event is.

Mr. Stowe said are you limited as to the number of events you can have?

Mr. Mastersimone said when we first started I thought no. The number fifty was thrown out there and I was under the impression that it was fifty public events.

Mr. Harvey said public events being an open concert?

Mr. Mastersimone said yes, not a wedding.

Mr. Harvey said you have the receptions there as well, right?

Mr. Mastersimone said yes.

Mr. Harvey said that is a good question. Anything else? Hearing none, is there anyone online that has a comment or a question?

Mr. Stowe said are we making a motion on the special use permit and the conditions on that if they need to be altered?

Mr. Harvey said correct. That is why you bring it back for review in case you want to see how things are going, if there are any issues, to see if any of the conditions need to be modified. Jim, do you have anything else from the Town's point of view?

Mr. Morse said no. The only thing I was going to bring up that we talked about and I told him to bring it up tonight is his July 3rd event. Since it is the 250th celebration for the United States they were looking for a reprieve for an hour for just that night. I told him that is the Board's decision.

Mr. Mastersimone said in New York City they are doing the countdown and dropping the ball again and we kind of want to mimic that. There are a lot of events going on July 3rd Downtown Canandaigua that we are talking to. I was asked to be on the Board but I haven't participated but there are going to be a lot of events. Ideally we'd like to see the events end at Lincoln Hill Farms and do a countdown with everybody.

Mr. Harvey said so that would be Friday the 3rd.

Mr. Mastersimone said yes. I have until 11pm but I want to go to 12am on that day.

Ms. Mitchell read the following comment into the record from Darby Perrotte and Greg Coston "we are right across from Lincoln Hill. Traffic year round is the biggest annoyance on 247, nothing to do with Lincoln Hill. We welcome the sounds of summer whether it is CMAC, dirt track racing, or our neighbors giggling kids in the pool!"

Mr. Mastersimone said and they live much closer.

Ms. Harris said are there any other complaints from any of the other neighbors?

Mr. Morse said we had them before the last renewal. We had a gentleman that was on County Road 18 and I think a lot of it was addressed when they did the time switch during school time. Our noise code really says 11p -7a weekdays and weekends but you guys put conditions on this to appease him because we wanted it to be 9pm.

Mr. Harvey said and where you have the decibel reader makes a huge difference. I couldn't care less what it is at the stage or at the sound board it's at the property boundary and the neighbors.

inaudible conversation

Mr. Harvey said of course. Location if you are right on top of the speakers it is like comparing it to the vacuum cleaner that we talked about earlier. When you are right at the stage it could be 100 decibels and then when you move further away it could be 60 decibels. That's why we always talk about can you hear it at the property line or what is reasonable at the property line. Jim do you have Chapter 57 because I am kind of curious.

Mr. Morse said yes I was just looking at it but what I was looking for the decibel reader information. But here you go you can review it.

Mr. Harvey said it is 11-7. There is nothing in this Chapter 57 in regard to decibels.

Mr. Morse said when I find it I will give you a copy.

Mr. Harvey said if we held this off until March will that be an issue because we need to do some research.

Mr. Mastersimone said what are we holding off until March?

Mr. Harvey said the renewal. I would like to adjourn the public hearing to be reopened at the March meeting to give us some time

Mr. Morse said you aren't holding off because of the decibel readings because that isn't in our code.

Mr. Harvey said I think what we need to do is look at what standards are out there for what's unreasonable see if we can come to some kind of accommodation for what is reasonable at the property line. Put the ownness on you and if there is complaints we go and check at the property lines using your equipment.

Mr. Mastersimone said is it reasonable to say if you are sitting at the driveway and a car drives by and you can't hear the music over the car is it reasonable to say that the music is at a sound of ok standard?

Mr. Harvey said here is the deal I know way more about this subject because it was part of my masters. One number isn't going to solve the issue. When you do noise and sound studies it depends on the environment you are in and what is considered unreasonable. If you are in a very rural area and there is not a lot of cars you could be down in the 30 decibel ambient noise levels and we don't get that low in the Town of Gorham. We are up higher than that. Is 50 or 60 a reasonable sound level for a general rural area, probably more than likely. Is that going to give you enough space to operate your facility in a reasonable manner and not disturb the neighbors, I don't know if I am ready to say that yet. I have to think about it. I want to do a little research on it. That is where my head is at.

Mr. Morse said the only thing about that though is if you do put those conditions again it has to go back to law enforcement because we have already made it clear that noise complaints Town Officials don't want us onsite because we are not trained because people are going to get upset over that.

Mr. Harvey said yes. What I would like to do is get a decibel standard that he is responsible for maintaining. If you exceed that, sorry the ownness is still going to be on either law enforcement or you to show that he has exceeded it.

Mr. DeBlaere said what would constitute me taking levels because we bought a cheap decibel meter at one point and at one point depending on where you were if you were upstairs it was actually higher. So out the window the NIOSH Levels said we should be wearing earplugs. What do I need to do to show you? What would be acceptable?

Mr. Harvey said the answer to that is and as ugly as this is going to sound is what is going to hold up in a court of law. Jim has alluded to it a little bit of it in terms of what law enforcement does what they do so for a decibel meter reading to be allowed

Mr. Morse said again it's all subjective. It says right here. It cannot exceed 42 decibels measured inside a nearby residence. So what is a nearby residence is it 600 feet? Nothing is concrete and that's where we run into issues. I have spent numerous hours with law enforcement on this.

Mr. Harvey said for a decibel meters reading to hold up in a court of law you have to show that meter has been calibrated against the standard and by a certified testing agency. It is kind of like the same test that police officers have to use to use radar when they are accusing you of speeding. The radar unit has to be calibrated and has to be calibrated so often and whatever the standard is. The reader being used has to be witnessed by law enforcement or an officer of the court. That is how it works. Again, what the Board is going to consider, I think, is establishing what they feel is a reasonable level that you need to be under at your property line. We are going to have to look at where his residence is and figure out what the calculation is because every time you double the distance you decrease by 3 decibels.

Mr. Morse said what about on a windy day?

Mr. Harvey said again all you can do is do the calculation based on general atmosphere conditions. Everything including vegetation, leaves and everything, takes away from that. Conservation is built into those calculations. We are going to have to do some homework before we are ready to work on this. Let's adjourn the public hearing to be reopened on March 23, 2026. We will welcome suggestions or input in the meantime get them to Jim and we will go from there.

6. MISCELLANEOUS

None

7. NEXT MEETING

The next regular meeting of the Planning Board will be held on Monday, March 23, 2026, at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

8. ADJOURNMENT

■ A motion was made by MS. HARRIS, seconded by MR. KERN, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 8:29 p.m.

Respectfully submitted,



Thomas Harvey
Chairperson to the Planning Board