

MINUTES  
TOWN OF GORHAM PLANNING BOARD  
January 23, 2017

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

EXCUSED: Mr. Dailey            ABSENT: Mr. Henry

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Zimmerman made a motion to approve the November 28, 2016 minutes as presented. Mr. Hoover seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #24-2016, Linda Conley McCall, owner of property at 4248 State Rt. 364, request site plan approval to build a single family home with attached garage.

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

Charles Smith, Architect, Mary Shipioni, Landscape Architect and Carl Nagler, Certified installer for impervious pavers, were present and presented the application to the board.

Mr. Smith stated that there was a concern with capturing some of the water from the roof that was above the 25% maximum building coverage and so there are now a couple roof leaders to take all the water from the garage roof and place it in a dry well, which is part of the structure underneath the driveway in front of the garage. The site plan also indicates a revised deck area and patio in the front yard, both of which are no longer encroaching on the 30 foot setback. On the street side there is a trench drain, which takes care of the runoff from the street. There is a fence shown on the site plan two feet away from the north property line. There is also a generator shown on the north side of the garage.

Ms. Shipioni reviewed the drainage plan with the board. The plan shows pervious pavers for the driveway and walkway. The trench drain is the point of juncture between the water shed off the driveway and the water shed coming off of the site. This property receives storm water trespass, both from the property to the north and from the road. They have to manage more storm water than the impervious surfaces on the site are actually generating.

The storm water coming off site will come in and drop the finds in the trench drain. That is the number one limiting factor on the performance over time of the pervious pavers. The trench drain leads out into both of the swales. There are swales on both sides of the property to help keep the storm water away from the structure.

Chairman Harvey had a concern with the contour lines on the drainage plan. The drainage will need to be corrected showing that the drainage is flowing away from the structure.

Ms. Shipioni continued to review the drainage plan. The storm water that comes into the system will come into the wide swale that narrows off. It has plantings all around it so that the root system of the plants will be able to take up the storm water. There is a tear drop shape depression on the north side that will hold a certain amount of runoff so that it can have more opportunity to perk. With the setback of the fence they would like to introduce pebbled mulch in that area so that they can have a rough surface so as the water is coming in off of the neighbor's property that area can be directed into the swale and will be able to take out some of the fines and slow it down because of the rough surface.

Ms. Shipioni reviewed the planting plan with the board. With the planting plan they have tried to follow the Town of Gorham's lakeside design guidelines. There are trees and shrubs on the west side to screen the house as seen from the lake to minimize the contrast with the backdrop. There is a tree on the road side so that the entryway of the house from the road side looks attractive and garden like. They have bracketed the driveway with plantings on both sides. The point of these plants is to provide a front line of defense for taking up any possible sediment or pollutants that might be in the storm water runoff.

Chairman Harvey asked what they consider a medium to large tree to be.

Ms. Shipioni stated that she is thinking a medium to large tree is something that can grow to around 35 feet tall.

Mr. Nagler an ICIPI certified installer, certified nursery landscape professional in the State of New York, stated that permeable paving is 100% infiltration if you want it to be. There is different ways of putting it in. It does clean the water as it goes through the stone. Some of the benefits of permeable paving is it reduces construction of additional pervious surfaces contribute to

maintaining hydraulic conditions that exist in prior development. It reduces runoff volume. It slows peak flow down. It reduces the network overload. It reduces waste water treatment cost. It has a lot of benefits to any environment. They install permeable paving a couple different ways depending on the site and soil structure. You can have 100% infiltration through the aggregate, which means all the water goes through the aggregate, different types of stone starting with ASTM #2 stone at a certain level up to ASTM #57 stone then ASTM #8 stone, which is a smaller grade bedding sand and then the actual pavers go in. Everything is compacted to 98% proctor density. The joints are filled with ASTM #8 stone. So it is 100% permeable. The water drains through the stone and as it drains through the stone it picks up pollutants. It cleans the water as it goes out. It also slows the water down.

Mr. Hoover asked if it catches all the pollutants, how long does it take to get full.

Mr. Nagler stated that it never will be full unless the soil structure is heavy soil like clay. You would have to create the next way of infiltration, which is putting in a pipe that will actually take an excessive amount of water if it doesn't perk as fast and take it to a swale or to a sewer. If the soil really is not perking a membrane can be placed under the entire area.

Mr. Zimmerman asked how the sediment is handled.

Mr. Nagler stated that the fines are captured into the stone. There has to be maintenance to the system. Maintenance needs to be done every one to two years. To maintain the system they take a vacuum and clean out the joints. Even if the system is 100% clogged it will still perk. It is recommended that every one to two years it is checked and cleaned.

Mr. Farmer asked about the freeze-thaw durability with use of de-icing salt.

Ms. Shipioni stated that the thing that you want to avoid is sand for de-icing purposes.

Mr. Farmer asked what it met by loss of mass after 50 cycles.

Mr. Nagler stated that the mass is the #8 stone and after 50 cycles it will dissipate. It's an aggregate that is not attached to anything. It needs to be re-introduced during the maintenance period.

Chairman Harvey questioned where the roof water is going to go.

Mr. Smith stated that there are leaders that will go to splash blocks. He pointed them out to the board on the site plan.

Chairman Harvey asked what the permeability is of the soil that is going to be receiving the roof water off of the garage. He wants to make sure that the roof water that they are treating from the garage into the structure under the driveway isn't saturating the soil so that all the investment that they are making for the permeable pavement there is going into the soil that is going to get saturated by the garage roof run off.

Mr. Smith stated that what he did was add to the reservoir stone.

Chairman Harvey asked if the Town's Design Guidelines was looked at as far as how many trees were removed from the site and how many are going to be planted.

Ms. Shipioni stated that there were three ashes that were removed. It is unlikely, that even if the house was smaller, that those would have survived the construction. Especially give that ashes are susceptible to failure due to the emerald ash borer. These are trees that would probably be goners unless they wanted to go through the expense of maintenance which she does not believe it is incumbent on the client to do. What they are trying to do is rather than cramming in three trees, they decided to create a vertical plant community, which is made of trees, shrubs, perennials and groundcover. This creates the best habitat. Provides the greatest opportunity to keep the soil cool and pervious, because the more root systems that are in the soil the more air space in the soil the less compressed the soil is the more storm water it can absorb.

Mr. Farmer questioned what the pea stone treads was on the plan.

Mr. Smith stated that it is a landscape step with pea gravel. It is not considered a structure. There is no foundation or roof.

Chairman Harvey asked what the construction of it was.

Mr. Smith stated that the edging is some sort of stone and the fill is going to be pea stone.

The board asked Gordon Freida, Code Enforcement Officer if the generator or the pea stone treads had to fall within the setbacks that were granted.

Mr. Freida stated that they do not.

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

Greg Talomie the neighbor to the north was present and presented to the board his concerns. He also presented

several pictures to the board, which will be kept in the file. He objected to them saying that there were only 3 trees cut down when he believes there was 8 trees cut down. He objects to the shrubs that they are going to be putting into his line of site on the north, which will block his lawn view.

Chairman Harvey stated that shrubs are in the Town's Design Guidelines.

Mr. Talomie stated that he objects to the medium to large tree blocking his window view. He also had a safety concern for shrubs in the north east corner blocking his view to exit his driveway. He had a concern with the 4 foot fence with the 6' gravel strip. He believes that there is no drainage problem there. He believes the gravel is unnecessary. He also had an objection to the ephemeral pool and believes there will never be any water in that area.

Chairman Harvey reminded Mr. Talomie that they have proposed additional grading than what is there today.

Mr. Zimmerman stated that he understands a little bit about grading and drainage and what Mr. Talomie is saying is not correct. He went on to explain to Mr. Talomie where the water is coming from and how it is going to flow on the site and where it is going to be detained, which is the ephemeral pool. He explained that that is a reasonable way of handling high velocity run off.

Mr. Talomie stated that if there is a gravel strip put in it should count towards their overall coverage. He objects to all the gutters draining to splash blocks. That is something that they were never allowed to do. He questioned what the generator was.

Chairman Harvey stated that it is an emergency generator.

Mr. Talomie went on to the comparison of size of new summer house to his permanent residence. The width of 40 feet verses 38 feet, same height, 29% larger square footage (2358 sq. ft. vs 3172 sq. ft.).

Chairman Harvey stated that the applicant got a lot coverage variance from the Zoning Board of Appeals and what the Planning Board has to do is review the site plan to make sure it is in compliance with what the Zoning Board of Appeals granted. They can get the lot coverage up to 29%, which was granted them by the Zoning Board of Appeals.

Mr. Talomie stated that he understands that, but if they are putting in stairs and a 6 foot gravel strip you need to calculate how much that takes away from the denominator.

Ms. Shipioni stated that it is only a two foot strip not 6 foot. If the fence needs to be set back 2 feet part of the strip is to protect from storm water and also to make it easier to maintain.

Chairman Harvey asked what the run off coefficient was from the stone strip.

Ms. Shipioni stated that it is just pebbles and it can be grass if the board would prefer that t be grass.

Chairman Harvey asked if the run of coefficient more or less than grass.

Mr. Nagler stated that it is gravel. It is not crushed stone.

Chairman Harvey stated that as long as the runoff coefficient is less than what grass would be he is ok with the gravel.

Mr. Talomie stated that it is obvious that they took down the 8 big trees and they are only putting in two trees. One small to medium up by the road and he understands all the plans they did a great job trying to make the place look proper. He is against them putting the only large tree right in front of his window, because it will block his view. He thanked the Planning Board for its anticipated action to prevent a reoccurrence of large scale tree removal prior to gaining site plan approval.

Chairman Harvey stated that the Town already has on the books Chapter 35 Soil Erosion and Sedimentation Control and in the future the Code Enforcement Officer is aware that no parcel will be allowed to clear cut and re-grade a site before site plan.

Kathleen Bromley stated that she lives on the north side of the property and is the gardener and is concerned about the pebbles behind the fence. Who is going to maintain them? Is she supposed to pull the weeds out of them? They will not see it from their side of the fence she will see it.

Chairman Harvey stated that it is the Motola's property so it will be up to them to maintain it.

Carolyn Kless stated that she just needed clarification if the pea stone treads was included in the variance.

Chairman Harvey stated that it is just like lawn there really is no setback requirement for ground cover or other treatment.

Ms. Kless stated that in looking at the plan it looks like the water is draining from the underdrain in the driveway real close to the south property line.

Chairman Harvey stated that it is the same place the water is going now.

Fred Lightfoote questioned the pervious pavers.

Chairman Harvey stated that the pavers are on top then there are seams that the water runs down through and there is a certain depth of gravel and an overflow pipe.

Mr. Smith stated that the medium to large tree on the north west corner will offer some nice shade for the neighbor to the north.

Mr. Farmer asked if the medium to large tree was going to be planted or is it going to be a future medium to large tree.

Ms. Shipioni stated there are different species that once they are planted have a rapid growth rate. They can discuss with the board and agree on the size of tree to be planted.

Chairman Harvey stated in terms of the exact species and the selection of all the landscaping, how are you proposing to get through that final process?

Ms. Shipioni stated that once the site plan has been approved and based on the conditions of the approval then they will move forward and create a schematic plan that can be used to estimate the work.

Chairman Harvey stated that he wants to be very clear especially the one particular tree on the north. There has been no mention of a deciduous tree.

Ms. Shipioni stated that yes it would be a deciduous tree. She has not talked to the clients yet but she was thinking more like an Armstrong Maple, which is a pretty quick growing tree with beautiful red fall color. She wants to have something very dependable there and also that fits in with the native environment.

Chairman Harvey asked given the landscape plan do they have any idea what the cost estimate may be.

Ms. Shipioni stated she does not have a cost estimate at this time.

Chairman Harvey asked if she had a wild guess because he would rather it come from them than the board to have to come up with a number.

Ms. Shipioni asked if there is a bond for this.

Chairman Harvey stated that there could very well be one established. The board is serious about the design guidelines and they don't want to see a year from now or two years from now and nothing has been planted.

Mr. Nagler stated that he does not think the landscaping will exceed \$15,000 for the plants only.

Linda Conley McCall Motola asked if this was a normal procedure of what the board just asked for.

Chairman Harvey stated that the town very recently adopted design guidelines and this is something that has been in the town's subdivision and site plan regulations for years and years. Depending on the project there have been significant bonding requirements.

Mr. Farmer would also like something put in place to ensure the maintenance of the pervious pavers.

Chairman Harvey stated that could be something like a maintenance agreement filed with the town.

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

The application was submitted to New York State Parks, Recreation and Historic Preservation on October 25, 2016. As of this date no letter has been received from New York State.

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

Mr. 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. Mrs. Rasmussen seconded the motion. Zimmerman, Rasmussen, Harvey and Hoover were in favor. Farmer was opposed. (4-1).

Mrs. Rasmussen made a motion to approve the site plan with the following conditions: 1. There needs to be revisions made to the grading plan showing positive drainage away from the foundation of the building. 2. Move the medium to large tree on the northwest corner of house back so that the base is at least 30 feet from the front lot line. 3. A surety in the amount of \$15,000 is filed in the form expectable by the town guaranteeing the installation of the landscape material shown on the plan. 4. A signed maintenance agreement is presented to the town showing that the pervious pavers are being maintained every one to two years as the manufacture suggests. Mr. Zimmerman seconded the motion. Zimmerman, Rasmussen, Harvey and Hoover were in favor. Farmer was opposed. (4-1).

Application #01-2017, CJB Development Co. LLC, owners of property on Arnold Rd., requests subdivision approval to subdivide a 3 acre parcel out of a 272.5 acre parcel 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.

Joel Bay, owner and Amanda Grover owner of Amanda Grover Real Estate LLC, was present and presented the application to the board.

Chairman Harvey questioned the grading around the leach field. This will need to be corrected by the engineer.

Chairman Harvey questioned whether the leach bed was within a 100 feet of the stream.

Mr. Bay stated that he believes that there is a gully but there is no stream within 100 feet of the leach field.

Chairman Harvey stated that he needs the engineer to give a tie distance to the center of the stream and show that the 50% expansion area is more than 100 feet away from the creek shown on the map.

Since this is an agricultural piece of land there was discussion on the best area to cut a residential lot out of the parcel. Mrs. Rasmussen, who sits on the Agricultural Committee for the Town of Gorham and Fred Lightfoote, Town Supervisor both agreed that this was the best area on the parcel to cut a residential lot out.

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

Mr. Lightfoote questioned Mr. Bay if he knew whether there was any field tile in the area that they are splitting off.

Mr. Bay stated that he did not know of any.

Mr. Lightfoote suggested that if they find any during construction that it is dealt with.

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

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

Mrs. Rasmussen made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant,

adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mr. Zimmerman seconded the motion, which carried unanimously.

Mr. Zimmerman offered a resolution [attached hereto] to approve the subdivision as presented with the following conditions: 1. Make revisions to the grading plan showing positive drainage away from the foundation of the proposed house and to intercept over land flow up hill and divert it around the leach bed. 2. Specify on the plan where the 100 foot control point is. 3. During construction if the buyer becomes aware of any drainage tile that the Town be notified. Mr. Hoover seconded the resolution, which carried unanimously.

Application #02-2017, William Pellicano, owner of property at 4356 State Rt. 364, request subdivision approval to subdivide 1.176 acres out of tax parcel 127.15-1-1.111 and annex it to tax parcel 127.11-1-19.000.

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

William Pellicano & Rick Szkapi were present and presented the application to the board.

Mr. Pellicano explained that when he was in front of the board about a year ago he talked about when the time came he would like to annex some of his large parcel with some lake front lots. He now is ready to annex about 1.176 acres to one of the lake front properties, which he plans on selling to the neighboring property owner.

Chairman Harvey questioned why the proposed drive.

Mr. Pellicano stated that the buyer plans on building one house and would like to have his own driveway.

Chairman Harvey stated that until they see a site plan for the new construction they will not approve the proposed driveway. The board will need to see the grading across the proposed driveway during the site plan process.

Chairman Harvey stated that if the subdivision is granted tonight the driveway has got to be removed.

Mr. Pellicano stated that once the buyer buys the property Mr. Pellicano will have an easement to also use the proposed driveway.

The proposed driveway was discussed at length.

Mr. Pellicano brought up that he is removing all of the asphalt parking area from his property at 4356 State Rt. 364 and was wondering if he could get credit for doing that.

Chairman Harvey stated if they could come up with an approximate exchange of how much asphalt is being removed and how much will be added for the proposed driveway there could be an approval for the proposed driveway.

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

The application was submitted to New York State Parks, Recreation and Historic Preservation. A letter from New York State was forwarded to Gordon Freida from the Architect on January 19, 2017.

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

Mr. 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. Farmer seconded the motion, which carried unanimously.

Mr. Zimmerman offered a resolution [attached hereto] to approve the subdivision as presented with the following conditions: 1. Future construction is subject to site plan review by the Town Planning Board. 2. The asphalt parking area at 4356 State Rt. 364 will be removed within 12 months. Mrs. Rasmussen seconded the motion, which carried unanimously.

Mr. Zimmerman made a motion to adjourn the meeting at 10:18. Mrs. Rasmussen seconded the motion, which carried unanimously.

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Thomas P. Harvey, Chairman

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Sue Yarger, Secretary