

MINUTES
TOWN OF GORHAM PLANNING BOARD
June 24, 2019

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

EXCUSED: Mrs. Harris

Chairman Harvey called the meeting to order at 7:30 PM. Mrs. Rasmussen made a motion to approve the March 25, 2019, minutes. Mr. Zimmerman seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #04-2019, Pierre & Karen Heroux, owners of property at 3780 Meadow View, 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.

The Zoning Board of Appeals has not granted any of the variances that were requested at this time.

Chairman Harvey asked if there were any comments from the public on this application. Hearing none, the public hearing was adjourned to be re-opened on July 22, 2019, at 7:30PM.

Application #09-2019, Michael G. & Kimberly M. Kurr, owners of property at 3981 State Rt. 364, requests subdivision approval to subdivide parcel into two lots.

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

The Planning Board did approve this by resolution on October 22, 2018. Applicant failed to file the subdivision map in the County Clerks Office within the required 180 days from approval.

The applicant was not present at this time.

Jim Morse, Code Enforcement Officer stated that the Kurr's did provide a new subdivision plat showing the enlargement of the common driveway agreement area as the Planning Board had requested.

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

Mr. Farmer stated that the proposed driveway is 157 feet to the driveway at Angela Way. He expressed his concern with the traffic in that area and allowing another curb cut.

Chairman Harvey stated that the Zoning Board of Appeals granted a variance for an undersized lot. The philosophy under the Access Management Law was that one curb cut is better than two.

Chairman Harvey stated that the Planning Board has 62 days to make a decision on the application. The board can table this and wait for the applicant to explain it further or it can be approved as it is.

Mr. Dailey asked when this was before the board before what did the board decide.

Chairman Harvey stated that the board approved it last time. They came in with two lots, which the Zoning Board of Appeals gave them a variance for a sub sized lot, lot number 2. The only thing the Planning Board could do with it is make them share the driveway.

Mr. Dailey asked what action the board can take tonight.

Chairman Harvey stated that they can approve it, approve it with modifications or disapprove it for a reason.

Mr. Dailey stated that he shares Mr. Farmer's observation. The park is across the road and he is up and down that road often and has observed a number of accidents from people entering State Rt. 364 from Angela Way, and if we are adding another driveway to an area that is already congested.

Chairman Harvey stated that he does as well, but they got a variance so they are entitled to another parcel. According to our Access Management Law one curb cut is better than two. The board has to grant them access somewhere.

Mr. Farmer stated that he votes to disapprove the subdivision.

Chairman Harvey stated that he needs to give a reason.

Mr. Farmer stated that it is too congested there and there should not be an access at that point.

Chairman Harvey stated that the board has to propose a solution. Where is the board going to grant them access?

Mr. Farmer stated that they could move the access further north on lot 1 and cross over onto lot 2. The existing driveway is in a better location than the proposed driveway, but he would like to see the driveway as far north as it could get.

Chairman Harvey stated that if the board wants time to go take a look at the situation and see what is exactly across the road from the curb cut that is existing that would be a reasonable thing to do. The Access Management Local Law prefers the curb cuts line up with existing intersections.

Mr. Morse stated with putting a curb cut on Lot 1 and having an easement to cross over to Lot 2 will be nothing but a legal mess. He is already dealing with this where an easement was granted for access and they are calling everyday with complaints.

Chairman Harvey stated that they have 62 days to make a decision. The decision was tabled and will be discussed again July 22, 2019.

Application #10-2019, Mark Greenfeld, owner of property at 5380 County Road 11, 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.

Mark Greenfeld and Brennan Marks, Marks Engineering was present and presented the application to the board.

Brennan Marks stated that it is an existing lot on Canandaigua Lake. The parcel has property on both sides of the road but they are focusing on the lake side. It is in the high banks. The driveway is very steep. There is an existing driveway there now and they plan to re-grade and provide drainage for the existing driveway. They are not necessarily modifying the slopes. They will be leveling out some switch backs and providing an uphill swale. The slope is 18%, which is not navigable by emergency vehicles. So they will be providing a sprinkler system within the house to meet the New York State Building code. There is an approved septic system on this parcel. It was approved in 2006 by New York State Department of Health and was just recently updated and the Department of Health acknowledges that the system is still sufficient for the use. With the application they are proposing a three car garage that will be disconnected from the proposed dwelling. They are providing infiltration practices for the roof leader runoff into an infiltration trench. The uphill swales on the driveway will be riprap lined which will slow the water and will promote infiltration. They are reducing the gravel areas on the driveway a little bit.

Mr. Dailey asked if the swale going down the property was going to be re-graded.

Mr. Marks stated that on the uphill side of the driveway as you come down to the switchbacks on the uphill they want to catch any water before it gets to the driveway. So that is the intent of the driveway grading. There are two ravines on either side that they are directing runoff to.

Chairman Harvey asked what the disturbance area will be on the site.

Mr. Marks stated that he is unsure. He will figure it and give the board that number. If they go over an acre he will give the board an NOI for a SPEDES permit.

Chairman Harvey stated that they will need to file with the town a storm water pollution prevention plan.

Chairman Harvey asked Mr. Morse if the building code allows for a sprinkler system on a private water supply.

Mr. Morse explained that it was hard to find in the code so he had to call the State and found that it does allow for a sprinkler system on a private water supply.

Chairman Harvey stated for the record that if most of the driveway didn't exist this way, this is so contrary to the Town's design guidelines that there is no way he would approve it. What the guidelines say is to put the house as close to the road as possible.

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

Chairman Harvey asked what kind of design storm is the infiltration trench designed too.

Mr. Marks stated that it is designed to a 25 year storm.

A letter dated April 3, 2019, was received from New York Office of Parks, Recreation and Historic Preservation on this application, stating that there is no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

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

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

Mr. Dailey asked if they had a rendering of the house.

Mr. Marks stated that there is but he does not have it with him. It will have a walkout basement with a single story.

Chairman Harvey stated that the grading on the plan will need to show positive drainage for at least 5 feet away from the buildings.

Mr. Dailey asked if the Town Design Guidelines will be incorporated into the plans.

Mr. Marks stated yes.

Mrs. Rasmussen made a motion to approve the site plan with the following condition: grading on the plan will need to show positive drainage for at least 5 feet away from the buildings. Mr. Hoover seconded the motion, which carried unanimously.

Application #11-2019, Dale Stell, requests final subdivision approval for 5 lots in the Deep Run Subdivision Section 4-B. Preliminary subdivision was granted on November 16, 1992.

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

Dale Stell and Brennan Marks, Marks Engineering was present and presented the plan to the board.

A letter was presented from the Bero's, owners of the property granting their client Mr. Dale Stell permission to apply for a 5-lot subdivision. This letter will be kept with the file.

Brennan Marks stated that the application is to finish out the cul-de-sac on Crystal Ridge Circle. This is the last five in this area. The intent is single family residential housing. The subdivision follows the preliminary approved subdivision, which was in 1992. With this application they will be extending the water main approximately 425 feet. They will be improving the sub base road that is there now to a paved street with concrete gutters. The sanitary is installed with most of the laterals in place. There will be a little bit of storm extension from existing catch basins and mostly final grading and paving.

Chairman Harvey stated that as he recalls it goes down to the onsite stormwater facility.

Mr. Marks stated correct and there is a SPEDES permit on the site that is active.

Chairman Harvey stated that the Environmental Review was done back in 1992 for the whole subdivision during preliminary approval. The board will need to decide if there has been no significant change to the town's rules and the subdivision complies or they will need to do the environmental review all over again. In reviewing the application he did not see any changes in the subdivision from 1992 to now.

Mr. Morse stated that he agrees. They had a meeting to go over this and he did not see any changes to the subdivision from 1992 to now.

Mr. Dailey stated that he has a question on capturing the water from the impervious surface.

Mr. Marks stated that it flows down to the stormwater pond just above Ridge Road. That has been improved to handle all of the stormwater.

Mr. Dailey asked if there was any kind of landscape plan so that the houses are not so visible from the lake.

Mr. Marks stated that they do not have a landscape plan unless the board requests one.

Mr. Stell stated that the selling point of these lots is the view of the lake.

Mr. Dailey stated that there are thousands of people that use the lake and would like the view shed to be maintained or improved.

Mr. Marks stated that they will match the characteristics of the rest of the development; there are landscaping and foundation plantings.

Chairman Harvey stated that these are not ridge line or ridge top or something that's really going to pop out. He does share Jack's concern. Usually they like to see some trees and landscaping that is going into the development.

Mr. Zimmerman stated that he is very skeptical at approving 5 cookie cutters is going to be reality. He is not concerned about the architecture because he knows that they will do that very well. He doesn't see any since in getting landscaping unless it's in the public right of way if all of these residences are not going to be identical the way they are shown on the plan.

Mr. Marks stated that he can solve the issue with a typical landscaping plan that could be applied to different architecture.

Mr. Zimmerman stated that he was arguing against them having to do a landscaping plan on the plan.

Mr. Bero stated that every front yard has to have a sunburst locust tree and foundation plantings. This is a HOA requirement.

Chairman Harvey stated that the landscaping should be in compliance with the Homeowners Association.

Mrs. Rasmussen offered a resolution [attached hereto] to approve the final subdivision with the following comment and condition. Comment: that the Planning Board accepts the preexisting Environmental review as nothing significant has changed so there is no reason to open the environmental review from 1992. Condition: The landscape will continue to be in compliance with the requirements of the Homeowners Association that was set up as part of the project back in 1992. Mr. Zimmerman seconded the resolution, which carried unanimously.

MISCELLANEOUS:

Jim Morse explained that he has received complaints with Lincoln Hill Farms on State Rt. 247. After a CMAC concert they had an acoustical band that was playing until midnight. He did speak to them the next day and they apologized and said that they won't do this again. He researched the minutes and when the updated special use permit was approved it stipulated in the minutes that they have to stop playing at 10:00PM on a weeknights and 11:00PM on weekends.

Chairman Harvey stated that Friday night and Saturday night is considered the weekend, not Sunday night.

Mr. Morse stated that another concern he has received is the amplified sound past the property lines. In his opinion this is very hard to regulate.

There have also been complaints that the sign is hard to see and people are using private drives to turn around because they missed the entrance. They are planning on raising the sign about 10 feet off the ground so that it will be more visible. It will also have the downward dark sky lighting on the sign.

Mr. Morse explained that on Turner Road there is a wood splitting operation at the Baxter Residence out behind the house. The parcel is only 2.3 acres. We have received a couple complaints. There are tractor trailers going up and down the road. Jim went and spoke with them and they told him there is only one tractor trailer delivery a year. Since then we have had a complaint that seven tractor trailers have been there in 10 days. The road is not built for that kind of traffic.

It was decided that they should come in and have a conversation with the Planning Board.

Mrs. Rasmussen again brought up Proctor's business on Main Street. He does not have a special use permit to operate that business in that building. He has a special use permit for a pizzeria and an auto repair shop.

Mrs. Kurr joined the meeting at this time and apologized for being late.

Chairman Harvey explained that they had discussed this earlier in her absence and were trying to recall what was across the street and if they had a reason for putting the driveway right between the two lots.

Mrs. Kurr stated that she does not recall if there is another driveway directly across the street. They have discussed this with New York State DOT. They came out and looked at it and they said the best way they would like to

handle this is to have the driveway a common area right down the middle of the lots.

Chairman Harvey questioned if it was across the street from the park entry.

Mrs. Kurr stated no it is not. To the South there is another lot, which also is not across from the park. Angela Way is across from the park.

Mrs. Kurr stated that the people across the street would like to buy lot 2 to build a home for extended family.

Mr. Farmer asked if they were planning on building a home on lot 1.

Mrs. Kurr stated that they have looked at different points where they could see down into the lake.

Mr. Farmer asked if they were to build wouldn't they build up on the top on the flat part.

Mrs. Kurr stated yes.

Chairman Harvey stated that the board was wondering why they wouldn't use the existing curb cut and pull a drive off of that for lot 2 as opposed to putting in a new curb cut.

Mrs. Kurr stated that it was discussed as you build things bigger trucks come in and to turn in you need significant space to enter.

Chairman Harvey stated that the town has an Access Management Local Law and they were trying to get a curb cut further away from Angela Way so that there is better separation between the driveways.

Mrs. Kurr stated that where it is makes a nice even split.

Chairman Harvey stated that it would be an easement either way.

Mrs. Kurr stated that hopefully you agree as you did before that this is agreeable.

Mr. Zimmerman stated that with using the existing curb cut and pulling a drive off of that for lot 2 will produce more impervious surface. Personally he likes it the way it is being proposed.

Mr. Morse stated that New York State DOT has looked at this. Is there something that Greg Troost provided for this? If he suggested that it should be there and if he said this is the best place this is where it is going to go.

Chairman Harvey stated that they are very flexible they will go with what the town recommends.

Mr. Zimmerman made a motion to take application 09-2019 off the table so that it can be acted on. Mrs. Rasmussen seconded the motion. Zimmerman, Rasmussen, Harvey, Hoover & Dailey voted AYE. Farmer NAY. Motion did not carry.

Application 09-2019 is tabled until July 22, 2019.

Chairman Harvey made a motion to adjourn the meeting at 8:45PM. Mrs. Rasmussen seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary