

MINUTES
TOWN OF GORHAM PLANNING BOARD
December 16, 2019

PRESENT: Chairman Harvey Mr. Farmer
 Mr. Dailey Mr. Hoover
 Mr. Kestler-Alternate Mr. Thomas-Alternate

EXCUSED: Mrs. Rasmussen Mr. Zimmerman

ABSENT: Mrs. Harris

Chairman Harvey called the meeting to order at 7:40 PM. Mr. Kestler and Mr. Thomas Alternates will participate and vote on all decisions tonight. Mr. Dailey made a motion to approve the November 25, 2019, minutes. Mr. Hoover seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #18-2019, Robert Johnson, owner of property at 4989 County Road 11, requests site plan approval to build a single family home.

Chairman Harvey re-opened the public hearing that was adjourned on November 25, 2019, and the notice as it appeared in the official newspaper of the town was read.

The applicant is still seeking a roadside setback variance and a setback variance from the gully.

Brennon Marks, Marks Engineering and Robert Johnson was present and presented the application to the board.

Mr. Marks gave a brief overview of the project. Since the last appearance they have sought input from New York State DEC, the County DPW, Kevin Olvany, Watershed Manager and they have done some geotechnical investigation on the site. The soils are heavy clays with some silt. They are very stiff and not highly erodible. The DEC replied with a general non-jurisdictional letter. They talk about a SPDES permit, which does not apply to this application. The second thing is Historic, Architectural, Archeological and Cultural Resources, which they have a no impact letter from SHPO stating they are not disturbing any Archeological sensitive resources. The third thing is protection of waters, which they are saying they have no jurisdiction of this Class C stream.

Chairman Harvey stated that in the DEC letter it also states that "however, your project may be subject to Federal regulations. You should contact the United States Army Corps of

Engineers' staff at the Buffalo District Office." He asked if this has been done.

Mr. Marks stated that they would be required to contact the Army Corps if they were going to disturb any navigable waters. Their plan is to not disturb any of the stream. The County DPW sent back comments regarding the sewer connection. They had no comment on the stormwater and the culvert crossing County Road 11. Kevin Olvaney, Watershed Manager sent a short letter with his thoughts.

Chairman Harvey read the letter from Kevin Olvaney, which read as follows.

The major item I would stress is to protect the stream embankment. There may be a need for some hard armoring (large stone) of the bank at the northeast portion of the parcel (first bend). This stream has a 175 acre drainage area and is very flashy with the right storm and soil conditions. Also, very important is to work with neighbors to keep that stretch of the stream free of debris. Glad to see the water quality treatment approach. Thanks Kevin.

Chairman Harvey stated that they have a letter from Harris Beach Attorneys at Law stating that they urge the Planning Board to recommend against granting the application. In particular, the Board should obtain input including comments in writing from the New York State Department of Environmental Conservation and from the United States Army Corps of Engineers on the impact on the stream from the significant encroachment to the buffer.

Chairman Harvey stated that the Army Corps has no jurisdiction on the buffer. That is strictly a town requirement.

The letter from Harris Beach Attorneys went on to say Further, in light of the omissions in the SEQRA process.

Chairman Harvey stated that he would like to say something about this. The town has and still is receiving comments from the public at the public hearing on the SEQRA process and the town has not made a determination of significance on the SEQRA process. "I apologize on behalf of whoever it is that paid these attorneys to do it, but they actually should've looked at the record."

Chairman Harvey went on to read that they urge the board to include the New York State Historic Preservation Office or SHPO. On file with the town is a letter from SHPO dated August 28, 2019, stating that the project is not going to impact the historic or archeological resources.

Chairman Harvey stated that the letter states that the application has significant procedural errors associated with SEQRA, including failing to investigate potential archaeological resources. "That is just bluntly not true."

Chairman Harvey stated that he would like to have dates of the storm events that are pictured in the letter from the Attorney. "No doubt that the pictures are pretty intense, but it all depends on when they were. Does it happen all the time or is it a response to a 100 year or greater storm event?"

Chairman Harvey stated that the board's responsibility in looking over the site plans is to make sure that the development is not going to make an existing situation worse in terms of stormwater flows and mitigation. The board is also here to protect the applicant's interest to make sure that they are not building in an unsafe location and creating a traffic hazard etc. The board is trying to make sure the development is following the town's rules and that adequate safeguards are in to protect both the neighbors and the applicant.

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

Charles Graham presented pictures of flooding of his property across the street. The dates were July 28, 2014, June 14, 2015, and a June 15, 2017, storms showing the amount of debris coming down and the destruction into the lake and the destruction to property and the continue mess going into the lake. Two aerial photos from ONCOR were presented one from 2006, and one from 2018, showing the erosion of the gully.

Mr. Graham stated that he doesn't mean to give the applicant a hard time. "This is a twofold problem I believe. In March 2017 regulations I believe were changed or updated to include this 100 foot setback and asking for 50% forgiveness and then putting a house 20 feet from a dirt road on the second variance just doesn't make a lot of sense to me. I believe the future effects if this kind of thing continues down through here is effecting property value. We have won two cases in grievance day already based on some of this kind of information. These events are not going away."

Mr. Marks presented two aerial photos from 2009 and 2018 of the shoreline showing the difference in the shoreline and the improvements that have been made since 2009.

Mr. Kestler asked Mr. Graham if he was afraid if Mr. Johnson builds a house it will end up in his yard.

Mr. Graham stated "well how about his own public safety of water and debris coming down and filling his yard. Or that bridge going in. If the bridge goes down and blocks this culvert the waters going come over the road and down into my house potentially. The second half of this is you know there's been discussions about trying to fix the road or do something with the road. I think there obviously must be a problem if there's discussions about changing or moving a road over because of this situation. And the town has already taken at some time

or another and dug three culvert pipes from the north side of the road and put it over to the south side of road, which again three times adding to what's coming down this ravine. When these pipes are put into that gully the road is cut the pipes underneath and if you ever walked up there, which we have several times, it is a very steep bank. So that water is flowing out of those pipes and again launching out into debris, there's not even any rip rap or anything to catch that water so it's continuing to grab more silt and soil and sending it down. The other thing that's going on up there is there's one time or another the town or somebody conducted a cinderblock wall, and that cinderblock wall, I don't know how old it is, but it is actually now starting to deteriorate and has a bow in it. Well if you stand at the top of that wall it's a straight shot down. So, if that wall goes and everything behind it, which is probably 8,10,12 feet from the edge of the road I think potentially have a whole lot of debris. As boards and residents, we are supposed to be stewards of the town and of the lake. And putting something this close to the stream with what is potentially going on and not fixing this problem first, I think we are just asking for more disasters. I assume the board is aware of the situation in Crystal Beach with Mike Cregg. There's a lawsuit that the town lost."

Chairman Harvey stated, "And your point would be?"

Mr. Graham stated, "It's a similar situation. Does the town want another lawsuit on their hands because he incurred damage in his house because you allowed him to put a house there? Or I incurred damage in my house. Nobody wants to assume any liability. The other potential situation is, and I don't know the answers to this. I just bring it up as conversation. Is that if you have a Seneca Lake situation or you have more of these types of storms, and we get into a situation where we're going to ask FEMA for money. Are they going to grant money on a situation where a variance was granted on over 50% forgiveness?"

Chairman Harvey explained that that is not a FEMA regulation.

Mr. Dailey asked Fred Lightfoote, Town Supervisor, about the plans the town may be considering for the gully.

Mr. Lightfoote asked the applicant if they have contacted and received any comment from the Town Highway Superintendent regarding the road.

Mr. Marks stated that he has not contacted the Town Highway Superintendent.

Chairman Harvey stated that the setback from the stream he takes very seriously. "You certainly have an issue here. There's an issue on that road with the gully. I guess it's this

boards responsibility to make sure again we're not making it any worse and I think there is some work to be done on behalf of the Town, County and everybody to try to address what's going on."

Scott Harter, Professional Engineer stated that he met with Mr. Graham last week and he reviewed the photographs with him, and he walked around the site. "What he has presented to you tonight is accurate. As much as I understand there was a geotechnical engineer who considers the bank stable, I think the photographs would show something different. There is a lot of stuff coming down there that is not stable. The culvert that is crossing underneath the County Road reminds me of a project that I did on County Road 16 across the lake very similar characteristics and the solution was to work out an arrangement with the County DPW on that one that was protecting not only the shoreline residents but also the upstream residents."

Mr. Graham stated that another thing that was talked about in consideration is an easement to have someone allowed to keep this thing cleaned, especially by the culvert that's on the east side of County Road 11.

Chairman Harvey asked if there was debris accumulating in the culvert that goes under County Road 11.

Mr. Graham stated that it usually makes it under there and then gets clogged from there to the lake.

Mr. Graham stated that "the banks of that now if you were to look at this you'd see a number of trees that are engulfed into the bank from shale and other debris and these trees start falling in either direction we're just going to have another situation of this thing getting clogged up if we get another one of these storms."

Mr. Marks read the four conclusions from the geotechnical engineer.

1. The overall soil formation, the hard clay soil, is not subject to erosion under short term, heavy flow conditions. It will not liquefy or erode in such a manner as to undermine the existing garage or proposed residence in a dramatic fashion.
2. The shale outcrop and the County Road 11 culvert will tend to keep the streambed in its current alignment in this area. Therefore, the major flow volume will not meander across the parcel towards the proposed residence.
3. We do see signs of erosion of the embankment occurring at the east end, between the footbridge and the Jones Road culvert. We feel that this is not so much a defect in the soil as a result of the Jones Road culvert flow and the change in stream alignment at this corner. If this behavior continues long-term then you should

consider armoring this portion of the streambank. That being said, we would expect this to be an incremental process, allowing time for the placement of armor stone between major storm events.

4. To help gauge its progress, we suggest setting survey stakes at the top of bank and five foot off the bank and checking them in the future. Alternatively, measure some swing-ties off the existing garage, bridge, and culvert outlet to the top of the embankment.

Mr. Lightfoote stated that he would like to point out that on the town's right of way to Jones Road in the vicinity of that first bend the town did armor that in the right of way.

Chairman Harvey stated that "right now that obviously the quantity and velocity of the stream is causing erosion on this property. And apparently there are more materials coming down from up above. If it's 5 years, 10 years before the streams going to naturally move towards where the garage is the time to think about that is taking care of it now. We can't make the situation worse. The rest of the board has to weigh in on this but I'm looking for some proposal to stabilize this before you start investing 100 grand in a new home. I think the towns got some work to do admittedly up the hill farther."

Mr. Lightfoote stated that the engineering plans are not finalized, we don't know exactly what the town is going to do.

Mr. Marks stated that is what they have been waiting for what the town was going to bring up.

Mr. Marks stated that what they have proposed is adding vegetation along the stream bank. And also, they are providing an area that will remain ever wild. If the board thinks they should add armoring and large stone rip rap at the northeast corner of the stream where it meanders away from Jones Road if that is something that would be acceptable with the client. However, they would want to work very closely with the town DPW because there is a lot of work they are going to be doing to stabilize Jones Road also.

Mr. Hoover stated that he would like to see them come up with a plan to stabilize the bank.

Mr. Morse stated that this would be subject to the Army Corps of Engineers approval.

Chairman Harvey stated that he has not heard any comment from anyone that the setback from the road is an issue.

Mr. Morse made a comment that the board ask the applicant to speak with Zack Eddinger, Highway Superintendent for written comments in regard to the road.

Mr. Graham asked if the materials would be hauled out as the basement is being dug.

Mr. Marks stated that it's an export site. Any extra materials shall be hauled off the site immediately.

Chairman Harvey asked if there were any more comments from the public. Hearing none, the public hearing was adjourned until January 27, 2019, at 7:30PM in the town hall.

Chairman Harvey stated that stabilization is going to be important. There also needs to be some input from the Town Highway Superintendent. Every property is developable depending on how much you want to spend. It is going to take some funds to stabilize that stream bank. This is 175 acre watershed and even if the road was not there there would be water coming down the stream. As the town Planning Board their obligation is to make sure if something is built that they haven't made it worse. The Planning Board is going to require what is necessary to protect everyone. As far as a recommendation to the Zoning Board of Appeals it is tough to say that this proposal is right for a decision without coordination between the County and the Town Highway and possibly the Town Engineer.

Application #20-2019, Andy Prestigiacom, owner of property at 4332 State Rt. 364, requests amendment to final site plan for landscaping berm and entrance.

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

Andy Prestigiacom was present and presented his application to the board.

Mr. Prestigiacom stated that he was called in to address his drainage problem, which he did not know he had a problem since all his drainage stays on his property as agreed upon and the permit he was given by the Town.

Chairman Harvey stated, "I guess the issue is what was built wasn't really to what was on the approved site plan."

Mr. Prestigiacom stated that the only addition to it was the berm. "The grade of the entire property keeps all of the water on my property and follows the site plan that was approved. So, everything on this property sheds to all the drainage that was laid out in the original site plan approval. I question why I'm really here."

Chairman Harvey stated, "I think the only answer is it didn't agree with the site plan."

Mr. Morse stated "That's basically why. If the site plan is approved by the Planning Board it takes into consideration drainage all that type stuff and if it varies from it I don't have the authority to just say go ahead. It has to come back to the board. I view it as a final site plan amendment."

Chairman Harvey asked if the changes to the site plan impact the lot coverage or any other zoning regulations.

Mr. Morse stated no. "It's strictly the berm. The way I understand it I believe the driveway location based on the review was altered based on DOT request as well as meetings with you and Gordon."

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

Ellen Chesler owns the property to the north. She questioned when the initial site plan was approved.

The site plan was approved during subdivision on April 3, 2017.

Ms. Chesler had many concerns with the fencing, drainage onto her property, tree removal and access to the lake property. Pictures were presented to the board and will be kept in the file.

Ms. Chesler stated that Mr. Prestigiacomo has nailed his fence to her fence.

Chairman Harvey stated that there are Town zoning regulations on fences. This is a code enforcement issue.

Ms. Chesler stated that she has concern with the berm and the drainage that is coming onto her property. "He told me that he was going to put in a swale in between the two houses because he was directing water down toward my house."

Mr. Prestigiacomo stated that he would have to remove about 100 trees to do so.

Ms. Chesler stated that she has not seen a site plan and has asked to see the original site plan.

Mr. Morse stated that if she would like to foil request it the town will make the site plan accessible to her.

Ms. Chesler stated that she just wants to make sure the drainage is being addressed and is on a site plan.

Chairman Harvey stated that Mr. Prestigiacomo's responsibility is to make sure that he has not dumped any more water on her property than what was going in that direction originally.

Mr. Morse stated that the fence has to be two feet in from the property line unless agreed upon by both neighbors. "And obviously we're hearing tonight that it's not. So, the fence will be two feet from the property line."

Paul Babiarz, 4324 Deep Run Cove stated, "I'm trying to figure out if other parts of this site plan were reviewed with respect to things like lighting and fencing. A utility pole was installed, and two very large flood lights were put onto this about two months ago." Pictures were presented to the board and will be kept in the file.

Mr. Prestigiacomo stated that the pole was put on another property of his. The pole was put there by NYSEG. NYSEG mapped it and told him where to put it.

Mr. Babiarz reviewed the pictures with the board showing the flood lights that shine over to his property. "Was this part of the original site plan to be approved?"

Someone on the board stated no.

Mr. Babiarz stated, "These are on from dusk to dawn every night. I know that you have your illuminating engineering society require a photometric plan. So, I measured the photometrics here. Recommended 1 foot candle for a parking lot. I'm see 13 foot candles on my property. Also, this particular fence here we asked that this be removed from our property because it was not a 2 foot setback. It was not done so what happens is it was made permanent by another fence which was put down parallel. Because of that I don't have access to my property. That fence now goes all the way down to the shoreline at the shoreline it was put so that I don't have access to one third of my property."

Chairman Harvey questioned what property the pole for the light was put on.

Mr. Prestigiacomo stated that it is on his property.

Mr. & Mrs. Babiarz stated that the pole is on the property line.

Chairman Harvey stated that if NYSEG has an easement they can put a pole anywhere they want.

Mrs. Babiarz stated that NYSEG didn't put the pole there.

Mr. Prestigiacomo stated that he would like to explain. "This property, there was a pole on the other side of this property that I tried to get an underground easement signed by my neighbors so there wouldn't be another pole on this side, and we would've had underground utilities to the adjacent home. They did not want to give me the easement. So NYSEG made me put a pole here so we could daisy change the power across the road."

Mr. Babiarz explained that the gates on the fence are 6 feet tall and one of the gates swings into his property 12 feet.

Mrs. Babiarz showed pictures of the fence and the gate. She stated that aesthetically it looks like a compound.

Chairman Harvey stated that this has to do with code enforcement.

Mr. Morse stated that some of this stuff has been added since the site plan approval. The concerns with this goes along the line with the site plan. This has to be considered as the overall site plan.

Mr. Babiarz stated, "In a site plan review I think you should also consider public safety. And if an emergency vehicle has to get down there, they have to go through possibly two or three gates. In the wintertime that gate will not open because of snow."

Chairman Harvey asked about the access easement.

Marty Moll 4406 County Road 1, stated, "We have deeded access to that parcel of land. In the original site plan, none of these fences were there. So, we let it happen and because we thought they were put up just for the construction purposes. Sometimes people when their doing construction are required to put up a fence. All summer long he had a pile of gravel parked there. So, we weren't able to have the enjoyment and use of our land because he blocked it off. Now he's put up a pole. That's a private pole, that does not belong to NYSEG. I've asked NYSEG they said no. It's not a NYSEG pole it's an Andy Prestigiacommo pole. The other thing is that he's blocking all of our access to our own property. He has fenced off our rights, which we have been taken to court three times by Andy and we won all the way to the highest court in the state. Andy might remember that, it cost us all a lot of money. And now you've gone and fenced it off again and taken our rights away from us. Andy has want to restrict us from using our property and getting the enjoyment and use out of it, which we have paid for in our property that we purchased it's in our deed. And we are allowed to have enjoyment and use of this property and we have been denied. And now we're fenced off. And that fence was not on the site plan. Therefore, that's why we're here. Merry Christmas."

Mr. Babiarz stated that he would like the board to take in to account the aesthetics that would be prevalent on the lake. "If it is a civil matter what does that mean when I don't have access to my property?"

Mrs. Babiarz asked why that was not a code.

Chairman Harvey stated that it looks like the original fence was preexisting non-conforming. The new one is supposed to be two feet off of the property line.

Mr. Babiarz stated that part of the fence is on their property.

Chairman Harvey stated that is a code enforcement issue.

Mr. Morse stated that it will be followed up with. "If it's on the property and there is a survey showing it."

Mr. Babiarz asked if the fence can go all the way down to the shoreline.

Mr. Morse stated in the code it states 4 foot fence and two feet from the property line. "It does not stipulate what type of fence so the whole chain link aesthetic part of the fence, time for that to have been addressed would have been back in the site plan. He has a right to come in, in my opinion, to come in and get a fence permit afterwards as long as he adheres to the requirements of the fence permit as it stands in our code."

The gates on the fence were questioned by people in the public.

Chairman Harvey stated that he has not read any bodies deeds if they read cross access then you are going to have to do what you have to do.

Mrs. Babiarz asked if the fence has to be 4 feet than doesn't the gate have to be 4 feet.

Mr. Morse stated the 6 foot gate is not allowed. The lighting is an issue with dark sky compliance. It is a site plan thing and also a code issue. "If I have proof with the illuminate that you have than it's in violation of code."

Mr. Babiarz stated that he can't go to bed at night with this in his bedroom window.

Mr. Babiarz asked the board what their recommendation was for these issues.

Chairman Harvey stated that some of them are strictly code enforcement issues and we'll deal with that. "As far as the berm and drainage goes that one is pretty clear to me at this time. The fence is a whole different issue."

Mr. Babiarz asked if they would review that as part of their site plan.

Chairman Harvey stated that they are right now.

Mr. and Mrs. Babiarz thanked the board.

Mr. Dailey had a questioned with the driveway. "I'm just curious on the driveway. Was that included in the original site plan? And do we capture the water coming off of the driveway since it's a hard surface?"

Chairman Harvey stated that he did not recall.

Mr. Morse stated, "This was a discussion that you and I had. The driveway location had changed from the original site plan."

Mr. Morse showed the board on the site plan where he believes the drainage is going.

The driveway was moved off of Deep Run Cove because it was believed that Deep Run Cove was not a town road. So, the driveway was put in off of State Rt. 364.

Mr. Lightfoote stated that Deep Run Cove is now a town road.

Chairman Harvey stated that if the utility owns the pole and has a right of way they can put the pole wherever they like however it does not mean that a light can be put on the pole that is not dark sky compliant. This needs to be addressed and taken care of.

The drainage coming off of the driveway needs to be captured and taken to the drainage culvert.

Chairman Harvey stated that as far as the fence goes it's got to be compliant. The fence needs to be added to the site plan. "Aesthetically I'm not real excited about the chain link and the site plan this board has got to find that it's compliant

with the Town's Guidelines. I wouldn't think that that would be. However, saying all of that the way the town code reads independent of the site plan at some later point in time you can apply independently for a permit, but it's still got to comply with the location. So, you got to clean that up. As far as the road access I strongly tell you look at your deed look at your neighbor's deeds if they have a right of egress."

Mr. Prestigiaco stated that they do have a right. He is not denying that. "I own the land they have a right of egress. I'm not denying that at all."

Chairman Harvey stated, "the gates on the right of way it's got to go away."

Mr. Prestigiaco stated that he has a permit for that.

Mr. Morse stated that permit was issued for a fence it was not issued for a gate.

Chairman Harvey stated, "for egress you can't put a gate across property that other people have egress rights over."

Ms. Chesler questioned since Deep Run Cove is now a town road how far off the road does the fence need to be. This will affect snow removal.

The setback from the road is more than two feet.

Chairman Harvey asked what the issue was with the driveway being over the property line. There will need to be an easement granted for that portion of the driveway.

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

Mr. Dailey made a motion to approve the amended site plan with the following conditions: 1. Modify the drainage to pick up the stormwater off the asphalt driveway and conveyed to the drainage infrastructure. 2. An easement from the adjacent property to the south for the driveway. 3. The light fixture must be dark sky compliant and can't illuminate the neighbor's property. 4. In the future when the driveway needs to be replaced the applicant must apply to the Planning Board for reevaluation since it does not comply with the Access Management Local Law. Mr. Hoover seconded the motion, which carried unanimously.

Application #21-2019, Jeff & Tris DiFulvio, owners of property at 3606 Otetiana Point, request site plan approval for a 24' x 32' detached garage.

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

James Fahey, Architect, Scott Harter, Engineer and Jeff DiFulvio were present and presented the application to the board.

The applicant is seeking a lot coverage and setback variance from the Zoning Board of Appeals.

Mr. Fahey stated that they would like to raze a 329 square foot storage shed and build a 718 square foot two car with storage detached garage.

Mr. Fahey stated that the existing lot coverage is 31.9% and they are reducing the lot coverage to 30.7% by removing 720 square feet of asphalt parking area that will be replaced with grass. The driveway to the new garage will be a porous pavement system.

Mr. Harter explained how they are capturing the stormwater drainage. The roof drains will drain into the infiltration trench.

Mr. Fahey stated that they are replicating color and materials of the existing house for the proposed garage. As far as lighting they have minimized lighting only at the overhead doors and the principle entrance to the building. They will be dark sky compliant. They would like to have electric for lighting and overhead door, water for a hose bib and gas for a heater. There will be no sanitary sewer.

Chairman Harvey stated water is limited to a hose bib on the exterior of the building.

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

Chairman Harvey asked about the landscaping on the site.

Mr. DiFulvio stated that they have put in some shrubbery. The area where they are removing the black top they are going to be doing some landscaping.

A letter dated November 8, 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 made a motion to approve the site plan as presented with the following conditions: 1. No interior hose bibs for water. 2. The variances being requested are approved by the Zoning Board of Appeals. 3. An as built survey is to be done before a Certificate of Compliance is issue. Mr. Hoover seconded the motion, which carried unanimously.

Chairman Harvey stated for the record that the design looks good. Care has been taken to make sure it fits in the neighborhood. The applicant has gone above and beyond putting in the drainage infrastructure.

Mr. Lightfoote thanked the Planning Board for their service to the town.

Mr. Dailey made a motion to adjourn the meeting at 9:50PM. Mr. Thomas seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary