

MINUTES  
TOWN OF GORHAM PLANNING BOARD  
April 26, 2021

PRESENT: Chairman Harvey            Mrs. Rasmussen  
          Mr. Dailey                    Mrs. Harris  
          Mr. Kestler                   Mr. Farmer

EXCUSED: Mr. Hoover

Chairman Harvey called the meeting to order at 7:30 PM. Mrs. Rasmussen made a motion to approve the March 22, 2021, minutes as submitted. Mr. Kestler seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #03-2021, Gregory & Delia Kern, owners of property at 4194 State Rt 364, requests site plan approval to build a single family home. Public Hearing time: 7:30PM to 7:50PM.

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

On Thursday March 18, 2021, the Zoning Board of Appeals made the following motion: a motion was made to grant a 9.47 foot side setback variance from 15 feet required for a new house to be located 5.5 feet from the north property line. A 10 foot side setback variance from 15feet required for new house to be located 5 feet from the south property line. 22.43 foot rear setback variance from 30 feet required for new house to be located 7.57' from road line. 2.80 foot front setback variance from 30 feet required for new home to be located 27.20 feet from mean high water mark. 23.12% lot coverage variance from 25% lot coverage required for new house site to have 48.12% lot coverage. 2.84 foot building separation variance from 10 foot required for a new house to be located 7.16 feet from the north neighbor's garage structure. 7.64% lakeside lot coverage variance from 50% lot coverage required for new house site to have 57.64% lakeside lot coverage. The private drive signs can remain on the access but is to remain open for emergency service vehicles to access the interior road right of way for the benefit of adjacent lot owners.

A letter was read from William and Denise McKenzie in support of the proposal. This letter will be kept in the file.

Peter Sarkis & Logan Rockcastle from Marks Engineering were present and presented the application to the board.

Mr. Sarkis stated that they are mitigating the storm water runoff with some infiltration along the north and the south side of the house.

Chairman Harvey asked as far as the stormwater infiltration design is there a bases for the design in terms of the infiltration rate in the soil. This will need to be on the plan. They need to make sure the infrastructure is going to support the infiltration. During construction they might need to create a little detention basin or settlement pond before the water hits the lake and have some siltation fencing before that. The existing building goes lot line to lot line so there needs to be instructions for the contractor to put in the stormwater infrastructure downhill first during demolition he will need to create the diversion swale around the construction site and get it stabilized as soon as practical.

Mr. Dailey asked if the garage was going to be torn down.

Mr. Sarkis stated that the garage on the other side of the right of way will remain.

Mr. Dailey asked what the height of the building was going to be.

Mr. Sarkis stated that it will be 22 feet in height.

Mr. Farmer suggested that they put the electric underground.

A tree on the north side of the property was discussed. Chairman Harvey suggested that they modify the storm trench around the tree to stay out of the drip line of the tree.

Mr. Dailey asked if they have looked at the Town of Gorham Design Guidelines and suggested that they do take a look at them and make sure that they are in compliance with the Town's design guidelines.

Chairman Harvey stated that there is some landscaping requirements in the design guidelines for the lakefront district.

Mrs. Harris stated that they will need to also be careful during construction with the tree to the south. She also asked if the lighting would be dark sky compliant.

Mr. Sarkis stated that the lighting will be dark sky compliant, and it is noted on the plan.

Chairman Harvey stated that the out flow from the trench drain on the north side he is not concerned with it going on the neighbor's property. He has a concern with day lighting it on the south side of the neighbor's property. It needs to be contained on their own property and give it a path to the lake.

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

A letter dated February 19, 2021, 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 SEQOR 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. Mrs. Harris seconded the motion, which carried unanimously.

Mr. Farmer made a motion to approve the site plan with the following conditions: 1. Engineer will state the infiltration rate that the storm water infrastructure is based on. 2. A sedimentation control plan is to be submitted. Specify the silt fence location and type manner of construction, add a settling basin between the project site and the lake, phase the implementation so that it is stabilized and then the demolition can be completed and immediately stabilize the diversion channel around the construction site. 3. Modify the trench on the north side of the property to avoid the existing tree drip line. If this cant be avoided plantings will need to be substituted and submit a landscaping plan that complies with the Town of Gorham's Design Guidelines. 4. Provide underground electric if there is a direct line from the pole to the house and the pavement is non-existent or in poor condition. 5. Modify the fill that is proposed near the baseline of tree on the southwest side of the property. 6. Ensure that the overflow from the trench drain on the south side does not drain directly onto the neighboring property. Mrs. Rasmussen seconded the motion, which carried unanimously.

Application #04-2021, Douglas & Robynlyn Ketchum, owners of property at 4056 State Rt 364, requests site plan approval to build a single family home. Public Hearing time: 7:55PM to 8:15PM.

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

On Thursday March 18, 2021, the Zoning Board of Appeals made the following motion: a motion was made to approve the revised plans granting 5.14' variance for a 9.86' south side setback. A 9.98' variance for a 5.02' north side setback. A 25.38% lot coverage variance for a lot coverage of 50.38%. An 8.98' variance for a rear setback of 21.02'. With a caveat that this is being reduce from the current lot coverage it is also becoming more conforming and the primary factor is the safety of the turning radius out of the garage.

Douglas & Robynlyn Ketchum, Peter Sarkis & Logan Rockcastle, from Marks Engineering were present and presented their application to the board.

Peter Sarkis stated that the Ketchum's would like to demolish the existing two story dwelling and garage and build a new two story dwelling with an attached garage.

Chairman Harvey stated as in the last application they will need the bases for the stormwater design. They need to provide the infiltration rate for the design. Does the landscaping plan comply with the Town of Gorham's Design Guidelines? He would like to see some spot elevations on the sidewalk. He would like to see a crosswalk so that the water comes off of the sidewalk.

Chairman Harvey stated he would like the site stabilized early in the process. Show a plan having very clear instructions to the contractor this area gets disturb first get it stabilized get the diversion channel in first get it stabilized then do the construction and rip up the rest of the site.

Mrs. Harris asked if the asphalt driveway was calculated in the impervious area.

Mr. Sarkis stated they are including only what is outside the right of way.

Mr. Farmer asked if they will be able to drive right into the garage from State Rt. 364.

Mrs. Ketchum stated that they will drive right into the garage from the road.

Chairman Harvey stated that the engineer will need to establish the flood elevation. Anything below the floodplain level they will have to balance cut and fill in the floodplain.

Mr. Dailey stated that presently there is steps going down to the cottage is that area going to be backfilled or is the wall going to be there.

Mr. Sarkis stated that they are regrading that area.

Chairman Harvey stated that they will need to submit a landscaping plan that is in compliance with the Town's Design Guidelines.

Mr. Farmer stated that he would like to see them try to put in underground electric.

Chairman Harvey stated that the overhead electric shown on the plan going over the neighboring property will not happen unless there is an easement for this. If there is a way to get the electric underground that is the best way to go.

Mrs. Harris stated that on the south side the grading they start out with swale and then as it gets towards the lake it sheet flows towards the neighbors.

Mr. Sarkis stated that is a tight spot in that area.

Chairman Harvey explained that he doesn't care where the infiltration trench is, but they need to work it putting it on their property avoiding the existing trees.

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

A letter dated June 30, 2020, 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.

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. Mrs. Harris seconded the motion, which carried unanimously.

Mrs. Rasmussen made a motion to approve the site plan and grant a flood plain permit with the following conditions: 1. A landscaping plan be submitted. 2. Designate the bases of the stormwater design and the infiltration rate. 3. Propose grading changes to eliminate the directing of stormwater onto the property to the south. 4. The location of the infiltration trench may be better located on the south side of the house to benefit the trees staying out of the tree lines with the design. 5. Submit an erosion plan, preconstruction diversion around the site to demo. 6. Add the 100 year flood plain on the site plan document and show balance cut and fill if there is any fill proposed within the limits of the flood plain. 7. An after construction survey be submitted showing that the home is out of the flood plain. 8. Show some spot elevations showing a cross slope on sidewalk uphill and downhill of the stairs. 9. For the electric they will need to deal with the neighbor, NYSEG or the

State of New York. The board prefers the electric to be underground if this can't happen the electric will need to be in NYSEG's easement or an easement from the neighbor be obtained to go through their property. Mr. Farmer seconded the motion, which carried unanimously.

Application #06-2021, Richard Hall, owner of property at 4881 County Road 11, requests site plan approval to build a single family home. Public Hearing time: 8:20PM to 8:45PM.

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

On Thursday March 18, 2021, the Zoning Board of Appeals made the following motion: a motion was made to grant 16.58' variance for a setback of 18.42' from Arrowhead Drive. This is contingent on the classification of the stream on County Road 11. The existing barn is to remain.

Mr. & Mrs. Richard Hall, Peter Sarkis & Logan Rockcastle, from Marks Engineering, were present and presented their application to the board.

Peter Sarkis stated that there is a barn on the property that the Hall's want to keep. The proposed home and garage is one story. They need one variance to be closer to Arrowhead Drive to have a view of the lake. They have proposed stormwater infiltration for the increased impervious area.

Chairman Harvey stated that he has a concern with the grading on the east side of the driveway. It appears to have an unhabitable slope. The contour at the front of the garage needs to be fixed so that the stormwater doesn't aim back at the garage foundation. The contours on the downhill side of the house need to be at least 2% slope. On the south side of the house it looks like there is more grading than there needs to be. Add to the plan the bases for the stormwater infiltration.

Mr. Dailey asked if the trees were coming down.

Mr. Sarkis stated that they would like to do their best to save the tree. An evergreen will need to come down that is in the area that the house is being built.

Chairman Harvey stated that the Town has design guidelines and it would be nice to see a landscaping plan.

An elevation of the proposed home was presented to the board.

Mrs. Hall stated that the home will be dark gray with white trim.

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

Kyle Johnson, the neighbor to the west stated that he had a concern with the height of the house but if it is a single story it won't be much taller than the existing barn. He thinks it's fabulous.

Mr. Kestler questioned the lighting. There is lighting mentioned on the plan but there is nothing stating that they will be dark sky compliant.

Mr. Hall stated that there will be lighting on the fascia of the house, which will shine downward. There will be lights next to the front door and the sliding glass door. These light fixtures have not been picked out yet.

Chairman Harvey stated that they want to look for dark sky compliant fixtures.

Chairman Harvey asked where the electric was coming in.

Mr. Sarkis stated that the power is coming in overhead to the barn and then it is underground to the home.

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

Mr. Farmer stated that on the plan it shows that the overhead power to the barn is to be removed.

The electric was discussed and will need to be located in the field and shown on the after construction survey.

A letter dated February 19, 2021, 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. Kestler made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts as the board did not find a single potentially large impact related to this project. Mrs. Rasmussen seconded the motion, which carried unanimously.

Mr. Dailey made a motion to approve the site plan with the following conditions: 1. Fix the grading on the driveway at Arrowhead Drive. 2. Show 2% positive drainage for a minimum of 5 feet on all sides of house. 3. Evaluate and minimize the grading on the south side of the house. 4. Show the bases of the infiltration design.

5. Show the underground utility on a survey after construction and file with the town. 6. Note that all light fixtures will be dark sky compliant. 7. The silt fence is to coincide with the area of disturbance. 8. Show a landscaping plan where the new trees and other plantings are going to be planted and file it with the town. Mr. Kestler second the motion, which carried unanimously.

Chairman Harvey made a motion to adjourn the meeting at 8:50PM. Mr. Kestler seconded the motion, which carried unanimously.

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Thomas P. Harvey, Chairman

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Sue Yarger, Secretary