

Town of Gorham

4736 South Street
Gorham, New York 1461

PLANNING BOARD

Monday, May 20, 2024 6:00 p.m.

MINUTES—Approved

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

Board Members Present: Thomas Harvey, *Chairperson*
Lizabeth Rasmussen
Andrew Hoover
Bob Farmer
Richard Perry

Board Members Absent: Gabrielle Harris

Board Members Excused: Mike Kestler

Staff Present:
James Morse, Town of Gorham Code Enforcement Officer

Applicant Present:
Mark Tolbert
Dave & Kathy Buschner
Doug Eldred

Others Present:
Evan Gefell, Costich Engineering
Steve Zumbo
Marty Blumenstock
Kathy Coyle
Pat & John Cipollina
Paul Garsin
Joann & Tom Charles
Mike Maxwell
Mike Kubarek
Brian & Jean Hickey

Jeremy Stowe
Hannah Coney
Jason Dobbs, Parti Partnership
Loren Shaw
Lynn Klotz
Robynlyn Ketchum
Helen & Bill Messner
Jeff & Triscilla DiFulvio
Stanley & Debra Kwapniewski
Joeleen LaCrosse
Terrence Neary
Muriel Burkhart
Anne Fayko
Josh Brown
Steve & Eileen Philippone

Applicant Via Zoom:

William Coe

Other's Via Zoom:

Mark Becue

1. MEETING OPENING

The meeting was called to order at 6:07 p.m. by Mr. Harvey.

Mr. Harvey said we have four public hearings this evening. We are going to open the public hearing. Our board secretary will read the public hearing notice as it was published in the official newspaper of the Town. I'll ask the applicants and/or their representatives to explain their application. The Board may ask questions and I'll give an opportunity for anybody to make comments or ask the Board a question on either the application or the environmental review we have to do pursuant to SEQR.

2. APPROVAL OF MINUTES OF APRIL 22, 2024

■ A motion was made by MS. RASMUSSEN to approve the minutes and the motion was seconded by MR. FARMER.

Motion carried by voice vote with all voting aye.

3. LEGAL NOTICE

NOTICE IS HEREBY GIVEN that Public Hearings will be held by and before the Planning Board of the Town of Gorham on the 20th day of May 2024 commencing at 6:00

p.m., Eastern Daylight Savings Time, at the Gorham Town Hall, 4736 South Street, in the Town of Gorham, Ontario County, New York 14461 to consider the following applications and to discuss all matters relevant to the environmental review under the New York State Environmental Quality Review Act:

PB #75-2024: WILLIAM COE 1445 WINDSOR CIRCLE, FARMINGTON, NEW YORK, 14425: Requests site plan approval to construct a single family residence approximately 1184 square feet in size with included site improvements to grading, drainage and utilities. The property is identified as Tax Map #127.19-2-10.000 and is located on the north side of Sylvan Road east of White Way and is zoned HR Hamlet Residential.

PB #76-2024: MARK TOLBERT 3596 OTETIANA POINT, CANANDAIGUA, NEW YORK, 14424: Requests site plan approval to construct a two story wood framed structure approximately 2063 square feet in size with included site and utility improvements. The property is identified as Tax Map #98.19-3-6.000 and is located on the southeast side of Otetiana Point and is zoned R1 Residential and LFO Lake Front Overlay District.

PB #77-2024: DAVE & KATHY BUSCHNER 3976 STATE ROUTE 364, CANANDAIGUA, NEW YORK, 14424: Requests site plan approval to construct a garage addition and covered entry addition to the existing house. The property is located at 3976 State Route 364 and is zoned R1 Residential and LFO Lake Front Overlay District.

PB #79-2024: SPRINGHILL SUBDIVISION LLC 1777 EAST HENRIETTA ROAD BUILDING A SUITE 100, ROCHESTER, NEW YORK, 14623: Final Overall Subdivision and Phase 1 approval of 80 lots consisting of 55.6 acres known as the Scenic Ridge Rise Subdivision. The property on the east side of NYS Route 364 south of Angela Way and is zoned R1 Residential.

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

Thomas P. Harvey, Chairperson
Planning Board

4. NEW PUBLIC HEARINGS

PB #75-2024: WILLIAM COE 1445 WINDSOR CIRCLE, FARMINGTON, NEW YORK, 14425:

Requests site plan approval to construct a single family residence approximately 1184 square feet in size with included site improvements to grading, drainage and utilities. The property is identified as Tax Map #127.19-2-10.000 and is located on the north side of Sylvan Road east of White Way and is zoned HR Hamlet Residential.

Mr. Coe said we are applying to build a single family home on this lot. There isn't a house

number for the lot. We have gone through the Zoning Board and got approval from them for variances for setbacks. I am looking for approval to move forward with construction.

Mr. Harvey said the waterline proposed is shown. Does this have public sewer?

Mr. Coe said yes. It has public sewer and public water.

Mr. Harvey said do you have drainage calc as well with this, Bill?

Mr. Coe said yes they are shown on sheet C100.

Ms. Rasmussen said what is the lot coverage percentage?

Mr. Morse said they received a variance for a five foot reprieve for a twenty foot setback to the rear.

Mr. Harvey said and that is to the overhang as it should be. Bill, with the infiltration trench has the infiltration rate been measured in that?

Mr. Coe said I have not taken a measurement of the infiltration rate. That was based off of, I believe, the calculation.

Mr. Harvey said the calculation shows the required storage and I'm not so concerned with the storage as I am with the infiltration rate if it meets the rate of increased stormwater runoff, then I'm happy. So we will ask you to provide that as one of the conditions and I think that will meet because you certainly have plenty of storage capacity there.

Mr. Coe said yes we can get you those.

Ms. Rasmussen said is there a note on the outside lighting to be dark sky compliant?

Mr. Coe said we do not have the site electric finalized at this point, it will be submitted with the final house plans.

Mr. Morse said #5 on the site plan says all outdoor lighting shall have the appropriate shields.

Mr. Harvey said so you have already covered that. I know that you have some good notes on the erosion and sediment control as part of the site plan. I see the silt fencing so it looks like you are compliant. I saw the stabilization notes. Are you going to sequence putting in the stabilized diversion swale, if you will, prior to any of the other site work?

Mr. Coe said yes except for any of the removal of the existing brush and trees. Once that is complete we will that stabilization in place before any of the other construction starts.

Mr. Harvey said very good. We will probably add that as a condition note just so it shows

on the plan as a sequence.

Ms. Rasmussen said where does the other electric go to the house from the line?

Mr. Harvey said I think he is not finalized. Is there a pole out in front of the house?

Mr. Coe said there is a pole on the property line on the bottom left on the roadside.

Mr. Harvey said yes just off of the property line. The Board and the subdivision regulations require where it can be and without waiver from the Board it has to be underground service.

Mr. Coe said yes, sounds good to me.

Mr. Harvey said probably a condition might be that when you get that finalized with NYSEG that you will show it on the plan that gets filed after construction with the Town Code Enforcement Officer.

Mr. Coe said ok.

Mr. Harvey then asks for any further questions from the Board. Hearing none, he asks if anyone from the public would like to comment to the Board on this application.

Mr. Farmer said is the driveway going to be crushed stone or blacktop?

Mr. Coe said it will start off as crushed stone but we will eventually do blacktop.

Mr. Harvey said and the stormwater calcs take that into account?

Mr. Coe said yes.

Mr. Harvey then closed the public hearing on this application.

Mr. Harvey said we now have to make a determination of significance. Jim, are there any conditions from MRB that need to be dealt with?

Mr. Morse said no I read through them and you covered them all. The only thing they talked about was that they showed multiple trees on the imagery however the existing plan does not show any. For SHPO we received a letter dated April 26, 2024.

Mr. Harvey said we will add a condition to show existing trees and removal.

Mr. Harvey said for questions one through seven on the Environmental Assessment Form posing no or small impact. Question eight deals with historic, archaeological, architectural or aesthetic resources I am proposing we check no but will note in Part 3 that answer is based on the letter from NYS Office of Parks, Recreation, and Historic Preservation dated April 26, 2024. We will also note in Part 3, in regard to question four concerning Critical

Environmental areas there have been none formally established in the Town of Gorham. Question nine deals with the change to wetlands, waterbodies and question ten we will also note that they are based upon the soil erosion and storm water mitigation measures included in the plan.

Mr. Hoover made a motion to accept the Environmental Assessment Form, Part 2 and Part 3 and to make a negative determination of significance. Ms. Rasmussen seconded the motion. Mr. Harvey said a motion was made and seconded, is there any further discussion? Hearing none, all those in favor, please indicate by saying aye, motioned was carried by voice vote will all voting aye.

Ms. Rasmussen made a motion to approve the following resolution with the conditions listed and that motion was seconded by Mr. Hoover. Mr. Harvey said a motion was made and seconded, is there any further discussion? Hearing none, all those in favor of approving this site plan please indicate by saying aye, motioned was carried by voice vote will all voting aye.

**COE SITE PLAN
RESOLUTION
Application #75-2024**

WHEREAS, William Coe submitted a site plan application, known as the New Residence Site Plan for William Coe Application #75-2024, for property located on Sylvan Road on March 28, 2024; and

WHEREAS, The Planning Board of the Town of Gorham made a negative determination of significance under SEQR in regard to said site plan application; and

WHEREAS, A Public Hearing on said site plan application was advertised in the official newspaper of the Town of Gorham, specifically in the Finger Lakes Times on May 13, 2024; and

WHEREAS, The Planning Board did conduct a Public Hearing at 6:00 PM on May 20, 2024, at the Gorham Town Hall, located at 4736 South Street in the Town of Gorham; and

WHEREAS, The Planning Board finds that there does not appear to be any public controversy in regard to this site plan application; now, therefore be it

RESOLVED, That the Planning Board does hereby grant final site plan approval with the following conditions:

1. The sequencing and the requirement to stabilize the diversion swales before the rest of the site work is done needs to be noted on the plans.
2. Silt fence needs to be moved inward from encroachment onto neighboring properties.

3. Specify the length and slope of the existing culvert needs to be shown on the plans.
4. A survey will need to be completed after construction showing the location of the underground electric in compliance with the variance.
5. Existing trees and trees to be removed need to be added to the plan or a separate landscaping plan needs to be provided.

RESOLVED, That the Chairman of this Planning Board is hereby authorized and empowered to sign the site plan associated with said Site Plan Application within 180 days of adoption of this resolution upon the applicant producing the following items:

1. Two paper copies of said Site Plan, bearing the seal of a Professional Engineer, Surveyor, or Landscape Architect licensed to practice in the State of New York must be submitted to the Town for signatures;

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the applicant, filed in the office of the Town Clerk and the Town of Gorham Planning and Zoning Office.

PB #76-2024: MARK TOLBERT 3596 OTETIANA POINT, CANANDAIGUA, NEW YORK, 14424:

Requests site plan approval to construct a two story wood framed structure approximately 2063 square feet in size with included site and utility improvements. The property is identified as Tax Map #98.19-3-6.000 and is located on the southeast side of Otetiana Point and is zoned R1 Residential and LFO Lake Front Overlay District.

Ms. Mitchell clarified that the legal notice was incorrect and the parcel is only zoned R1 Residential because the parcel does not have frontage on the lake.

Mr. Harvey said thank you for that clarification. The Board is in receipt of two communications. One from Gregory Kimber of 3604 Otetiana Point and the other from one is from Murial Burkhart of 3594 Otetiana Point. Both letters will be filed with the meeting minutes.

Mark Tolbert, Evan Gefell with Costich, and Jason Dobbs with Pardi Partnership Architects presented the application.

Mr. Tolbert said essentially, as she stated, we are looking to build a two story structure in R1 intended for personal use on the property.

Mr. Harvey said what does that mean? Do you have a house there on the property?

Mr. Tolbert said in the Town of Canandaigua there is a house there. This is in the Town

of Gorham and a separate parcel to it.

Mr. Harvey said so the use is what, exactly?

Mr. Tolbert said the lower half is intended as garage space for us and the second floor is just for personal use. Just family entertainment use.

Mr. Harvey said sleeping accommodations?

Mr. Tolbert said we haven't ruled that out. There certainly could be. Our primary purpose is to give the boys a place to hang out and entertain themselves. We do a lot of entertaining at the house as well, so we would look to do that. Initially we around not looking to put those in the plan, so it is really one large space plus a bathroom up there now. That is how we are intending to build it.

Mr. Harvey said so there is a bathroom proposed, no kitchen, no bedroom.

Mr. Tolbert said at this time no.

Mr. Harvey said so what are the rules?

Mr. Morse said his Town of Canandaigua house has a completely different tax parcel and this is an independent parcel.

Mr. Harvey said so this is a completely different tax parcel in the Town of Gorham and it has to stand on its own.

Mr. Morse said yes this stands alone making this so unique.

Mr. Farmer said so the house on the lakeside is a Canandaigua house?

Mr. Morse said yes.

Ms. Rasmussen said where is the front boundary line if this is an independent parcel?

Mr. Morse said it is shown on the site plan and has come to the ZBA for variances.

Mr. Tolbert said we did go before the Zoning Board on two different occasions now for review of the project and have received variances for that.

Mr. Harvey said do you want to talk about the variances?

Mr. Morse said they were granted as shown on here. There was a discrepancy on the way it was typed up and was corrected later on.

Mr. Harvey said so the variances are for?

Mr. Morse said the variances are for the setback to the east side of 14.6 and there was a lot coverage variance.

Mr. Tolbert said for the lot coverage variance we were asked to reduce the overall coverage so there is a lot coverage variance of, I think, 14%.

Mr. Harvey said maximum allowed is 30% and the existing is?

Mr. Gefell said 49.7%.

Mr. Harvey said and the proposed is?

Mr. Gefell said 43.3%.

Mr. Harvey said and that is consistent with what the ZBA granted?

Mr. Morse said yes.

Mr. Gefell said and there is a side and rear setback.

Mr. Morse said yes I said the east side and the other.

Mr. Harvey said I am seeing the eleven foot setback.

Mr. Tolbert said that's existing.

Mr. Harvey said correct to be demolished and the proposed is fifteen on one side and ten on the other side and 15.4.

Mr. Morse said yes, so you have lot coverage, east side and north side setbacks.

Mr. Harvey said ok, so everything in compliance and those are all new variances nothing historical.

Mr. Morse said no those are all new variances that were granted in February.

Mr. Harvey said and everything else is preexisting nonconforming.

Mr. Morse said he came in January and it was tabled. They made modifications and then came back in February.

Mr. Harvey said does this have its own electric service?

Mr. Tolbert said it does not. It is currently connected to the house.

Mr. Gefell said there is water there as well.

Mr. Harvey said but not as an independent service?

Mr. Tolbert said correct, not yet. The intent is that we would run new service to both of those. We would also be connecting to sewer as well.

Mr. Harvey said is the sewer Gorham or Canandaigua?

Mr. Tolbert said I don't know. I know on the street there is an arrangement between the two but I don't know who owns what.

Mr. Harvey said I am sure they will figure it out. This is a very unique situation. So the lot coverage is decreased so they are under no obligation to do any compensation for storm water because he has less lot coverage.

Mr. Gefell said our storm water calculations decreased as the impervious did.

Mr. Harvey then asked for any questions from the board. Hearing none he asked if anyone from the public would like to speak.

Mr. Hickey said we are down the line. It is a row of garages. They are building a three story house that is thirty four feet high which troubles us astatically as neighbors of how it is going to look. One of the particular concerns we have is there is a swale that runs behind the property that runs between our house and our neighbors house. We already have flooding in our yard. There is a project that has been proposed up the hill, in Canandaigua, a large apartment project which we understand there has already been issues there. We were told they had to buy out some homes due to flooding. So you can imagine if we are flooding now anything that goes on on another property is a concern of ours. Secondly, where do the leads go on the storm water? Are they going to feed the lanes into the swale behind the property?

Mr. Harvey said that is exactly what it says, yes.

Mr. Hickey said so we are going to have more water than we currently have flowing.

Mr. Harvey said just the opposite, if you have looked at the calculations they have provided.

Mr. Hickey said I don't understand the calculations.

Mr. Harvey said ok fair enough. I will say it in plain English. He has less impervious cover and less lot coverage. The engineer provided his calculations and he is going to have less runoff than he does now.

Mr. Hickey said I am more concerned as to where the runoff goes.

Mr. Harvey said I think it all goes to the swale now, doesn't it? That's where it is proposed to go.

Mr. Hickey said I haven't run an engineer study on it, I just deal with the flooding.

Mr. Harvey said ok, fair enough, I appreciate the comments.

Mr. DiFulvio said I have four questions if possible that hopefully you can answer for me. The first one, I know the February zoning meeting there were three members that weren't there and another one was sent home, what is the legal quorum quantity?

Mr. Morse said we had an alternate that night and she has been appointed by the Board, so there was enough people for a vote that night.

Mr. Harvey said there is a seven member Board but they have alternates, so they needed four people. They had three regular members and an alternate which gives them a quorum as long as they voted unanimously that is a successful vote.

Mr. DiFulvio said I don't think all the variances were unanimous. I think it was three to one on a couple of them.

Mr. Morse said they couldn't split it up. They had to vote on it with one resolution and the resolution in the minutes is the one that passed.

Mr. DiFulvio said so you are saying that the minutes are not accurate.

Mr. Morse said no they are accurate. If you look at the minutes it's just a discussion but if you look at the resolution it tells.

Mr. Harvey said if you have an issue with what the Zoning Board of Appeals did you can discuss it with them or discuss it with the Code Officer. We have no oversight over the Zoning Board of Appeals.

Mr. DiFulvio said my second question is one of the variances reduced the twenty feet right of way, does the sewer department, the water department, the fire department have to sign off on that because of the deed and the future of those parties use that twenty foot? Do we have assurance that they are going to approve that variance because they are there for them as well?

Mr. Harvey said are you talking about the access easement?

Mr. DiFulvio said any of them really. I'm not an engineer but I'm looking at when you change and get variances on setbacks and the legal reason why they are setback for multiple reasons. Obviously for water, sewer, and fire those are big ones.

Mr. Harvey said so the Town has zoning code and setback requirements that take into account both the aesthetics and requirements for access for emergency services. So when

the Zoning Board of Appeals gives a variance they are supposed to take all of that into an account. There are also things the Zoning Board of Appeals cannot vary, for example the width of access lanes for emergency vehicles is in the Building Code. As long as the access is meeting the minimum of what is required in the Building Code then Jim will issue them a building permit. So that is how that is controlled.

Mr. DiFulvio said so they sign off on it before that.

Mr. Harvey said correct and if there is access easements they will look at the deed and see if there is sewer, water, and all of those in the ground because you can't build over those. So those are shown on the plan and he is not building on any of them.

Mr. DiFulvio said my third question relates more to the R1 Residential zoning itself. If you visited Otetiana Point there is twelve homes, most of the owners are here, and they are all on the lake. It is sort of a circular right of way road we all share. It is a driveway and the garages are on the backside. The backside is where the proposed structure is going and they are all about an average of fourteen foot tall garages. They are all not in this unique situation. There is half Canandaigua and half Gorham. The concern is, if you look at the elevations on the prints, this is thirty four feet tall in a line that spans the entire street of fourteen feet. It is going to stick out closer to the road than anything else that's there. All the garages are sort of in a row and you can park a car in front of it. We met with Mark and Hanna earlier and it is an attractive eye sore in our neighborhood and we feel it is going to detract a lot of things down the road. It is being built to be of any use in the future whether it be a rental or an Airbnb. We have many concerns with the character of the building. The purpose of the R1 district, and this is your zoning local law for the Town of Gorham, the intent of the R1 district is to promote the preservation of existing residential neighborhoods and homes. Whether seasonal or year round use and protect the character and the visual appeal of the neighborhoods from incompatible development. New development shall be designed and constructed to be harmonious with the adjacent neighborhoods or homes in areas that are served with public utilities. In addition to preserving the character of the neighborhoods and homes protecting lake water quality through effective storm water management is critical from design through construction at the end. Obviously you folks know the law. When you look at the street and the development back sixty seventy years ago it was designed as garages and now they are going to be building a family home there and it is going to be twice as tall as everything else there. It's going from fourteen feet to thirty four feet.

Mr. Harvey said the Otetiana Point development is what you are talking about? I don't know if some of the garages there are that old but I was on the Board when that happened in the late '80's.

Mr. DiFulvio said some might be that old. I have a garage that is three years old that I came in and got approval for.

Mr. Harvey said because your common property sits and abuts the lake you are all technically in the Lake Front Overlay District and that is why you are limited to the fourteen

feet on the garage.

Mr. DiFulvio said yes I understand that.

Mr. Harvey said this is one of those cases where we all scratch our head and go why don't the same rules apply with that one like the other ones.

Mr. DiFulvio said I understand the rules with the two Town lines and the different situations and I'm not asking to kill the deal by any means. Mark and Hanna are friendly with all of us like we are them. There is twelve people there. We have parties, and happy hours, and picnics all the time there. But we do want to preserve the character of the neighborhood and I guess what we are asking is to scale this back and scale it down so it fits in as the R1 district code says.

Mr. Harvey said any idea what height would make you happier?

Mr. DiFulvio said well obviously more than fourteen but it wouldn't be thirty four. If you look at your standard story house, what is the average two story house twenty feet?

Mr. Morse said the side walls for the houses on the lake tend to be ten and nine.

Mr. DiFulvio said so ten and nine and then add the 4/12 pitch and you will pretty much come up with your footage.

Mr. Harvey said ok, thank you. Anyone else have a comment?

Mr. Maxwell said I represent the property to the south side of the Otetiana Point property. Along that line there is a swale that is on the maps. We were at a prior zoning meeting and I raised a question about the site landscaping grade pitch around there not create any additional water from Otetiana Point in this area coming into the swale that is on the Otetiana Cove property. I don't know if that has been addressed because I haven't seen a site map so I'm kinda shooting in the dark a little bit. I want to know if that issue has been addressed in regard to what has been submitted to you for approval.

Mr. Harvey said from my look at the plans they are reducing the amount of storm water coming off of this property because of the reduction of impervious cover on this site.

Mr. Maxwell said is that in all directions? I heard east but I didn't hear south.

Mr. Harvey said it all goes to the swale.

Mr. Maxwell is the swale you're talking about Otetiana Point?

Mr. Harvey said it's where it discharges to because that is the natural flow of the land.

Mr. Maxwell said is there technical information we could have access to for our own

review?

Mr. Harvey said the plans are on file with the code office.

Mr. Zumbo said I talked to Sarah when I came in and I was disappointed that I was not notified of this project the way we used to be notified. We would get notification if we were within 500 feet of the property. She said that she is required to notify the Town of Canandaigua. Obviously most of us didn't know about this in advance.

Mr. Harvey said do you live on the Town of Canandaigua side?

Mr. Zumbo said yes, the same place where Mark lives.

Mr. Harvey said it's a fair point and we will take it under consideration in terms of an update.

Mr. Zumbo said Jim was nice enough to forward to the drawings to me today but I haven't had a chance to look at them. As Jeff had mentioned it would be nice if they could slow it down a little bit and scale it down a little bit so we had more time to look at these things. Jeff did have us over the other day to explain the changes that he was going to do, so that was nice too. I thought just because I was over the line I should still be notified on that too.

Mr. Harvey said that is a good point and as Jim was saying about notice whether the Town is obligated according to its code to notify property owners within 500 feet that there was a statute change a number of years ago that we also have to provide notice to the Town of Canandaigua government.

Mr. Morse said we also put a sign on the property three or four weeks ago. We don't want people not to know. We try everything. We put it on our website with the agenda we try everything.

Ms. DiFulvio said was that for the zoning too?

Mr. Morse said yes for zoning too. Unfortunately, for zoning, you may have caught it in between. We tried to send out letters but we had no clerk and you can see the number of applications we have had.

Mr. Harvey said anyone else?

Ms. Coney said I know that change is hard. The first two story house that was built on the street when they were all single floor condos or cottages, I'm sure that was hard. The blue two story condos that are behind Otetiana Point, that was a big change that really did not please many either. Every house on the street is different and very unique. Everyone has their own style and it makes our street lovely. It is zoned appropriately. It is for the intended use for the family to enjoy and additional garage space to keep a clean consistent

look across the garages very appropriately.

Mr. Harvey said anybody else?

Ms. Fayko said this is tough for me because I am great friends with Mark and Hannah. I don't object to the project per say. I do object to the scale. It will not in any way suit our neighborhood. My husband was an architect and his mantra was less is more.

Mr. Hickey said I appreciate the fact that you did not have a clerk but a lot of us were not notified. This was a shock to us when the recent sign went up. I never saw the previous sign because I wasn't here and the project moved along without the neighbors being notified. Now here we are and, as I said, I appreciate the lack of the clerk.

Mr. Morse said we still sent out letters for the zoning. I'm just saying, in general, we didn't have the follow up if they were returned to us because a lot of people live out of state in the wintertime.

Mr. Harvey said the only address the Town would have access to is wherever the tax bills go.

Mr. Morse said we had three returned and if it gets returned that means it's not getting forwarded properly. That is a post office issue, not us. We still sent out letters even though we did not have a clerk. We do a circle of 500 feet and with the code change we just notified the Town of Canandaigua.

Mr. Harvey said anybody else? Hearing none, he asks the Board if they would like to close the public hearing. Hearing none, the public hearing is closed at this time.

Mr. Harvey said we have heard the concerns. I was expecting to hear the concerns that the property was being used as a rental or something else independently. I would have expected more, but it's out there. You have a right to do, with that separate parcel, under the Town of Gorham's zoning, which the Zoning Board of Appeals certainly struggled with as well. The variances that were issued all had to do with lot coverage and setbacks and that sort of thing. It is an odd situation. What this Board has to consider, the neighbors certainly identified also, is the scale of the building and for that neighborhood does it look significantly different than everybody else. I would go back to the Board as ask if you want to think about it or are you prepared to take action on it or do you want to visit the site before you make a determination? Are you pretty well satisfied with Costich Engineering's analysis of the site? I don't think MRB had any issues with it.

Mr. Farmer said I was there and when you look at it there is a row of one story garages along the line. A couple on either side of it have a fourteen foot overhead door and this is going to look crazy like someone stuck a house in between two garages. It is not even close to the neighborhood bit I agree with these people by law he can build on the Gorham lot. I'm not trying to stop the construction but I do agree with the people that maybe it's too much. Maybe, I don't know if he needs a garage there, because he wants to use it as a

house probably but he has that two story garage and house in Canandaigua.

Ms. Rasmussen said what is the purpose of the large overhead door?

Mr. Tolbert said to basically put anything that we choose to. If we were interested in obtaining an RV and we want to make sure we can keep that inside instead of outside. The ability to get our boat inside instead of right now it stays outside.

Ms. Rasmussen said how big is your boat.

Mr. Tolbert said it twenty eight and a half feet long and on the trailer it is almost nine feet tall.

Ms. Rasmussen said and what is the size of that door?

Mr. Tolbert said it is a fourteen foot door which is a typical access for an RV. Just in general within plus or minus a mile there are twenty one two story secondary structures in both directions from that property.

Mr. Farmer said but this particular spot it is completely flat with the garages on either side.

Mr. Tolbert said two hundred feet behind it they are thirty four feet tall.

Mr. Farmer said well no I agree with behind you. You can't see that. A tree blocks that but that tree is going down now so those people have to look at those places without that tree being there too.

Mr. Tolbert said just to address the tree. The tree was something that we actually should have taken down last year. We have had a number of issues with it. Our arborist has suggested that we take it down already but the neighbors know that I hate taking trees down more than anything. We intend to replant there. We are absolutely "pro-tree".

Ms. Burkhart said I am the one who wrote the letter that said I am ok that the tree comes down as long as it doesn't hit my garage. I have a question about parking. The garage comes almost up to the circle, where are people going to park? People have a lot of cars now and parking is an issue on the street.

Mr. Harvey said that is a great point and it kind of limits the property to be rented out.

Mr. Tolbert said it is ten feet in front by roughly thirty five so you could park them horizontally.

Ms. DiFulvio said there is nothing that is going to prevent someone from parking in front of it on the road.

Mr. Tolbert said it's still the twenty foot deeded access.

Mr. Harvey said understood. We haven't really closed the knot on the Airbnb or short term rental issue. If that in your plan for this?

Mr. Tolbert said that is not our intent and we recognize we would need to receive a license for that.

Mr. Harvey said it is more of a register thing and I am thinking if it's a condition, and if you are agreeable to it, I would feel a lot more comfortable if we made a restriction that it can't be used for that separately.

Mr. Tolbert said I would hate to do anything that would decrease the value of the property. It's a permitted use, our intent is to not use it for that purpose.

Mr. Harvey said I think your neighbors would be a lot more happy with it with that condition on there. Just telling you right now. I know I would be.

Ms. DiFulvio said if there is a restriction, how does that get passed on to the new owner if this property gets sold?

Mr. Harvey said we would have to investigate that for sure in terms of, if we put that restriction on the site plan we would want it to be on the deed and recorded for sure. Otherwise it is hard for the Town to enforce it. Normally with the zoning the only "teeth" the municipality has is the next time you come in for an application and you have a violation you have to clean it up. It's really difficult. I would like to see something more substantial if we were going in that direction. So, again, what is the pleasure of the Board? I am reluctant to launch into the environmental review until we have a discussion on where we are going as a Board.

Mr. Farmer said I would like to know; you do have a large asphalt driveway there and I want to make sure that is in your lot coverage. It looks pretty close to 50%.

Mr. Gefell said it's everything from that Town lot line, up here, back and everything that is impervious.

Mr. Farmer said I understand. There looks like there is a patio.

Mr. Gefell said just landscaping.

Mr. Harvey said your architect hasn't said too much. It is kind of a fancy design and certainly the clerestory adds a lot of height to the structure and how integral it is to the design and if we have some opportunities to address the concern I think everyone has about the height.

Mr. Dobbs said upstairs it is an eight foot sidewall. It is two levels. One over the nine foot door and one over the fourteen foot door and it is an eight foot sidewall on both of the short

sides. Lowering the roof would take away square footage.

Ms. Rasmussen said but you could lower the first floor and instead of a fourteen foot door install a ten foot door which the boat will still go in. If you buy an RV there are options for storage at other facilities. I think it is reasonable to ask that this not be over double of the other buildings. Maybe a maximum of twenty eight feet of roof line.

Mr. Tolbert said does that mean changing the zoning because there are two properties to the north that have the same rights as this R1 that are directly adjacent to it. Now we are talking about a decrease in capability.

Ms. Rasmussen said but along with the zoning is looking at the character of the neighborhood and unfortunately you are in the character of the neighborhood, which is not thirty four feet.

Mr. Tolbert said twenty years ago, many of the neighbors character of the neighborhood was fourteen foot cottages along the lakefront.

Mr. Farmer said this is meant to be garages though and this is massive compared to the garages next to it.

Mr. Tolbert said I understand that but it is zoned for that.

Mr. Farmer said you have a right and I'm not trying to take away your rights. All I am saying is it is going to look terrible.

Mr. Tolbert said initially it was two roads so the lots were not combined in the past. There has been many changes in the past hundred years.

Mr. Farmer said not along those garages though apparently because they are there.

Mr. Tolbert said that's not true because the condos weren't there.

Mr. Farmer said the condos are behind it and that's not even on this property.

Mr. Tolbert said it is directly adjacent to it and it was meant as part of the transition to the property. The architectural pieces that go into the design of this building intentionally match that of the condos.

Mr. Harvey said ok, this is what I am going to propose. I think we need to think about it. The Board closed the public hearing so we have sixty two days to render a decision. Let's go down and take a look at the property and think about it some more. You guys think about it some more. We are going to take the environmental review and action on the application at our June meeting. That will give us some time to think about it some more. I think there are persuasive arguments both directions, however this Board has to look at the existing zoning. We also look at the existing character of the neighborhood and that

street so I want to visit it. Nothing will stop this Board if there are three properties that have this same possibility on it we may very well make a recommendation back to the Town Board. We could do a zoning amendment to address this situation if that is what the Board thinks is merited. With that thank you for your time. If you have other thoughts please communicate them to Jim. Again, by law we have sixty two days.

Mr. Morse said the next meeting is June 24, 2024, but we have many applications so check the website for the time.

PB #77-2024: DAVE & KATHY BUSCHNER 3976 STATE ROUTE 364, CANANDAIGUA, NEW YORK, 14424:

Requests site plan approval to construct a garage addition and covered entry addition to the existing house. The property is located at 3976 State Route 364 and is zoned R1 Residential and LFO Lake Front Overlay District.

Dave and Kathy Buschner presented the application.

Mr. Harvey said this seems pretty straight forward. Were there any variances involved, Jim?

Mr. Morse said there was and they were granted in 1999.

Mr. Harvey said this one has an existing variance and variances run with the land. A motion was made to grant a variance of twenty three feet at the southeast end of the garage, twenty feet at the northeast end of the garage. An eleven and one half foot variance on the southwest end of the property for building a deck and a six foot variance on the northwest property line for construction of the deck and for the steps to protrude out from the north boundary of the house. And a variance of 9% lot coverage to allow a lot coverage of 34%. It still has to conform to the state building code. Is there anything else you would like to add?

Mr. Buschner said it is our intention to build that garage.

Mr. Harvey said and it is just a garage, one story?

Mr. Buschner said yes one story. We are also proposing to put in an entryway to the house opposed to a door on a blank wall and that is the extent.

Mr. Harvey said and that meets the setback requirement?

Mr. Morse said yes.

Mr. Harvey said then my only question to you is, is there an increase in lot coverage on this?

Mr. Morse said to the variance, yes. The variance they were granted was 34% and the proposed is 33.7%.

Mr. Harvey said and their existing is?

Mr. Farmer said and in the calculation is all of these walkways and things were in it back in '95 is what they are talking about?

Mr. Harvey said long story short I think what we are looking for as part of this is there is more impervious area than what's existing proposed and there is additional storm water and we want you to do something with this storm water. Establish a recharge area, something that is capable of getting that water back into the ground.

Mr. Buschner said and what would that entail?

Mr. Harvey said I would talk to your architect. He probably works with an engineer that will come up with an infiltration, a drywell, some type of design that you would end up piping some of the water.

Mr. Farmer said there is very little back up into here there is nothing.

Mr. Harvey said well he is going to end up piping it for sure.

inaudible conversation

Ms. Rasmussen said yeah but they do not include driveways, walkways, break walls, roof overhangs, or steps.

Mr. Harvey said and it is just the property that you own outside of the road right of way.

Mr. Morse said the road right of way is where the driveways are, basically.

Mr. Harvey said we do not take into account any of the paving in the road or even if your lot line goes to the center of the road, that doesn't count.

Ms. Rasmussen said shouldn't the walkways and the steps and the overhangs count.

Mr. Harvey said anything that is impervious that has a coefficient of runoff that's not zero.

Mr. Farmer said but the walkways are considered in the lot coverage or are they not.

Mr. Harvey said yes not unless it happens to be permeable pavement of some kind or sort.

Ms. Rasmussen said so lot coverage is 57.7%.

Mr. Harvey said yes. What is in the front yard now? Is it grass or trees?

Mr. Buschner said the lakeside is grass and trees.

Mr. Harvey said so your engineer is going to look for some place to put some kind of drywall or trench or a rain garden or something to offset the runoff on this lot. Years ago everyone would just pipe stuff and dump it in the lake and that's not allowed anymore.

Mr. Farmer said I would like to see a recalculation of the lot coverage to because now what we got is what looks like it's going to be a catch all like a bathtub right here for water. There is a wall there and it drops off by four feet down right into this patio down here.

Mr. Buschner said it is currently that way.

Mr. Farmer said what is going to be under this porch now?

****inaudible conversation****

Mr. Farmer said yeah the garage but underneath the garage, are you going to fill it?

Mr. Buschner said there will be a foundation and our current garage we have a drain in front of it.

Mr. Farmer said so you will be able to get in under your garage then.

Mr. Buschner said no, there will be a foundation with a slab.

Mr. Farmer said raised up four feet?

Mr. Buschner said correct.

Mr. Harvey said so again, work with your architect and/or engineer. We are going to want to understand where the water is going here because we don't and you don't want it going into your garage.

Mr. Buschner said we are going to have a drain going across.

Mr. Harvey said ok but it needs to be shown on your plans. Without having any of the topography and without having visited the site I don't know where this water is going. I don't know which direction it's flowing or if it's getting cut off by putting that addition? How is this area being drained? Again, your engineer needs to show how that works. I get that this is somehow existing work but now with the addition how is this going to work. I don't want water going into your foundation and I don't want water going into your garage.

Mr. Farmer said here is the bottom of it and if somehow it got clogged that would fill up with four feet of water.

Mr. Buschner said it currently drains right through that area. There is water there now.

Water isn't being created it is currently flowing there.

Mr. Harvey said you can't change, unless you keep it all on your own property, wherever it flows now it's legal for it to flow. If this is extra I am going to want compensation somewhere and you can't dump more water on the neighbors than what is existing, so your engineer will have to show that.

Mr. Bushner said and the options are drywell?

Mr. Harvey said or a raingarden or infiltration trench.

Mr. Farmer said but you got to get it there.

Mr. Harvey said and I will say and I will argue with any engineer that just wants to put a trench drain here, I hate them, they always get frozen up/clogged up and then what happens is the water goes right into the garage and causes a problem.

Mr. Buschner said we don't want that.

Mr. Harvey said exactly and from the Town's point of view I am not going to approve something that has that possibility that lets you sue the Town for approving it.

Mr. Buschner said understood.

Mr. Morse said they are going to have to include updated information because it says that the lot coverage does not include driveways, walkways, breakwalls, roof overhangs, or steps and it says in our code it has to. They also cannot be at 57.7% they were approved for 34%.

Mr. Farmer said and it is going to be tough.

Ms. Rasmussen said it seems like the place to start would be getting rid of the shed.

Ms. Buschner said I know.

Mr. Buschner said so what would you like to see?

Mr. Harvey said we need to see a grading plan and a drainage plan. You should give us some spot elevations and show how the drainage is going to move.

Mr. Farmer said can it be done?

Mr. Harvey said anything can be done, it's just a matter of money. The board is very sensitive to not creating additional drainage on the neighboring properties as well as protecting the lake front quality.

Mr. Buschner said we are too.

Mr. Harvey said that is great to hear.

Mr. Farmer said you have overhead power coming in up there but I see the pole on the other side but it would be nice if you could somehow get that in underground. Would they bring it under the road, Rt 364, for them? Is that possible?

Mr. Buschner said I can't imagine it.

Mr. Harvey said the other thing is, I won't sign any plan that has an address of East Lake Road anywhere visible. Your address is State Route 364. Please have your engineer or architect change that on the plan.

Mr. Buschner said ok, sure.

Mr. Harvey said is there anyone from the public that wishes to address the Board on this application?

Mr. Neary said I am at the adjoining property on the one side. I think it fits great with the neighborhood and I support the project all the way. It is going to be lowering what the house is. They are replacing the dry root to the drainage thing where the driveway is now and have the garage built where the driveway is. Will it change the coverage, probably some but you are addressing all that. My comment would be I would like to see it move forward.

Mr. Philipponne said we have a property nearby and we support the project.

Mr. Harvey then asks for any further questions from the public. Hearing none, he then closes the public hearing and asks the Board how they would like to move forward.

Ms. Rasmussen said I would like to see it with the changes.

Mr. Harvey said fair enough. We will table the deliberations until the next meeting. Submit your changes to Jim at least ten days prior to the next meeting. I don't think this one will take long at the next board meeting. I don't have any other concerns other than I want it to work right for you guys in terms of drainage.

PB #79-2024: SPRINGHILL SUBDIVISION LLC 1777 EAST HENRIETTA ROAD BUILDING A SUITE 100, ROCHESTER, NEW YORK, 14623:

Final Overall Subdivision and Phase 1 approval of 80 lots consisting of 55.6 acres known as the Scenic Ridge Rise Subdivision. The property on the east side of NYS Route 364 south of Angela Way and is zoned R1 Residential.

Mr. Harvey said the public hearing is open at this time. This is for the Scenic Ridge Rise

Subdivision. The current property owner is Spring Hill Subdivision LLC. Doug Eldred and his corporation have permission from the current landowner to proceed with the subdivision application. I haven't seen the applicant. We advertised the public hearing. We will take comments this evening. I want to say things so everyone is aware of where this is in the development. The applicant did submit a preliminary subdivision application and the Planning Board issued a positive declaration of significance under SEQR. We did go through a more than a year long process of having a draft environmental impact statement prepared. We certified it. We scheduled a public hearing last summer on the preliminary subdivision application and on the draft environmental impact statement. We took comments. They went back and the plans were modified. The applicant came back with a final environmental impact statement which was approved by the Board and the Board issued findings. They did issue approval of a preliminary subdivision with several conditions. The Planning Board also decided because there were so many conditions and there were so many things like the Homeowners Association rules and regulations that would be proposed that we would not waive but indeed have a public hearing on the final subdivision application. I want to be very clear about this, we are not here to rediscuss the number of lots or the general configuration. What the Planning Board is doing now is to make sure the final subdivision drawings and materials comply with the conditions that were adopted by the Planning Board with the preliminary subdivision approval. In other words, that whole list of conditions that are on file, do the final subdivision plans and the associated documents meet those conditions. I think the Board is not going to take action on this application tonight but we will hear and put on the record any comments having to do with the applicant from the public. What will happen since the applicant is not present I'm going to give you guys the courtesy, if you will, if you want to speak and make comments you can do that tonight. When people have made their comments I will adjourn the public hearing to be reopened at the June 24, 2024, Planning Board meeting. With that, does anybody want to make a comment on this application?

Mr. Charles said is this process far enough along, and maybe you can't answer this question, does he have a site contractor yet to build these houses?

Mr. Harvey said that is really kind of up to him. It will have to be registered before he gets a building permit. They will have to provide all of their insurances with the Code Enforcement office. He has talked about Ryan Homes in the past but we can't verify if that is under contract or not.

Mr. Charles said also there was something that I didn't understand. The requirements on the solar power in the minutes it mentions that the structures for the homes have to be sufficient roof mounted solar plug tag collection systems. Is this some kind of structure that is going to be mounted on the homes of these houses in case down the road in the future some of the homeowners want to connect to solar power?

Mr. Harvey said so if they want solar panels on their house the houses have to be designed to be able to hold that roof top solar panel.

Mr. Charles said so the roof trusses would just have to hold it?

Mr. Harvey said correct. Given New York State's 2019 Climate Leadership and Community Protection Act they have set up all these parameters of how we are all going to transition to solar, so it only makes sense to make sure new construction would be able to hold those kind of panels. I think we made a condition also for part of the open space to be used as well.

Mr. Charles said that was the second part of my question as well because it was mentioned that 20% would be used.

Mr. Harvey said no more than 20% of the open space.

Mr. Charles said and that would be for ground mounted units?

Mr. Harvey said correct.

Mr. Charles said and it would be owned by the homeowners?

Mr. Harvey said it could be a whole mix of things. In New York State they can be individually owned or they can be in common, etc. They could have a contract. Some of these firms can come in and build something on your site as long as you sign a contract that you are actually going to use it. The intention is not commercial solar to be used off site. It's for that subdivision and the homeowners there.

Mr. Charles said the other question I had was for the requirement for 5% of the houses be available for low income purchasers.

Mr. Harvey said affordable housing.

Mr. Charles said so approximately there would be four houses required and that would be the minimum?

Mr. Harvey said that is the bare minimum that they have to meet.

Mr. Charles said so four of the houses would have to qualify. What does that mean as far as construction of homes? Will they be the same design?

Mr. Harvey said our intention at the time was if you drove down you couldn't tell which one was affordable and which one wasn't. So whether he did a decreased cost and offset the sales price for those four units I don't really care he has to meet that somehow.

Mr. Charles said lastly on the north swale the mowing requirement once a year, is that really sufficient?

Mr. Harvey said it's sufficient to keep the trees from growing and to prevent access. Again, we heard loud and clear from the neighbors to the north that they didn't want a trail through

there but there is still infrastructure that has to be maintained. So that was the minimum, it has to be mowed once a year because that keeps the trees down and they will still be able to access it but it really won't be a trail that people are encouraged to walk down.

Ms. Blumenstock said there is just a couple of major issues that many of us have. The issue we have with the buffer is mature growth, maybe some not as valuable as others, at the south border of our development and Scenic Ridge Rise. We know that the walking trail has been eliminated from that area and we appreciate that. We wondered though how far will that foliage would be retained enough so the existing residents in our neighborhood still have the privacy that they have?

Mr. Harvey said all I can tell you is to look at the plans. We will look at the plans. I think the intention is to make sure there is vegetation left there.

Ms. Blumenstock said he did, at one point, talk about eliminating all the vegetation and planting new but we all know most of us, or many of us, won't be around to see it get tall enough. That's one of the biggest issues.

Mr. Harvey said fair enough.

Ms. Blumenstock said another thing I noticed is some of the printouts, I haven't read them all, is he is allowing sheds. There was a reference to something that I read about sheds but I understood that he was not going to allow sheds, so that's a question.

Mr. Harvey said we will look at the documents and get you an answer.

Ms. Blumenstock said we understand that all of the approvals have to be received from environmental and that in terms of the water, I'm going to call it the water district or the drainage.

Mr. Harvey said there is a litany of approvals from the DEC, from the Department of Health, from the Town water, from the County Sewer District, NYSDOT, I think that might be all.

Ms. Blumenstock said are the approvals happening yet?

Mr. Harvey said that is a great question because there will be a list of permits that he will need some type of approval from the Town to even apply for. Then other things that we the Town, I will not sign the final, assuming it is approved with conditions. He has to complete the conditions and get certain permits before I sign the final subdivision.

Ms. Blumenstock said I know at the last meeting that I attended I heard the Planning Board say a foundation couldn't even be dug until all of those environmental approvals and all of that were done.

Mr. Harvey said correct.

Ms. Eldred said I am Doug's wife. He is going to be there in five minutes. He apologizes. He ran into some construction delays and it has put him behind in getting there.

Mr. Harvey said ok, thank you.

Ms. Rasmussen said back to your shed question, there are no sheds on the north boarder. The lots on the north boarder there are no shed allowed.

Ms. Blumenstock said I think I'm uncomfortable asking this now but anyway, what does phase 1 mean? Does it mean starting a whole bunch of houses or is it starting the environmental development? Is it the evacuation of the property? What does phase 1 mean?

Mr. Harvey said it is part of the construction of the entry road and the development of fourteen of the lots.

Ms. Blumenstock said I think the biggest question that we have is when is all of this going to start? Is it going to start? When is it going to start?

Mr. Harvey said that remains to be seen. If he gets an approval at some point and meets all the approvals, he has to come in and meet all the requirements obviously. Off the top of my head, and maybe Jim you can correct me, he has six months from final approval to get me the plans to sign. He has another thirty days to file it with the County Clerk and then he has two years to make significant progress on the first phase.

Mr. Morse said as well as posting the letter of credit with the Town for the cost of all the infrastructure, site work, etc. Everything that he just talked about, all the agency approvals, has to happen prior to any building permits.

Mr. Harvey said so some people put down money and they go and some people it takes a while. I would say the rest of it, in terms of phasing, will be subject to how quickly they sell.

Ms. Mesner said there is a fence along the south boarder of Angela Way and part is an old rusty fence and a barbed wire fence, I wondered what happens to that.

Mr. Harvey said is that on your property, Doug?

Mr. Eldred said I saw some remnants of it. I think if it is on the property line we will leave it. If it is on my property it could get taken down to put the landscaping in.

Mr. Morse said it is located in an area where it would have to come out.

Unidentified member of the public said I was just wondering who makes the application the developer or the landowner?

Mr. Harvey said Mr. Eldred is not the property owner. He has the property owners permission.

Unidentified member of the public said is that the Spring Hill LLC?

Mr. Harvey said Spring Hill LLC is who owns the property. The limited liability company formed when a previous owner went through a subdivision approval process that was different from this one. Anybody else?

Ms. Ketchum said I have not attended any other meetings this is my first one on this topic. What are the list of conditions?

Mr. Harvey said they are on file.

Ms. Ketchum said and are they available to anyone who wants to see them?

Mr. Harvey said yes.

Mr. Morse said some of it is listed on the Town of Gorham website already. I think we put all the environmental and other environmental attachments there under Scenic Ridge Rise.

Mr. Harvey said it should be with the minutes.

Ms. Ketchum said when you say the environmental studies are complete, does that mean the Town Board is also aware that they were positive and that there wasn't any negative environmental impact by having this development?

Mr. Harvey said we didn't say that. Let me explain it in more detail for you. The Planning Board initiated what is called a coordinated review. So we sent notice to the Town Board, the adjacent Towns, the Department of Environmental Conservation, to anybody that is issuing any kind of permit or approval or performing any kind of review on this project. They all got notices and we received comments from any of them during their review of the draft environmental impact statement. The Board accepted the final. They all got notice where to access the final document and this Board's findings. The Town Board, for example, if they are going to decide to expand the water district they will not have to do a separate environmental review. The environmental review is all done. They will have to look at the environmental impact statement, the Board's findings, and they will have to adopt their own findings based on all that information before they can approve district formation. The agencies, like the Department of Health, are supposed to do the same thing. As far as this Board is concerned it is done. Some of those other agencies, when he makes formal application, the only thing they have left to do is exam the record and do their own findings before they can decide where or not to issue a permit or decide to approve the expansion of the water district or extension.

Unidentified member of the public said I am interested in just seeing the results of the environmental impact statement. Is it on your website?

Mr. Harvey said by law it has to be on there for at least a year.

Mr. Morse said it might be tough to locate but give me a call and I can send it as an attachment. It is a large file.

Unidentified member of the public said last question, the Town has evaluated the impact on tax basis for this development? Water and Sewer and Highway?

Mr. Harvey said once the Planning Board or any agency makes a positive declaration of significance saying that okay your application has enough issues that need to be studied that you are going to have to prepare an environmental impact statement. Its mandatory to go through what is known as a scoping process. We worked with the applicant and established that these are the things that are going to need to be reviewed in the environmental impact statement. So I would refer you to that document. That scoping statement is a subject of a public hearing and it gets circulated to all the involved and interested agencies before it's finalized. If there was a concern by anybody or even the public raised we establish it as part of the document scope. That's a change the state made in 2018 that became effective January 1st of 2019 because the state found over the years that what was happening is a municipality would establish a scope and then decide they want to lengthen this review process and ask them something else to review. They made that change to the regulations so that cannot happen. So even if you think something should have been reviewed and it wasn't it's too late now.

Unidentified member of the public said just curious about the *inaudible* by Water & Sewer and Highway on the tax basis *inaudible*.

Mr. Philipponne said we have property near this development and our biggest concern would be the drainage and we understand that it's probably being engineered and addressed in your comments. Our concern is that hopefully they are spot on because we have a discharge of storm water at our property on the lake. We have observed some substantial problems that have yet to be addressed and I am working with Jim on that. The significance location of the lake. Photos and videos during storm events that would horrify people who talk about protecting the lake because it's not being protected. We want to make sure that their drainage calculations and protection of the water shed are spot on.

Mr. Harvey said thank you and in response I would say one of the things I've been thinking about the Town, the Planning Board has been very deliberate and cautious in that regard. The standard that we've asked the applicant to meet is far and above what any other Town in the Canandaigua Lake water shed and certainly what DEC requires. At the same time we are going to make sure that we have, during the course of this project, the engineer of record professional liability insurance on file as well. Again, that's the design professional's responsibility to ensure the design works the way it's intended.

Mr. Morse said this application did get referred over to the Town Engineer and they have not completed the review of that portion of it yet.

Mr. Harvey said yes the storm water pollution prevention plan. They are working on the review of the water supply report, and the culvert/swale calculations and modeling. It is anticipated that we will have additional comments pertaining to one or both of these items by the end of the week. It's still a work in progress.

Mr. Becue said we own property on Route 364 within spitting distance of the property access to Route 364. I would just like to better understand what is being done with that access to Route 364. We have not been getting any notices in the mail of any meetings or progress or what's so ever. We get the tax bills. We got one ticket today from the Historical Society of Gorham but we are not getting any notices by the Planning Board on any of these meetings or developments. I would appreciate if you could share with me what is happening with the 364 access.

Mr. Morse said his letter got returned, Tom. He has his other stuff forwarded to his house where he lives but this went to his house and got returned.

Mr. Harvey said did you hear that we did mail you a letter.

Mr. Becue said again my point is we get tax bills. We get everything but the Planning Board notices I don't know where they are going. Clearly the Town has not only our address.

Mr. Harvey said that is the address we are using.

Mr. Morse said our IPS system does not pick up secondary addresses. It's a burden of the 911 center, and the addressing, and the post office to get it forwarded and sent to that address.

Mr. Becue said Jim, somehow we are getting the property tax and even the Historical Society. We are not getting the Planning Board notices. So it's incumbent upon, I don't know why you are using a different date base for these contacts.

Mr. Harvey said same date base.

Mr. Becue said it should be one of the same I think.

Mr. Harvey said all I can tell you is check with Jim outside this meeting and see what address it was sent to and we will go from there. What was your other point?

Mr. Becue said what my question is, is there is an access to 364 and I don't have an understanding of what is being proposed, what caveats may be applied, where the water is coming out, what is going to happen with that access.

Mr. Harvey said all I can tell you is to look at the plans. It's obviously a state highway and the location and the design of the intersection is subject to approval from NYSDOT and

it's no secret of what the entry road design looks like. It's on the plan.

Mr. Becue said again well I get back to we have had no notice.

Mr. Harvey said yet somehow you found us on this meeting. Again, I announced that we are not going to take final action on this tonight. You have thirty days to somehow find Jim and find his office and take a look at the plans.

Mr. Becue said that's fine.

Mr. Harvey said anybody else? Again, we are going to adjourn this public hearing and reopen it in June. Does anybody else want to make a comment this evening? If not, Doug, is there some point that you want to make or remarks that you want to make? I would say, it would probably benefit everybody if maybe you organized, and if you aren't ready tonight then in June at the next meeting, to go through the whole condition list and explain exactly how you've complied. I think that will simplify things and if you want to write that up ahead of time send that to Jim so we can post it. I think everybody would appreciate that.

Mr. Eldred said for the conditions of approval I addressed each one in the letter I sent you guys. If you take a look at that and see how I addressed the conditions of approval.

Mr. Harvey said can we try to get that posted?

Mr. Morse said we can do that but I would like to him address the MRB comments as well.

Mr. Eldred said I talked to Collin and he had a couple things.

Mr. Morse said so do it in sections. Address the opposed comments, the conditions and then the MRB comments. Then it will be very easy for everyone to understand.

Mr. Eldred said the other thing I'd like to say is you folks, we had a meeting over at the fire hall, and it was great to meet with you folks. Several of your concerns were included in the plans. One was the trail that was going along the property line has been removed. There are no sheds that will be put in the backyards along your property. I left it in for potential for the other lots. We have a robust landscaping plan along the property line. Of course, it will take a little while for it to mature. I discussed with the Board about possibly leaving a buffer of existing vegetation or putting in landscaping and their preference was to put in the landscaping. I think in the long run it will be more pleasant and will provide a nice buffer. It was up to the Board but I would have done either. The intent here is as the vegetation grows in it will put a substantial buffer consisting of trees, pine trees, shrubbery done by a landscape architect. It is intended to be pleasing to the eye, pleasing to nature, and to all the critters that love that type of vegetation. All those factors that we have put into the plan.

Unidentified member of the public said I will say one word if you are going to put in all

new vegetation there, I am pushing 85, how big of vegetation are putting in? Ten footers? Twelve footers?

Mr. Eldred said they are two and a half inches in caliber. It will take many years.

Unidentified member of the public said but there is mature vegetation there now.

Mr. Eldred said I would do either. I said I would leave a buffer. I said I would put in new.

Ms. Messner said with regard to the landscaping and the buffer, they are available now at Spring Valley, green giant arborvitae. They are taller than I am. I read the label that suggests to plant eight to ten feet apart and they grow fifty feet tall. How about they plant a row of those?

Mr. Eldred said what plant material is this?

Ms. Messner said arborvitae.

Mr. Harvey said I will tell you this, as someone who has a degree in landscape architecture, on north/south rows they really suck at east/west rows because the northside will be completely denuded of vegetation and you'll hate them.

Mr. Blumenstock said there is a fence going along that you said needs to be removed and if its on the property line, how much vegetation is on East Lake View's side of that fence? I've never been down there.

Mr. Eldred said almost none. It is clear where the property line is because there is almost no vegetation.

Unidentified member of the public said the existing fence is an old farm fence. My property markers are right on that fence line. From the fence line towards the development are where the lots start. In the places the fence is intact but most of it is down. It's an old wire fence that has rusted through.

Mr. Eldred said when we go out to do the clearing the property lines will be staked.

Unidentified member of the public said with a development of this size would it be common to have the civil engineer present to discuss the phase 1 plan?

Mr. Eldred said that's me.

Unidentified member of the public said what about the drainage issue?

Mr. Eldred said lets make this really simple, the drainage. All of the water comes off the hill and it drains down and goes into the ditch and goes north or south. All of the water that goes into those ponds has to go through a three inch orifice. That is the only discharge

that I am allowed. The biggest pipe going into the bigger pond is 24/36 inch. It can't go out there is has to go through the three inch orifice and that's how we regulate the flows. The legal condition is to regulate them below existing conditions. We are far below existing conditions because of the type of outfall structure. I did it on purpose. I learned enough from you folks that there is a drainage issue out there. So you got this standpipe and at the bottom there is this three inch hole and only the water goes through there when it gets to the top of the standpipe. It doesn't get to the top of the standpipe until you get a 100 year storm and then it goes out through a ten inch or eight inch pipe. What I looked at was the flow rate of water that comes out into here is less than a 100 year storm. The design was, I said ok here is the 100 year storm volume and that volume is designed to go through that ditch and through the culverts without overtopping them for a 100 year storm. If you were to look at the existing condition regs it would be flooded all over the place. The fact that I am putting these big ponds in and regulating the flows down so much the intent here is to not keep getting any problems for me. I can't speak for other properties, even your property to the north, my understanding is there are some issues with that. With regard to mine, I did my best and the only reason I didn't go smaller than the three inch pipe is because it was highly discouraged because of potential flooding. Three inches is the minimum size I could use. So with respect to what I am doing, I believe we are doing the best we can do to alleviate problems that came from runoff from my property.

Ms. Blumenstock said but we have been assured by the Planning Board that these plans that you are doing and the engineering that you are doing, because of you expertise, when they are built have to be approved.

Mr. Harvey said the preliminary plans have been approved. The have been reviewed. The finals are in review by the Town's engineer to verify the claims and then they will get approved by the Planning Board. That is the final step.

Mr. Morse said also while they are being installed the Town engineer will be doing the inspections on them. We have them do a review and sign off before any release of the surety in place.

Mr. Eldred said I have been doing this for forty four years and I have never done such an extensive erosion control plan as I have for this project. Take that for what's it worth but I will never promise you that you won't see a little bit of brown. Unfortunately silt and clay is suspended and it doesn't settle out. I have tried a lot of things over the years. Filter fabrics and stuff like that. They are just to fine grade and sometimes they don't settle out but they don't cause problems such as fisheries and stuff like that because there's not the concentration.

Unidentified member of the public said the water coming down our property this year is the worse I've seen it.

inaudible conversation

Mr. Eldred said when I look at your property I see pretty high up stream drainage that

hasn't been properly channeled to the ponds down below or intercepted up above.

Unidentified member of the public said the term 100 year storm has been used here and other meetings now the thing we have had with climate change within the last five years we have had three or more 100 year storms. With that they say this is the correct drainage for a 100 year storm but we are having that every year and a half to two years. The 100 year reference does not exist anymore.

Mr. Harvey said that is in discussion. All those references are standard engineer practices. The Town of Gorham has asked and the applicant has complied with a far more stringent standard than any other jurisdiction requires right now. Is it going to be adequate, gosh I hope so. We did our due diligence but at some point you have to realize you are at the bottom of a hill and when the 500 year storm comes on I don't care what infrastructure you got you are going to have flooding.

Ms. Klotz said I just wanted to make a comment that maybe the engineer can answer. A 100 year storm doesn't mean that it happens every 100 years, correct?

Mr. Harvey said correct. There is a 1% chance of it happening any given year.

Ms. Klotz said I think that term is misunderstood.

Mr. Eldred said to make things more confusing there are all types of five year storms, ten year storms, etc. You could have a high intensity short duration storm or lower intensity longer duration storm and they all can be classified as a level as your 50 or 100 year storm. The Town and other agencies require you to look at what's called a 24 hour storm which has been selected as the one that still produces high flow rates but also has high volume.

Mr. Harvey said so just for reference we have all driven on interstate highways and the design standards for an interstate highway access ramp is a five year storm.

Mr. Harvey said we are going to adjourn the public hearing and reopen it on June 24, 2024, to be determined on the time but not before 7:30pm that night.

5. MISCELLANEOUS

There will be 7 applications for the June 24, 2024, agenda.

6. NEXT MEETING

The next regular meeting of the Planning Board will be held on Monday, June 24, 2024, at 6:00 p.m. at the Gorham Town Hall, 4736 South Street.

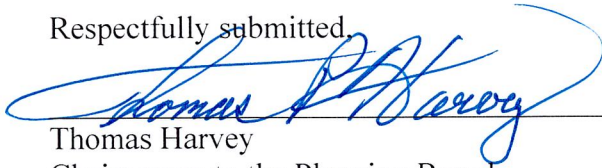
7. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,



Thomas Harvey
Chairperson to the Planning Board

L.S.