

Town of Gorham

4736 South Street
Gorham, New York 1461

PLANNING BOARD

Monday, October 28, 2024 7:30 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*
Bob Farmer
Richard Perry
Andrew Hoover
Gabrielle Harris

Board Members Absent: Jeremy Stowe
Mike Kestler

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

Applicant Present:
Doug Eldred
Brennan Marks, Marks Engineering
Bob Allgrim
Jamie Fischer
Robert Anderson
Sue Shively
Victoria Shively
Bill Grove

Others Present:
Helene & Bill Messner
Gene & Sue Gibson
Ed & Gail Kaiser
Tom & JoAnn Charles

Other's Via Zoom:

- Mark Becue
- Donna
- JJ
- Michael & Diane
- Unidentified
- Lane Brown

1. MEETING OPENING

The meeting was called to order at 7:30 p.m. by Mr. Harvey.

Mr. Harvey said we have several public hearings this evening. Three of the public hearings were adjourned at the last meeting to be reopened. I am going to do one out of order just because one of the representatives could not be here tonight. Generally we will open the public hearing and I will announce the name of the applicant, the type of application it is, and will ask Sarah to ready the public hearing notice as it was published in the official paper of the Town. We will ask the applicant to explain the application. The Board may ask questions and then I will give the opportunity for anybody who wants to make comment on the application. For subdivisions by law we have to take action on the environmental review before the public hearing. For the site plans we will open the public hearing and take comments and after we close the public hearing we will take action. If the Board feels they have enough information they will close the public hearing and take action. On the application themselves, the Board can deny, they can approve as submitted, or they can approve with conditions. That is true whether we have a subdivision, or a site plan, or even a special use permit.

2. APPROVAL OF MINUTES OF SEPTEMBER 23, 2024

■ A motion was made by MR. HOOVER to approve the minutes from SEPTEMBER 23, 2024 and the motion was seconded by MR. FARMER.

Motion carried by voice vote with all present 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 28th day of October 2024 commencing at 7:30 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 #95-2024: VICTORIA SHIVELY 4567 COUNTY ROAD 1, CANANDAIGUA, NEW YORK, 14424: Requests subdivision plat approval for a subdivision of lands

known as the Shively Property Subdivision Plat creating Parcel A-R consisting of 4.208 acres, Parcel B consisting of 4.000 acres and the remainder of land consisting of 33.518 acres. Applicant is also requesting site plan approval to construct a single family residence upon Parcel B. The property is located at 4567 County Road 1 and Tax Map #141.00-1-3.222 and is zoned FP Farming Preferred/Farmland Priority.

PB #96-2024: 247 ACRES, LLC 5144 STATE ROUTE 364, RUSHVILLE, NEW YORK, 14544: Requests subdivision plat approval for a single lot subdivision known as the Subdivision of Lands for 247 Acres, LLC creating Parcel A consisting of 4.852 acres and Parcel B consisting of approximately 42 acres of the remaining land. The property is located on the north side of Kipp Road west of Middle Road and is zoned FP Farming Preferred/Farmland Priority.

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. CONTINUED PUBLIC HEARING

PB #90-2024: ANDY PRESTIGIACOMO DEEP RUN COVE, CANANDAIGUA, NEW YORK, 14424: Requests site plan approval to construct a 21 x 50.5 Multi-Use Recreational area. The property is located at parcel Tax ID# 127.11-1-52.00 on Deep Run Cove and is zoned R1 Residential and LFO Lake Front Overlay District.

Mr. Harvey said we are going to reopen the public hearing on this application. Would anyone here like to make comment on that application? If not, then I am going to adjourn the public hearing to be reopened at this same location at 7:30pm on Monday, November 25, 2024 at the next regular Planning Board meeting.

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 what is going on, other than that you paid your bills.

Mr. Eldred said not much. I paid my bills. I was expecting to get the Town Engineer to wrap up his comments. I personally haven't seen them. I don't know what's going on.

Mr. Harvey said as far as I know we have not gotten them back yet. When was the bill paid.

Mr. Morse said last Friday.

Mr. Eldred said no it wasn't. It was the first week of the month.

Mr. Morse said we sent over a list for LeTourneau, Scenic Ridge Rise, and an additional one and his priority was getting LeTourneau completed. As of today, I have not received comments back.

Mr. Eldred said that is disappointing.

Mr. Harvey said for you and me both. Let's go through, for the benefit of everybody here, some of the conditions that were in the preliminary subdivision approval. One of them was eighty single family residences.

Mr. Eldred said if you remember I addressed each of them in my submittal letter.

Mr. Harvey said I am going through them because they are going to be recited in whatever resolution is going to be done. The layout of the subdivision has been modified to avoid residential and road development on areas of shallow depth to bedrock on the southern portion of the property. The grass swales to the north of the main entry road have been eliminated and replaced by roadside concrete swales as found acceptable to the Town Highway Superintendent. You have revised the stormwater inlet and piping design to ensure the concrete swales are not overburdened.

Mr. Eldred said yes.

Mr. Harvey said the pedestrian trail has been removed along the boundary with East Lake View Estates.

Mr. Eldred said yes.

Mr. Harvey said and you have sidewalk along the main entry road to the Scenic Ridge Rise subdivision.

Mr. Eldred said yes.

Mr. Harvey said the swale adjacent to the East Lake View Estates property line has been deepened by at least one (1) foot and the Homeowners Association shall be responsible for annual mowing of at least ten feet in width centered on said swale.

Mr. Eldred said yes.

Mr. Harvey said stormwater has been intercepted from uphill agricultural land to the east minimizing to the extent practical the impact on the forest area on site.

Mr. Eldred said yes.

Mr. Harvey said the landscape plan has been developed and submitted for approval by the Planning Board. It's in your application package.

Mr. Eldred said yep.

Mr. Harvey said a vegetative buffer using native species has been included in the landscaping plan between the residential lot with frontage on State Rt 364 and the adjacent residential property to the north.

Mr. Eldred said yes.

Mr. Harvey said the applicant has not submitted the actual proposed bylaws of the Homeowners Association.

Mr. Eldred said I have not but I did include the list of items that I felt the Board would want included.

Mr. Harvey said which is fine. One of the things we are going to have to decide is is if that is sufficient or if we are going to see that finalized before any building permit being issued.

Mr. Eldred said before permits, yes.

Mr. Harvey said that's what I'm thinking. We changed the emergency vehicle access road to a crash gate with an open man gate.

Mr. Eldred said I would like to discuss that a little bit. I have given it a lot of thought and I think as you know it affects me personally. We are showing the gate down here at the roadway which is kind of logical. I am thinking personally that I have this big knot in my stomach that it is going to be very detrimental to that particular lot. It is going to look like it is cordoned off or not accessible in some manner. I had two thoughts along that line if you could help me with those. One would be to put the gate back behind the driveway just so they aren't looking at this gate thing right at the entrance of the lot. The other would be just to do it with signage and if we put it back here I guess I'm asking if we would allow access just for the one lot.

Mr. Harvey said absolutely not. You can dress it up however you would like. My position and the whole Board has to vote on this, but I'm not going to give you approval for something that violates the Town's Access Management Local Law.

Mr. Eldred said I will have to put trees or something because as you can imagine as you come up Route 364 and all you see is a gate blocking you off the house and that isn't very attractive.

Mr. Harvey said all you are trying to do is make sure cars aren't driving in and out.

Mr. Eldred said I did it as a simple gate. There is a detail on the plan. I had to at least ask. Thank you.

Mr. Harvey said you have revised the grading of the proposed roads is in compliance with the maximum slope allowed as designated in the Town's Design Standards.

Mr. Eldred said it never exceeded the Town standards but yeah.

Mr. Harvey said what happened with or have you made application to DOT about the sidewalk on 364 and the crosswalk?

Mr. Eldred said I have not. I kind of wanted to get through this.

Mr. Harvey said there is kind of a smorgasbord there so you need to tell us if there is a plan or if there is not a plan. I know DOT is not real excited about a crosswalk there but it's something that you put in your plan. Decide one way or the other and I think ten days before the next meeting you have to have a final answer.

Mr. Eldred said okay.

Mr. Harvey said did you show on the plans the right of way for an interconnection at the top of the hill through the forest?

Mr. Eldred said yes.

Mr. Harvey said so that is compliant. That pretty much is the list. Again I will remind you and anybody else that wants to make comment that the reason this Board decided to have a public hearing on the final was to ensure that you met all the conditions that were issued with the preliminary. That is the most constructive comments we can get at this point. The environmental review is complete on this. The environmental impact statement was done, finalized and accepted back in November of last year. Do you have anything else to say and I'll ask if anybody else does.

Mr. Eldred said no, I did have a request that I assume would come about with the Town Engineer. About the downspout connections in the front having those go on splash blocks and I don't know if this Board has any thoughts on that.

Mr. Harvey said if they drain okay and the grading is such that it ends up in the stormwater facility, I couldn't care less.

Mr. Eldred said this situation where we have a nice 2-3% slope minimum and drains to the front it is more environmentally friendly for one thing. Quite frankly I am looking for ways to reduce the cost of it. I did make an exception; it was required by the geotechnical report for the lots close to the bedrock so they would in fact still have gravity drainage over there.

Mr. Harvey said submit it to MRB. I think the other thing I forgot to mention was the

phasing plan. Is there a phasing plan?

Mr. Eldred said yes, it is on the sheet. It's on the plans.

Mr. Harvey said do any of those correspond to New York State's requirements for a single point of entry? What's the limit?

Mr. Eldred said no I haven't put it on there.

Mr. Morse said I am still waiting on the information from New York State for the variance for sprinkler systems.

Mr. Eldred said we said we were doing sprinkler systems except for the first thirty lots.

Mr. Morse said we talked about this at meetings and over the phone. You can't just pick and choose. If there is more than thirty two homes and you are going to do the top them you have to do every house.

Mr. Eldred said I will give you some correspondence from Mr. Jim Burton. He is on the state board.

Mr. Morse said he was the one I talked to. There were two people I talked to and they reassured me that I was interpreting the code correctly.

Mr. Eldred said okay if we have to have it on all of them then we have to have it on all of them. That's not what he told me, so.

Mr. Harvey said that is in lieu of the variance.

Mr. Eldred said I can't get a variance. Jim Burton made that clear.

Mr. Harvey said okay. That will be addressed in whatever resolutions as well.

Mr. Morse said this has been ongoing for years and the last time we talked was maybe 4 or 5 months ago and I said if all the houses are going to be off of one single access they all have to have sprinkler systems.

Mr. Eldred said I was told by the Town Engineer to mention and put on the plans which would not have sprinklers which I did. I was addressing that comment the way that I asked it. I talked to Jim Burton previously and he said that was copasetic, if it's not, then obviously I have to change it.

Mr. Harvey said get something in writing and get that taken care of. Anything else?

Mr. Eldred said yeah, I am really disappointed that finally, and I apologize for putting this off, I make the payment three weeks ago and nothing is done. I asked MRB and it sounds

like he hasn't even been asked to finish it. I'm very disappointed.

****inaudible conversation****

Mr. Harvey said does anybody wish to speak to this application?

Mr. Charles said at what point in the final approval process do the terms and conditions for the HOA have to be presented to the Town? I was kind of confused earlier it was mentioned that the HOA would be approved prior to issuing the building permits. Can the building permits be issued without an HOA?

Mr. Harvey said no.

Mr. Morse said no. Nothing is getting issued until we have everything letters of credit, variance from the state based on whatever their interpretation is but I also spoken to one of them so I know what their answer is. I'm not even going to issue a permit for the ground to be cleared until we have everything.

Mr. Harvey said so what will happen here is whenever we get all our comments in, and hopefully we hit the next meeting, the Board will take comments and then close the public hearing. The Board will consider a resolution probably to approve it will a whole bunch of conditions and it will mirror what was done with the preliminary. They will have to produce a plan that says preliminary and get my signature on it and that will need to go New York State to get their permits from NYSDEC, from County Sewer District, from the Department of Health, etc. All of that gets approval and all of that comes back and produce them here and then and only then do the get a Final Plat signed to record at the County Clerk's Office. One of the conditions we made in preliminary is the Homeowners Association, even if we don't see a final draft of that before the subdivision is signed, what Jim said is exactly correct there will be a condition that no construction, no sales, no building permits will be issued until that document is finalized. He will need an approval from the State Attorney General's Office on that as well. Homeowners Associations go to the state for filing and approval. Any other comments, if not, we are going to adjourn this public hearing, hopefully for the last time, until 7:30pm on Monday, November 25th.

PB #92-2024: LETOURNEAU CHRISTIAN CENTER, INC 4950 COUNTY ROAD 11, RUSHVILLE, NEW YORK, 14544: Requests site plan approval to construct a multi-purpose facility to accommodate indoor sports, social events and communal activities. The project will also involve a lot line adjustment, sitework for new parking areas and additional vehicle circulation throughout the property. The property is located at 4950 County Road 11 and is zoned R1 Residential and LFO Lake Front Overlay District.

Mr. Harvey said we have had a lot of back and forth with you guys and I appreciate LeTourneau hosting the county and myself walking the site with Kevin Olvany from the Watershed Council as well. We have gone back and forth and just today Ontario County

Public Works just came out with a bunch of comments as well. Pretty minor stuff I think and I know we have had a lot of discussion on alternatives.

Mr. Marks said the layout hasn't changed. It is the same thing that we presented to you last time. Obviously some minor details have been figured out in the meantime. The layout is for the main emergency loop road with parking modifications and a new multiuse building with a parking lot associated.

Mr. Harvey said did we add the relocated buildings?

Mr. Marks said not on the rendering but it is on the site plan.

Mr. Harvey said and that has been filed with Jim and we are all good?

Mr. Marks said yes. Two of the twelve cabins are getting relocated and you will see it on the site plan. They are relatively small buildings that are relatively easy to move. They have been moved several times on the site already. After our meeting we did pick up a few problem areas on the site now. I wanted to present some pictures to you showing what the existing conditions are. As you can see in the northern parking lot and culvert the water has no place to go. It traverses down through the parking lot on overland flow causing a lot of erosion and causing a lot of scour moving a lot of sediment down the hill and depositing that in the right of way. It is very much a problem for LeTourneau and the site. All of our site planning will provide the infrastructure that is needed to address these concerns. The profiles here in the corner that I wanted to show to you shows the existing driveways basically start at the edge of the pavement and go straight up the hill. There is no approach it just goes straight up the hill. So basically everything that goes down the driveway ends up on County Road 11. We are proposing regrading those driveways with a 2% grade off of the edge of pavement to a low point which essentially lines up with the center line of the ditch and then we are going to climb the hill. Anything coming down the hill is going to hit that low point and not necessarily have the opportunity to climb up on to County Road 11. All the driveways that access onto County Road 11 are going to be crowned so eventually it will be diverted to the roadside swale.

Mr. Harvey said I know that was one of the comments from DPW that they wanted that existing northern parking lot southern entrance that is going to be just pedestrian they want that one fixed as well.

Mr. Marks said we will definitely discuss that with County DPW and if it comes down to it that is what we will do. The ditch here along County Road 11, which is the ditch basically in front of LeTourneau, has little to no slope and necessarily does not drain well. Way down here there is a culvert and right in front of that is a cross culvert that crosses County Road 11 and goes to the lake. This culvert system will be replaced. We will work with the County on the ditch and see what needs to be done there. Essentially everything is going to maintain the same drainage patterns as existing. The northern entrance is the biggest problem of this area of East Lake Road so we wanted to state how we were going to address that. In terms of the site plan, after our discussion with the

County and concerns about the straight driveway which is about 500 feet long we don't want all this water running straight down this driveway onto the County highway. We discussed having this turnout detail on the catch basin of the curbs so they would turn out if the catch basin were to overflow it would spill out into the grass area eventually it would come back and reconnect back into the road ditch. We are providing more of a catchment over the top of each catch basin so we can direct it into the pipe and get down to the lower bioretention center where we can provide treatment and we can provide quantity reduction. We can shave that peak flow off. We also added more catch basins as you go up the hill to further capture that stormwater coming off the road. As it is now the road is all stone that has a natural erosion ditch on either side of it that runs straight out into the County highway. There are a few drainage structures in there but none of them are working. It is a big improvement to the existing conditions here. There is a diversion ditch up here in the woods that diverts all this water coming down onto the property to this stream here. The water we are concerned with is mostly onsite water. We discussed on the site this road here and we provided a catchment on the northside of the maintenance building which is going to capture water coming down the hill here, water coming down off the cabins here, to the backside of the maintenance building where we are going to capture that and put it into an inlet. Our plans previously and still reflect this radius parking area that is further going to cut off that runoff coming down the hill so it's not going to run straight out that north entrance. There are inlets on this radius where there is a curb on the downhill side basically directing it into the inlets. Those inlets come down to a maintenance drainage system here and there is an infiltration trench which is then directed to the culvert that outlets onto the County highway across from another culvert that goes to the lake. We have provided this infiltration trench that goes along the outside of the existing parking lot to further capture that water coming down the hill. Produce means for it to infiltrate into the soil. Provide some detention in the stone roads before it is overtopped and transported to the County Highway.

Mr. Harvey said so the area that is draining to the northern curb cut is very very small now.

Mr. Marks said yes. As you can see now the drainage area tributary to the northern entrance is very large so we are significantly reducing that to the tune of about 90% reduction area that is tributary to that north entrance. We have also provided crowning on that road, roadside ditches and a new culvert so again that low point is going to capture before it runs out into County Road 11.

Mr. Harvey said and your stormwater facility is the one just downhill from the proposed gym will outlet back to down.

Mr. Marks said yes it is going to outlet to the south to the existing ditch.

Mr. Harvey said and the other one outlets where?

Mr. Marks said to catch basin on the entrance which outlets across LeTourneau property on the other side to Canandaigua Lake.

Mr. Harvey said and that is going to remain under the driveway?

Mr. Marks said that is correct.

Mr. Harvey said and the outlet to the west of the main parking lot, where does that go?

Mr. Marks said that one cuts across through partially Letourneau's property and partially through the neighbor's property to Canandaigua Lake. We have addressed, for the most part, MRB's comments with a few general water main comments discussing how we were going to tap into the existing waterline on the west side of the road. MRB has gone through the stormwater report and the drainage calculations and have no further comments on our drainage report.

Mr. Harvey said so what the County is saying in #6 is they want the culvert pipe on County Road 11 within the right of way near the southern driveway replaced and they want a manhole in the center of the driveway there because right now it's blind junction.

Mr. Marks said we will continue to work with County DPW on their comments because we just got those today.

Mr. Harvey said they want the stone fill for the ten foot spillway extended to the ditch line. One of the points they made is one of the approximate disturbance limits is 3.6 acres but on one of the drawings it says 4.1 acres.

Mr. Marks said I will clarify that with the County.

Mr. Harvey said the applicant's engineer shall provide a ditch profile. That you can handle with them. Clarify they had a question about the crosswalk.

Mr. Marks said its existing actually.

Mr. Harvey said it is but it was labeled on C100, that drawing, as new crosswalk.

Mr. Marks said I think that was just a typo on our part.

Mr. Harvey said clarify with DPW. That was everyone assumption that it was not changes.

Mr. Marks said it is not changing, no.

Mr. Harvey said their only big stick is making sure that driveway that is going to be used a pedestrian and cart access doesn't drain right out into the public road. Similar to MRB comment 21A each cross culvert shall be the analysis point for each watershed showing the existing and proposed stormwater discharges, is that any way different than what MRB has approved?

Mr. Marks said I think what we are running into here is the County is looking at an earlier set of plans and reports than the ones we provided because I think MRB got through that with the latest edition.

Mr. Harvey said my recollection was that it had been addressed. Does the Board have any questions? Does anyone from the public wish to make comment on this application?

Mr. Kaiser said last time we talked about putting a pipe in that infiltration trench more to pipe to the overflow catch basin on either end to act as a spill way. The water that comes down that hill currently in a big rain is tremendous and now we are going to pave it. Two fold it helps with the stone coming down the hill but it is going to get the water into that ditch faster. Just some sort of overflow protection if possible. Anything that can be done we talked about that and you had mentioned that you thought that would help.

Mr. Harvey said personally I think everybody doesn't like the road that goes straight up the hill but it is there. I know that we have gone back and forth a little bit but can you talk a little bit about alternatives you have considered. If there is a way to get rid of that road or parts of it, it would be a wonderful thing.

Mr. Marks said I appreciate your concerns. In the narrative that we sent back to you, the south entrance to the dining hall is the main food service dining access. The tractor trailers pull up the driveway and then they backup into that dining entrance to unload food. At some point when they were working on this they tried to deliver food in this lower parking lot which they had to go through guest spaces and use an elevator to get it up to the dining hall. It was very impractical as far as campus functionality. There is also an entrance here at the upper level on the northside that they have also tried to use for deliveries, however when the tractor trailer parked there because of the incline it is unsafe for them to unload. It is optimal to keep using that south entrance to the dining hall. We looked at a "T" entrance or a "T" turnaround and actually placing the multipurpose building here however we would have an 8-10 foot retaining wall on the backside and it would eliminate access to all the northern part of the campus which is all the cabins.

Mr. Harvey said but you had a connection this other way.

Mr. Marks said we preferred to have two points of access for emergency vehicles and for dropping off. Also the grade here is steeper than where we relocated and there would be no place for parking. We have gone through several alternatives on how we are going to maintain access to the dining hall for tractor trailers and then spot a multipurpose building. The multipurpose building being up and in back with the parking behind it is actually more pleasing aesthetically when you drive down County Road 11 and there is less disturbance to the site.

Mr. Harvey said your emergency access really comes the other way. That road is compliant?

Mr. Marks said neither road is compliant and we have addressed that. This is the least steep option which is straight up which is 16% grade max going up the hill.

Mr. Harvey said Jim, I know we got a letter from Crystal Beach and they don't care basically and they can deal with the steeper slope. What's the process for you?

Mr. Morse said it gets referred back to the authority having jurisdiction but if they are okay with that portion of that but where is the 16%?

Mr. Marks said the 16% is the straight shot it's actually 20% on the entrance coming up here. This is the north driveway profile. You come off the road at a low point and you climb at 20%. A paved road negotiable by most pedestrian vehicles. There is a section at 17% as you come up just past the maintenance building. The south driveway, which is a straight shot up the hill, right of the road we climb at 13% and we level out at the dining hall where the tractor trailers are able to negotiate. Then we climb again at 16% to go up to the multipurpose building at the top. Vehicles when you are driving straight and not trying to negotiate turns can maneuver up a 16% grade. It's when you start turning and switch backs is when you start three wheeling.

Mr. Harvey said yes that is part of the discussion we had in terms of your analysis with alternatives with "T's" and circles. It just doesn't make the situation any better. So, is this up to you?

Mr. Morse said I was referring it back to them if they can get their emergency vehicles up there. I said I needed it in writing from them, which they did. It's an existing condition. I know they are adding to it by adding the facility up there but it is a facility they have been comfortable with and they seemed fine with it so I referred back to their judgement on that.

Mr. Harvey said so if the Planning Board approves then you are going to issue a permit based on that.

Mr. Morse said based on the letter provided by the fire department.

Mr. Marks said forsake of discussion on that topic, parts of Jones Road are over 20% in grade. This is going to be better than Jones Road is my point.

Mr. Kaiser said now hearing 17% and 20% for that south driveway, you are trying to divert the water off the side of it to the retention pond, so first of all what is the volume of that retention pond? Again, there is a ton of water coming down that hill. I know in the past the Town has requested the neighbors residential put in underground storage facilities, or some sort of underground storage facilities, or water retention. Has that been looked at here at all? There is a lot of water and back to your meeting onsite, the swale up behind the cabins that catches the water coming down the hill, maybe we can do something with the farmer up above. Get him to retain some of his water so it doesn't

come down the hill to the camp. I know we are opening pandora's box here because how far do you go.

Mr. Harvey said one of the things is there is not a lot of uphill drainage that comes out of this property that goes through this part. Again, never approved, at some point in time way up on the hill a diversion swale was installed and what used to come from uphill goes down to that swale that runs through the south side of their property.

Mr. Kaiser said and goes into that culvert that I have seen two times in the last ten years it blocks up and the water goes up over the road and washes the garage doors out of the house right there.

Mr. Harvey said I have been thinking about that situation because it kind of happened we did tour it and the unfortunate part is up in the woods there the thing does need maintenance. I think you guys did agree to that, that there would probably be some kind of a maintenance schedule and inspection schedule on that we would love to see some detention up there somewhere. You would end up losing forest cover and it wouldn't make it any better in the long run.

Mr. Kaiser said unless you get it up on the farmers property that is already cleared.

Mr. Harvey said it is farther up the hill and he's got a maple syrup collection set up in the woods.

Mr. Marks said from the existing to the proposed conditions we are actually reducing the stormwater volumes coming off the site by about 5% for the 100 year storm, so there is a reduction. That is a state requirement for the permit.

Mr. Harvey said if it ever happens it should be better than what it is. One of the things we tried to describe and it is in the comments from the County as well is trying to get some of the water and high flows out of the roadside ditches and bring some detention as it moves down the hillside. To slow it down he has multiple spots where he has inlets to convey the water out of that gutter to the stormwater facilities as well. Right now what is there, again Brennan has stated very clearly, does not function at all. Another comment or question?

Mr. Kaiser said no when you are pushing the water to the lake quickly and looking at the lake today the blue green algae was the worst I have seen all summer.

Mr. Harvey said he is trying to slow it down.

Mr. Gibson said I would like to know how the flood in August compared to a 100 year flood or a ten year flood.

Mr. Harvey said I will say something as you gather your thoughts for a second; we used to think of floods as a result of an area wide storm where there is rain all over the place.

Now we are getting frequent microburst storms that just inundate a small watershed. In Canandaigua last summer in 2023 and Geneva had the same thing they had something that was somewhere around a 500 year storm and the sucker broke watershed and Geneva had the same thing in their Castle Creek watershed. I don't care what you build you aren't going to deal with all this, however the design standard that you guys are using is?

Mr. Marks said the NYSDEC stormwater general permit GP-O-20-005.

Mr. Harvey said and the design storm is?

Mr. Marks said 100 year storm.

Mr. Harvey said so it should be better.

Mr. Gibson said I appreciate the attention on that north driveway. I also looked at the lighting and I am curious with all the lighting that I saw how that is going to light up the neighborhood. Is there going to be shades on the lighting?

Mr. Marks said the lighting is concentrated on the drive isles and parking lots. The lights will be on based on how the camp wants to operate their facilities, which will be during the times of operation so they can set timers. For the most part the lighting is designed so it doesn't spill over onto the neighboring properties because that is the requirement. It is all dark sky compliant so we don't have that sky glow. I can't say there is not going to be lights on the site but they are put there for security reasons so people can safely access buildings, access their vehicles and access the sidewalks.

Mr. Harvey said what is the normal operation? Are they on all night?

Mr. Fischer said oh yeah, as long as our guests have to traverse certain areas they have to be on. That is typically on the weekends for ten months out of the year and in the summer pretty much every day. So, Thursday at best through Sunday.

Mr. Harvey said and that's not a change from existing, so you are replacing the lights with different fixtures as part of this project?

Mr. Marks said that is correct.

Mr. Harvey said so they are going to be more dark sky compliant when they aren't now.

Mr. Gibson said I understand there is shading you can do to a light so it doesn't go onto a neighbor's property.

Mr. Marks said there are a lot of cutoffs on them so they focus straight down.

Mr. Harvey said they aren't going to be perfect but they are going to be better.

Mr. Gibson said I looked at a couple of the other drawings for demolition and utilities. I saw the watermain and I saw the gas main but I didn't see the sewer main.

Mr. Marks said there was a change and there is actually a six inch sewer line that comes up on the site near that south entrance. It actually comes up the hill almost directly across the parking lot on the driveway. We are planning to connect into that six inch lateral and extend that up the hill for the new building.

Mr. Gibson said there is also a sewer line that is connected into the street sewer that goes up that driveway.

Mr. Marks said yeah that is a six inch lateral.

Mr. Gibson said I didn't see it on the drawings noting it was there.

Mr. Marks said possibly it is a fated line. It shows existing and we don't plan to change it at all.

Mr. Harvey said and it is deep enough with all the grading changes that it won't be affected?

Mr. Marks said that is correct.

Mr. Gibson said one last thing, I am looking at C100 and I noticed you have a Do Not Enter sign at the bottom of the driveway ****inaudible**** have you thought about putting a Stop sign there?

Mr. Marks said the existing driveway where the crosswalk is?

Mr. Gibson said you have it on the other side on your plan but would you put a Stop sign on the north driveway?

Mr. Harvey then asks Mr. Gibson to step up to the table to show on the plans where he is referring to. They discussed where various signs are or could be and where an additional Stop sign could be located.

Mr. Harvey said would anyone else wish to comment on this application. Hearing none I will close the public hearing at this time.

Mr. Harvey said the Environmental Assessment Form Part 2 all answers were no or small impact. Question 4 stating there are no officially established critical environmental areas in the Town. Question 8 we based our answer on the October 18, 2024 letter from the NYS Office of Parks, Recreation, and Historic Preservation saying they didn't have any concern with archeological or historic resources with regard to this project. Question 9 and 10 we based the answer on the extensive improvements to be made to the stormwater management on the site improving the existing conditions.

Mr. Harvey makes a motion to move Part 2 and 3 of the Environmental Assessment Form and the motion was seconded by Mr. Hoover to approve and to make a negative determination of significance. The motion was carried with all present voting aye.

A motion was made by MR. FARMER and the motion was seconded by MR. HOOVER to approve the site plan as submitted with conditions. The motion was carried with all present voted aye.

**LETOURNEAU CHRISTIAN CENTER
RESOLUTION
Application #92-2024**

WHEREAS, Letourneau Christian Center submitted a site application, known as the New Multi-Purpose Building for LeTourneau Christian Center Inc. Application #92-2024, for property located at 4950 County Road 11 on July 8, 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 August 19, 2024; and

WHEREAS, The Planning Board did conduct a Public Hearing at 7:30 PM on August 26, 2024, September 19, 2024 and October 17, 2024 at the Gorham Town Hall, located at 4736 South Street in the Town of Gorham; and now, therefore be it

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

1. As-built must be submitted to the Town once construction is complete showing the location of the underground utilities including the electric.
2. Finalize with the Town Water or Town Board the details concerning water service.
3. Whether or not the driveway needs to be converted to a cart and pedestrian entrance needs to be modified to meet the County Highway recommendations.
4. Work with County Highway to meet all comments and recommendations regarding the culvert pipe replacement and manhole in the center of the driveway.
5. Eliminate the solids bypass pumping on submitted plans. (Public Works comment #4 on C101).
6. All exterior lighting must be dark sky compliant.

- 7. Modify C102 to say Town of Gorham not Town of Canandaigua.
- 8. Extend the stone fill for the spillway to the ditch line.
- 9. Work with County Highway for the ditch profile.

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.

5. NEW PUBLIC HEARINGS

PB #95-2024: VICTORIA SHIVELY 4567 COUNTY ROAD 1, CANANDAIGUA, NEW YORK, 14424: Requests subdivision plat approval for a subdivision of lands known as the Shively Property Subdivision Plat creating Parcel A-R consisting of 4.208 acres, Parcel B consisting of 4.000 acres and the remainder of land consisting of 33.518 acres. Applicant is also requesting site plan approval to construct a single family residence upon Parcel B. The property is located at 4567 County Road 1 and Tax Map #141.00-1-3.222 and is zoned FP Farming Preferred/Farmland Priority.

Mr. Harvey said what is the disposition of the rest of the property? What is going to happen with that eventually?

Mr. Grove said the thirty three acre parcel?

Mr. Harvey said yeah.

Mr. Grove said what do you plan to do with the thirty three acres?

Sue Shively’s response was inaudible.

Mr. Harvey said okay so it’s not going to be further subdivided. Before we go any further I am going to adjourn the public hearing on this application because the Board has to make a determination of significance to make the application complete. In that regard on the short environmental assessment form Part 2 we answered no to all the questions. Question 4 there are no critical environmental areas that have been established in the

Town of Gorham or approximate to it. Question 8 has to do with will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources. The Planning Board based it's answer on the fact that there are no known archaeologically sensitive areas or sites on the state or national register of historic places on or approximate to the project site. Question 9 & 10 have to do with adverse changes to natural resources wetlands, waterbodies, groundwater, etc. and will the project result in an increase in the potential for erosion, flooding or drainage problems. The Planning Board based it's answers upon the erosion control and stormwater management facilities being constructed as part of the project. If that is acceptable, does someone care to offer a motion to approve the environmental assessment form making a negative determination of significance?

Mr. Perry made the motion and Mr. Hoover seconded. Is there any further discussion? Hearing none the motion carried with all present voting aye.

Mr. Harvey said now I am going to reopen the public hearing at this time. So, you are building a house tell us anything in particular about the house and the stormwater management facility.

Mr. Grove said there is an existing house on the parcel A-R. That parcel is currently 3.6 acres but as part of the subdivision they had to do a minor lot line adjustment so that parcel will be 4.2 acres. The new house will be on parcel B where Victoria is going to build a house and live there next to her parents. It's a standing corn field right now but the idea is to build a house. The septic system will be a shallow trench. We do have septic approval from Canandaigua Lake Watershed. I don't have to hard copy yet but he did send out an email approval on the septic. Stormwater is pretty standard. We are running all the roof liters out to a vegetated swale.

Mr. Harvey said at an infiltration rate that will let that amount of water get back in the ground?

Mr. Grove said yes.

Mr. Harvey said perfect. I like it.

Mr. Grove said no variances were required. We meet all setbacks.

Mr. Harvey said tell me about the house. Sloped roof? Masonry foundation?

Sue Shively said it is a masonry foundation, I think, and the roof is sloped.

Mr. Grove said it's a modular.

Sue Shively said it is a Key Home.

Mr. Harvey said no flat roofs.

Mr. Grove said no.

Mr. Harvey said exterior lighting?

Mr. Grove said only where necessary and it is dark sky compliant.

Ms. Harris said does the driveway meet the access management plan?

Mr. Morse said it is very close. The County wanted it directly across from Hall Road. There was a field cut there. They have since enhanced it.

Mr. Harvey said so they are okay with it?

Mr. Morse said yes, they wanted it directly across from the intersection.

Mr. Harvey said which makes sense and would be compliant with our access management plan.

Mr. Morse said they came in and met with me on that and I told them the County would have the final say.

Mr. Harvey said does anybody wish to make a comment on this application? Hearing none, I will close the public hearing at this time.

Mr. Hoover offered a standard resolution for approval and was seconded by Mr. Perry to approve the subdivision and site plan as submitted with conditions. The motion was carried with all present voted aye.

**SHIVELY SUBDIVISION & SITE PLAN
RESOLUTION
Application #95-2024**

WHEREAS, Victoria Shively submitted a subdivision and site plan application, known as the Shively Site Plan & Subdivision Application #95-2024, for property located on County Road 1 on August 29, 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 subdivision and site plan application was advertised in the official newspaper of the Town of Gorham, specifically in the Finger Lakes Times on October 21, 2024; and

WHEREAS, The Planning Board did conduct a Public Hearing at 7:30 PM on October 28, 2024, at the Gorham Town Hall, located at 4736 South Street in the Town of Gorham; and now, therefore be it

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

1. As-built must be submitted to the Town once construction is complete showing the location of the underground electric.

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

1. Mylar original of the Subdivision Plat, bearing the seal of a Professional Engineer, Surveyor, or Landscape Architect licensed to practice in the State of New York;
2. Three paper copies of said Mylar Subdivision Plat, bearing the seal of a Professional Engineer, Surveyor, or Landscape Architect licensed to practice in the State of New York;
3. A copy of the deed(s) for all new parcels to be created as part of this subdivision; and further
4. 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;

RESOLVED, That the applicant shall have 60 days from the date the Chairman of the Planning Board affixes his signature on said subdivision plat to file said Mylar and 2 paper copies, along with the deed for each lot, in the office of the Ontario County Clerk; and further

RESOLVED, That failure on the part of the applicant to comply with any requirements of this resolution shall render the approval of this subdivision application null and void; and further

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 #96-2024: 247 ACRES, LLC 5144 STATE ROUTE 364, RUSHVILLE, NEW YORK, 14544: Requests subdivision plat approval for a single lot subdivision known as the Subdivision of Lands for 247 Acres, LLC creating Parcel A consisting of 4.852 acres and Parcel B consisting of approximately 42 acres of the remaining land. The property is located on the north side of Kipp Road west of Middle Road and is zoned FP Farming Preferred/Farmland Priority.

Mr. Harvey said the Board has to make a determination of significance to make the application complete. They are creating a four acres lot with a pond on it. Why 4.852 acres? Do we know what the soils are because if there is not good perc-able soils on this our code says five acres. Applicant you have proposed a subdivision with no development at this point in time but once the Planning Board approves the lot we are basically saying it's a buildable lot so if the perc's don't work or there is not a good water supply or there is a problem with access that's on us. So, would you mind telling us what is going on?

Mr. Brown said the goal would ultimately be to build on there. To build a three or four bedroom house on the 4.8 acres.

Mr. Harvey said so it's up to the Board what they want to do. We are going to open the public hearing at this time. I'm really reluctant to give it an approval until I know what the perc rates are on that piece of property.

Mr. Farmer said how hard would it be to change that to get him the extra .15 acres? Would it have to be redrawn?

Mr. Harvey said I don't want to stick anybody with more property than they need. Was there a logic for the 4.852?

Mr. Brown said it is 200 feet of road frontage straight back to the north property line.

Mr. Farmer said that's what I was saying they just did the 200 feet but there is plenty of space to get to the five acres. I don't know if you have to get it redone by the Bay's.

Mr. Brown said it would require additional work. Probably a new survey map.

Mr. Morse said Ontario County Soil and Water has final say on all septic systems.

Mr. Harvey said I understand that but this would need to be a five acre lot.

Mr. Morse said that is entirely up to you.

Mr. Harvey said it is what our code says.

Mr. Morse said I understand that, in the watershed no matter what it has to be a raised bed system. The last one that just got approved that was the same thing and that was 4.65 acres.

Mr. Harvey said in regard on the short environmental assessment form Part 2 we answered no to all the questions. Question 4 there are no critical environmental areas that have been established in the Town of Gorham or approximate to it. Question 8 has to do with will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources. The Planning Board based it's answer on

the fact that there are no known archaeologically sensitive areas or sites on the state or national register of historic places on or approximate to the project site. Question 9 & 10 have to do with adverse changes to natural resources wetlands, waterbodies, groundwater, etc. and will the project result in an increase in the potential for erosion, flooding or drainage problems. The Planning Board based it's answers upon that there is no proposed development at this time. If that is acceptable, does someone care to offer a motion to approve the environmental assessment form making a negative determination of significance?

Mr. Perry made the motion and Mr. Hoover seconded. Is there any further discussion? Hearing none the motion carried with all present voting aye.

Mr. Harvey said okay we are going to open the public hearing on this application at this time. If you could explain the project and what is going on if you would.

Mr. Brown said ultimately this is just for the subdivision of the property. We have no current plans at this time for anything to be built. That would be a great long term goal but this is just for the subdivision of the two properties. There is also already an existing driveway.

Mr. Harvey is there another curb cut that serves the remainder of the property?

Mr. Brown says yes there is.

Mr. Harvey said that needs to be shown on the plan.

Mr. Brown said which property are you referencing?

Mr. Harvey said the forty two acre parcel. Is it on Middle Road or Kipp Road?

Mr. Farmer said it's on Kipp Road.

Mr. Brown said it's on Kipp just west of the corner property.

Mr. Hoover said it would be next to the tree line.

Mr. Brown said that is correct, yes.

Mr. Harvey said have that added to the plan so it will be compliant with the access management law. My only hang up on this whole thing is the perc test. Our regs read the perc in the native soil if it's more than 60 minutes per inch I understand you can have a non-conventional system because the watershed approves those even though they are not a conventional system because of their agreement with the DEC. Again, our language says if the native soils are more than 60 minutes per inch you need a five acre parcel. I don't have any problem approving that with that condition.

Mr. Morse said that’s fine because he is going to have to come back for site plan. One of the main reasons they are doing this number of acres is because they are not giving them any of the fields.

Mr. Harvey said understood. It makes perfect sense.

Mr. Morse said they want to keep the agricultural land in agricultural.

Mr. Harvey said without the perc test if it came back then technically he would need a variance. So we can approve with the condition to have a perc test. It will be stamped that there is no development until site plan approval with the Town. Is that acceptable?

Mr. Brown said if that’s what you need to do.

Mr. Harvey said that’s the best we can do without delaying you for a month. Does anyone else wish to make a comment on this application? Hearing none, I will close the public hearing at this time.

MR. HOOVER offered a standard resolution for approval and was seconded by MS. HARRIS to approve the subdivision and site plan as submitted with conditions. The motion was carried with all present voted aye.

**247 ACRES LLC SUBDIVISION
RESOLUTION
Application #96-2024**

WHEREAS, 247 Acres LLC submitted a subdivision application, known as the Map of Subdivision prepared for 247 Acres LLC Application #96-2024, for property located on Kipp Road with Tax Map ID# 127.00-1-4.300 on September 9, 2024; and

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

WHEREAS, A Public Hearing on said subdivision application was advertised in the official newspaper of the Town of Gorham, specifically in the Finger Lakes Times on October 21, 2024; and

WHEREAS, The Planning Board did conduct a Public Hearing at 7:30 PM on October 28, 2024, at the Gorham Town Hall, located at 4736 South Street in the Town of Gorham; and

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

1. A percolation test must be performed on Parcel A.

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

1. Mylar original of the Subdivision Plat, bearing the seal of a Professional Engineer, Surveyor, or Landscape Architect licensed to practice in the State of New York;
2. Three paper copies of said Mylar Subdivision Plat, bearing the seal of a Professional Engineer, Surveyor, or Landscape Architect licensed to practice in the State of New York;
3. A copy of the deed(s) for all new parcels to be created as part of this subdivision; and further

RESOLVED, That the applicant shall have 60 days from the date the Chairman of the Planning Board affixes his signature on said subdivision plat to file said Mylar and 2 paper copies, along with the deed for each lot, in the office of the Ontario County Clerk; and further

RESOLVED, That failure on the part of the applicant to comply with any requirements of this resolution shall render the approval of this subdivision application null and void; and 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.

6. MISCELLANEOUS

Mr. Morse said with Ms. Harris resigning as our County Planning representative we will need to replace her. We have talked to Ed Kaiser from our Zoning Board of Appeals and he may be interested in fill that seat. However, he does leave Town in January and February. We also need to replace our alternate for this Board with Beth leaving. Also, Scenic Ridge was delayed because we needed to put a hold on his payment.

Mr. Harvey said for the record since we waited months for you to make good with the Town the fact that we need to wait another month isn't a concern.

Mr. Morse said I am hesitant because as soon as he gets his approvals I can see site development starting without a letter of credit in place. He has made comments that he does not want to supply money for the letter of credit surety for the extension all the way to the property line. He said he requested that of the Town Board and they are unaware of that. We are going to get to the point where he is approved with conditions and we don't have those set forth.

Mr. Harvey said I drafted a resolution with conditions that Sarah is going to send out for feedback. He gave a really poor unrefined phasing plan. He is going to have problems with that because the DEC is never going to give them a waiver on the stormwater erosion stuff.

Mr. Morse said Mr. Becue told me that when he goes back for his DOT permit they are going to alter it because it has taken him so long to do it. That's why Mr. Becue insisted we call but I explained to him that we couldn't call because we didn't want to give any implications either way on the project. I told him if they wanted to reach out to us they can or provide us a letter. If he waits until after he gets conditional approval then we could get a letter saying now they aren't comfortable. Mr. Laviano said he will not provide access out through Turner Road without a lot of concessions. I talked to both the state and at YOBO and they both said if the houses are to be built and one of them sits on that "variance thing", and that's why he flat out said they won't give them to me, they said if you are building eighty homes you don't get to credit thirty and only have to do the other sixty. All eighty have to be done.

Mr. Harvey said the best thing that can happen is that he finds someone to buy this thing from him once he gets approval.

Mr. Morse said I will get it in writing about the sprinkler systems.

Mr. Harvey said yes get it in writing. Is Chateau Olivia done? I saw it for sale.

Mr. Morse said they are testing the waters but the project is definitely not happening.

Mr. Harvey said the Board will need a Vice Chairperson at some point. Please contact me if you are interested.

7. NEXT MEETING

The next regular meeting of the Planning Board will be held on Monday, November 25, 2024, at 7:30 p.m. at the Gorham Town Hall, 4736 South Street.

8. ADJOURNMENT

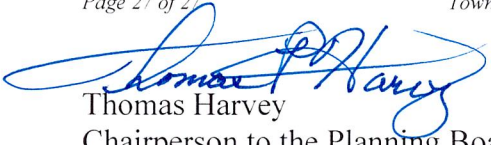
■ A motion was made by MR. HOOVER, seconded by MS. HARRIS, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 9:19 p.m.

Respectfully submitted,

L.S.



Thomas Harvey
Chairperson to the Planning Board