

MINUTES  
TOWN OF GORHAM PLANNING BOARD  
April 23, 2018

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

Chairman Harvey called the meeting to order at 7:30 PM. Mrs. Rasmussen made a motion to approve the March 26, 2018, minutes as presented. Mr. Zimmerman seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #11-2018, Pelican Point LLC, owner of property at 4789 County Road 11, request an amendment to their special use permit for expansion of the marina.

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

Bill Pelicano, Rick Szkapi and Terry Principe were present and presented the application to the board.

Mr. Principe explained to the board page by page what was presented to the board. There was an aerial view, a survey of the property, location of the pedestrian bridge that they are proposing to keep pedestrians off of County Road 11. There also was a copy of the traffic study that was done by McFarland Johnson in 2017. All this will be kept in the file.

Chairman Harvey asked if they are putting customer parking on 4789 County Road 11 or is it going to be long term boat storage.

Mr. Principe stated that the parcel will be used predominately for over flow parking of customer cars.

Mr. Principe stated that since the last meeting they have installed some anti-erosion matting on the bank near the rear building at 4789 County Road 11.

Mr. Principe explained to the board how the traffic flows when putting the boats in and out of the water, which is also shown on the plan. Also on the plan he showed the areas where boats, trailer or cars would be park with the number of units in each area. The total number is 425 units. Three aerial photos were presented that were taken with a drone showing the whole operation of the marina.

Chairman Harvey asked Fred Lightfoote, Town Supervisor, when they re-zoned the properties on County

Road 11 and State Rt. 364 was the re-zoning contingent on getting Special Use permit and site plan approval.

Mr. Lightfoote stated that it was a contingent for the parcel on State Rt. 364.

Chairman Harvey stated that if the applicant doesn't have a site plan that covers the State Rt. 364 portion than it is officially not re-zoned until they receive the Special Use Permit and site plan approval for whatever they plan on doing on that parcel.

Mrs. Harris asked if there was going to be any new lighting installed.

Mr. Principe stated no. This is only for day time parking. His hours of operation for the summer time till Labor Day are 8:00AM to 8:00PM. As it gets darker closing time goes to 7:00PM and then 6:00PM.

Mrs. Harris asked if they would be storing boats in the customer parking area in the winter.

Mr. Principe stated that there could be some storage over in that area such as a shrunk wrap boat or a trailer which would be put there and not moved until spring time.

Mr. Principe stated that they are not proposing any new lighting at this time.

Chairman Harvey asked if they have a time frame in getting the bridge work done.

Mr. Szkapi stated that they have not discussed any time frame to get the bridge built.

Gordon Freida, Code Enforcement Officer stated that the bridge would be crossing a blue line stream so an application will need to be submitted to Army Corp of Engineers and DEC, which is a joint application.

Mr. Farmer suggested that a drone picture be given to the town once a year so that the operation can be monitored.

Mr. Pelicano stated that the operation can be monitored just by driving into the parcel. He does not want to have to commit to getting drone pictures done every year.

Chairman Harvey asked Mr. Freida what the standard was for inspection on a special use permit.

Mr. Freida stated that he can go and inspect the property at any time. The Planning Board has the option to review once a year or every two years.

Mr. Zimmerman asked what the square foot bases is that they are using per boat.

Mr. Principe stated that he believes it is 10' x 20'.

Mr. Zimmerman expressed that he had a concern that they are going to pack the boats and cars in so tight that they will have no maneuvering ability.

Mr. Principe stated that he would advise them to stop anytime in the summer and see them in operation.

Mr. Principe stated that they were looking at total numbers. The 425 would include everything possible on the property mainly in winter storage mode. "Is it 425 during the summer? No. You were looking at maximum capacities and that is where this number comes in."

Chairman Harvey questioned the 10 spaces that appears to be on someone else's property.

Mr. Principe stated that the ONCOR property lines are off. That is part of the marina property.

Chairman Harvey asked if they have a survey that shows that as part of the marina property.

Mr. Principe stated that there is a survey pin in the corner of the property.

Mr. Dailey stated that he is unsure given the calculations that it is not engineering oriented. He would like to see an engineered plan rather than the numbers that are present in the photo. He is very happy to support the parking at 4789 County Road 11.

Chairman Harvey stated that at the previous meeting the board asked him to come up with a plan exactly how he has done it. "I don't want to change the rules on him now."

Mr. Pellicano stated "you guys know us by now. We're not a bunch of yahoos. We give a lot of credit to Terry and what he's done. Our whole thing has been about the safety and security. And we continue to say we don't want to be the German Brothers on the east side. You go up and down the road over there they're parking. We have every right. Right now no one could stop us at all to park boats up and down County Road 11. And we've never done that. We've avoided that at all costs. We've been pro-active and will continue to pursue the cross walks, at the end of the day it is about the safety of our customers and knock on wood things have gone pretty well here. We are not trying to be crazy about what we are doing. We fortunately through Terry's relationships have built a nice marina on the east side of the lake that people have access too. Because you don't want to get into the car and drive 45 minutes to get to the other side of the lake and not know what you are going to get into. We've done a darn good job of getting this to this point and now you have something

here documented. You can drive through there anytime. It is publicly accessible private property."

Chairman Harvey stated for the record "I lived through being on the board when the previous owner operated it and there was parking up and down County Road 11. There were complaints from the neighbors. There were people at the town hall mad at the Planning Board, mad at the Town Board, mad at the operator. There were fender benders you name it. There were people parking in other peoples driveways and walking up and down the County Road. You guys have done nothing but improved the situation from those experiences. The only reason that the Planning Board and the Town Board echoed and wanted to sign a number to it is nothing last forever and we're enjoying the ride while you guys are owning it but who knows what's going to happen in the future and if it passes to somebody else's ownership in 10 years or 20 years we just don't want it to be in that same situation where again there's 10 pounds trying to be put into a five pound bag. So that's really what this is about."

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

Robert Baxter stated that they own the home next to the parcel that the marina plans on parking the cars. "I don't think any resident up and down County Road 11 wants the marina to fail. Everyone wants it to succeed. We have been clients of the marina for 20 plus years. We utilize their facilities we utilize their expertise and we want that to continue for sure. However, we do have some concerns. Before I talk about those three concerns I want to recognize Mr. Pelicano and Terry after 4 years at least recognizing the erosion of the slope, which is in between our property and that of Pelican Point. They didn't cause that problem. I know that. That was caused by the previous owners. Now I am going to look towards Gordy, because it's been four years now and you haven't done a damn thing about fixing that erosion. You have known about it, I have brought it up many many times. At least Mr. Pelicano, although it just be a piece of burlap, showed recognition for that. And I assume it will be addressed during this process. The second item, which I think is outlined in the approval from the board, was the need for some type of partition, fencing for visual and noise. We don't have a problem with the cars. Cars are not the issue. It's the boats and the trailers and the tractor that it takes to move those around. A. It's a noise factor, but B. it's an apparent risk of anyone traveling

along County Road 11. They're pulling out. Whether we like it or not our sheriff's office doesn't pay attention to County Road 11. They can put out all the signs they want and they are ignored time and time again. That is a huge concern because if someone pulls out of there with a trailer they are going slow a car is not going to stop in time. If people are out in their driveways in their properties there is bodily injury. There is going to be collateral damage. And that is a huge concern. We don't have that with cars. Cars are turning in and out with low noise; low maintenance and I understand the need. The second thing, in 2017 finally whether it was by his regime or on his own made use of his property on State Rt. 247. Drones are a great thing. We had a drone fly the property and in July of 2017, he was able to transfer almost 80 trailers over to that property; unused trailers that were just sitting there for the summer. Perfect place for it. That is exactly what I asked to be done. Likely it would have at least given him half of that for additional spots on site to park boats for going in and out. So it did increase his capacity. And that's exactly what happened. So I don't know the numbers 425, 450 whatever the number is I tell you the average size of a parking space for a 20 foot boat is not 10' x 20'. You have a tongue on the trailer. You got other things going on. So I just throw that out. Again we want it to succeed as well. Everybody has a vested interest in it. I'm concerned with the safety issue."

Mr. Baxter presented pictures to the board of a tractor with a boat hooked to it sitting in the middle of the road with no one on the tractor. These pictures will be kept in the file.

Chairman Harvey asked Mr. Baxter if he would prefer customer parking over boat storage on the parcel near his property.

Mr. Baxter stated that they would not have a problem with cars parking on the flat portion of the property. They would prefer car parking only.

Chairman Harvey asked Mr. Baxter if they would have a problem after boating season if there were shrink wrapped boats stored on that property.

Mr. Baxter stated that there is no need for it when they have storage up on State Rt. 247.

Mr. Pelicano asked relative to lighting. "We have no intent to put up any lights, but if we wanted to put one light up do we have to go through the whole board approval? Or could you allow us up to two lights?"

Chairman Harvey stated that the standard generally is down facing fixtures and dark sky compliant fixtures. If you follow that and the light is not glaring out into the roadway or glaring out into the houses and it is sketched out on the plan and provide the fixture details to the Code Enforcement Officer that would be fine.

Mr. Dailey asked about the blue area on the site plan if that would be cars or would there be some boats in that area.

Mr. Pelicano stated that it would be a boat, car or trailer.

Mr. Principe stated that predominately that area will be used for the overflow customer parking.

Mr. Baxter asked if there was any lighting proposed on the property near his property.

Mr. Principe state that they are proposing no lighting on that property.

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

Mrs. Rasmussen offered a resolution [attached hereto] for a special use permit and site plan approval for the expansion of the marina with the following conditions: 1. The maximum number of units on the site is 425. 2. Reserve the applicant's right to file an application for site plan approval addressing the property on State Rt. 364. 3. Install ground cover, screening and maintenance of the bank adjoining property at 4787 County Road 11. 4. During boating season the property at 4789 County Road 11 is to be used for overflow customer parking. 5. The applicant will provide a copy of the survey that documents the property line on 4813 County Road 11 showing the 10 spaces are on the marina property. 6. Any exterior lighting that gets added up to 2 or 3 fixtures work with the Code Enforcement Officer to make sure they are dark sky compliant. 7. In two years the Planning Board will review the special use permit and site plan. The Code Enforcement Officer will do a report on compliance. Mr. Zimmerman seconded the motion, which carried unanimously.

Application #12-2018, Victor & Eileen Salerno, owners of property at 4894 County Road 11, requests site plan approval to build a residential addition.

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

Robert Wolfe, Architect, Anthony Venezia, Surveyor, & Victor Salerno were present and presented the application to the board.

Mr. Wolfe stated that the main function of this addition is to provide a bedroom at grade level. The current lot coverage is at 26.7%. They presented a reduction in that at 26.4%. There was not enough votes at the ZBA meeting to approve it at 26.4%. So instead of waiting another month Mr. Salerno has decided to tear down 10 feet of the existing garage, which gets them down to 24.8% lot coverage. They are replacing all of the impervious pavers with pervious pavers that are 100% pervious.

Chairman Harvey asked how they were going to get surface water around the building.

Mr. Venezia stated that how the parcel is graded the water sheds south.

Chairman Harvey stated that according to the contours the water is shedding right into the building.

Chairman Harvey stated that the town standards is minimum 5 feet minimum 2% grade away from the buildings.

Chairman Harvey asked about the roof line of the addition.

Mr. Wolfe stated that the roof line of the addition is less than the existing. The pitch is 4 on 12. The siding is horizontal and will match the existing. The addition will be on a concrete foundation.

Mr. Farmer asked if the pervious pavers they are using require a yearly maintenance.

Mr. Venezia stated the paver that they plan on using will hold a ¼ inch of rain fall. When there is a bigger rain fall the water will actually fall through and get into the bedding material. There is a little maintenance keeping it clean and keeping surface dirt off. He presented a sample paver for the board to see.

Chairman Harvey asked that a manufacture sheet for the pavers be added to the plan.

The maintenance of the pervious pavers was discussed. The decision was that when and if the owner of the property submits an application to build they will have to demonstrate that the pervious pavers have been maintained and performing to manufacture specifications.

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

The Planning Board discussed and completed Part 2 of the Short Environmental Assessment Form. The board determined this to be an unlisted action under SEQR that

will not receive coordinated review since no other discretionary agency approval is required.

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

Mrs. Rasmussen made a motion to approve the site plan with the following conditions: 1. Modify the site plan showing positive drainage away from the home. 2. Show calculations showing no increase in storm water flow from existing. 3. Any future building permit or other zoning related applications concerning this property are contingent upon demonstration that the pervious nature of the proposed permeable pavers performs to the manufacture specifications. Mr. Hoover seconded the motion, which carried unanimously.

Application #14-2018, Allan & Linda Green, owners of property at the corner of County Road 1 and Lake to Lake Road, requests subdivision approval to subdivide 3 acres out of a 39.489 parcel.

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

Fred Lightfoote was present and presented the subdivision to the board.

Mr. Lightfoote stated that the reason for this subdivision is so that the Town can purchase the property to install a drainage retention pond in the Canandaigua Lake Watershed area. There is no building being proposed for this property.

Chairman Harvey adjourned the public hearing for the board to complete the Short Environmental Assessment Form.

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

Mrs. Rasmussen made a motion to approve the Short Environmental Assessment Form, part 1 as completed by the applicant and part 2 as completed by the Chairman making a "negative determination of significance" stating that the proposed action will not result in any significant, adverse, negative environmental impacts as the board did

not find a single potentially large impact related to this project. Mr. Hoover seconded the motion, which carried unanimously.

Chairman Harvey re-opened the public hearing at this time and asked if there were any comments from the public. Hearing none, the public hearing was closed.

Mr. Dailey offered a resolution [attached hereto] to approve the subdivision for creation of a retention pond in the Canandaigua Lake Watershed Area supported by the Canandaigua Lake Watershed Manager and the Watershed Council, with the following condition: 1. The percolation tests were waived as no residential or other buildings are being built on this site. Mr. Zimmerman seconded the resolution, which carried unanimously.

Application #15-2018, H Edward Shill II & Molly Shill, owners of property at 4380 Lincolnwood, requests site plan approval to demolish existing single family home and build a new single family home.

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

Mr. Dailey, as an adjoining neighbor recused himself and took a seat in the public. Mrs. Harris, being an employee for the company that is doing the stone work for this project recused herself and took a seat in the public.

Tim Tyskiewicz, Architect was present and presented the site plan to the board.

Mr. Tyskiewicz stated that they would like to construct a new timber framed residence. The existing home will be torn down.

Chairman Harvey asked for the drainage calculations from existing to proposed for the storm water.

Mr. Tyskiewicz stated that in addressing the storm water they have all the gutters on the south end of the house going into a dry well. The over flow to the dry well goes to the existing gully. The other half of the house goes to splash block.

Chairman Harvey asked if there were perk rates and an actual design done by an engineer for the over flow. If there is any increase in impervious surface on the site the Town regulations require you to address the storm water management on the site.

Mr. Farmer asked if the stonewall and gate at the entrance has to be coordinated with the fire department.

Chairman Harvey stated that that is not the only entry into the site.

Mr. Tyskiewicz stated that they could buy a lock box from the fire department. There are two other ways to get into the property. The gate is more for the looks of the entry more than keeping people out.

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

Jack Dailey asked if he could make a comment as a neighbor to the property.

Chairman Harvey stated that no he couldn't, but could whisper in someone else ear his and have them offer his comments, but as a board member he can't comment as a neighbor.

James Adams stated that on the south side of Shill's property there is a 50 foot right of way that goes from Lincolnwood Drive down to a dock. He wanted the board to recognize that that right of way is for him and two other owners in that area. Mr. Shill has put up some trees and bushes so that they can't get down to the dock.

Joan Dailey also one of the owners that has right to the 50 foot right of way came to the table and showed the board on the plan where the right of way was.

Chairman Harvey stated that it does look like there is trees and bushes in the right of way and as the right of way owners they do have the right to remove any thing blocking their right of way.

Mr. Tyskiewicz stated that they are not putting any fence up to block the right of way. The trees are 12 to 18 inches so they have been there awhile. They do not plan on planting anything in that area and do not plan on blocking anyone's access.

Chairman stated that his advice to the neighbors that own the right of way to look at their rights for clarification on who has the obligation to maintain and keep the right of way clear of vegetation.

Mrs. Dailey stated that the lot is a very wooded area and could not tell by the plan what trees were remaining and what trees are being removed.

Mr. Tyskiewicz stated that there is a landscaping plan, which shows what trees are going to be removed. The trees being removed are where the footprint of the house is being proposed and for the new driveway. They are removing 11 trees and planting 22 new trees.

Chairman Harvey asked how they could tell the new trees on the site plan.

Mr. Tyskiewicz stated that the new trees have not been placed on the site plan yet. They have a landscape architect working on the placement of the new trees.

Chairman Harvey stated that the proposed complies with the Town of Gorham's Design Guidelines.

Gordon Freida, Code Enforcement Officer stated that the proposed meets all zoning requirements, such as lot coverage and setbacks.

Mrs. Dailey stated that Lincolnwood is a paved entrance and with the heavy equipment coming down to the site will the road be restored when the project is complete.

Mr. Tyskiewicz stated that they will be repairing the road once the project is complete.

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

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

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

Chairman Harvey asked if there was going to be any lighting on the property.

Mr. Tyskiewicz stated that any new lighting will be dark sky compliant. They have not been located on the site plan.

Chairman Harvey stated that any new lighting will need to be added to the site plan. Once the utilities; electric, water and sewer are located in the field a report is to be given to the Town of Gorham Zoning Office to keep on file.

Mr. Zimmerman had a concern with the 50 foot access easement. "What can be done within that access easement by any of the property owners who have rights to the easement?"

Chairman Harvey stated that is a great question. "And my answer to you would be as long as the applicant isn't doing anything that would prevent access across that easement that we're ok as the town. The rest of it is up

to the easement holders. So for example if he was going to put a gate across the access easement we would be in trouble for approving that." Nothing new can be planted in that access easement without the permission of the other holders of the right of way.

Mr. Hoover made a motion to approve the site plan with the following conditions: 1. Present calculations on the increase flow of storm water from the site and how the storm water is to be managed. The town usually uses the Phase II from DEC as the standard. 2. Minor grading changes showing positive drainage around the new home. 3. File a landscape plan that complies with the Town's Design Guidelines. 4. Add a diversion swale and temporary basin on the site plan to capture the up land flow before it goes across the open site. Mrs. Rasmussen seconded the motion. Hoover, Rasmussen, Harvey, Zimmerman & Farmer voting AYE. Motion carried.

Mr. Dailey and Mrs. Harris re-joined the board at this time.

Application #16-2018, Lightland Realty II LLC, owners of property at 3053 DePew Rd, requests site plan approval to build a 4 million gallon plastic lined manure pit.

Chairman Harvey recused himself due to a conflict.

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

Fred Lightfoote was present and presented the site plan to the board.

Mr. Lightfoote stated that they already have an existing 960 thousand gallon manure storage facility this will be in addition to that. The reason for this is the DEC in their latest KAFO permit forbade any spreading on saturated or frozen ground, which forces them to have to store a great deal more manure. The manure pit is designed to handle any additional building that may be built in the future. The plan also includes a concrete pad that is for pen packed manure that will be stored along the edge, which allows for any effluent that drains out of the pen packed to go directly into the pit. The manure pit will be fenced. In the KAFO regulations the fence has to be inspected weekly and documented. The bank of the pit will be seeded and mowed to keep brush and trees from growing.

Mr. Farmer stated on the safety of the fence if a teenager or kid got in there and walked to the edge would it be such that he could get out.

Mr. Lightfoote stated that they do what they can to keep it safe. There will be a boat along with rescue tools around the manure pit.

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

Mr. Farmer made a motion to approve the site plan as presented. Mr. Hoover seconded the motion. Farmer, Hoover, Harris, Zimmerman, Dailey & Rasmussen voting AYE. Motion carried.

Chairman Harvey returned to the board at this time.

Application #17-2018, Allen Family Property Income Only Trust, owners of property on South Street, requests subdivision approval to subdivide .488 acres out of 105 acre parcel.

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

Jeff Allen was present and presented the subdivision map to the board.

Chairman Harvey stated that any future construction is subject to site plan review by the Town of Gorham Planning Board.

Drainage on the site was discussed. Mr. Allen stated that they have done extensive tiling in the field behind this parcel and put in a diversion ditch behind all the homes fronting the field draining into the creek bed.

The parcel complies with the Town's Access Management Local Law as it will have a shared driveway with the neighboring property.

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

The Short Environmental Assessment Form was completed by the Town Board during the re-zoning of the parcel on January 15, 2005.

Mr. Zimmerman offered a resolution [attached hereto] to approve the subdivision with the following condition: 1. Future construction is subject to site plan review by the Town of Gorham Planning Board. Mr. Hoover seconded the motion, which carried unanimously.

Application #18-2018, Alan Fake, owner of property at 4250 Goose Street, requests subdivision approval to subdivide tax parcel 130.00-1-14.100 into two lots.

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

Jeff Keyser was present and presented the subdivision map to the board.

Mr. Keyser stated that he is Mr. Fake's legal guardian. Mr. Keyser would like to buy the 3.512 acre parcel and leave the 2 acres and house in Mr. Fake's name. The parcel has been in his family for generations. He co-owns the acreage adjacent to this property and would like to someday farm that land and so would like to own the barns on the proposed 3.512 acre parcel.

Chairman Harvey asked if they are proposing to build on the 3.512 acre parcel.

Mr. Keyser stated that he is not proposing to build anything at this time. He would like to restore the barns if at all feasible.

Chairman Harvey asked if they would consider granting an access easement to access the 3.512 acre parcel from the 2 acre parcel.

Mr. Keyser stated that he would consider an access easement if necessary.

Chairman Harvey stated that they would be better off to comply with the Town Access Management Local Law and have an easement for access and have it added to the plan.

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

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

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

Mr. Hoover offered a resolution [attached hereto] to approve the subdivision with the following condition: 1. Add an access easement across Lot 1 the 2 acre parcel to access Lot 2 the 3.512 acre parcel. Mrs. Rasmussen seconded the resolution, which carried unanimously.

MISCELLANEOUS:

Application #10-2018, Jon Bagley, owner of property at 4733 South Street, requests special use permit approval for multi-family use 4 apartments.

Jon Bagley was present and presented his application to the board.

Mr. Bagley explained the parking spaces on the plan to the board and stated that all the parking spaces will have signage.

Mrs. Rasmussen stated that she stills has a concern with the fourth unit being partly in the basement.

Gordon Freida, Code Enforcement Officer stated that the 4<sup>th</sup> unit meets the above grade square footage requirement for a dwelling unit.

The Short Environmental Assessment Form was completed by the Town Board during the re-zoning of the parcel on January 10, 2018.

Mr. Hoover offered a resolution [attached hereto] for special use permit and site plan approval for a multi-family use 4 apartments with the following condition: 1. Signage be placed on the parking spaces. Mrs. Harris seconded the resolution, which carried unanimously.

Mrs. Rasmussen expressed a concern with the site of Proctors on Main Street. The site is getting worse and worse and worse. Mr. Proctor never came in front of the Planning Board for Special Use Permit to use the property the way it is being used today.

Chairman Harvey stated that outdoor storage is not allowed in the Hamlet Commercial District.

Mrs. Rasmussen stated that she believes the town needs to be a little bit tougher with him. The traffic is a real issue too.

Gordon Freida stated that Fred and he will go and have a talk with him again.

Chairman Harvey stated that instead of it falling on the Town Code Enforcement Officer and the Town Supervisor Mr. Proctor should come in front of the Planning Board for some approvals.

The Planning Board made a recommendation that Mr. Proctor has a notice sent to him that he needs to file an application for a special use permit from the Planning Board. If he fails to file for a special use permit the Planning Board is going to recommend that a cease and desist order be given to Mr. Proctor.

Mrs. Rasmussen made a motion to adjourn the meeting at 10:12PM. Mr. Hoover seconded the motion, which carried unanimously.

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Thomas P. Harvey, Chairman

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Sue Yarger, Secretary