

MINUTES  
TOWN OF GORHAM PLANNING BOARD  
February 24, 2020

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

EXCUSED: Mr. Dailey                    ABSENT: Mrs. Harris

Chairman Harvey called the meeting to order at 7:30 PM. Mr. Thomas, Alternate will participate and vote on all decisions tonight. Mrs. Rasmussen made a motion to approve the January 27, 2020, minutes. Mr. Kestler seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #01-2020, Nevin Sensenig, owner of property at 4579 Robson Rd, requests site plan approval to build a 50 x 110 heifer barn.

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

Nevin Sensenig was present and presented his application to the board.

Chairman Harvey asked if the manure was going to be put into the manure pit.

Mr. Sensenig stated that some manure will go into the pit and some will be bed in pack.

Chairman Harvey stated that just like any other property Mr. Sensenig will have to come up with a stormwater management plan, such as a dry well or an infiltration trench to handle the stormwater that comes off of the proposed barn.

Chairman Harvey stated that this project is a Type II action under SEQR in a County Agricultural District and is an acceptable agricultural practice. No environmental review is required to be done on this project.

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

Mrs. Rasmussen made a motion to approve the site plan with a condition that a stormwater management design be presented with the site plan. Mr. Hoover seconded the motion, which carried unanimously.

Application #02-2020, Jerry Proctor owner of property at 4850 West Swamp Road, requests subdivision approval to subdivide 2.277 acres out of 4.4 acre parcel.

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. Kestler seconded the motion, which carried unanimously.

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

Jerry & Kelly Proctor and James Snyder, Carpenter was present and presented the application to the board.

Chairman Harvey stated that the map needs to be stamped as subdivision instead of site plan.

Mrs. Rasmussen asked where the well and leach field was on the parent parcel.

Mrs. Proctor stated that the well is behind their house.

Chairman Harvey stated that the distance requirements for a well and septic system/leach field apply to the parent parcel as well as the proposed parcel. The locations will need to be added to plan.

Mr. Proctor stated that the house will be a modular home.

Chairman Harvey stated that there needs to be some spot elevations shown on the map showing positive drainage away from the house. There needs to be a minimum of 2% grade at least 5 feet away from the house.

Chairman Harvey explained that placing the home on a slab is fine, but the town requires that the home has an appearance of a masonry foundation. The roof pitch must be at least a 4 in 12 pitch.

Chairman Harvey stated that the plan needs to show grading around the leach field. With the added impervious surface there needs to be shown a stormwater management plan showing how the storm water is being taken care of.

Chairman Harvey asked if there was going to be any exterior lighting on the house and property. Show on the plan where any exterior lights are going to be, and they must be dark sky compliant.

Mrs. Rasmussen question how far the next driveway was to the northwest.

Chairman Harvey stated that a note be added to the plan stating the distance to the next driveway to the northwest.

Chairman Harvey explained that when they do their driveway profile that the town requires that there be a low spot in the driveway so all the water from the driveway doesn't wash out into the road.

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

Mr. Farmer asked if they were planning on building a garage in the future.

Mrs. Proctor stated they don't plan on building a garage anytime soon.

It was suggested that a garage be dotted as a future garage on the plan. A garage would not have to come back to the Planning Board it will just need administrative review by the Code Enforcement Officer.

The board expressed that they would like to see all the changes made to the map that were mentioned and come back to the board on March 23, 2020.

Application #03-2020, Brian & Annette Wolfe, owners of property at 2742 Lake to Lake Rd, requests site plan approval to build a 30 x 40 pole barn.

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

Brennan Marks, Marks Engineering & Brian Wolfe were present and presented the application to the board.

Mr. Marks stated that he did do some research of the FEMA flood elevations and went through the charts and interpolated between the flood maps to come up with the flood elevation, which is shown on the map at 866.7. This will relieve him from having to get flood insurance.

Chairman Harvey stated that FEMA is redoing the maps so this may change later this year.

Mr. Marks stated that the placement of the pole barn was based on the flood elevation.

Mr. Marks stated that they will be pumping from the septic tank across the driveway into the existing leach field. They will be removing two sheds and one old foundation to build the 30' x 40' pole barn. The power will come from the house to the pole barn.

Mr. Marks stated that he did want to talk about the stormwater plan with the board. "His backyard is essentially a storage retention basin. I was wondering if the board would be open to waive the stormwater retention requirement for this site

because half of his property is a floodway. He doesn't have a significant area for a practice like that. If you were to look at the DEC regulations they would state that any property discharging to a fourth order or larger stream does not require the quantity detention because it is... They want to get the water off the site as fast as possible so that the water coming down the creek is not going to flood."

Mr. Marks stated that if the board feels strongly about having a storm water infiltration he can do something in the floodway he just can't fill in the floodway.

Chairman Harvey stated that they don't have any better data and you being the engineer he can't dispute his line based on the current data, just be aware that FEMA is updating this flood plain map so this time next year they could be in the flood plain.

Mr. Marks stated that as a good service he will look into this because he believes they have published a draft data on the flood plain. If it does show that they should be another foot higher he will recommend that.

Mr. Marks asked if the board would be ok if they provide a stormwater basin for retention of the water on the site.

Mr. Wolfe stated that the pole barn will be a metal pole barn with a concrete floor.

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 SEQOR 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. Thomas seconded the motion, which carried unanimously.

Mr. Thomas made a motion to approve the site plan with the following conditions: 1. that stormwater mitigation be added to the site plan. 2. the engineer will review the new FEMA flood elevation data and adjust the finish floor elevation of the pole barn as appropriate. Mr. Hoover seconded the motion, which carried unanimously.

Application #04-2020, Lloyd & Ada Newswanger, owners of property at 5248 Crowe Road, requests subdivision approval to subdivide 2 acres out of a 74.6 acre parcel.

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.

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

Lloyd Newswanger & Brennan Marks, Marks Engineering was present and presented the application to the board.

Mr. Marks stated that the new parcel will be used for a new residence with a detached garage. There will be a driveway with an entrance on Clark Road and Crowe Road.

Chairman Harvey asked what the distance was from the driveway on Crowe Road to the corner of Clark Road.

Mr. Marks stated that it is 111 feet.

Chairman Harvey stated that with the Access Management Local Law that is not going to cut it. The local law also states only one curb cut per parcel on the least traveled road.

Mr. Marks stated that the applicant is agricultural and will still own the dairy farm on the parent parcel and with a tractor and hay wagon it will be difficult to back out into the road and so this is the reason for the looped driveway.

Chairman Harvey suggested that they have one curb cut and have a loop in the driveway to turn the tractor around.

Mr. Newswanger stated that it is impossible to turn a tractor around in a 50 foot circle.

The driveway location and the Access Management Local Law was continued to be discussed.

The drainage was discussed. There needs to be positive drainage away from the foundation facing Clark Road. There also needs to be some spot elevation around the leach field.

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

Mr. Marks stated that for the stormwater management they are requesting to enlarge a pond to accommodate for the stormwater.

Mrs. Rasmussen made a motion to waive the distance requirement of 440 feet from the intersection of Clark Road for a driveway on Crowe Road. These are very low volume roads and the intended owner is an agricultural operator on an adjacent property and will give up the curb cut closes to the intersection if the property is transferred to a non-agricultural owner. Mr. Kestler seconded the motion, which carried unanimously.

Mrs. Rasmussen offered a resolution [attached hereto] to approve the subdivision with the following conditions: 1. The subdivision map be stamped and noted that the driveway on Crowe Road is to be eliminated if the property is transferred to a non-agricultural owner. 2. Show positive drainage away from the foundation. Mr. Hoover seconded the motion, which carried unanimously.

#### MISCELLANEOUS:

The Michael Spaan, 4458 Lake Drive application that received site plan approval in 2019 was discussed. When they received approvals, they were told they needed to meet the 25% lot coverage. The lot coverage is coming in over 30% with a pervious asphalt driveway. The applicant believes that the pervious asphalt drive doesn't count towards lot coverage. Mr. Morse, Code Enforcement Officer had interpreted that it does count towards lot coverage.

The Planning Board discussed this and determined that the Town does not have any design standards for pervious asphalt or paver driveways. In the past if an applicant doesn't want something to count towards lot coverage an engineer needed to present the design to the board and prove to the board that it is 100% pervious.

The lot coverage requirement in the Lake Front Overlay was discussed. It has been suggested that a change be made to the lot coverage. This was discussed at length no decision was made at this time and will be discussed further at a later date.

Mrs. Rasmussen expressed that she still has concerns with Proctor Enterprises on State Rt. 245. The fire lane has been blocked several times. They are still parking on the sidewalk. There needs to be screening around the dumpsters.

This will all be discussed at the public hearing for the site plan.

Mrs. Rasmussen made a motion to adjourn the meeting at 9:19PM. Mr. Thomas seconded the motion, which carried unanimously.

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Thomas P. Harvey, Chairman

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Sue Yarger, Secretary