

MINUTES
TOWN OF GORHAM PLANNING BOARD
June 26, 2023

PRESENT: Chairman Harvey Mrs. Rasmussen
 Mr. Farmer Mr. Perry
 Mr. Hoover Mrs. Harris

EXCUSED: Mr. Kestler

Chairman Harvey called the meeting to order at 7:30 PM. Mrs. Rasmussen made a motion to approve the May 22, 2023, minutes as submitted. Mr. Hoover seconded the motion which carried unanimously.

PUBLIC HEARING:

Application #05-2023, Chris Boyce, owner of property at 3147 State Rt. 245, requests site plan approval to build a 54 x 80 pole barn with a 24 x 80 lean to.

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

Chris Boyce was present and presented his application to the board.

Mr. Boyce stated that he is tearing down the existing barn and building a new barn moving it back further on the property. He runs a beef cattle farm. The cattle will only be in the barn during cabin season which runs from middle of January to the first of April at the latest. The barn will be storage for hay and equipment.

This is exempt from SEQR since it is an Agricultural application.

Chairman Harvey asked if there was any analysis done for storm water.

Mr. Boyce stated no not to his knowledge. There is a field tile that comes up and drains into the swamp.

Chairman Harvey asked if there was a DEC wetland in this area.

Mr. Boyce stated yes there is.

Chairman Harvey stated that he is not really worried than.

Mr. Boyce stated that they are going to put in a swale and then they are either going to put in a catch basin to tie into the drain or just let it run down across the pasture depending on how the land pitches.

Chairman Harvey stated that those changes will need to be made and shown on the plan.

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

Mr. Boyce stated that there will be a dusk to dawn light on the front and in the back is the barnyard so there will be lights that can be turned on.

Chairman Harvey stated that the standard is down facing lights dark sky compliant.

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

A neighbor called the Zoning office and wanted to make sure that the well on the property that they have an easement to was going to be protected.

Mr. Boyce stated that the neighbor did come and talk to him. He told her that he will not be disturbing the well and plans on replacing the cover to the well with a concrete manhole cover.

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

Chairman Harvey asked if there was any reason why he couldn't put a bollard in front of the well.

Mr. Boyce stated that he probably could but to make it neat he was planning on putting a concrete manhole cover that is strong enough that it can be driven over.

Mrs. Rasmussen asked if there would be water in the barn and if so where it comes in.

Mr. Boyce stated that it comes into the old barn from the back. There is a well down at the end of his property. He showed the board where on the plan the water would be coming into the barn.

Chairman Harvey asked where the power is going to come into the barn.

Mr. Boyce showed the board on the plan where the electric would come into the barn. The electric will be underground.

The water and electric can be put on the site plan once it is located on the site.

Mr. Hoover made a motion to approve the site plan noting that it is an agricultural use in an agricultural district and is exempt from the environmental review. Conditions: 1. A bollard or a standard manhole cover will be placed over the existing well to protect it. 2. Revise the grading to show the uphill capture of the stormwater before it reaches the overhang. 3. An as built survey be done showing the location of the water line and the underground electric. Mr. Perry seconded the motion which carried unanimously.

Scenic Ridge Rise: Planning Board comments on the Draft Environmental Impact Statement.

Chairman Harvey stated that "the community should understand and know that every Planning Board member takes an oath of office. That oath says that our approvals are not based on anything other than what the law is that the town has adopted. We've got to follow that. So whether you like a project or don't like a project has no bearing in it. Its do they meet the town's code. If they do they get an approval. If they don't they get a denial. A lot of people made some good comments and the board is going to talk about making some more. Our obligation now is to turn over to Doug Eldred the applicant for Scenic Ridge Rise project and the draft environmental impact statement the comments that the Planning Board received. The process is that the applicant has 60 days to incorporate that into a final environmental impact statement. That comes back to the board and the board has to decide if it's acceptable or not. Once it is and the board approves it we have to wait a minimum of 10 days before the board issues any findings. There may be other actions like at the Town Board level that either precede or come after the Planning Board's review. They will have to issue their own findings and determine what they want to do about things like drainage district, lighting district, what they are going to do with the water district improvements and make comments back to the board. We're not going to go through an exhausted list of what the comments are. He's got to list them all in the final environmental impact statement and respond to each one of them. Does anyone on the board have any additional comments they want to make for Doug to consider on the environmental impact statement? Once the final environmental impact statement is approved by the board again at least 10 days before this board can issue findings and then normally at whatever meeting comes after the meeting when the final gets approved that's when the time clock starts ticking for the board to either approve, disapprove or approve with modifications the subdivision."

Mrs. Rasmussen stated that the Agricultural Committee met and had the following comments. "There concerns were drainage and runoff. Especially at the top of the development. What field runoff comes from above and that there's no catching before it hits the housing. Also the density of the surface area and they wanted to see more of a swale in between houses, maybe every third house going north to south to be able to catch that rainwater stormwater. They felt that the swales on the sides that two feet was not deep enough that the swales should be deeper. And again traffic was a concern. They felt strongly that there should be a retention pond up towards the wooded area

as well as those lower ponds. That there was not going to be enough to catch the water that comes off that hill and slow it down."

Mr. Perry stated that there is a lot of vegetation and trees and was wondering how much of that is going to be removed and in what particular time. The removal of it will allow the water to run down quickly.

Chairman Harvey had the following comments. In the Executive Summary, Page 5: Open Space & Community Amenities: Please differentiate between open space and required stormwater management facility areas (in other words, remove the acreage of stormwater facilities from the open space).

Page 6: Stormwater Management, and Page 7: Site Drainage, Grading, Erosion Control, and Water Quality: Please include and explain how the stormwater management features exceed NYS DEC Stormwater Phase II Regulations, in particular provision for a 100 year design storm vs. required 15 year design storm.

Page 8: Open Space: Please provide a calculation of required open space outside of stormwater management facilities.

Section B:

Page 9: Address how groundwater will be dealt with on lots 221-231 in regard to basements where bedrock will be excavated.

Page 10: Confirm the capacity needed for Stormwater Pond B is available above the encountered groundwater depth.

Page 10 & 20: Are there going to be deed restrictions or requirements of the HOA to limit the use of lawn fertilizers and pesticides? Consider eliminating the trail along north side property line while continuing to obligate yearly mowing by HOA to preserve access to stormwater swales to maintain and providing road frontage sidewalks for those affected lots.

Page 24: The second access onto State Rt 364 should require a crash gate and not be used by the adjacent lot owner as a vehicular access point. The HOA should be required to maintain and plow. A condition of the development should be removal of this emergency egress upon connection of the development's roadway to Turner Road through public roads provided across interceding property (in other words, when the intent of the Town's Access Management Plan calling for a north-south road connecting to Turner Road is actualized.)

Page 29: Consideration should be given to providing a lump sum payment or surety to the Gorham Water District to fund a "fair" amount of the cost of constructing an interconnection of the town water system to water mains on Turner Road through interceding properties.

Page 31: Ensure the HOA does not prohibit solar panels. Discuss whether the HOA common property can be utilized for community solar projects. Evaluate/discuss the suitability of property for geothermal.

Page 32: Under "NO Action" discuss the findings of the County's Housing Assessment and the need to provide affordable housing in the town, county, and region along with the price point the project is aiming toward.

Mr. Eldred had questions about the format of the FEIS. "There is a few different ways that I have done them in the past. One is where you do a matrix that shows the person who commented and then where that comment is addressed. As opposed to having every individual comment answered. If there are like comments another words. In the area where you address the comments typically there may be a broad category but then there could be subcategories to cover the other peoples nuances under that broad category. The other option of course is to answer each one individually it becomes extremely repetitive. I think probably there will be some huge number of percentage of similar comments."

Chairman Harvey stated that "if there are similar questions I think you need to obviously incorporate the questions. Answer it the first time then say see answer on page and then if there is any nuance add it to it."

Mr. Eldred asked if they are looking for the DEIS to be updated as well or just answer the comments in the FEIS.

Chairman Harvey stated that the Final Environmental Impact Statement is the DEIS as responded to the questions. Find the answer to the questions and incorporate it into the section of the DEIS and note where you have made changes.

Mr. Farmer made a motion to adjourn the meeting at 8:13PM. Mr. Hoover seconded the motion which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary