

Town of Gorham

4736 South Street
Gorham, New York 1461

PLANNING BOARD

Monday, June 24, 2024 6:00 p.m.

MINUTES—Approved

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

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

Board Members Absent: Mike Kestler

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

Applicant Present:
Mark Tolbert
Dave & Kathy Buschner
Doug Eldred
Roy Sauder
Tom & Mary Ann Whipple
Jeffrey Panara
John Newswanger

Others Present:
Steve Zumbo
Sue Zumbo
Marty Blumenstock
Mike Kubarek
Brian & Jean Hickey
Jeremy Stowe

Hannah Coney
 Helene & Bill Messner
 Stanley & Debra Kwapniewski
 Joeleen & John LaCrosse
 Muriel Burkhart
 John Anderson
 Bill O’Hanlon
 Austen Seidel
 Kevin McIntosh
 Joshua Brown
 Lisa Reed
 Floyd Shirk
 Jon Jones, Marks Engineering
 Walter Stauffer
 Kathie Walker Millar
 Larry Millar
 Scott Powell
 Jason Dobbs, Parti Partnership
 Evan Gefell, Costich Engineering
 John Henderson

Other’s Via Zoom:

Lynn Klotz
 Other’s who were not identified

1. MEETING OPENING

The meeting was called to order at 6:10 p.m. by Mr. Harvey.

Mr. Harvey said we have several public hearings this evening. Some we are going to reopen and some are brand new public hearings. I will open the public hearing on each application separately. Our board secretary will read the public hearing notice as it was published in the official newspaper of the Town. I'll ask the applicants and/or their representatives to explain their application. If it is a reopening of a public hearing I will ask the applicant to talk about what was changed. The Board may ask questions and I'll give an opportunity for anybody to make comments or ask the Board a question on either the application or the environmental review we have to do pursuant to SEQR.

2. APPROVAL OF MINUTES OF MAY 20, 2024

- A motion was made by MS. RASMUSSEN to approve the minutes with suggested changes and the motion was seconded by MR. HOOVER.

Motion carried by voice vote with all voting aye.

3. LEGAL NOTICE

NOTICE IS HEREBY GIVEN that Public Hearings will be held by and before the Planning Board of the Town of Gorham on the 24th day of June 2024 commencing at 6:00 p.m., Eastern Daylight Savings Time, at the Gorham Town Hall, 4736 South Street, in the Town of Gorham, Ontario County, New York 14461 to consider the following applications and to discuss all matters relevant to the environmental review under the New York State Environmental Quality Review Act:

PB #80-2024: ROY SAUDER 5089 EAST SWAMP ROAD, STANLEY, NEW YORK, 14561: Requests site plan approval to construct a 348x46 chicken barn totaling 16,008 square feet in size. The property is located at 5089 East Swamp Road and is zoned FP Farming Preferred/Farmland Priority.

PB #82-2024: THOMAS WHIPPLE 4595 COUNTY ROAD 1, CANANDAIGUA, NEW YORK, 14424: Requests site plan approval to construct a single family residence approximately 1180 square feet in size with included site improvements to grading, drainage and utilities. The property is identified as Tax Map #127.19-4-25.000 and is located on the east side of State Route 364 north of Hillcrest Drive and is zoned HR Hamlet Residential.

PB #83-2024: JEFFREY PANARA 4850 COUNTY ROAD 11, RUSHVILLE, NEW YORK, 14544: Requests site plan approval to construct a single family residence approximately 2952 square feet in size with included site improvements to grading, drainage and utilities. The property is located at 4850 County Road 11 and is zoned R1 Residential and LFO Lake Front Overlay District.

PB #84-2024: JOHN NEWSWANGER 4752 YAUTZY ROAD, STANLEY, NEW YORK, 14561: Requests subdivision plat approval for a single lot subdivision known as the Subdivision Plan of Lands of John G. & Alta H. Newswanger creating Lot #1 consisting of 46.895 acres and Lot #2 consisting of 108.057 acres with existing house. The property is located at 4752 Yautzy 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 HEARINGS

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

Requests site plan approval to construct a two story wood framed structure approximately

2063 square feet in size with included site and utility improvements. The property is identified as Tax Map #98.19-3-6.000 and is located on the southeast side of Otetiana Point and is zoned R1 Residential and LFO Lake Front Overlay District.

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

Mark Tolbert, Jason Dobbs from Parti Partnership Architects and Evan Gefell from Costich Engineering presented the application.

Mr. Tolbert said as you can see we have made significant changes from the plans that you have seen before. In doing so the goal was certainly to address the changes and concerns that were voiced by the Planning Board. Also taking into account those of the neighbors in the area and in general to try to improve the design and site plan related to those concerns as well as others. I understand the challenge that is before you with this property in general when you look at design guidelines and everything else. I tried to make sure that we addressed all of those pieces. I apologize for the nineteen page narrative that came with it but it somewhat explains how that happened. If you look at the R1 criteria we are within all the R1 criteria. Even looking at the Lakefront Overlay, in those cases we will meet that. Where we spent quite a bit of time was on the Town of Gorham Design Guidelines. In addition to that, this project actually fits within the Comprehensive Plan of the Town based on the information I could find online related to the Comprehensive Plan. Coming back to the Town of Gorham Design Guidelines I did outline that in pages 3-6 in the document where I tried to match it and essentially meeting the cottage settlement pattern. That is the one area that I could find that kind of meets close to this without touching on the lakefront aspect of it. If you go through that you will find three pages of how we did that. Everything related to the design does fit within that. I'm happy to take you through each of the points, if you would like to do that, but you probably know your guidelines. The lake views will not be additionally disturbed. The privacy will be maintained through side yard plantings. The existing fence that is in place won't be touched. The large tree stands, with the exception of the willow tree that will be coming out in July either way. The rest of those large tree stands won't be touched. The entryways will be clearly defined to support the human intimate scale of the neighborhood. The side yards will be maintained and actually expanded to allow for fire control, privacy, drainage and as there are no lake views it don't impact that as much. There are no views to this property from the lake and that is primarily because there is a ridge on the lakeside of that property so that should not create an issue. We are compliant with the Docks and Mooring Law as there is no docks or moorings. We have done a lot of work trying to understand the water quality analysis and Evan can certainly take us through that in more detail. With the previous design and with this design with the reduction in coverage it wouldn't technically require more on the water control but we have looked at the addition of a rain garden if so desired or required. That would help further the concerns of any water that comes off the property. In stating that, I think, we end up meeting the cottage settlement. Continuing on the Lakefront Development Guidelines there too we meet the intent of the design guidelines provided by the Town of Gorham.

Mr. Harvey said thinking about this and the vintage of when the design guidelines were written we did have a Lakefront Residential District we consolidated and it would be my opinion that would be the most appropriate. It was how that whole area was really intended even if you didn't have lake frontage to be the design guideline for that part of the Town. That makes perfect sense.

Mr. Tolbert said when you look at the mass and form of the building we have adjusted that between the Zoning Board and the Planning Board to better meet that. If you compare it to the other buildings in the area the range between 1494 square feet to 3639 square feet. When you look at the 2063 square feet footprint it is on the smaller side of the neighborhood. The design is multifaceted to make is more aesthetically pleasing including depth and composition and interactions of shading and shadows. The height of the building was a significant concern for many so we further addressed that. Initially allowed was thirty five so we first came in at thirty four. The revisions have us at twenty nine feet four inches. When you compare that to the topo of the area (page 5 and 19 of the document I sent out) what I have done there is show the ranges of when you add the topo plus the building. The numbers that came from the buildings either came from the Town or a Nikon camera that I acquired that lets you do measurements. It's not as accurate as the data from the Town, however I was able to obtain quite a bit a data from the Town of Gorham and the Town of Canandaigua. We come to an overall elevation of 719 for the finished project. The condos behind range from 730 to 734 in elevation and if you look at that design and go around the property they are mostly higher, so 725, 720, 731. There are buildings that are in front of this towards the lake that have variances allowing them up to thirty six feet so that puts it at 734. If you look at what we are proposing for this building it is considerably lower than what we proposed and the neighboring properties so I think it fits within kind to that. We significantly changed the roof style to try to match the materials and designs of the adjacent dwellings. We have adjusted the window arrays to do the same. The exterior skin reflects the typical characteristic of the neighborhood creating a harmonious fit with the neighborhood. Natural materials were chosen mostly in stone eliminating the vinyl siding of the existing building. The colors will all be low chroma or earth tones. The entry will be clearly defined from the front. The pathway has been designed to go from the parking area to the entryway despite the fact that the parking will be minimized by having indoor parking in this particular location because I know that was a concern. A cottage garden has been added to the entrance of the dwelling. The natural grade of the site will be minimally impacted and the natural grade will remain unless the rain garden is added. No retaining walls will be added and to go above and beyond all proposed lighting will be dark sky compliant and was designed to minimize light trespass onto neighboring properties. So when I look at the lakefront development guidelines again we believe we have presented you a design that meets all that criteria. We have done quite a bit to change the height, the façade and even the overhead doors. We modified that design to better accommodate the wishes of others. There is a lower pitched roof which was also commented on before. We essentially meet the cottage settlement and it does meet the Lakefront development guidelines. It fully meets the R1 requirements as well as the Comprehensive Plan. I would also like to address the concerns from the community. It feels as though there is a great deal of working in fear and or manipulation when I look at the data. I know that there was a petition that was going around. One petition includes about five or six households and the

other has six or seven of the condos in it. One of the representations where they show the scale of the three buildings, the new building plus two others, to me it just doesn't feel as though it is a fair representation. The reason that I state that is it looks as though we are building on top of the other buildings. When you look at an actual scale, our architect did an actual scale for us, you can see on page 2 you have a more relative scale as to how it will look. You have the dotted line as the existing building and you can see where that shifts to give more open space to the south. It's not as dramatic as what was presented in the other designs, at least in my opinion. Related to the other concerns with the petition tied to the rental, we are not intending to rent but I would like to point out that there are two other rentals already on the street. They already exist at 3604 and 3574 has had weekly rentals and has posted on public sites. Again, our intent is not to rent the property. There is a concern of multi-family dwellings. None of these can be multi-family dwellings. It is all a single family neighborhood. It was actually a good amount of edification for myself because of the comment tied to the 100 year old community stimulated me to go look and see and it has changed. I get it and no one really enjoys change. The mess house that is in question was converted to a residence with multiple buildings, a tennis court and stadium lighting. It's hardly what I would consider a modest mess house of the boy scouts from decades ago. Directly next to that in 2013 two quaint cottages that were seasonal were torn down at that time to build what is now 3606 Otetiana Point. In 1985 the Wegmans Corporation sold 6.4 acres of land where the cottages used to exist and now we have three story condos there. All of those quaint seasonal cottages have been converted to year round homes and many of us cherish the fact that we call it our year round homes. This is not a seasonal cottage for us. We live here this is our year round home. There are concerns on multi-family properties and we are growing to a level of multi-generational living. That is something that is returning. If it ever becomes multi-family it will be my family that will be there and I hope my kids will take care of me one day. With that, I think we have done what we can to accommodate those design concerns. In addition to that, just for fun, I pulled up some great pictures that you can look at and see how it has transformed. The picture from 1954 is the last picture I can see that there were quaint cottages. From that point on, in 1979 you can see densely packed cottages and farming still, so that's pleasant. In 1980 it's the same but in 1985 is where the transition begins. In 1990, the boy scout camp is gone and the first two phases of Otetiana Cove are up. In 2009, Otetiana Cove continues to grow and expands to sixteen units. In 2014, multiple cottages taken down to add 3606. In 2021, permanent docks and new garages. The only constant is change and I understand how that is difficult. Related to the look and feel of the neighborhood, that is a hard one, on pages 14 and 15 there are shots of the neighborhood. There are no two houses in that community that are the same. As a result, I think with the changes that we have made we have made it fit into the neighborhood quite well. Pages 16 to the end, you begin looking at multiple two story second rows within a mile. Many of those are separate houses. Within 500 feet we have two-three story condos. There are a lot of second row two story buildings and this is already zoned for R1. I am happy to answer any of the questions you have related to the new design. We have done quite a bit to accommodate for that and give it a more pleasant feel. We certainly fit within the engineering requirements of the community.

Mr. Harvey said thank you, Mark, I appreciate it. I think some of the difficulty with the neighbors and the Board is recently that little area has been used for garages and small outbuildings. You come to the Town and basically in your original application it says a use structure. So, all of data and the design guidelines and everything that you talked about is standing alone as a single family residence. In our minds, I think, if that is what you want to go for and because that is how you are applying this those are the requirements you are going to have to meet. In regard to the floor plan and the house itself, it has to meet the building code with the application. It is a unique situation because it is all on one deed even though the property is in two Town's. That is part of what we are struggling with. You've read the code and we have our design guidelines so there is going to be a house, potentially, in the middle of an area of single story garages, hypothetically. I am going to want to see on the plan that you are aware that this property is in the limit of the proposed new FEMA flood maps. While Jim is the flood plain administrator he can't enforce the new maps because they aren't finalized. Even if you look at the topography from the County's liDAR survey it's obvious this is in a lower area and the new maps are probably correct. We as a Board can take the best available information unless you get something or your engineer shows us it's not. You are going to have to design this building so the first floor is above the flood elevation obviously, but you can't obstruct the flood plain. What are you going to do with the foundation? That is all part of the design otherwise you are going to be stuck. There will be some minimal volume so where are your limits cut within the balance of the flood plain.

Mr. Gefell said we took that into account. We have added the rain garden in the southwest corner so that started with the mitigation for the proposed flood plain down in the future. The total site fill is seven yards and with installing this rain garden we have a flood plain cut of about fourteen yards. Also with that rain garden the concerns with the amount of water this property is under an acre and we are reducing the impervious by 6.3%. We took that a step further and used hydroCAD which we can input the different storm events from one year to a hundred year storm. We can compare them from existing conditions to developed conditions.

Mr. Harvey said so hydroCAD automatically picks the correct engineering model for a site under an acre.

Mr. Gefell said we have to use the DEC stormwater regulations and we have to use a certain CFS in the program.

Mr. Harvey said I would think with a small site like that you would use the rational method because hydroCAD is generally a watershed based model.

Mr. Gefell said yes so we have the data and we show the reduction with the rain garden.

Mr. Harvey said and you've thrown it in the black box and I'm telling you from my experience that is not the correct engineering model to use for a site under an acre.

Mr. Gefell said this is how we model it.

Mr. Harvey said for a watershed it is exactly the correct way to go. If you were going to model a site and you wanted the difference in runoff between a developed and a predeveloped condition, I think the rational method is the appropriate design model.

Mr. Gefell said I can go back to the engineer that provided this to me. Maybe I am saying that part wrong but this is the data.

Mr. Harvey said if you reduce the impervious surface you should get a decrease.

Mr. Gefell said we can show the reduction through the different storm events.

Mr. Harvey said are both of the limits for the flood plain shown? The existing one is not on here.

Mr. Gefell said it is on the grading plan. There is a flood plain note at the top. That elevation stays the same but the mapping changes.

Mr. Harvey said so your finished floor elevation is now shown at 691.5 and it has to be at least 692, correct?

Mr. Gefell said it has to be the 691.5 which is the Stillwater elevation on the lake that we have used in the past.

Mr. Harvey said okay because they made the change and changed the reference.

Mr. Gefell said there is a different datum that's on the lake then what we use for survey's so there is a conversion factor.

Mr. Harvey said I understand that it doesn't really meet the elevation changes just the datum is different, so you're good. So the motorhome storage is not going to be there?

Mr. Tolbert said it's still the same.

Mr. Harvey said I didn't understand how that actually worked with the front.

Mr. Tolbert said you will notice what we have actually done is that is a removable façade. It brings the visual aspect of it down but allows me to use it for its purpose.

Mr. Harvey said are there any other properties similar situated like this with the main house in the Town of Canandaigua?

Mr. Tolbert said there are two to the north. The one to the south of us is a reverse scenario but their property is divided as well. I don't know the size of their Canandaigua parcel but the majority is in Gorham. Then there is our property and the two to the north also have the same possibility.

Mr. Harvey said that is a strange area where the Town zoning didn't really pick up or differentiate on. Any other comments or questions from the Board? Hearing none, who wants to speak from the public?

Mr. Zumbo said when we were here before we complained about the height of the structure. Jeff DiFulvio created this drawing that shows the smaller garages and all of a sudden the very tall one. One of the things you asked him, kind of on the fly, was what would you accept as a height. We were kind of unsure. We have thought about it and what we came up with was twenty four feet. We thought that looked better and it would fit in with the other structures. It's taller and Mark has a need for a fourteen foot door. We tried to find a structure here in Town where we would have a twenty four foot building and a fourteen foot door and we came up with the Highway Department building. We feel that something that is thirty feet tall is too big. One of the things Jeff did was Googled the height of a two story building and the height of a three story building and he came up with some numbers. He came up with a two story building being 18-25 feet height and a three story building being 30-33 feet in height. So we think Mark's new building is twenty nine, within half a foot of being a three story building. You mentioned the R1 classification and we understand that the Zoning Department has gone through all the numbers and have granted variances to this structure but there are a couple of phrases that seem to conflict with the project. One says to protect the character and visual appeal of the neighborhood from incompatible development and the other is new development should be designed and constructed to be harmonious with adjacent neighborhoods or houses in the area. We wonder if it is the job of the zoning people to also look at those two phrases or is that the job of the Planning Board to look at the phrases or both?

Mr. Harvey said generally both.

Mr. Zumbo said so we think for that reason that it is somewhat not harmonious. Approval of the rental property alters our community character and that was on our petition. I want to say that Mark had some numbers of how many people that signed the petition and I never saw the petitions before they came out. I am talking about two things here the petition at Otetiana Point and there was also something that came from Otetiana Cove. All together we felt we had nineteen people that were within 500 feet of the project hat had signed that they agreed that there was a problem with it. Some of our good Gorham residents wanted to say that their needs weren't being met by me saying that there were nineteen of us within 500 feet. We also talked about drainage.

Mr. Henderson said I am a Board Member for Otetiana Cove and our board's chief concern is in fact the drainage because Otetiana Cove property is the lowest point. If any water gets to the lake we are the water carrier here. We want to see good engineering regarding water. I'd like to stop with that because the other issues are with the Point not the Cove.

Mr. Zumbo said Jeff also typed something up and asked us to read it. The first part is about he googled the height and it's what I told you about the two story versus three story and this seems to be taller that a two story building. All the neighbors garages are fourteen feet

and we think that is not compatible with the 29.4 Tolbert building. He also wrote down that accepting Tolbert's proposal without a permanent rental restriction will lead the way to future rentals thus changing forever our quaint neighborhood. This will ultimately devalue our properties. I bounced this off of a couple people that are not Otetiana Point people and they are worried that if this gets accepted that other people who have garages will want to do the same thing and create a rental place in their backyard.

Mr. Harvey said this is a unique situation and there are maybe three other properties there like this and the Town's zoning would not allow that kind of ownership any place else.

Mr. Zumbo said wouldn't that be a variance.

Mr. Harvey said it would be a use variance and almost impossible to get, they are very difficult. You would have to show that you cannot economically use your property for any other purpose without that second residence.

Mr. LaCrosse said this might be very simplistic but I heard that the R1 requirements have been met. The maps I have, he's got .27 acres, now right here in R1 it says 15,000 square feet is required for a dwelling.

Mr. Harvey said it is a preexisting nonconforming lot. What is your next question?

Mr. LaCrosse said the next question is the width, same thing?

Mr. Harvey said yes.

Mr. McIntosh said I am a neighbor of the Tolbert's over at Otetiana Cove, we are adjacent to their property. The petition that was passed around said 500 feet within that building. I think there is maybe one house that is within 500 feet of that building and the petition had some statements in there that weren't factual that was passed around. My wife and I went over to the Tolbert's and sat with them and got the facts right from them of what they are doing. We went back and sent out an email to all the OTC residents letting them know that what was passed around really wasn't factual. I just wanted to put that on the record that we are not opposed to the building and there are many people at OTC that are not opposed to the building. We want the rights for all our neighbors to do what is legally right.

Mr. Hickey said this is an abstract from the property next door to Mark. It's owned by the LaCrosse's. This abstract dates back to 1892, so it goes back a ways. What is interesting is it says the first described parcel, item number one, shall be occupied for cottage and residential purposes only and the second described parcel shall only be used for garage and no dwellings shall be erected there on. This is the property directly to the southwest and it is partly in Canandaigua and Gorham, it's split. The residence in Canandaigua and the garage is in Gorham. It's just interesting that their next door neighbor won't be allowed, according to their deed, what Mark and Hanna are attempting to do. It says something about the history and character of the neighborhood and what was expected.

Ms. Hickey said I just wanted to clarify a couple of things. I drafted the petition and I am reading through it. There are four points, and there aren't like factual things in here. It just talks about aesthetics, it talks about it being a rental property, it talks about the drainage, and it talks about the notifications. I don't understand that one.

Mr. Harvey said what is the notification?

Ms. Hickey said just it was complicated because some people from Gorham didn't receive the notification because the mail didn't forward properly and some people in Canandaigua didn't receive the notification. It's not your responsibility to make sure Canandaigua people receive notification.

Mr. Harvey said you can stop right there. I do want to make one thing extremely clear, if you read the statute the only notification the Town is required to provide is a public notice in the newspaper and if it is within 500 feet of a municipal boundary the Town has to provide notice to the Clerk in the adjacent municipality, which was done. In the Town's zoning law it says that a sign has to be posted.

Mr. Morse said a sign and notification has to be posted for the Town Board for the rezoning of a property only. If it is a public hearing for Planning or Zoning Board there is no notification by the Town Building Department to anybody. We have just done it as a courtesy. We got questioned by two different projects on that so we have done a lot of research on that. We are going to continue to do it but it's unfortunate that people don't get it.

Mr. Harvey said the Town has gone above and beyond what is legally required. I just wanted to make a very clear statement as to what the Town's obligations are.

Ms. Hickey said I may have misunderstood what Mark said about the two petitions but the one from Otetiana Point we have thirteen residents in the Homeowner's Association and seven signed the petition. We were told by Mike Maxwell of Otetiana Cove that eleven of sixteen signed the petition.

Mr. LaCrosse said the lady back there, the lady right behind me have lived there for half a century and I know there is no legal thing we can do right now that they have their zoning. But I will tell you what, the decisions that your Zoning Board has made and the decision that you are going to make, the Zoning Board has torn apart a neighborhood that has graciously lived together for the last fifty years that the LaCrosse Family has lived there. What you are doing right now is just pathetic and I'm sorry, ok. If you pass this you have just made enemies of neighbors that have lived there for so long. We watch their house. We pick up their packages. We tell them if there is something going on. This neighborhood is just at war right now and it is a shame and it should never have happened. We didn't start this. His family started this. Right now our whole neighborhood and I don't care what OTC thinks and I don't care what the rentals twenty houses down, you guys have an opportunity here to possibly bring back a neighborhood where it should be. I just want you to know that passing this, I hope you can sleep with it.

Ms. Coney said the neighborhood is not at war. The neighborhood is fine. There are two people who don't want change and I understand. There are things in my life that I don't want changed either. I can promise you, your job is your job, not anybody else's in this room. The trust we have in the Town Zoning Board and Planning Board is 100% because that is your job and nobody else's.

Mr. Harvey said is there anybody else that wishes to speak in the room or on Zoom? Hearing none, he closes the public hearing on this application.

Mr. Harvey said Jim do you have building floor plans on file for this yet?

Mr. Morse said yes and no. I have the basic architectural plans but I do not have the ones for the building permit.

Mr. Harvey said everything necessary to qualify this as a single family residence?

Mr. Morse said yes as far as I know.

Mr. Harvey said you have bedrooms, you have a kitchen, you have a bathroom?

Mr. Morse said yes.

Mr. Harvey said sorry for the delay I had to think about this a little bit. First up is the environmental review and the second step would be to deny or approve with conditions or approve as submitted. I hear the concerns from the neighbors about the height of the building and the scale of in that area is where one story garages are built. At the same time, you own this and it is a separate parcel. Under the Town's Zoning rules as they are written you are entitled to put a residence on that piece of property. Part of the remarks that we are going to propose is that there are two or three other properties that are similarly situated and if the Town doesn't want this happening on the other parcels the Town Board needs to address this with a zoning change. That is beyond the purview of the Planning Board. It doesn't mean we can't think about it, put restrictions on things, and take character into account when we make our decision. On the short environmental assessment form part 2 that is the Board's responsibility to fill out I am still going to propose no or small impact may occur. We are going to note without going through every question part 2 question 4 has to do with critical environmental areas, there are none that have been established in the Town of Gorham. Part 2 question 8 has to do with comparing the character or quality of important historic archeological, architectural or aesthetic resources. It doesn't mean character in general it means something in a historic district or an archeological site, those types of things. We are basing our no answer on the fact that New York State Office of Parks, Recreation and Historic Preservation on April 26, 2024 it wouldn't impact any of those types of resources. Question 9 and Question 10 we are going to say no. I believe the facts bare it out. There is less impervious surface on this site after this proposed construction and you have added a rain garden. You are going to get to us the documentation PE stamped with the right model, but that is what it is going to show. You have also balanced cut and fill with more cut which is a good thing within the limits of the 100 year flood

plain. Part 2 Question 3 is probably the most critical here. Will the proposed action impair the character and quality of the existing community? I will draw your attention to the word impair. The answer is based upon compliance with the Town’s Design Guidelines recognizing this neighborhood is a unique situation with the property being split between two Town’s which the Town Board should consider addressing with a zoning change.

Mr. Harvey said the Chair is going to move Part 2 and 3 as we just covered and the motion was seconded by Mr. Hoover to approve the Environmental Assessment Form Part 2 and 3 and based on those answers that the proposed action will not result in any significant adverse environmental impact. The motion was carried with 4 ayes and 1 nay vote.

Mr. Harvey said the environmental review is complete now and we will move on to the site plan. This will be a tough property to regulate if you were doing short-term rentals. It is a small piece of property and you don’t have any lake frontage. Nothing would stop you from doing a long term rental. I would think that would be a reasonable restriction and while I might be curious what your deed restriction might say those rights are not generally transferred to anybody else. There is no way to enforce it regardless of what it said. It would take the airs of whoever sold the property and put that restriction in there to enforce it and take legal action. That is not the Town’s responsibility. Board, the big thing here is this complies with the variances that were approved by the Zoning Board of Appeals. This is a stand-alone single family residence. You have a good statement. You followed the design guidelines deemed for the lakefront, which I feel was appropriate. The issue for the Town Planning Board is, is twenty nine feet the right number.

Ms. Rasmussen said no.

Mr. Farmer said I think they were right at twenty four.

Ms. Rasmussen said I would agree.

Mr. Harvey said it’s always tough when you are the first guy proposing something new in a neighborhood and it sounds like the Board is going to kick this back to the Town Board to address this situation. I would concur that twenty nine is still too tall. Twenty four feet is much more reasonable. I think the Planning Board is going to recommend to the Town Board to cap it off and that will apply to everyone else in the situation.

A motion was made by MS. RASMUSSEN and the motion was seconded by MR. HARVEY to approve the site plan with conditions. The motion was carried with all present voted aye.

**TOLBERT SITE PLAN
RESOLUTION
Application #76-2024**

WHEREAS, Mark Tolbert submitted a site plan application, known as the Tolbert Residence Site Plan Application #76-2024, for property located on Otetiana Point on April 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 May 13, 2024; and

WHEREAS, The Planning Board did conduct Public Hearings at 6:00 PM on May 20, 2024 and June 24, 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. Maximum allowed height of the building is twenty four feet (24 feet).
2. Submit revised, certified, acceptable drainage calculations for the Town Engineer to review and approve.
3. Raingarden is required to be installed as shown on site plan.

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

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

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

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

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

Mr. Harvey said we are reopening the public hearing for this application.

Dave and Kathy Buschner presented the application. We will get you up to speed on what

we have done between the last meeting and this one. We were asked at the last meeting to address stormwater mitigation infiltration, whatever the terminology is, and to take a look at the lot coverage. We had the surveyors come out and do elevations which we then had those elevations given to an engineer. We had Grove Engineering work up a plan for stormwater infiltration management. We also checked our numbers on lot coverage. For the stormwater infiltration part of it there is a written letter as well as a drawing. Bill came up with a plan. The addition provided us with a net gain of 170 square feet of impervious surface. His plan has a stormwater mitigation garden in which the gutters on the north side of the house will all lead into that garden.

Mr. Harvey said and it is designed to handle at least that much flow.

Mr. Buschner said it is designed to handle six times the amount of water possible that could flow, so we addressed the runoff. The lot coverage, we went back to our architect and to the surveyor to see what the lot coverage actually is and you have that with some explanation of how they came about these numbers. The existing lot coverage and the proposed lot coverage are at the top of the site plan. The initial variance did not take into account overhangs, walkways, etc. It did not take it into account had it taken it into account the lot coverage today without the proposed addition is total 57.7%. The lot coverage of our current home 1975 square feet. The addition would bring it to 2352 square feet which again doing apples to apples here the original variance we were given 34% lot coverage and the current plan has 32.6%. What we did to get to that number was we are going to get rid of the shed and we decided to take out a walkway on the north side of the house which is another 170 square feet. Between the 77 square feet of the shed and the walkway, which is 170 square feet we are reducing by about 240 square feet. If we could keep the walkway that would be fine.

Mr. Harvey said well it's on the plan.

Mr. Buschner said so we believe we have addressed the concern about the stormwater runoff and the lot coverage.

Mr. Harvey said very good. For everybody's edification Jim Morse and I have gone back and forth with this a little bit and when the zoning variance was granted the definition for lot coverage was different. If you take that into account the Zoning Board of Appeals didn't put a time limit on the plans and the plans that we are working from are almost identical to what you have brought with you today for site plan approval. There is a little bit of concrete walkway that exists today that wasn't on the original plans that you have compensated by taking out the other walkway. From my point of view I think the Board has to look at that you have complied with the original conditions. This is an internal matter for the Town but at some point you have to expect zoning laws to change and that is why it is always a good idea to put time limits on things. They didn't do that and it runs with the land. Jim you have to find that is complies with what was approved in 1999 as far as lot coverage.

Mr. Morse said that is what I looked at. I compared them. Mr. Buschner has done a great

job communicating with me through this whole process. Usually when someone gets a variance they immediately start their project so this is the first time I came across this. What was approved in 1999 and 2000 is almost identical to what is proposed now. He had approval back then so I don't see any reason why we can't interpret it that way.

Mr. Harvey said and I would say you have gone above and beyond with the stormwater mitigation that the additional lot coverage would call for.

Mr. Harvey then asked if there is anyone from the public that would like to comment on this application. Hearing none he closes the public hearing on this application.

Mr. Harvey said the first item of business is to complete the Environmental Review Short Assessment Form Part 2 and 3 are the Board's responsibility. We are proposing to say no small impact on all of the questions noting on Question 4 that there are no critical environmental areas in the Town. Question 8 having to do with historic resources we are basing that on the fact that the location is not in an area identified by the State Office of Parks, Recreation and Historic Preservation as containing or being approximate to a historic archeologically important or aesthetic resource. Question 9 and 10 the answer is based upon stormwater raingarden nearly six times the size needed to compensate the additional runoff from the additional lot coverage.

Mr. Farmer makes a motion to move Part 2 and 3 as we just covered and the motion was seconded by Mr. Hoover to approve the Environmental Assessment Form Part 2 and 3 and based on those answers that the proposed action will not result in any significant adverse environmental impact. The motion was carried with 5 ayes with Ms. Harris abstaining since she arrived to the meeting at 7:29pm after this application was presented.

A motion was made by MR. HOOVER and the motion was seconded by MR. FARMER to approve the site plan as submitted with conditions. The motion was carried with all present voted aye. Ms. Harris abstained since she arrived to the meeting at 7:29pm after this application was presented.

**BUSCHNER SITE PLAN
RESOLUTION
Application #77-2024**

WHEREAS, Dave & Kathy Buschner submitted a site plan application, known as the Buschner Addition Application #77-2024, for property located at 3976 New York State Route 364 on April 9, 2024; and

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

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

WHEREAS, The Planning Board did conduct Public Hearings at 6:00 PM on May 20, 2024 and June 24, 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. Existing wood framed shed to be removed as per submitted site plan.
2. Existing walkway to be removed as per submitted site plan.

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

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

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

PB #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 we are going to reopen the public hearing on the Scenic Ridge Rise Subdivision. I will remind everybody that the Environmental Review is complete on this project. The judgement for the Planning Board is whether or not the final complies with the conditions that were adopted with the preliminary. So you have had some back and forth with the Town Engineer.

Mr. Eldred said is that the reason for reopening it?

Mr. Harvey said no I adjourned it when you were not here at the time at the last meeting. I adjourned it to tonight and the public hearing is reopened now.

Mr. Eldred said as far as what I have done to date, when I made the original submittal I sent the cover letter to address all the conditions of approval of the preliminary plans. I also sent a list of items that were included in the HOA document. I don't know if the Board has had a chance to review all that to see if you are satisfactory with that or not. The Town

Engineer comments, just being very honest with you, I am at a point where I am having difficulties with financing the project and some issues in regard to erosion control. I have provided belts and suspenders and he is asking for a second set of belts and a second set of suspenders on some of these things. I am going to need to actually sit down with him and go through them. I can't sit here today and say that we are in agreement on everything with the Town Engineer. I have gotten comments from the Health Department and the DEC everybody except County Sewer. So there is very little changes on the plans coming out from those sources.

Mr. Harvey said I am glad to hear that everybody has been reviewing your documents because there were so many conditions on the preliminary and normally we would have something to sign and give out.

Mr. Eldred said I understood that since I had to kind of finalize with the Town Engineer that there was discussion about sliding us off but I want to take this opportunity if we could to take care of the things we can take care of. With regard to the Town Engineer of course we will come to a consensus on the items. It's their technical issues. I am going to bring up and request a couple of things here. With regard to, and it sounds like a simple thing, the approval at preliminary there was a requirement to post a letter of credit for the future 400 foot of watermain that would take it from where we end it to the property line and that is becoming somewhat problematic. The primary reason is the discussion is that this may not be connected to for fifteen to twenty years and to set aside that amount of money for that amount of time has somewhat been a problem for my investors.. One thing I did want to point out that if you were looking for compensation in that regard I did put a ten inch watermain in the project and it cost an extra \$100,000 over an eight inch watermain and that sets us up nicely for the project but also for the future interconnection. I have spent quite a lot of money in that regard already for that particular issue. I have done a lot of things on this project.

Mr. Harvey said what is the length from the end of the watermain to the property line?

Mr. Eldred said it is 400 feet. Another thing, and it may sound like a small thing, the Town's design standards require monuments at all PC's and PT's and many many other locations throughout the project and nowadays everything is done by GPS . You just don't need that many of them. I've got thirty of these things on here.

Mr. Harvey said is that in the design standards manual?

Mr. Eldred said yes so I am asking if we could cut back on those a little bit.

Mr. Harvey said unfortunately we are not the Board that can make that decision but that is something you can bring to the Town Board.

Mr. Eldred said I have done a lot of things on the project like doing water quality for the upstream farmland, increasing the size of the watermain, increasing storm drainage for the potential future extension of the road, belts and suspenders on the erosion control plan.

The erosion control plan is something I am really pretty proud of. It is the most extensive one that I have ever done. It just seems like there is no end to the additional things that are being requested. 200 and 500 year storm design for the stormwater pond.

Mr. Harvey said you might have to only high and dry development no matter what happens.

Mr. Eldred said I will come to terms with the Town Engineer and if I have to do things that are required in his purview then I'll do them but there are a few I want to discuss with him but I haven't been able to do that yet. I just wanted to tell you that was the reason I hadn't finished up with him in particular. If that is the reason to set it off you can do it subject to his approval but I don't know where the Board stands overall on the conditions of approval, the things in the HOA offering plan, etc. If we can't get the full thing tonight we can get some of those things out of the way. Was there a comment or comments that came in from a neighbor? Maybe I was confused on that.

Mr. Morse said no, you were copied in on the wrong email so please disregard.

Mr. Harvey said the Board can ask specifics about the application, you can ask the applicant to address and issue, but if you are a Board member you absolutely cannot put your opinion out there and what you are going to vote.

Mr. Eldred said there is one request I would like to make on the Town's website it says the meetings are at 7:30pm and if I didn't read the agenda I wouldn't have known it started at 6pm.

Mr. Morse said voted at the end of the last meeting because we knew we had seven applications and we said it was going to start at 6pm.

Mr. Eldred said that's fine no one sent me the agenda or any notification.

Mr. Harvey said let me say one thing we usually have some pretty quick meetings but the last two have not been that way because they are controversial. We need to take our time and accommodate that so everyone can be heard.

Mr. Eldred said that is where I stand overall at this point, not sure what the Board's feeling is at this point.

Mr. Harvey said I think you're fine unless any member of the Board finds that not all the conditions have been complied with. The only thing I would say is this is a final approval and we want to make sure the I's are dotted and the t's are crossed on this one. Let's see what the other comments are and the Board will talk about if we have any discussion. I have stuff together with proposed inclusions in the bylaws but that is the only thing to me if they are the bylaws or not.

Mr. Eldred said I'll be very honest with you I have spent a lot of money and I didn't ask to get the bylaws done yet.

Mr. Harvey said hey Doug, development is expensive.

Mr. Eldred said I have learned a lot, let's put it that way.

Mr. Morse said the last comment in regard to not holding the bond for the road and the connection that decision falls on me according to the purview of the code. He will need to put that request into me, which I will then refer back to the Town Board because I don't know their comfort level. When it comes to building and developing with one curb cut, I know you have the emergency one, and we have talked about this at great length that the second form of egress is Turner Road. That request to develop more than what you are allowed is solely my interpretation. So I am telling you to put your request in so I can refer it to the Town Board so I can get it on in July.

Mr. Eldred said I think you know we are putting sprinklers in, right?

Mr. Morse said yes but that doesn't change that. Unfortunately it is all about future development and that part of it is all a New York State Code. I just didn't want it to be a surprise to you.

Mr. Eldred said on the other hand the developer has access to it. It's like providing the access to the water main so it's not stop ****inaudible**** at that time and he can divide it by 300 homes, I've only got 80.

Mr. Morse said if it becomes a district yes that's why I want them to have their input on it. I know the Supervisor and three Board members were adamant that it was not going to be the cost of the Town.

Mr. Eldred said and there is no reason that it has to be the cost of the Town either.

Mr. Harvey said any other questions from the Board? Hearing none, is there anyone from the public that would like to speak on this application?

Ms. Blumenstock said my one question is are there any plans to connect Scenic Ridge Rise to Turner Road behind East Lake View?

Mr. Harvey said I would direct you to the Town's 364 Access Management Plan that has been on the books since 2006. The Town looks at these individual developments on individual parcels and has come up with a plan on how to connect and interconnect that will allow through roads. That plan has been around for quite a while and he has designed his development to accommodate that in the future. So the answer would be yes but not part of his project. It is set up to be connected in the future.

Mr. Eldred said in any case it would be beyond your woods. The way we have looked at this and talking to the Town before is we are thinking it would be beyond the woods but it would turn and go north. Maybe about 400 feet east of your HOA property line. I won't

guarantee that.

Ms. Blumenstock said but it's down the road in the future and we don't know yet.

Mr. Harvey said whenever those other property owners decide they want to come in and file a plan to develop their property. We made accommodations for interconnections in the future.

Ms. Blumenstock said so it would still depend on the current property owners of the contiguous properties.

Mr. Harvey said correct. If they develop it one of the things the Planning Board will say is you have to connect here and make a through road.

Ms. Blumenstock said the other question I have is I know that there is a fence that goes up supposedly on the property line of your development and butts right up to our property lines. There is no buffer in there at all, right? It was my understanding that the Town at one point had rules for buffers in between properties. It's like the woods we have behind at the top of the hill of our property. This is raising some major concerns with people who back up to your property because it's so close.

Mr. Harvey said have you been following this at all?

Ms. Blumenstock said I have been at all of these meetings.

Mr. Harvey said have you seen the landscaping plan? He is going to be spending a lot of money on vegetation between your properties so the caricature that there is no buffer is not correct.

Ms. Blumenstock said that there is no existing buffer. The concern with the development of your landscape, and I appreciate the detail you've put into it, is the privacy factor for the people that back up to it now that all of that will be removed. I just didn't know where that stood but it sounds as though it is a moot point.

Mr. Harvey said the Planning Board made a decision that rather than leave the existing stuff we would have something that would be designed and he complied with it. While you are going to wait a few years for it to mature but in the long run it will be there a much longer time.

Mr. Eldred said and it will be maintained because the HOA will maintain it.

A member of the public said I have questions but I honestly haven't been here because I live out of state and just found out today about the development. Are you going to have green space and parks in your space?

Mr. Harvey said the way the public hearing works is you address your questions and you

make comments to the Board. The Town has specific requirements for open space and public lands and he has met those thresholds. It has allowed him to reduce the lot size and compress to provide more open space in the plan. As a matter of fact, if you compare it to the property to the north along Angela Way its overall density is lower than that development.

Ms. Rasmussen said if you want, tomorrow come down to the Zoning Office and ask to see the plans. Just know that the plans are always there to look at prior to meetings and after.

The same member of the public said is there a percentage of trees that are left of the old growth?

Mr. Harvey said I don't think we actually did a calculation percentage. He identified the ones that have to go. He has street trees and all kinds of things that he is putting back in that the Board is requiring.

Ms. Rasmussen said the trees at the top of the hill are protected.

Mr. Harvey said yes, the ridge line has to stay.

The same member of the public said how is the impact on the watershed?

Mr. Harvey said what exactly is your question?

The same member of the public said I don't know last year there was flooding. I think it came down Turner Road mainly.

Mr. Harvey said there is a lot of flooding in different places. The various NYS design manuals, the Town's requirement exceeds what the state of New York would require and he has designed his stormwater infrastructure for a 100 year design storm. He also has freeboard which is a fancy way of saying he has extra capacity above that.

Mr. Morse said Wednesday night at 6pm they are doing a presentation on that very concern at the Town Board meeting.

The same member of the public said is there any chance we will start enforcing the speed limit on that street?

Mr. Harvey said that is up to the Sheriff's Office.

The same member of the public said how about lowering the speed limit?

Mr. Harvey said the Town has an access management plan and an access management local law. We are one of the few municipalities that tries to make sure that the driveways are spaced with curb cuts and everything with safety in mind. They have to be spaced out to

maintain and to be safe at the speed limit they are posted on. Otherwise it's up to NYSDOT.

Ms. Messner said the back of our property is right up against there and at the last meeting you said you have a master's degree in architectural landscaping design.

Mr. Harvey said I have an undergraduate degree in landscape architecture and one of our Board members is a licensed landscape architect.

Ms. Messner said with respect to these plantings, that area is so completely waterlogged that I would strongly suggest whatever is planted there loves water because they won't survive. My husband has a video of our swale, it doesn't effect this new property, but I would say in 10-15 minutes we had an inch of rain and our swale you could put a kayak down. It is so wet back in there you should really have muck boots if you decide you are going to go trapesing through there. I just want that on the record that if people would be mindful for the correct type of planting.

Mr. Harvey said he has to do a lot of grading, which should improve the situation.

Mr. Eldred said right at the property it will start grading down at a slope so the water is not going to sit there like it has. I understand that the swale on your properties were undersized and filled in, all kinds of things over there. You could actually drain into my swale once I'm done because it does slope away.

Mr. Harvey said anyone else? Hearing none he asks the Board if they would like final comments and/or presentation or summary if MRB, the engineer for the Town, is comfortable with the changes that you have made?

Mr. Morse said I prefer to have another meeting especially if they are requesting not to have bonds in place. I would prefer to have that reviewed by our attorney and the Town Board before anything gets approved. You are putting an awful lot in my plate to determine what exactly needs to be put in place if you approve it and then I have to turn around and figure out what goes where. Everything needs to get sorted out first.

Mr. Eldred said the plans have both sections on it for final approval.

Mr. Harvey said correct.

Mr. Eldred said ok, there were some things that said section 1 only.

Mr. Morse said the way it was worded on the application was overall and final for phase 1.

Mr. Eldred said the timing is probably going to work out that we are just going to keep going but I may have to come back and get signatures again for section 2.

Mr. Harvey said I would expect that because you will get final approval and then you can get phase 1 signatures and then get phase 2 signatures. Why would you want to pay taxes on eighty lots for both phases at the same time.

Mr. Eldred said exactly.

Mr. Harvey said we have heard the public comment and I am of the mind, unless the Board disagrees, to close the public hearing and refer the questions to the Town Board and Town attorney. Then we will think about what we are doing with the Homeowners Association and the bylaws, etc. Then at our July meeting to take care of this thing. Does the Board agree with that?

All Board members voiced they were in agreement.

Mr. Harvey said ok the public hearing is closed.

Mr. Morse said so the main thing is get all your calculations for what the costs are and get them to our engineer first so he can review them and make sure they are accurate. With that being said, if we are going to do this in July you have a five week window. The Town Board meetings are the third Wednesday of the month.

5. NEW PUBLIC HEARINGS

PB #80-2024: ROY SAUDER 5089 EAST SWAMP ROAD, STANLEY, NEW YORK, 14561:

Requests site plan approval to construct a 348x46 chicken barn totaling 16,008 square feet in size. The property is located at 5089 East Swamp Road and is zoned FP Farming Preferred/Farmland Priority.

Roy Sauder presented the application.

Mr. Harvey said the only things that are on the site plan are the existing buildings and then this new building. How many chickens are we talking about here?

Mr. Sauder said 10,000.

Mr. Harvey said is this considered a concentrated animal feeding operation with 10,000 chickens?

Mr. Sauder said like a CAFO?

Mr. Harvey said yes.

Mr. Sauder said no, my understanding is not.

Mr. Farmer said is it just eggs?

Mr. Sauder said yes.

Mr. Farmer said not broilers or anything like that?

Mr. Sauder said just layers.

Mr. Harvey said so everything is enclosed in the barn and it is ventilated.

Mr. Sauder said yes. Couple of things I wanted to say in case anyone was concerned is the manure will be stored indoors.

Mr. Harvey said where does it get disposed?

Mr. Sauder said I will spread some on the fields for fertilization and there are neighbors that have asked already about buying it.

Mr. Harvey said it has value.

Mr. Sauder said yes, they truck it up from Pennsylvania a lot.

Mr. Farmer said is that better than cow manure.

Mr. Sauder said it's not better than cow manure but cow manure is harder to get unless you have cows.

Mr. Hoover said chicken manure is more concentrated and it's dry.

Mr. Harvey said so it's going to be dry and it is not liquid.

Mr. Sauder said it's not liquid, no.

Mr. Harvey said is it like a dust.

Mr. Sauder said not necessarily dust I think it has about 60% moisture. Definitely not liquid but definitely not dust floating around either.

Ms. Rasmussen said and they are going to be free range.

Mr. Sauder said yes, free range.

Ms. Rasmussen said where from the barn will they go out to free range.

Mr. Sauder said there are five entryways on both sides of the barn. We will have the hillside to the side of the house and to the north. There are twenty five acres based on certified humane requirements.

Mr. Farmer said how do you collect the eggs?

Mr. Sauder said so it will go in on a belt and the belt goes to the packing room. There is a training period so they won't go outside to begin with.

Mr. Farmer said but you can teach them.

Mr. Sauder said yes we will have them lay in the morning before they go out, so there is training periods that they do. You don't open the doors first thing in the morning because they need to lay their eggs before they go out. Then they will get into a habit.

Mr. Harvey said I saw the storm infiltration trench detail but where is he putting it?

Mr. Sauder showed on the site plan where it will be installed.

Mr. Harvey said my only comment about this is obviously this is quite a slope. While he carved out and made a flat part of it, I need some spot elevations or something to show how the water is getting around the building. All this water looks like it is going right towards the building and I don't think you want that.

Mr. Sauder said no. I don't fully understand the engineer part, he planned it.

Mr. Harvey said I don't have a problem with these stormwater calcs. I just want to move the water around the building and get into the stormwater facility. Our site plan requirements say ten feet at 2% slope away from the building. Then whatever he is going to do to get the water down to this infiltration trench has to be 2% minimum. Likely he is going to have to bring these contours back further to get enough slope.

Mr. Sauder said I understand what you are saying and I don't quite agree with the plan. There are definitely concerns.

Mr. Harvey said have the engineer give you some positive drainage away from the building. He basically has to move these redlines so the water moves around your building.

Mr. Sauder said I will talk with him.

Mr. Harvey said it is in the County Agricultural District, it's in the Town's Farming Preferred so it is an allowed use. Does the Board have any further questions for the applicant? Hearing none he asks if anyone from the public would like to make comment on this application. Hearing none he closes the public hearing.

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 answered no because the property is not on or approximate to an archeological sensitive area or involves a property listed on the state lists of historic properties maintained by the NYS Office of Parks, Recreation, and Historic Preservation.

Ms. Rasmussen makes a motion to move Part 2 and 3 as we just covered and the motion was seconded by Mr. Hoover to approve the Environmental Assessment Form Part 2 and 3 and based on those answers that the proposed action will not result in any significant adverse environmental impact. The motion was carried with all present voting aye.

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

**SAUDER SITE PLAN
RESOLUTION
Application #80-2024**

WHEREAS, Roy Sauder submitted a site plan application, known as the Sauder Site Plan Application #80-2024, for property located at 5089 East Swamp on May 13, 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 June 13, 2024; and

WHEREAS, The Planning Board did conduct a Public Hearing at 6:00 PM on June 24, 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.
2. Submit updated grading plan for stormwater management.
3. No exterior lighting.

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

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

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

PB #82-2024: THOMAS WHIPPLE 4595 COUNTY ROAD 1, CANANDAIGUA, NEW YORK, 14424:

Requests site plan approval to construct a single family residence approximately 1180 square feet in size with included site improvements to grading, drainage and utilities. The property is identified as Tax Map #127.19-4-25.000 and is located on the east side of State Route 364 north of Hillcrest Drive and is zoned HR Hamlet Residential.

Jon Jones with Marks Engineering and Tom & Mary Ann Whipple presented the application.

Mr. Jones said this is a vacant lot that they are planning to build a walkout home, driveway off of Hillcrest Drive, sanitary in the rear here that connects through with an easement, water is on the west side of NYS Route 364 that they will boar under the road for, and the drainage comes down off the hill.

Mr. Harvey said do you have an access easement?

Mr. Whipple said yes there is a legal file for that because originally it was going to be a Grove Drive at some point.

Mr. Harvey said so the other parcel could eventually be a shared curb cut.

Mr. Whipple said Jim has been out there and said that would be better than having a whole bunch of driveways.

Mr. Harvey said yes because then we would be sitting here discussing how you were going to combine your driveway anyways. Go ahead.

Mr. Jones said the drainage comes off the hill and we kind of swale it around the house. Obviously since it is a vacant lot we have increased the impervious surface. There is an infiltration trench in the front to handle the roof liters. In the back there is an infiltration

trench as well that swales down to a culvert near the entrance that shoots the water to the other side of the driveway and continues down the ditch.

Mr. Whipple said the one question that I have is during the last three major rainstorms that we have had I have been over there and there is quite a bit of water that comes down from Crystal Beach. This is already swaled to this part of the road so we wouldn't pick up as much moisture on this side if at some point even switching the swale to the other side to cut down on that much water trying to come back underneath the side of the driveway. We actually already have two twelve inch drains already in on that.

Mr. Harvey said well you have to intercept your water before it hits your driveway. That is why the engineers put it on that side otherwise assuming it actually gets below freezing you would just have a continuous problem with water and ice. Let's talk about your house, do you have house plans?

Mr. Whipple said yes, I just gave them to Jim.

Mr. Harvey said the Town doesn't have many appearance standards.

Mr. Whipple said it fits the character of most of the housing out there.

Mr. Harvey said is it a masonry foundation?

Mr. Whipple said yes.

Mr. Harvey said is there exterior lighting? Dark sky compliant lighting?

Mr. Jones said site note #5 refers to all lighting being dark sky compliant.

Mr. Harvey said basically whatever fixture you pick out give Jim the spec and he will verify it is dark sky compliant.

Mr. Hoover says where is the electric coming from?

Mr. Whipple then showed on the site plan where the electric was coming onto the site and where the water was tapped.

Mr. Harvey said so you will need to add that. Usually we do a survey after construction so your surveyor can accurately depict the location.

Mr. Whipple said I did work with the Water Department a few times with where they had to go under the road and tear everything out.

Mr. Harvey said in your infiltration trench area all you have here is a note that says your perc rate is greater than 30 minutes per inch. Have you done a percolation test on the soil around the site?

Mr. Jones said no, that was one of the comments that MRB had to do that test.

Mr. Harvey said we are not really concerned with the storage capacity unless the some of your infiltration does not compensate for the additional runoff from the site. If that is relatively balanced then you are good to go. You designed for a twenty five year storm and the Town's requirements are that but also for you to look at the fifty and hundred year and to discuss with us whether or not is practical to build to that standard so I would go back and forth with MRB on that. Ok?

Mr. Jones said yes.

Ms. Harris said I'm curious about this easement, is this Crystal Beach Betterment Association easement there for access to these lots?

Mr. Whipple said yes it was legally drawn up with the lawyers. I actually got the paperwork about two months ago on it. It was done in 2006. We have legal right to use it for driveway improvements and everything else. It's in the abstract to the title.

Mr. Morse said Brian Case was involved with this part of it was because one of the reasons why the cut wanted to be there was just in case they wanted to go back and make that road connection.

Mr. Harvey said the other parcels then will end up having to access through that.

Mr. Morse said I think he only has one more buildable lot because the other one does not meet compliance.

Mr. Harvey said is there anyone from the public who would like to comment on this application.

Ms. Klotz said I live on Lake Drive so I am at the bottom of what comes down Hillcrest and I just wanted to point out that there is a lot of elevation drop on those few lots including the parcel owned by the CBBA. That would be a lovely place to have some stormwater retention because as it is the water this year and three storms we had last spring in June and July water came rushing down that creek reached 364 reached Clover and flooded Cottage City Road and reached Lake Drive as well. I would just hope that the stormwater management is cautiously conservatively figured because there is already a pipe draining the property into the road ditch on the east side of the driveway. So water is already being diverted. That is just my concern living downhill.

Mr. Harvey said there is nothing shown on the plan there.

Ms. Klotz said as Mr. Whipple said there is a big pipe going parallel to Hillcrest but there is also one coming out of the property into the road ditch.

Mr. Whipple said the Town has put in what is a natural driveway culvert, is that one of the ones you are talking about?

Ms. Klotz said yes, on Hillcrest. The Town put that in?

Mr. Whipple said yes the Town put that in. I was over there for the last three storms and the one the Town put in nothing comes into that water wise. If you also check the property where the secondary one was put in was to prevent the water from actually, because if you check there is a natural stream which isn't considered, I already checked with the DEC it's not a legal stream, but Crystal Beach up above there is an area where the water naturally over the years have made a cut. So the second pipe that went across was to keep that from going out over the end of the driveway out in the road and coming straight down and it was still always going into that same channel. So that's what the two pipes are.

Ms. Klotz said I didn't walk around because it is private property.

Mr. Whipple said I have no problem if you want to take a peek at it. I tried to put swale fence up and straw and everything else to prevent it when we were scratching just to make sure it didn't get into the lake.

Ms. Klotz said I saw the straw. I have been here fourteen years and the last two years we have seen flooding down here that we have never seen before. I don't know where it is coming from but uphill someplace. I'm glad you are addressing it.

Mr. Whipple said there are other ideas as we get this finished that I have talked with the Conservation Department and others knowing the types of water that comes down. Upper Crystal Beach kind of filters into this natural swale.

Mr. Harvey said the south corner of the proposed house grading is running parallel to the foundation and it has to have some cross slope. Anytime a contour line is at ninety degrees you are not moving water away from the foundation you are moving it parallel to the foundation. So he has to correct those contours in that area.

Mr. Whipple said yeah I know exactly what you are talking about. When you see the setting of it you feather it in.

Mr. Harvey said correct but I can't sign it when the contours show the water not moving away from the house so you have to change it. Is there anyone else who would like to comment on this application? Hearing none he closes the public hearing. You are doing some infiltration here and that's good. I don't know what opportunity there would be to put stormwater or other facilities on here to address the area because it seems pretty tight to me. Unless you wanted to give up some down in here but I don't see that happening. It is something that has to be addressed further up in the watershed somewhere. It's basically everything washing down this hillside.

Mr. Morse said that is one of the two areas that will be in the presentation to the Town Board.

Ms. Harris said these elevations are kind of confusing and not accurate.

Mr. Jones said we will make sure that it is right and it matches everything.

Mr. Harvey said I know that there are drainage problems in this area. The applicant has proposed some things but it is to the 25 year design storm. Does the Board want to think about approving it with conditions or do you want to see the impact of the other scenarios before you make a decision?

Mr. Farmer said are you in a hurry for this, Tom?

Mr. Whipple said it took me two years to get the culvert in. What is your major concern?

Mr. Harvey said I want to see different storm scenarios because this is sensitive to what is downhill and if it doesn't get solved I don't want them suing you and us.

Mr. Jones said we can take a look at it and see the result of the end calculations but what do you want it designed to 50 year a 100 year?

Mr. Harvey said that is a great question. You just heard the subdivision earlier we made him design it to a 100 year storm.

Mr. Jones said yes I understand that but the other thing I am wondering is if the Town is concerned on what is going on up here.

Mr. Harvey said well it is still your obligation to deal with what is on your site in a reasonable manor but you are right there might be some more mitigation up the hill to solve the regional issue. We just want to be confident that you are not adding to it.

Mr. Jones said definitely.

Mr. Whipple said when you talk about litigation in stages of where is the litmus test, if we follow what's on the books now to the 25 year and we are doing residential.

Mr. Harvey said then they sue us instead of you. The only hesitation I have is if you went back and you look at your model and you did what the infiltration rates were and you design something and the Board votes to make you design to the 100 year storm and it became a ridiculous grading, I wouldn't want to do that to you.

Ms. Harris said I'm curious as to what area your calculations are based on. Are you including the driveway, the building, and it says the cleared area so what is the cleared area?

Mr. Jones said it is the additional impervious surface areas.

Mr. Harvey said what was included in the impervious area calculation?

Mr. Jones said the impervious area is the 3009 square foot which is under the lot coverage calcs.

Ms. Harris said so they don't need to include the areas that were vegetated woods that were cleared and turned to lawn?

Mr. Harvey said what Gabe is doing is usually I would see a calculation of existing and proposed and then you give us the difference. Your obligation is to account for the difference.

Mr. Jones said the 3009 number is obviously higher than the existing.

Mr. Harvey said but you are not going from 100% infiltration to 100% runoff.

Mr. Jones said no, we can provide the existing calcs on that.

Mr. Harvey said so what does the Board want to do with this?

Mr. Farmer said I think we can move forward with conditions because it's such a small house.

Mr. Whipple said we tried to keep the footprint under because of the water concerns and everything else.

Mr. Hoover said yes move forward with conditions.

Mr. Harvey said such as?

Mr. Farmer said they are adding very little water to it.

Ms. Rasmussen said how do you know there is little water because there is also brush which has a different kind of infiltration than lawn.

Mr. Whipple said which is better?

Mr. Harvey said woods are better.

Ms. Whipple said we have trees to go back on the property if you are worried about that.

Ms. Rasmussen said no we are worried about the amount of water that comes off the property.

Mr. Whipple said I went to the soil maps. It is a lime and soil mix which is a pretty decent type of soil. I have been in plumbing and pipe fitting and doing septic's and stuff but again the problems we have been having over the last couple of years are these non-stop rains and it's like a sponge and the ground is completely saturated and there is nowhere else for it to go.

Ms. Rasmussen said then so we need to add more infiltration for the stormwater.

Mr. Whipple said I have agreed to increase it.

Mr. Harvey said okay, I will be comfortable handling it this way, design it to the 100 year storm and if it becomes an engineering or cost problem then come back.

Ms. Rasmussen said I can live with that.

Mr. Harvey said the first item of action here is the Environmental Assessment and we are going to propose no or small impact. Question 4 no critical environmental areas have been formally established in the Town. Question 8 on Part 2 we answered no or small impact based on the letter from the New York State Office of Parks, Recreation and Historic Preservation dated May 21, 2024. Questions 9 and 10 based on the Planning Board requiring a design to a 100 year design storm.

Mr. Farmer makes a motion to move Part 2 and 3 as we just covered and the motion was seconded by Mr. Hoover to approve the Environmental Assessment Form Part 2 and 3 and based on those answers that the proposed action will not result in any significant adverse environmental impact. The motion was carried with all present voting aye.

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

**WHIPPLE SITE PLAN
RESOLUTION
Application #82-2024**

WHEREAS, Thomas Whipple submitted a site plan application, known as the New Residence Site Plan for Mary Ann & Thomas Whipple Application #82-2024, for property located on NYS Route 364 on May 13, 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 June 13, 2024; and

WHEREAS, The Planning Board did conduct a Public Hearing at 6:00 PM on June 24, 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. Modification to show positive drainage especially on the south side of the house.
2. Modify the stormwater facility to accommodate a 100 year storm.
3. Calculations have to be based on percolation tests where this infiltration or other stormwater design is going to be managed and must be approved by the Town Engineer, MRB Group.
4. Elevations need to be updated to match site plan.
5. 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 associated with said Site Plan Application within 180 days of adoption of this resolution upon the applicant producing the following items:

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

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

PB #83-2024: JEFFREY PANARA 4850 COUNTY ROAD 11, RUSHVILLE, NEW YORK, 14544:

Requests site plan approval to construct a single family residence approximately 2952 square feet in size with included site improvements to grading, drainage and utilities. The property is located at 4850 County Road 11 and is zoned R1 Residential and LFO Lake Front Overlay District.

Mr. Jones said the owner is removing the existing house and everything along with it including sidewalks and stairs. There is a guest house in the front corner that will be removed as well. Jeff has worked with Scott Powell, the architect, to put together a footprint that works nicely within the setbacks. No variances were required for this site.

Mr. Harvey said so tell me how this meets the Town's guidelines, especially on a wider lot we don't want you to building setback to setback.

Mr. Jones said I am not familiar with that code section.

Mr. Powell said wait this is the Town guidelines that you shall not build setback to setback.

Mr. Harvey said yes.

Mr. Powell said then what is the purpose of the setbacks.

Mr. Harvey said so there is a minimum.

Mr. Powell said the purpose of the setbacks is so you aren't too close to the side. Now you are saying we can't even go to the setbacks.

Mr. Harvey said you can on one side or the other.

Mr. Powell said I have to admit that I did not see that in the guidelines.

Mr. Harvey said and you read the guidelines.

Mr. Powell said yes but apparently not thoroughly enough. If I had I would've been surprised by them.

Mr. Harvey said so if you have a 200 foot lot why would you want to build to fifteen feet and to fifteen feet? It would be insane, wouldn't it?

Mr. Powell said not necessarily because it wouldn't be against the code but sounds like it would be against the guidelines. On a narrow lot it makes sense to go to the setbacks.

Mr. Harvey said it certainly gives it a different character. The reason they are written like that is to give the ability to vary things and that people who don't necessarily live right on the lake still have some sort of a view. So it's not just building building building with no breaks.

Mr. Powell said having views are understandable that's why there are setbacks but to answer that we do have a bit of a saw tooth pattern going so it's not like we have a straight wall right at the setbacks on both sides.

Mr. Harvey said that would be a good answer.

Mr. Hoover said I don't see where they are touching any of the setbacks so there is a bit of room there.

Mr. Harvey said I can set the table I can't answer for them. Are you taking out a multiple story house?

Mr. Powell said yes it is a two story house with a walkout basement. On the exterior elevations you'll see that the walkout basement towards the lake is at one end of the house, not at the end but near one end, so we cannot have the whole west side of the house facing the lake as a walkout basement only part of it. The existing site contours lead to it being that way. The site not only sloped down from the road to the water but somewhat from the south to the north property line.

Mr. Harvey said you are certainly way above the flood elevations. The first floor is 708 and the basement floor will be 699.6 so plenty of elevation. If you get flooded we are in big trouble. Did MRB comment on this plan as well about the design of the dry wells?

Mr. Jones said yes they sent me the same comment to perform the tests.

Mr. Powell said from the road front side it is somewhat of a Cape Cod style house it's only when you see it from the walkout basement it's more of a two or two and a half story house. It's downright modest looking from the road.

Mr. Harvey said James, is lot coverage and everything else good with this thing?

Mr. Morse said yes ****inaudible comments due to too much background noise****

Mr. Harvey said did you see the comments from MRB?

Mr. Jones said yes I looked through those. I don't see any issues updating the plan for those comments.

Mr. Harvey said so you understand about the driveway? It says the proposed driveway appears to exceed the maximum twenty foot width allowed by the Town Design and Construction Standards.

Mr. Jones say yes we are showing twenty two foot.

Mr. Harvey said you can widen it back out but outside the road right of way. Is there a landscaping plan?

Mr. Jones said it doesn't look like we did one.

Mr. Harvey said are there no existing trees or just a couple down by the lake?

Mr. Jones said there are existing trees that we show on the demo plan for removal.

Ms. Harris said do you know the caliber and species of those trees?

Mr. Jones said our landscape architect can go out and identify the existing trees.

Ms. Harris said anything over and inch and a half we need to know what is coming down.

Mr. Jones said we can do that.

Mr. Harvey said if you read the design guidelines it also talks about the landscaping plan requirements so you will need to submit a landscaping plan. I assume there is a note somewhere about dark sky complaint. Is there anyone who would like to make public comment on this application? Hearing none, he closes the public hearing on this application.

Mr. Harvey said I am wondering about the stairs and the entry sidewalk. Is there some reason for having them there?

Mr. Powell said well the entry sidewalk there is one now and they would like to have it.

Mr. Harvey said do you get a lot of people using them?

Mr. Panara said I own the lot across the street and people park there and walk across the street aways to the left and walk across.

Mr. Harvey said that is what I was trying to figure why you needed a sidewalk addition to the driveway.

Mr. Panara said it makes it a little safer.

Mr. Harvey said ok that I get.

Mr. Morse said is that you were asking me about lot coverage, Tom?

Mr. Harvey yes.

Mr. Morse said they are at 13% because of the lot across the street. This also was referred to the County but it was exempt but the only thing they commented on was the driveway to coordinate that with the County. Also, I don't see the dark sky complaint comment.

Mr. Harvey said of the Environmental Assessment for Part 2 and 3. We will note on Part 2 that there are no critical environmental areas established in the Town relating to Question 4. Question 8 historic archeological aesthetic resources we are basing that answer of no on the May 21, 2024 letter from the NYS Office of Parks, Recreation and Historic Preservation. Part 2 Questions 9 and 10 have to do with erosion control and stormwater and we are going to put a couple of conditions on the approval to make sure the MRB comments addressed and appropriate stormwater facilities are installed.

Ms. Rasmussen makes a motion to move Part 2 and 3 as we just covered and the motion was seconded by Mr. Hoover to approve the Environmental Assessment Form Part 2 and 3 and based on those answers that the proposed action will not result in any significant adverse environmental impact. The motion was carried with all present voting aye.

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

**PANARA SITE PLAN
RESOLUTION
Application #83-2024**

WHEREAS, Jeffrey Panara submitted a site plan application, known as the New Residence Site Plan for Jeffrey & Mary Ann Panara Application #83-2024, for property located at 4850 County Road 11 on May 13, 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 June 13, 2024; and

WHEREAS, The Planning Board did conduct a Public Hearing at 6:00 PM on June 24, 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. Address all MRB comments from their letter dated May 28, 2024.
2. Modify the stormwater facility to accommodate a 100 year storm.
3. Submit a landscaping plan that follows the requirements of the Town Design Guidelines to be approved by the Planning Board.
4. All exterior lighting must be dark sky compliant.
5. Narrow the curb cut for the driveway at right-of-way to 20 feet.
6. 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 associated with said Site Plan Application within 180 days of adoption of this resolution upon the applicant producing the following items:

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

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

PB #84-2024: JOHN NEWSWANGER 4752 YAUTZY ROAD, STANLEY, NEW YORK, 14561:

Requests subdivision plat approval for a single lot subdivision known as the Subdivision Plan of Lands of John G. & Alta H. Newswanger creating Lot #1 consisting of 46.895 acres and Lot #2 consisting of 108.057 acres with existing house. The property is located at 4752 Yautzy Road and is zoned FP Farming Preferred/Farmland Priority.

Mr. Harvey opens the public hearing on this application.

Mr. Jones said this is for subdivision and site plan. I am filling in for this project so I don't know everything about this project but Mr. Newswanger can fill in the blanks I'm sure. They are separating the home and the farm from the rest of the property, which is lot 2 and the new house will go on lot 1.

Mr. Harvey said that looks like a lot of grading but it's pretty flat.

Mr. Jones said we need to raise the house for the walkout. Before we get too far Brennan did not show stormwater on this map so we will have to do that.

Mr. Harvey said well he has a lot of land to work with.

Mr. Jones said we can probably add a trench and connect the roof liters in there. There is a main 48 inch culvert so they can keep the drive that goes out to the fields.

Mr. Harvey said depending on what the soils are you might be able to get your infiltration in there just by having a regulated discharge. You have plenty of land to deal with it, so I'm not worried about that.

Mr. Jones said the septic is in the back and it is just a conventional septic system and like John said there is an existing waterline that goes to the barn. They will tap into that for the new house.

Mr. Harvey said is it sufficient for both?

Mr. Newswanger said yes it was in the plans.

Mr. Harvey said very good.

Mr. Newswanger said you were talking about trees earlier and we planted trees about twenty years ago for this reason. I never like to see a house with no trees around it.

Mr. Harvey said are you doing any landscaping around the house itself?

Mr. Newswanger said yes there will be plenty more trees planted once the house is in.

Mr. Harvey said I have great faith that you will do that. Is there a dark sky complaint note?

Mr. Jones said site note #5.

Mr. Harvey said is there any further questions or comments? Hearing none he closes the public hearing on this application.

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 answered no because the property is not on or approximate to an archeological sensitive area or involves a property listed on the state lists of historic properties maintained by the NYS Office of Parks, Recreation, and Historic Preservation.

Mr. Hoover makes a motion to move Part 2 and 3 as we just covered and the motion was seconded by Mr. Farmer to approve the Environmental Assessment Form Part 2 and 3 and based on those answers that the proposed action will not result in any significant adverse environmental impact. The motion was carried with all present voting aye.

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

**NEWSWANGER SUBDIVISION & SITE PLAN
RESOLUTION
Application #84-2024**

WHEREAS, John Newswanger submitted a subdivision and site plan application, known as the Newswanger Site Plan & Subdivision Application #84-2024, for property located at 4752 Yautzy Road on May 13, 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 June 13, 2024; and

WHEREAS, The Planning Board did conduct a Public Hearing at 6:00 PM on June 24, 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.
2. Submit stormwater facility plan to accommodate a 100 year storm.

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. 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;

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.

6. MISCELLANEOUS

None

7. NEXT MEETING

The next regular meeting of the Planning Board will be held on Monday, July 22, 2024, at 7:30 p.m. at the Gorham Town Hall, 4736 South Street.

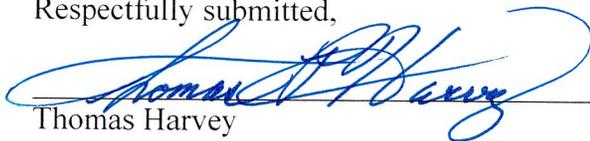
8. ADJOURNMENT

■ 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 9:40 p.m.

Respectfully submitted,



Thomas Harvey
Chairperson to the Planning Board

L.S.