

Town of Gorham

4736 South Street
Gorham, New York 1461

PLANNING BOARD

Monday, March 24, 2025 7:00 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*
Bob Farmer
Mike Kestler
Andrew Hoover
Richard Perry
Gabrielle Harris
Jeremy Stowe
Lynn Klotz, *Alternate*
Jon Willis, *Alternate*

Board Members Excused:

Staff Present:

James Morse, Town of Gorham Code Enforcement Officer

Applicant Present:

Nelson Nolt
Katherine Hoover
Logan Rockcastle, Marks Engineering
Matt Rischpater
Neil Hellman
Hayley & Brent Oaks
John Schell, APD Engineering

Others Present:

Allen & Tracy Galens
Allen & Miriam Nolt
Karen & Jeff Wagar

Reuben Weaver
Loren Nolt
Nevin Zimmerman

Applicant Via Zoom:
The Insalaco's

Other's Via Zoom:
Ben Smith

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Mr. Harvey.

Mr. Harvey said we have three public hearings scheduled for tonight and one carryover from the last meeting. Generally we will open the public hearing and I will announce the name of the applicant, the type of application it is, and I will ask Sarah to read the public hearing notice as it was published in the official paper of the Town. We will ask the applicant to explain the application. The Board may ask questions and then I will give the opportunity for anyone from the public to make comment on the application. For all applications by law we have to take action on the environmental review before the public hearing is opened. With that said, if the Board feels they have enough information we generally close the public hearing. If there is something outstanding we will delay it and we may adjourn the public hearing. Once the public hearing is closed the Board has 62 days to make a decision. On the application themselves, the Board can deny, they can approve as submitted, or they can approve with conditions. That is true whether we have a subdivision, or a site plan, or even a special use permit.

2. APPROVAL OF MINUTES OF FEBRUARY 24, 2025

■ A motion was made by MR. HOOVER to approve the minutes from FEBRUARY 24, 2025 and the motion was seconded by MR. KESTLER.

Motion carried by voice vote with all present voting aye.

3. LEGAL NOTICE

NOTICE IS HEREBY GIVEN that Public Hearings will be held by and before the Planning Board of the Town of Gorham on the 24th day of March 2025 commencing at 7:00 p.m. 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 #4-2025: HAYLEY OAKS 1971 MEADOW DRIVE, PALMYRA, NEW YORK, 14522: Requests subdivision plat approval known as the Subdivision of Lands of Jusin Martin Jr. creating Lot 1 consisting of approximately 155 acres and Lot 2 consisting of

1.981 acres. The applicant is also requesting site plan approval to construct a single family residence upon Lot 2 with site improvements to grading, drainage, and utilities. The property is located at 4091 Middle Road and is zoned FP Farming Preferred/Farmland Priority.

PB #5-2025: JULIA AND TOM INSALACO 4914 COUNTY ROAD 11, CANANDAIGUA, NEW YORK, 14424: Requests site plan approval to expand the existing residence with two single story additions. One addition totaling 522 square feet and the second totaling 160 square feet. The project also includes site improvements to drainage and utilities. The property is located at 4914 County Road 11 and is zoned R1 Residential and LFO Lake Front Overlay District.

PB #6-2025: MATTHEW RISCHPATER 17 LYON STREET, NAPLES, NEW YORK, 14424: Requests site plan approval to construct a single family residence with attached garage with included site and utility improvements. The property is located at 4244 State Route 364 and is zoned R1 Residential and LFO Lake Front Overlay District.

All persons wishing to appear at such hearing may do so in person, by attorney or other representative.

Thomas P. Harvey, Chairperson
Planning Board

4. CONTINUED PUBLIC HEARING

PB #99-2024: NELSON NOLT & KATHERINE HOOVER 3090 COUNTY ROAD 18, STANLEY, NEW YORK, 14561: Requests site plan approval to construct a new dry goods store, parking area and loading dock with included site improvements to grading, drainage and utilities. The property is located at 3090 County Road 18 and is zoned FP Farmland Priority.

Mr. Harvey said so what has changed? We asked the applicant to go back and define what they were selling.

Mr. Rockcastle said have you received that document?

Mr. Harvey said yes.

Mr. Rockcastle said have you reviewed the basic elements that they will be supplying to the community through their store? We also received comments from MRB which we responded to. We also got feedback from the DPW and they were fine with our layout and the positioning of the driveway. One minor revision that I did this afternoon was based on their comment about the outlet for the overflow from the stormwater pond. It was a little too close to the right of way line, so I moved it outside.

Mr. Harvey said very good. Thank you. Are there any other questions from the Board? Hearing none, is there anybody else that would like to make a comment on this application?

Mr. Allen Nolt said I think it would be a good thing for the community. Keep our tax dollars local and working for us. Currently that kind of good is offered in Yates County so we have to travel to Yates County for that.

Mr. Harvey said thank you. Anybody else?

Ms. Galens said what were the items that are proposed to be sold within the store?

Mr. Harvey read the following letter submitted by Brennan Marks, Marks Engineering, dated March 10, 2025:

“On behalf of our client, Mr. Nelson Nolt, we provide the following list of items available for purchase at the proposed new store located at the subject property. Inventory may include but is not limited to:

- *Seasonal Produce (grown directly on the farm and/or local farms)
- *Eggs (produced from the chickens directly on the farm)
- *Flowers including bouquets (grown directly on the farm)
- *Handmade wooden flower planters (made on the farm)
 - Includes planters handmade with flowers grown in local greenhouses
- *Seed packets
- *Handmade wooden clocks (made on the farm)
- *Handmade wooden signs (made on the farm)
- *Crafts
- *Sewing supplies
- *Office supplies
- *School books
- *Toys”

Ms. Galens said is the size still roughly 1500 square feet?

Mr. Rockcastle said that has not changed.

Mr. Harvey said why don't you review the MRB comments and the responses.

Mr. Rockcastle said sure.

#1. It is identified under the Lot Area notes that the Total Lot Area to the road line is 1.000 acres, while the total area of the lot is 9.624 acres to the road line. This should be reviewed and revised.

Mr. Rockcastle said this has been revised on the plans.

#2. It is recommended that infiltration tests be performed prior to the issuance of a building permit, as it is not favorable to perform this test in the winter months.

Mr. Rockcastle said we acknowledge that and we are prepared to do that.

#3. As this project does not require a Stormwater Pollution Prevention Plan as it is under the required threshold, it is still important that any stormwater systems provide adequate water quality and design. The applicant's design engineer has provided water quantity calculations that appear to be accurate but addresses quality through infiltration. If the perc testing recommended prior to a building permit does not provide adequate infiltration, it is recommended that the design engineer provide alternate water quality practices for Town Planning Board Approval.

Mr. Rockcastle said our response is additional water quality practices are not necessary at this time for this type of project as it is adequate in the sizing of the infiltration and mitigation practices that we have onsite as we do not disturb more than one acre.

Mr. Harvey said so they were trying to get you to do what?

Mr. Rockcastle said probably a forebay and in our expertise

Mr. Harvey said you are having erosion control on the plan anyway.

Mr. Rockcastle said yes it was more or less the infiltration basin they wanted more than what was designed but we feel what we have designed is sufficient.

#4. It is recommended that the infiltration practice proposed be at least 10 feet away from the foundation of any structure.

Mr. Rockcastle said it is dimensioned at 11 feet.

#5. It does not appear that the proposed underdrain is part of the outlet for the proposed infiltration basin. It is recommended that a detail be provided to clearly identify the construction of the infiltration basin including a section view to identify the depths of materials.

Mr. Rockcastle said the plan has been updated to show underdrain connecting to the overflow basin and an invert has been provided.

#6. It is recommended that the infiltration basin have a forebay and spillway identified as the overflow appears that it would be conveyed towards the existing house on the site.

Mr. Rockcastle said like I said before it is not necessary for a forebay in this practice. The drainage goes in front of the house and we have an overflow that directs any surplus to the ditch.

#7. It is recommended that the location of all stabilized construction access roads be identified on the site plan.

Mr. Rockcastle said we have identified those on the site plan.

#8. It is recommended all catch basin protections be depicted on the site plan with all applicable notes and references.

Mr. Rockcastle said which we have done.

#9. The County will need to also review the discharge and work within the County Right of Way. This includes curb cuts and driveway culverts. It is recommended that these approvals be a condition for any approval.

Mr. Rockcastle said we received those today.

Mr. Harvey said so the only additional change is moving the overflow pipe out of the County road right of way.

Mr. Rockcastle said which I demonstrated.

Mr. Harvey said does anybody else wish to make a comment? Hearing none, I will close the public hearing at this time. What is the Board's pleasure? I know the Town Board is considering a local law to do a moratorium on farm markets, so it is up to the Board if you want to take action on this or if you have any other questions. I think it's also fair to ask, Jim, given this list of items for sale do you feel that it falls under the definition of farm market?

Mr. Morse said I do. It doesn't give percentages but it does fall under the code section definition.

Mr. Harvey said what is the Board's pleasure?

Mr. Hoover said I would make a motion to approve it.

Mr. Harvey said okay, we have to do the environmental assessment first. For the Environmental Assessment Form Part 2 all answers were no or small impact. On Part 3 we would establish on Question 4 there are no officially established critical environmental areas in the Town of Gorham. 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 letter dated January 9, 2025. Questions 9 & 10 on Part 2 deal with natural resources, stormwater, flooding etc. and the Planning Board based its answer on the changes to the grading and stormwater management the Board has imposed during review to ensure there is no increase in the rate or total quantity of stormwater discharge

from the site after development as compared to the existing conditions to be verified by the Town Engineer. In addition the Planning Board required modification to the grading plan to show positive drainage away from the foundation.

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

Mr. Harvey said again the Town Board is going to take this up and if you approve it now it will be done and if you don't approve it now it's up to the Town Board. What do you think, Jim?

Mr. Morse said that sounds like a true statement but it is up to the Board and what they want to do. This application is before this Board at this time. I missed the Town Board meeting last week but it sounded like the Town Supervisor made mention to a few people that were in the audience that night that this application could move forward because it was prior to submittal.

Mr. Farmer said so be it. Let it go.

Mr. Stowe said I would like to take action on it.

Mr. Harvey said then make a motion.

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

**NOLT
RESOLUTION
Application #99-2024**

WHEREAS, Nelson Nolt submitted a site application, known as the Nelson Nolt & Katherine Hoover Site Plan for 3090 County Road 18 Application #99-2024 on November 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 January 20, 2025; and

WHEREAS, said application to the Town of Gorham Planning Board was required to be referred to the Ontario County Planning Board; and,

WHEREAS, The Planning Board did conduct a Public Hearing at 7:00 PM on January 27, 2025, February 24, 2025 and March 24, 2025 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 utilities.
2. The overflow needs to be brought back outside of the County right of way.
3. All exterior lighting must be dark sky compliant and shown on the building plans for the building permit.

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

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

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

5. NEW PUBLIC HEARINGS

PB #4-2025: HAYLEY OAKS 1971 MEADOW DRIVE, PALMYRA, NEW YORK, 14522: Requests subdivision plat approval known as the Subdivision of Lands of Jusin Martin Jr. creating Lot 1 consisting of approximately 155 acres and Lot 2 consisting of 1.981 acres. The applicant is also requesting site plan approval to construct a single family residence upon Lot 2 with site improvements to grading, drainage, and utilities. The property is located at 4091 Middle Road and is zoned FP Farming Preferred/Farmland Priority.

Mr. Harvey said since the amendments to SEQR were made it doesn't matter the type of application we have we have to make a determination before the public hearing is open. Technically the application is not complete until the environmental review is completed. It is a two acre lot. Is that legal in that district, Jim?

Mr. Morse said with and approved septic system, yes.

Mr. Harvey said and the deep hole and the perc tests are all good?

Mr. Morse said yes.

Mr. Harvey said there are no wetlands or anything on or near this property, right?

Mr. Morse said because of the new DEC mapper they may need to alter it a little bit to move forward or get a determination from them.

Mr. Harvey said I know what DEC wants. If there are any suspected wetlands in or near the property the state does not have official wetland maps anymore. They have other things. Basically, technically what you are supposed to do is if you have a development application you go online and you put in a request for a determination from the DEC. Then the DEC will say whether or not there are wetlands on this property. The old maps showed you were probably within the 100 feet.

Mr. Morse said the old maps didn't show it at all. So you know this is brand new.

Mr. Harvey said it started in January 2025.

Mr. Morse said it basically shows a portion of the hedgerow.

Mr. Harvey said the lot doesn't have to move. They would have to move all the disturbed areas.

Mr. Morse said they could move things over or extend the line if needed to not hold this up.

Mr. Harvey said for the Environmental Assessment Form Part 2 all answers were no or small impact. On Part 3 we would establish on Question 4 there are no officially established critical environmental areas in the Town of Gorham. 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 letter dated February 26, 2025. Questions 9 & 10 on Part 2 deal with natural resources, stormwater, flooding etc. and the Planning Board based its answer on the conditions of approval it will impose as follows: 1. Stormwater calcs for an infiltration trench providing a rate of infiltration equal to or more than the rate of additional runoff after development as approved by the Town Engineer, 2. Either movement of the home south and with or without expansion of the lot is necessary so no disturbance occurs within 100 feet of the NYSDEC regulated wetland or NYSDEC a letter of no jurisdictional wetland on the property, 3. Erosion control is added to the plan and approved by the Town Engineer.

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

Mr. Harvey said I will now open the public hearing on this application. It is pretty obvious that you are just proposing to split this off to build your home. Anything else you would like to add?

Ms. Oaks said Dr. Martin is my grandfather and we are taking about two acres from the family farm hoping to build a single story residence.

Mr. Harvey said so there are no other driveways within 440 feet of this?

Mr. Morse said the driveway on this one is good.

Mr. Harvey said is the driveway paved, or gravel, or crushed stone?

Mr. Oaks said it will be gravel.

Mr. Harvey said so that all counts as not permeable surface so your engineer has to take that into account in area and give us a calculation for what the additional runoff is. His obligation is not to just capture the runoff from the roof but also the additional from the driveway and capture that in the infiltration trench. He has to come up with a design based on the percolation rate in the soil that documents that it can absorb the additional runoff. He will owe us spot elevations on the driveway showing that there is a low spot somewhere before the road so the water doesn't drain out onto the road. They typically show the extent of the disturbance and before water moves off site it has to be captured by a silt fence. He needs to show where the silt fence has to go around the property. Even though NYSDEC doesn't require erosion control the Town does on every project. Standard questions are you putting a masonry foundation on this? A basement?

Mr. Oaks said yes.

Mr. Harvey said peaked roof according to the plans. Horizontal siding? Do you have building plans on this?

Mr. Oaks said I believe it's a metal roof with vinyl siding.

Mr. Harvey said horizontal vinyl siding?

Mr. Oaks said yes.

Mr. Hoover said on the garage it is showing vertical but the house doesn't show.

Mr. Harvey said fair enough. Jim will tell you the standards you have to meet. Is there exterior lighting?

Mr. Oaks said by the front door and the back sliding door.

Mr. Harvey said there needs to be a note on here that says it is dark sky compliant lighting. Gabe I know you had another comment on the overflow to discharge.

Mr. Harris said add the detail for the stone protection outlet. There is also a typo and I can't read the detail in this stormwater note but it says something about gutter downspouts.

Mr. Harvey said it looks like they have everything piped to that trench. Dark sky compliant means that the fixture aims down. Any other comments from the Board? Hearing none is there anyone from the public that wishes to make comment on this application? Hearing none, I will close the public hearing at this time.

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

**OAKS SUBDIVISION & SITE PLAN
RESOLUTION
Application #4-2025**

WHEREAS, Hayley & Brent Oaks submitted a subdivision and site plan application, known as the Lands of Justin Martin, Jr. Subdivision Plat and the Oaks Site Plan Application #4-2025, for property located at 4091 Middle Road on February 10, 2025; and

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

WHEREAS, A Public Hearing on said subdivision and site plan application was advertised in the official newspaper of the Town of Gorham, specifically in the Finger Lakes Times on February 14, 2025; and

WHEREAS, said application to the Town of Gorham Planning Board was not required to be referred to the Ontario County Planning Board; and,

WHEREAS, The Planning Board did conduct a Public Hearing at 7:00 PM on March 24, 2025, 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 final utilities.
2. Erosion control needs to be added to the plan with riprap or stone at the discharge site and silt fence at the limits of disturbance.

3. Engineer must provide stormwater calcs showing that the infiltration trench not only has the capacity to deal with the increase in runoff based on the plan after construction and that the additional runoff is directed to the infiltration trench.
4. Spot elevations added to the plan along the proposed driveway showing a low point prior to going up to middle road.
5. All exterior lighting must be dark sky compliant.
6. The house will need to be moved if there is a jurisdictional wetland designated by the NYSDEC so that it is outside the 100 foot buffer or provide a letter from the NYSDEC where they have made the determination that there is no jurisdictional wetland on the property.

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

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

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

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

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

PB #5-2025: JULIA AND TOM INSALACO 4914 COUNTY ROAD 11, CANANDAIGUA, NEW YORK, 14424: Requests site plan approval to expand the existing residence with two single story additions. One addition totaling 522 square feet and the second totaling 160 square feet. The project also includes site improvements to drainage and utilities. The property is located at 4914 County Road 11 and is zoned R1 Residential and LFO Lake Front Overlay District.

Mr. Harvey said this one is going to be a little bit different. We are not going to do the environmental assessment form because the application has changed. We advertised it as a one story addition and now it is going to be two story, so we are going to end up re-advertising the public hearing. We are going to open the public hearing tonight hearing comments that people may want to give us. Then we will close the public hearing and take those comments into account when we have the public hearing on the amended application. We did talk to the Town attorney about all of this and figured out what we had to do to be perfectly legal. I will open the public hearing at this time.

Mr. Schell from ADP Engineering and Architecture said Tom and Julia Insalaco, the property owners, are on zoom. As stated there will be two additions to the home. The 522 square foot addition will be two stories and will match the existing roof line. My apologies for the typo in the application forms. The second addition is a 160 square foot sunroom. In addition to the two additions there is an existing pump station for sewage that is very close to where the foundation for the addition will be so to avoid a potential conflict we are going to install a new E1 pump station further away. It will tie into the existing force main.

Mr. Harvey said it's your individual pumpstation for just this residence? It is not the County's.

Mr. Schell said correct. For stormwater there is an existing leach field and it was in use and functioning until the existing pump station was installed. We plan to tie stormwater runoff from the additions as well as part of the existing roof into that leach field, infiltrate it and because we are capturing part of the existing roof the project will result in a new reduction in stormwater runoff.

Mr. Harvey said do you have calculations to that effect?

Mr. Schell said they are not shown on there when we submitted the application because the ground was frozen and there was a lot of snow. We are happy to make that investigation if the Board needs it.

Mr. Harvey said perfect. Just document that it is going to perform and then I think we are all set. You know the story we are going to close this public hearing. Does anyone wish to make a comment on this application? Hearing none, I will close this public hearing at this time. Does anybody have questions for the applicant? Everything appears as if it's going to comply with the Town's very meager appearance requirements. You are not changing any of the utilities except for the sewer lateral, is that correct?

Ms. Schell said that is correct.

Mr. Harvey said and if Jim was here he would say that lot size, setbacks and everything complies.

Ms. Mitchell said yes.

Mr. Harvey said we did get comments from some of the neighbors. One of the things you should probably address at the next public hearing is where is your parking.

Mr. Schell said there are two spaces on the road and there is space in the garage as well. We do meet the parking requirement for a single family home.

Mr. Harvey said is this a residence residence or is it rented out?

Mr. Schell said it is a residence residence. It is a single family home.

Mr. Harvey said do they live here year round?

Mr. Schell said they are going to live here year round, which is why they need the addition.

Mr. Harvey said so this is not listed as a short term rental?

Mr. Morse said they haven't notified us of that. I do, however, receive a lot of calls about the parked cars.

Mr. Harvey said just be aware that the parking situation will need to be addressed.

A member from the audience said what is the parking requirement for residents? You said there are two spots in front of the garage. How does that fit into the Town?

Mr. Morse said it is in the Town code and there is a breakdown of the requirements.

Mr. Harvey said but it is up to the Planning Board. That is why I am trying to get a handle on what the property is going to be used for and is there adequate parking. The comments that we got from the neighbors via email the only concern was parking.

Mr. Schell said then we will address that at the next hearing.

Mr. Harvey said and lets be honest about it if it's used for something else that's fine just let us know. Look at the parking requirements. It certainly looks like it has enough space off of the right of way to accommodate the recommended parking. The next meeting is April 28, 2025 and we will see you then.

Ms. Klotz said how many bedrooms is this?

Mr. Schell said I don't have the floor plan in front of me. I'd have to get back to you on that.

Mr. Harvey said remember when we ask you questions if this is going to be their residence that is what you put on the public hearing record.

PB #6-2025: MATTHEW RISCHPATER 17 LYON STREET, NAPLES, NEW YORK, 14424: Requests site plan approval to construct a single family residence with attached garage with included site and utility improvements. The property is located at 4244 State Route 364 and is zoned R1 Residential and LFO Lake Front Overlay District.

Mr. Harvey said for the Environmental Assessment Form Part 2 all answers were no or small impact. On Part 3 we would establish on Question 4 there are no officially established critical environmental areas in the Town of Gorham. 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. Questions 9 & 10 on Part 2 deal with natural resources, stormwater, flooding etc. and the Planning Board will require changes to the grading plan, addition of erosion control, and stormwater mitigation as part of any approval.

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

Mr. Harvey said the public hearing is now open. Tell us how this complies with the Town guidelines.

Mr. Rischpater said this is going to show all the revisions. I wasn't made aware initially that we needed to have all the erosion control details shown. The existing house and garage which is shown on the lower removals plan and beyond that, in essence, the entire front of the site carrying down to the residence is all impervious now. Now it is compacted gravel. There is an existing sewer line that bisects the lot.

Mr. Harvey said it was hard to follow that on the plan but it looks like it jogs out so it looks like your building is completely outside.

Mr. Rischpater said it is. They jogged the offset because the existing house encroached within the setback, so I'm pushed back a little bit from that. We are removing the garage, which is two stories and including now a small two car garage and then building a house that suits the owners needs a little better. The impervious surface is reduced from what it was before. I have all the approved setbacks here, so we actually increased the green space and reduced the impervious. Currently the entire site just sheds down to the lake. The adjacent sites are slightly higher so the existing house site is a little bit deeper and water

kinda channels down through. What we are trying to do is matching the height better to the adjacent properties.

Mr. Harvey said I saw the existing grade has directed stormwater right to the house.

Mr. Rischpater said and what we are going to do is swale it around the outside. We are decreasing impervious area and we are not really changing the overall direction of the stormwater. We are providing a swale opposed to it just shedding down.

Mr. Harvey said I think we would be really comfortable if there was infiltration or something else because you had a preexisting situation that was so bad.

Ms. Harris said they are allowed 20% impervious and they were at 52% and they are down to 47.9%, so they are still twice as much as what is allowed.

Mr. Harvey said anything you can do to compensate the fact that you are so far above the allowed lot coverage would be great, through additional stormwater mitigation would be wonderful.

Mr. Rischpater said I am not sure what options we have but I can do some research on that.

Mr. Hellman said where would you put the stormwater?

Mr. Harvey said infiltration trench, drywell, anything similar to a septic infiltration field.

Mr. Hellman said there is not a lot of room there.

Mr. Harvey said reduce the size of the house.

Mr. Hellman said we have already been through this. Our lot coverage is underneath what the existing structures are now.

Mr. Harvey said it can be under what you are going to turn back into lawn. It can be all kinds of things.

Mr. Rischpater said I think the only opportunity would potentially be a dry well.

Mr. Harvey said I would bet you are going to find some shale and other stone. I don't think you are going to have much trouble infiltration wise once you get into the subgrade. Anything that captures it before it has a straight shot out into the water everyone would appreciate it.

Mr. Rischpater said ok. We will look into it. Maybe there is a french drain we can put in along the edge of the property.

Mr. Farmer said there is a large tree on the southwest corner there that you have to be careful with.

Mr. Rischpater said I did add a silt fence that goes around and protects the tree.

Mr. Farmer said but on your erosion, if you start directing water towards it it is going to be a problem.

Mr. Rischpater said we are not changing much under the tree we are hoping to change it before the tree.

Mr. Harvey said but what he's saying is if you dump all the water because you have brought it around the house and you've aimed it right towards the spot where the tree is you may not have a good outcome.

Mr. Rischpater said this existing line that's here is actually the existing line of the house before, so we are not changing that at all. Technically if we could magically drop the house in place there wouldn't be any change.

Mr. Farmer said it's there right now.

Mr. Rischpater said yes it is matching the existing house line so it's already tight and awkward but yes we are aware and if we can bend it around or come up with something else we will.

Mr. Harvey said the other thing we would look for is what is the rest of the landscape plan?

Mr. Rischpater said I started the landscape plan. Basically it is all going to be grass with local indigence plants up front to match the adjacent houses with some other shrubs and bushes around the perimeter of the overhang. That is really the extent of what is planned right now. We are trying to return it back to grass.

Mr. Harvey said is there a garage on the house?

Mr. Rischpater said yes there is garage. There is an existing sanitary sewer. I did add connection details, bedding details, sewer cleanout detail, and the tie in approximately where it is. When I submitted this drawing the gas line within the last month has been dug up and it is pretty accurate within a foot one side or the other. I did add notes where all wall mounted lighting to go downward and not to extend on anyone's property.

Mr. Farmer said are you moving the house up somewhat because on the north side the land drops by two feet.

Mr. Rischpater said yes, it does drop significantly, so the house is going up so we can kind of match that land. The survey, which is all I can go off of which I believe is technically

correct, doesn't really match the height over there but that is the intent. It will be about the same level as the neighbors.

Ms. Harris said it looks like it is coming up five feet from existing grade.

Mr. Hellman said that's probably what it is. It will match the houses on both sides.

Mr. Harvey said Jim, anything else from your perspective?

Mr. Morse said no. I have looked at this a lot. It was at the ZBA for a while. We have worked on this one for a long time.

Mr. Harvey said and the ZBA granted everything that complies with what is submitted here?

Mr. Morse said yes.

Mr. Hellman said Jim was pretty helpful with getting us to make some changes and the ZBA made them acceptable. I don't know if everyone was totally happy, me included, but I think we came up with good compromises.

Mr. Stowe said Jim, what were their major concerns?

Mr. Morse said I think the biggest thing was they thought it was too big but he wasn't finishing the basement and I think there was confusion with that. They were thinking it was basically going to be a three story 4000 square foot house when it wasn't. Technically one of the things he was kicking around in the beginning was remodeling what was there. We were kind of hoping to get rid of the garage out front.

Mr. Harvey said I would love to see the house pushed back but the sanitary sewer easement prevents it from being moved.

Mr. Morse said that is exactly what we ran in to. We did spend a lot of time on this one.

Mr. Hellman said like you were saying we had some limitations and we had to work around it. The ZBA gave us a lot of comments to work with and we came back a few times.

Mr. Harvey said are there any other comments?

Ms. Harris said I personally would like the landscaping to go along with our design guidelines. Maybe adding some screening along the sides and maybe add a native tree somewhere.

Mr. Rischpater said I should have shown the existing because it is heavily screened on the existing side.

Ms. Harris said on that side but what about the front on the lakeside?

Mr. Rischpater said this side otherwise this side is a right of way.

Ms. Harris said I know but what about your property? Are you getting new trees somewhere?

Mr. Rischpater said it could affect the swale.

Ms. Harris said not if you put something that can take some water. The design guidelines call for on the lakeside foundation planting and it does call for some screening along the side yards, not just all grass.

Mr. Rischpater said ok.

Mr. Hellman said I don't understand.

Ms. Harris said well you can look at the design guidelines, there are pretty detailed plan-nings.

Mr. Hellman said so you want me to put plants along the house, is that what you are saying?

Mr. Harvey said yes.

Mr. Hellman said believe me that is not a problem. We do like to keep small plants. I don't know if that is in your design guidelines.

Mr. Harvey said that shouldn't be an issue.

Mr. Rischpater said do you need specific species at this point?

Mr. Harvey said typical.

Mr. Rischpater said I just made a general note about going around the perimeter.

Mr. Morse said just be careful with that right of way and don't plant anything in there.

Ms. Harris said and if you do any lighting it has to be dark sky compliant.

Mr. Rischpater said I do have that note to add it.

Mr. Farmer said is your electric underground there?

Mr. Hellman said yes. It comes from the pole across the road and underneath.

Mr. Harvey said it shows on here that it is underground electric.

Mr. Hellman said and it will stay underground.

Mr. Harvey said any other comments?

Ms. Klotz said the water retention area that can be grass, you can do that between the house area and the lake.

Mr. Harvey said you can do that there. If you have other stormwater that comes on your property from the road or anything else, just something equivalent.

Mr. Hellman said we haven't had that happen.

Mr. Farmer said what about the driveway? Are you going to put that in?

Mr. Hellman said we have to put in something that is permeable.

Mr. Rischpater said yes, we are using pavers.

Mr. Hellman said that was something we agreed to with the Zoning Board.

Mr. Rischpater said it wasn't about permeability it was about access to the sewer. We are going to do pavers all the way down.

Mr. Farmer said what about the driveway on the north side of the house?

Mr. Rischpater said that is going to be grass.

Mr. Hellman said that was also what we were asked to do by the ZBA.

Mr. Harvey said have you reviewed those plans with the Canandaigua Lake County Sewer district? There will probably be a condition on whatever they approve. Any other comments? Hearing none, I will close the public hearing at this time.

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

**HELLMAN
RESOLUTION
Application #6-2025**

WHEREAS, Matthew Rischpater submitted a site application, known as the Hellman Cottage Site Plan for 4244 NYS Route 364 Application #6-2025 on February 10, 2025; 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 March 14, 2025; and

WHEREAS, said application to the Town of Gorham Planning Board was not required to be referred to the Ontario County Planning Board; and,

WHEREAS, The Planning Board did conduct a Public Hearing at 7:00 PM on March 24, 2025 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 utilities.
2. Site Plan must reflect all conditions granted by the Zoning Board of Appeals of the Town of Gorham.
3. Stormwater calculations must be submitted proposing some type of infiltration facility.
4. Landscaping plan must be submitted that complies with the Town's design guidelines.
5. All exterior lighting must be dark sky compliant and shown on the building plans for the building permit.
6. Approval must be received by the Canandaigua Lake County Sewer District for the materials being used for the driveway.

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.

6. MISCELLANEOUS

Mr. Morse said due to the holiday schedule we need to reschedule meetings for the months of May and December.

The Board agreed to reschedule the May meeting to May 19, 2025 and the December meeting to December 29, 2025 if meeting applications are received.

Mr. Morse said thank you Mike for being a Board Member. We are going to miss you! Lynn has officially been moved from being an alternate to a permanent member and Jon will remain our alternate.

7. NEXT MEETING

The next regular meeting of the Planning Board will be held on Monday, April 28, 2025, at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

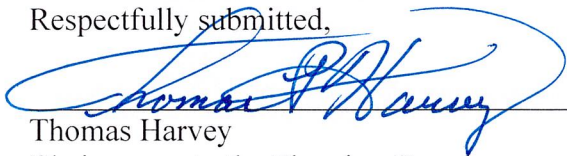
8. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:29 p.m.

Respectfully submitted,



Thomas Harvey
Chairperson to the Planning Board