

Town of Gorham

4736 South Street
Gorham, New York 14461

PLANNING BOARD

Monday, January 26, 2026 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*
Richard Perry
Andrew Hoover
Gabrielle Harris
Lynn Klotz

Board Members Excused: Bob Farmer
Jeremy Stowe
Jon Willis, *Alternate*

Staff Via Zoom:
James Morse, Town of Gorham Code Enforcement Officer

Applicant Present:
Logan Rockcastle, Marks Engineering
Anthony Venezia, Venezia Land Surveyors
Bill Grove, Grove Engineering
Chris Iversen, Deer Run
Alexander Amering, Costich Engineering
Richard Testa

Others Present:
Greg Kern
Debra Curtis
Philip Curtis

Applicant Via Zoom:
David Cox, Cox Engineering

George Schutzer
Dick & Maureen Kohler

Other’s Via Zoom:

Harrison Schutzer
iPhone

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Mr. Harvey. Typically for a new application, that hasn’t been before the Board before, the Board has to make a determination of significance. If it is negative the application is deemed complete and then I can open the public hearing. I will ask the applicant to explain the application and we may ask a few questions. We will give the public and anyone online the opportunity to speak as well. If you ask questions please address your remarks to the Board and not the applicant or their engineer. Typically if the Board thinks it has enough information we will close the public hearing and take action on an application. Sometimes, as with the first project we have this evening, if we don’t have enough information we adjourn the public hearing to be reopened.

2. APPROVAL OF MINUTES OF DECEMBER 29, 2025

■ A motion was made by MR. HOOVER to approve the minutes from DECEMBER 29, 2025 and the motion was seconded by MR. PERRY.

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 26th day of January 2026 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 #1-2026: VENEZIA LAND SURVEYORS 336 NORTH MAIN STREET, CANANDAIGUA, NEW YORK, 14424: Requests a two lot subdivision plat approval known as the Subdivision Plat for Carol J. Testa & Daniel F. Labbate creating Lot 1 consisting of approximately .494 acres and Lot 2 consisting of approximately .493 acres. Both Lot 1 and Lot 2 are to remain vacant requiring site plan approval prior to permits being issued. The property is located at 4187 New York State Route 364 and is zoned R1 Residential.

PB #2-2026: RICHARD KOHLER 66 SABLE RIDGE COURT, SPENCERPORT, NEW YORK, 14559: Requests site plan approval to construct a new single story single family residence. The project includes site improvements to grading, drainage, and utilities. The property is located at 5028 County Road 11 and is zoned R1 Residential and LFO Lakefront Overlay District.

PB #3-2026: GEORGE SCHUTZER 3932 STATE ROUTE 364, CANANDAIGUA, NEW YORK, 14424: Requests site plan approval to construct a new second floor addition to the existing single family residence and to convert the existing deck into a screened porch with deck. The project includes site improvements to drainage. The property is located at 3932 State Route 364 and is zoned R1 Residential and LFO Lakefront 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 #21-2025: TIMOTHY ODELL 3704 NIBAWAUKA BEACH, CANANDAIGUA, NEW YORK, 14424: Requests site plan approval to construct a new two story single family residence. The project includes site improvements to grading, drainage, and utilities. The property is located at 3704 Nibawauka Beach and is zoned R1 Residential and LFO Lakefront Overlay District.

Mr. Harvey said we did make a negative declaration on this application at our last meeting. We are going to reopen the public hearing at this time.

Mr. Cox said I am the civil engineer for this project. I will give you a quick update. Last month when I was before the Board I had some homework that I had to go back and do. The prints that were printed previously were a little small so you wanted them larger so I bumped it up to the 22x34. It is a much larger scale so you can see that better. You wanted a summary of how the project meets the design standard so I put that in the letter I attached to the plans. It goes through the Town’s design standards and the residential design guidelines.

Mr. Harvey said yeah we asked for the design guidelines but go ahead.

Mr. Cox said you wanted drainage calculations for the two drywells so I provided that in that letter as well. There were some concerns of drainage flowing towards the private drive and toward the neighbor to the south so grading was revised to make sure the driveway is not discharging water towards the private drive. Also, a swale was created on that south side to help direct drainage to that drywell so that wouldn’t be flowing towards the

neighboring property. I also submitted landscaping with a one to one replacement for the trees. There is one tree taken down and two shrubs so we did put in three proposed trees.

Mr. Harvey said the building mass and form talks about not a big straight line and not building out to the maximum ****inaudible****, so how did you address that?

Mr. Cox said the lot is just so small it's only a little over 6,000 square feet. The building is twenty feet wide so we did the best we could with the preexisting really small lot.

Mr. Harvey said is it broken up with any kind of fenestrations or different treatments?

Mr. Cox said yes. There is some horizontal siding and vertical siding. There are some recessions and projections. The second floor balcony is inset and on the first floor is a projecting deck. So we have some inset and projecting and we have also incorporated some modulations on the attic façade as well.

Mr. Harvey said there is differences in the front and the back, again the design guidelines talk about big long unbroken walls, right. You did a good job with the drainage. This is certainly much closer to what the design guidelines call for in terms of size than what the adjacent properties have. You actually did reduce the square footage of the hardscape. Any other questions? Did you do a perc test or anything where the infiltration facility is going to be?

Mr. Cox said I did not due to the fact that it is snow covered and frozen ground.

Mr. Harvey said I would assume then that there are no calculations that you have stamped and submitted to the Town Engineer.

Mr. Cox said in the letter I assumed one inch per hour for infiltration, so relatively low rate. Based on the soils there that should be achievable, so that's what the assumption was made on the calculations.

Mr. Harvey said what are the soil types there?

Mr. Cox said I don't have that off the top of my head. I can look that up if you want.

Mr. Harvey said ok. Does anyone else have any questions or comments? Anybody online? Hearing none, I will close the public hearing at this time. Are you satisfied with the landscaping plan?

Mr. Hoover said I think the landscaping looks nice.

Ms. Harris said it looks like they are keeping a lot of the existing plants down by the lake it looks like. I suppose with the small amount of space they have it looks good.

Mr. Harvey said the verbal presentation was fine on the stormwater system and its ability to handle the infiltration. What you didn't do was do a calculation of what the existing flow was verses the new stormwater runoff. The standard that you have to meet is your infiltration rate has to equal the additional rate of runoff for a design storm based on a small water shed and small disturbance area so the rational method would be the logical choice. One of the conditions would be to do those calculations and stamp them and supply it to the Town.

Ms. Harris said just a question on the stormwater. I don't see a detail for the drywell on here. It just says four inch diameter ****inaudible****.

Mr. Harvey said the leaching chamber is in there.

Ms. Harris said is all the stormwater that is flowing at the surface is it meant to connect to the swale then to the drywell? I don't see on downspouts on there.

Mr. Harvey said is it grabbing the roof liters?

Mr. Cox said yes the roof liters are tied into the drywells.

Mr. Hoover said I don't see it shown.

MS. KLOTZ made a motion to approve the site plan with three conditions and the motion was seconded by **MR. HOOVER**. The motion carried with all present voted aye.

RESOLUTION OF THE TOWN OF GORHAM PLANNING BOARD: SITE PLAN APPROVAL OF APPLICATION PB21-2025

WHEREAS, The Town of Gorham Planning Board (Planning Board) is in receipt of an application from Timothy Odell for Site Plan Approval to tear down an existing cottage and bath house and construct a new two story single family residence including site improvements to grading, drainage, and utilities at 3704 Nibawauka Beach zoned R-1 Residential in the Lake Front Overlay District; and

WHEREAS, The Planning Board of the Town of Gorham (the "Planning Board") has determined this to be an unlisted action as such is defined in the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as "SEQR") in regard to the coordinated environmental review of said Site Plan Application; and

WHEREAS, The Planning Board did make a Negative Declaration pursuant to SEQR finding that the proposed project will not have a significant negative impact on the environment; and

WHEREAS, A public hearing was duly noticed and held before the Planning Board on December 29, 2025, was adjourned on that date and reopened on January 26, 2026 to hear public comment on Planning Board Application PB 21-2025; now, therefore be it

RESOLVED, That in regard to the Town’s Design Guidelines, the Planning Board finds the recesses and projection on the building’s front and back facades, the proposed landscaping plan maintaining existing vegetation follow the intent for the lakefront area of the Town; now, therefore, be it

RESOLVED, That Site Plan Approval is hereby granted for Planning Board Application PB 21-2025 with the following conditions:

1. Piping from the roof downspouts to the infiltration chambers shall be added to the site plan.
 2. Storm water calculations bearing the wet stamp and signature of a professional engineer licensed to practice in New York State showing the rate of infiltration provided by the stormwater management facilities is sufficient to meet the rate of additional storm water management runoff based on infiltration test done in the native soil on the site and depth of the proposed infiltration infrastructure, subject to review and verification by the Town Engineer,
 3. All exterior lighting to be dark sky compliant.
 4. After construction and prior to the issuance of a certificate of compliance or occupancy under the New York State Uniform Fire Prevention and Building Code, a survey bearing the stamp and signature of a professional Land Surveyor licensed to practice in New York State shall be filed with the town Code Enforcement Officer documenting the final as built location of all utilities and compliance with the approved site plan.
- ; and further

RESOLVED, That this resolution shall take effect immediately.

5. NEW PUBLIC HEARINGS

PB #1-2026: VENEZIA LAND SURVEYORS 336 NORTH MAIN STREET, CANANDAIGUA, NEW YORK, 14424: Requests a two lot subdivision plat approval known as the Subdivision Plat for Carol J. Testa & Daniel F. Labbate creating Lot 1 consisting of approximately .494 acres and Lot 2 consisting of approximately .493 acres. Both Lot 1 and Lot 2 are to remain vacant requiring site plan approval prior to permits being issued. The property is located at 4187 New York State Route 364 and is zoned R1 Residential.

Mr. Harvey said first we have to make a determination of significance. The one real discussion point is we are proposing to answer no or small impact to all the questions. We

are indicating that there are no critical or environmental areas that have been designated in the Town. Question 8 has to do with historic and archeological resources and since there is no construction proposed at this time there is no impact. We will have to deal with that when the applicant comes in for future site development. We usually tag those lots as a condition that says no construction until site plan approval is received from the Town. Question 9 & 10 have to do with drainage and again those will be dealt with on the site plan. Question 11 we will have a discussion on that because what he has proposed is two separate driveways. NYSDOT is ok with that but the Town's Access Management Local Law says that they have to be 245 feet apart unless there is a compelling reason that they shouldn't be. I don't see any topographic or drainage features. Jim you are welcome to weigh in on this.

Mr. Morse said shared access is becoming a monster problem because they are not owned by families anymore. As of right now we have a couple of major issues that are in litigation because of it. I think it is too hard to enforce and we get put right in the middle of it. Even though it is written within the deeds but if it is a requirement by the Planning Board it drags us right back into it after the fact. I am not saying that this would happen right away in this case but from the sounds of things they are selling these as two individual lots and it is unlikely that it will be family and it could be a problem.

Mr. Venezia said we did have a site meeting out there with the DOT and they preferred separate driveways.

Mr. Harvey said I understand. I have worked with DOT on a lot of these access management local laws and DOT can't hold you to a standard they rely on the municipality to control access.

Mr. Venezia said right I am just telling you what they gave to me.

Mr. Harvey said I understand that is their standard response and they won't be beyond it.

Mr. Venezia said I understand.

Mr. Harvey said whether they think it is a good idea or not that is a different matter. Again, the Town has an Access Management Local Law and until that is changed my viewpoint is unless there is some overriding physical aspect of the property that would preclude it like we did with the subdivision on County Road 18 because of where the stream was and where the existing access was and the opportunity to line things up in the future with something across the street. We had a good reason for varying that requirement. The answer is up to the Board but we are saying a condition of approval is a shared driveway and all the access easements that go along with that. It is not really a Planning Board requirement it is the Access Management Local Law requirement. Again, to reiterate, those standards are there because at 45mph on what is classified as an urban collector road that's how many things at 45mph, if you really believe that people go 45mph on State Route 364, you can keep track of as a driver.

Mr. Venezia said I understand but the separation is a better option for these lots.

Mr. Harvey said why?

Mr. Venezia said because of the spacing and problems with

Mr. Harvey said the spacing is exactly what the problem is.

Mr. Venezia said the spacing is related on if it's not a collector road verses an arterially road.

Mr. Harvey said it is a collector, right.

Mr. Venezia said the speed limit is still the speed limit you're just changing the designation of the road.

Mr. Harvey said if it's an arterial it would be 440 feet of separation at 45mph because it's an urban collector road it's classified at according to DOT the spacing at 45mph is 245 feet.

Mr. Venezia said or 175 between the two. We understand. There is no way to get the proper separation.

Mr. Harvey said even if you got is closer you would just be doing something with the adjacent property.

Mr. Venezia said correct.

Mr. Morse said like I said I respect our code but sitting in that chair down there each and every day I made it clear that the reason we had law enforcement here one night was because of two neighbors and a driveway dispute. One neighbor spent the night in jail because of it. Since then they have now painted a line down the center of it and have put up a fence and it makes it very difficult, especially in these conditions to get up the driveway. I get what it is there for and State Route 364 is a disaster to begin with as far as the number of driveway cuts. It has become a problem with families selling and I don't think that was taken into consideration when we talked about shared access.

Mr. Harvey said thank you. I appreciate that, Jim. I think we will have to talk about it more but what is on the books, in my opinion, is what's on the books.

MR. HOOVER offered a motion to approve the Environmental Assessment Form Part 2 as written making a negative determination of significance and the motion was seconded by **MS. HARRIS**. The motion was carried with all present voting aye.

Mr. Harvey said with that we will open the public hearing on this application. So you just want to split this lot as close as it can be evenly into two.

Mr. Venezia said it is basically as close as we can get to an even split. Currently there is one driveway that has access and it is right in the middle. That is one of the reasons we were splitting it but it's not wide enough anyway. We will need to widen it to the twenty foot access. We have enough to do the two lots without a zoning variance with frontage but with the access plan we don't have space. Other than that it is pretty straightforward.

Mr. Harvey said is there a swale here?

Mr. Venezia said yes there is a swale that runs along this back and comes down the side because of where the house was. There was a house here but it burnt down so there was some grading that was done.

Mr. Harvey said so you know where the culvert is?

Mr. Venezia said there is a culvert here and everything goes that way. There is not a cross one right by us.

Mr. Harvey said now that we did that it is six to one and a half dozen to another in my mind. I like the fact that this is almost across from the one across the street.

Mr. Venezia said there was one that was removed. Going north there are like three or four driveways.

Mr. Morse said that is actually one of the ones we have problems with. That is one of the ones I'm talking about because they block it with a vehicle every day. People have to go down two different driveways down past it because only some of the residents have deeded access to it.

Mr. Harvey said it's not something that we created. Those things devolved over time and in some cases weren't very clear. Anyone from the public have any comment on this application?

Mr. Curtis said I border the land and you said there is a swale there.

Mr. Venezia said there is a little ditch.

Mr. Curtis said it doesn't go very far it only goes halfway up.

Mr. Venezia said right.

Mr. Curtis said I look at that land every day when I drive by it and I can't for the life of me figure out how you are going to put two houses there. I have an acre and sometimes that isn't enough.

Mr. Harvey said they are both half acre lots. Trust me when I tell you they come a lot smaller than that.

Mr. Curtis said I am not against it. I just can't figure out how they are going to do it.

Mr. Harvey said well if they come back in for site plan you will be able to comment on what it looks like. Anybody else?

Mr. Testa said Carol is my sister. I have been in real estate for over fifteen years and I have quite a bit of business background. First of all I appreciate everybody's help because I know it's not easy dealing with these situations. Respectfully with what this gentlemen has said I see it too. This area is very desirable and any home that is going to be built is going to be a quality home. The elevations should be fine. I do think to have two separate driveways is going to make a lot of great sense for the future of this area here.

Mr. Harvey said how so?

Mr. Testa said I just think people who own property want to have their own driveway.

Mr. Harvey said then don't split the lot. Do you know the reason those standards are there?

Mr. Testa said I am not an attorney.

Mr. Harvey said I am not asking you to be an attorney. I am asking you why there are engineering standards?

Mr. Testa said I am sure there are engineering standards but sometimes

Mr. Harvey said here is what you are asking the Board to do. You are asking us to say for the owner of this property to divide it into two sell it at a larger profit and that is more important than preserving the safety of the road. The engineering standards are there and they are based on what a normal driver can keep track of running down the road. So what happens is, and this is how DOT operates, if the number of accidents increases along that road then the next thing they will do is take the speed limit down. Then the next thing they will do after that is want to widen the road. Again, the Town put this in place to try to balance that. If you had a swale here or a stream that came down the middle between the two lots and it was physically difficult and ridiculous to put in a shared driveway then the Board can wave that because we could find some physical means preventing that from being a practical solution. The other thing is, again, we have to find what's the overriding interest here. Those are the terms you have to justify to the Board and the Board has to agree with you that that's more important. Jim is exactly right we didn't regulate that up and down the street and now we have a mess.

Mr. Testa said I respect the Board and their point of view. To the other point about making a profit there isn't a lot of money here after engineering costs of the original site plan, the architectural plans and Venezia Associates. There is not a lot of money here, ok, so I just want to get that point across.

Mr. Harvey said again, you could have sold it as it is but you chose to divide it for some reason.

Mr. Testa said because there are two parties that would like to live in this Town and would like to have separate driveways. I just think and I don't know what the procedure is but maybe the next step is to have a public forum and say what is this law that states we have to be "x". I tend to look at things out of the paradigm and sometimes we too much look exacting verses what is the best thing for the land and for the land use. All I can say is I have been in real estate fifteen years and I have never been on a Board but all I can say is that people want their own driveway. Why have issues? So, that is my thought and I respect yours.

Mr. Harvey said you are entitled to your opinion and I appreciate you sharing it, Just for the record, the Town Board enacted this back in 2006 or 2007 after public hearings. If you don't like the law then you'll address the Town Board.

Mr. Testa said ok then what is the procedure to do something like that because if another case comes up on this situation.

Mr. Harvey said for this Board we each sign an oath of office to uphold the Constitution of the United States, the State of New York, and the laws of the State of New York including those of the Town of Gorham.

Mr. Testa said when this law was enacted it was to restrict driveways?

Mr. Harvey said it was to ensure its access management local law to control the spacing of driveways, curb cuts for new roads all of that to preserve the traffic handling capacity of the road and in some cases bring noncompliant situations back into compliance to improve the safety of the highway.

Mr. Testa said has anything been approved by the Board that is similar to this?

Mr. Harvey said we go through this when a new subdivision is proposed and we will go through this same process. People have come and proposed subdivisions and when we tell them that you can divide it like that but you got to share a driveway more than one person has decided that they don't want to subdivide it. On several occasions when it's just not practical at this time because you have a guardrail or some physical obstruction whether it's a stream or topography that doesn't make it practical the local law allows this Board to vary it or waive those requirements.

Mr. Testa said I brought pictures of this. I am not sure if everybody has seen this. It is kind of a rural area. Just to bring up the point the front is the existing driveway and it is a very kind of rural lot. The other houses are far far away. The law is to be how far away from another driveway? (Pictures are attached)

Mr. Harvey said 245 feet.

Mr. Testa said so what is it from here to here?

Mr. Venezia said less than that but those driveways have been there forever. They are not new driveways. There are three or four driveways to the north that do not meet that separation.

Mr. Harvey said let's put it this way, if you got five things to keep track of why would I want to make it six when you should only have one.

Mr. Testa said ok but did anyone measure from here to that driveway and from here to there?

Ms. Harris said on the plan here yes.

Mr. Venezia said for the new sight distances. It is 140 from the north one and 175 between the two.

Mr. Testa said what would happen of the driveways were in the middle?

Mr. Venezia said they would have to be combined. You could do one wide access. There is a maximum though, right?

Mr. Harvey said it's twenty feet back on the lot. It can be bigger at the right of way but that is up to DOT.

Mr. Testa said could we separate this by three feet on either side and run it down this way?

Mr. Harvey said no that is still two points of egress. On Route 364 on the pavement there can only be one point of egress.

Mr. Venezia said once we get past that line we can split it.

Mr. Harvey said correct.

Mr. Venezia said they are just trying to keep one car not two cars turning left at the same time.

Mr. Harvey said Anthony is exactly right.

Mr. Testa said so would everybody agree to that and split it off from that standpoint?

Mr. Venezia said you would get conditional approval on a shared driveway with all the access easements needed to be in place.

Mr. Harvey said correct.

Mr. Testa said how wide can we make this?

Mr. Venezia said it has to be at least twenty feet for a shared driveway access. We can probably make it a little wider.

Mr. Morse said at the end of County Road 18 there is a perfect example of that and I responded to a fist fight and that was between family. It's just past Reed's Corners with two modular homes. I'm just stating my peace.

Mr. Testa said I respect that.

Mr. Morse said I am just sick of people fighting over sharing things and they are being forced to do it.

Mr. Testa said I totally get it but we need to get this subdivided. What does everybody want to do on the Board. Is it one person or two people? Or is it three against two?

Mr. Harvey said for tonight four people have to agree. It's a majority of a full Board.

Mr. Testa said again I appreciate your time and efforts. I just want to kind of get this resolved because people are waiting to say if they are going to buy it or not. I would just like to get this resolved one way or another.

Mr. Harvey said ok, thank you. Is there anybody else who wishes to address the Board on this application? Anybody online? Hearing none I will close the public hearing at this time.

MR. HOOVER made a motion to approve the subdivision with conditions and the motion was seconded by **MR. PERRY**. The motion carried with all present voted aye.

RESOLUTION OF THE TOWN OF GORHAM PLANNING BOARD: APPROVAL OF PRELIMINARY AND FINAL SUBDIVISION, APPLICATION PB1-2026

WHEREAS, The Town of Gorham Planning Board (Planning Board) is in receipt of an application from Venezia Land Surveyors for Subdivision Approval of property at 4187 State Route 364 to create 2 lots, Lot 1 consisting of approximately 0.494 acres and Lot 2 consisting of 0.493 acres, with no construction being proposed at this time, all located in the R-1 Residential District; and

WHEREAS, The Planning Board of the Town of Gorham (the "Planning Board") has classified this action as an unlisted action as such is defined in the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as "SEQR"); and

WHEREAS, The Planning Board did make a Negative Declaration pursuant to SEQR finding that the proposed project will not have a significant negative impact on the environment; and

WHEREAS, A public hearing was duly noticed and held before the Planning Board on January 26, 2026 to hear public comment on Planning Board Application PB 1-2026; and

WHEREAS, The subject property is served by a Gorham Water District and are located in the Canandaigua Lake County Sewer District and can be served by both; and

WHEREAS, The Assistant Resident Engineer for Region 4 of the New York State Department of Transportation has determined that there is sufficient site distances to permit one or more driveways to service the proposed lots; and

WHEREAS, The Town of Gorham's Access Management Local Law, Chapter 30 of the Town Code, classifies the portion of State Rt 364 on which the subject property is located as an urban collector road with a 45 mile per hour speed limit requiring driveways to be at least 245 ft. apart; now, therefore be it

RESOLVED, That Preliminary and Final Subdivision Approval is hereby granted for Planning Board Application PB 1-2026 with the following conditions:

1. The subdivision plat be modified to show a shared driveway serving both lot 1 and 2, and showing the distance to the next curb cuts on either side of State Rt 364 with appropriate easements and maintenance responsibilities defined in the deeds for each lot to be approved by the Planning Board Chairman.
2. Both Lot 1 and Lot 2 have notes added stating no construction shall occur until site plan approval is granted by the Town; and further

RESOLVED, That this resolution shall take effect immediately.

PB #2-2026: RICHARD KOHLER 66 SABLERIDGE COURT, SPENCERPORT, NEW YORK, 14559: Requests site plan approval to construct a new single story single family residence. The project includes site improvements to grading, drainage, and utilities. The property is located at 5028 County Road 11 and is zoned R1 Residential and LFO Lakefront Overlay District.

Mr. Harvey said we have to do a determination of significance. There are no critical environmental areas in the Town. The property is not in an archeological sensitive area designated by the Office of Parks, Recreation and Historic Preservation nor are you near anything on the state register. You included stormwater management facilities even though there will be a net decrease in impervious surfaces on the site.

MR. HOOVER offered a motion to approve the Environmental Assessment Form Part 2 as written making a negative determination of significance and the motion was seconded by **MS. HARRIS**. The motion was carried with all present voting aye.

Mr. Harvey said we will open the public hearing at this time.

Mr. Grove said the Kohler's own this property. There are two preexisting nonconforming structures on it. A small cottage and a detached garage. They would like to construct a new cottage with an attached garage so they can live there year round. It is proposed to be essentially a ranch house with a walkout basement. I provided you with some architectural plans. We were in front of the ZBA several times to come up with the plan you see before you. We initially had proposed to have the cottage footprint be closer to the north property line similar to where the existing one is now. Not quite that extreme but pushed north. Ultimately at the last ZBA meeting they did decide that they prefer the cottage to be centered on the lot so we made that change. As you mentioned the lot coverage is a net decrease by a very small amount but it is a decrease. We have also cleaned up some of the nonconformities from the existing structure.

Mr. Harvey said do you want to talk about the landscaping plan?

Mr. Grove said it is pretty basic. We have four shrubs that will be planted on the north side of the house, two separate planting beds on the south side of the house, there is a tree in the northwest corner near the break wall that will remain, and the trees in the southwest corner will remain. Three of the arborvitae there belong to this property and the other two trees are on the neighboring property. There is one tree that will be taken down because of the house being centered on the lot.

Mr. Harvey said what's the basis of the design for the stormwater mitigation system?

Mr. Grove said it is half the water quality volume. I provided calculations on that when I submitted that initially but that was based on an impervious surface of 2489 square feet. The house is under that but overall lot coverage is about 2600.6 square feet which is just a slight increase but it is still sufficient with a 1000 gallon leaching chamber.

Mr. Harvey said and the leaching chamber the rate of infiltration is going to support that rate? I know usually in the engineers training it's storage volume and we usually don't look at that unless we can't get the infiltration rate up where it belongs.

Mr. Grove said we have, what, twenty four hours to infiltrate roughly 800 gallons, so it's not going to be an issue. To answer your question, before you ask it, no I didn't do a perc test.

Mr. Harvey said you're willing to stamp it, right?

Mr. Grove said yes. Currently there is zero infiltration facilities on the property.

Mr. Harvey said anything you do is an improvement.

Mr. Grove said because there is no net increase but all the roof area will be directed to the leaching chamber with an overflow outlet.

Mr. Harvey said does anybody else have a question for the applicant? Does anybody in the public wish to make a statement on this application that is here? If not, anybody online? Hearing none, I will close the public hearing at this time. It is not often that I don't get out my red pen but all the drainage works good, thank you. I would say on the Town's design guidelines you centered it on the lot and there is a decrease in lot coverage. It's a one to one and a half story home depending on where you are on the lot. All those things are in the lakefront design guidelines. Are there any comments on the landscaping plan?

Ms. Harris said it is pretty basic. Typically we ask for a little bit more vegetation being shown. There are no new trees being added here. There is just one tree on the site. It is pretty minimal. What is that existing tree there?

Mr. Grove said on the north corner I think it is a silver maple.

Ms. Harris said and nothing in the front there? No new trees or existing?

Mr. Grove said no.

Ms. Harris said what are these little shrubs going to be?

Mr. Grove said I specified it in the notes there that they would be some native species. If you have a recommendation I am sure we can take that into consideration.

Ms. Harris said typically we ask for a little planting down the property lines if possible for some screening a little more down towards the lake. We are used to seeing more greenery from the lake. Normally we ask you to specify what the shrubs are going to be. At least the size, are they big or small?

Mr. Harvey said I'll change that comment to a revised landscaping plan needs to be submitted and move the shrubs and specify size.

Ms. Klotz said it would be great if you could add a tree since you have to take one down if there is room.

Mr. Grove said the only spot I could see would be behind the retaining wall. We can't really do it on the north side because we are limited in access.

MR. HOOVER made a motion to approve the site plan with conditions and the motion was seconded by **MS. KLOTZ**. The motion carried with all present voted aye.

**RESOLUTION OF THE TOWN OF GORHAM PLANNING BOARD: SITE
PLAN APPROVAL OF APPLICATION PB2-2026**

WHEREAS, The Town of Gorham Planning Board (Planning Board) is in receipt of an application from Richard Kohler for Site Plan Approval to tear down an existing cottage and free standing garage and construct a new single story single family residence, including necessary site improvements to grading, drainage, and utilities at 5028 County Road 11 zoned R-1 Residential in the Lake Front Overlay District; and

WHEREAS, The Planning Board of the Town of Gorham (the “Planning Board”) has determined this to be an unlisted action as such is defined in the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as “SEQR”) in regard to the environmental review of said Site Plan Application; and

WHEREAS, The Planning Board did make a Negative Declaration pursuant to SEQR finding that the proposed project will not have a significant negative impact on the environment; and

WHEREAS, A public hearing was duly noticed and held before the Planning Board on January 26, 2026 to hear public comment on Planning Board Application PB 2-2026; now, therefore be it

RESOLVED, That in regard to the Town’s Design Guidelines, the Planning Board finds the new residence will be centered on the lot increasing conformance with side yard setback requirements, there will be a decrease in lot coverage, and the architectural detailing of the home shows a variation in elevation as encouraged in the lakefront area of the town; and further

RESOLVED, That the Planning Board finds that the site plan will decrease slightly the impervious surfaces on the lot and the applicant has proposed a stormwater infiltration chamber to reduce stormwater runoff below current levels; and further

RESOLVED, That Site Plan Approval is hereby granted for Planning Board Application PB 2-2026 with the following conditions:

1. All exterior lighting to be dark sky compliant.
2. The landscaping plan be modified by moving the proposed plantings along the north side of the residence to a location near the north side lot line and away from the residence to give them more access to sunlight.
3. After construction and prior to the issuance of a certificate of compliance or occupancy under the New York State Uniform Fire Prevention and Building Code, a survey bearing the stamp and signature of a professional Land Surveyor licensed to practice in New York State shall be filed with the town Code Enforcement Officer

documenting the final as built location of all utilities and compliance with the approved site plan; and further

RESOLVED, That this resolution shall take effect immediately.

PB #3-2026: GEORGE SCHUTZER 3932 STATE ROUTE 364, CANANDAIGUA, NEW YORK, 14424: Requests site plan approval to construct a new second floor addition to the existing single family residence and to convert the existing deck into a screened porch with deck. The project includes site improvements to drainage. The property is located at 3932 State Route 364 and is zoned R1 Residential and LFO Lake-front Overlay District.

Mr. Harvey said I just have a question for you before we do the environmental review. I am having a hard time looking through the plans and seeing what drainage improvements were proposed.

Mr. Rockcastle said I don't think we proposed any. What is happening here is there is an existing house that they want to put a second story on it. With that we are making improvements to the site to reduce the coverage. There are no grading changes what's so ever. There is no change to any of the landscaping.

Mr. Harvey said so what are the differences going to be? You have a little more head on the downspouts, right? Where do they go?

Mr. Rockcastle said I'm not exactly sure. George, are those going right to grade or do you have infiltration measures in place currently?

Mr. Schutzer said I'm not sure.

Mr. Rockcastle said I am happy to implement something to tie the new downspouts to an infiltration trench or something to coincide with the roof coverage and the water coming off the downspouts. I imagine it will be drywells or a chamber of sorts.

Mr. Harvey said I am going to assume that nobody has reached out to SHPO, the state's historic preservation office, because at the time you weren't really planning on doing any digging, right?

Mr. Rockcastle said exactly there is no disturbance of the site.

Mr. Morse said this was very confusing. I met with them a few times about this because I was trying to make sure this didn't need to go to the Zoning Board which based on square footage they are ok.

Mr. Rockcastle said we are maintaining all side setbacks.

Mr. Morse said they are keeping the requirements where they can do that without going to the ZBA because they are not changing anything on the first floor.

Mr. Rockcastle said and we are reducing the lot coverage so there is no variance for that.

Mr. Harvey said have you looked and you're comfortable with the foundation? I don't want to get into any situation where the foundation ends up being bad and we are going to end up digging it up.

Mr. Morse said maybe the owner can give a little more detail on that.

Mr. Schutzer said yes. I am sorry we are having trouble hearing.

Mr. Morse said he was just asking if the foundation was in good shape and I thought it was.

Mr. Schutzer said the foundation is solid and we don't have water coming into the basement. There is two sump pumps that take the water out and no sign of foundation damage.

Mr. Harvey said ok the first thing we are going to do is make the determination of significance. We are proposing to answer no or small impact on the questions on Part 2. There are no critical environmental areas and there has been none established in the Town of Gorham. In regard to the historic resources, it is a disturbed site so I'm not going there. The Planning Board will require stormwater management facility.

MS. KLOTZ offered a motion to approve the Environmental Assessment Form Part 2 as written making 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. Is there anything else that you want to tell us that you haven't told us before? You're taking out the patio outside.

Mr. Rockcastle said yes and this kind of walkway that extended out that we are just taking out because it's not very necessary. I did average grade calcs to get the height to show that it is below the thirty feet requirement.

Mr. Harvey said does Jim have it?

Mr. Morse said yes I think you emailed it to me.

Mr. Harvey said it's not all just a big block as far as design guidelines.

Mr. Rockcastle said it has some nice detail.

Mr. Harvey said do you know where the drop inlet is draining to?

Mr. Rockcastle said that is a good question. I don't see anything on the break wall.

Mr. Harvey said George, there is a little drop inlet at the walkout basement that goes out to the patio now, do you have any idea where that drains to?

Mr. Schutzer said no I don't.

Mr. Harvey said well now is your opportunity.

Mr. Rockcastle said but we are not going to use that as a connection to anything.

Mr. Harvey said I was thinking just the opposite. If you deal with the downspouts and you bring it to something I would investigate and if that is going right out to the lake we are going to stop that.

Mr. Rockcastle said what we are saying is disconnect and reconnect.

Mr. Harvey said correct.

Mr. Rockcastle said I believe we can do that.

Mr. Harvey said does anybody else have any questions? Hearing none, George, is there anything else you want to say in conclusion?

Mr. Schutzer said no I think it is a relatively straight forward project and going up to build a single story on top of the first story. We shouldn't be producing more water or runoff or anything of that sort.

Mr. Harvey said I think my only concern is not knowing where the downspouts are, You are so close I don't want it blasting on the neighbors.

Mr. Rockcastle said we are going to propose connection of the downspouts to a chamber of sorts to deal with that.

Mr. Harvey said I am going to close the public hearing at this time. Just curious was the firepit added at some point? George you are aware if the County ever has to dig that up you are going to lose your firepit, right?

Mr. Schutzer said that fire pit is in such bad shape I think we would be happy to lose it.

Mr. Harvey said in regard to the design guidelines there is a lot of broken up detail on the plan and you are not doing a lot of site work.

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

**RESOLUTION OF THE TOWN OF GORHAM PLANNING BOARD: SITE
PLAN APPROVAL OF APPLICATION PB3-2026**

WHEREAS, The Town of Gorham Planning Board (Planning Board) is in receipt of an application from George Schutzer for Site Plan Approval to add a new second floor addition to the existing single family residence and to convert the existing deck into a screened porch with deck and to make site improvements to, drainage at 3932 State Rt 364 zoned R-1 Residential in the Lake Front Overlay District; and

WHEREAS, The Planning Board of the Town of Gorham (the “Planning Board”) has determined this to be an unlisted action as such is defined in the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (hereinafter collectively referred to as “SEQR”) in regard to the environmental review of said Site Plan Application; and

WHEREAS, The Planning Board did make a Negative Declaration pursuant to SEQR finding that the proposed project will not have a significant negative impact on the environment; and

WHEREAS, A public hearing was duly noticed and held before the Planning Board on January 26, 2026 to hear public comment on Planning Board Application PB 3-2026; now, therefore be it

RESOLVED, That in regard to the Town’s Design Guidelines, the Planning Board finds the varying details in the roofline and wall details as well as the proposed landscaping plan complies with recommendations for the lakeshore portion of the town; and further

RESOLVED, That the Planning Board finds that the site plan will decrease slightly the impervious surfaces on the lot and the applicant has proposed a stormwater infiltration system to reduce stormwater runoff below current levels; and further

RESOLVED, That Site Plan Approval is hereby granted for Planning Board Application PB 3-2026 with the following conditions:

1. All exterior lighting to be dark sky compliant.
2. The site plan shall be modified to show downspouts added to capture roof runoff and piping be added to convey stormwater from the roof downspouts to the stormwater infiltration system.
3. After construction and prior to the issuance of a certificate of compliance or occupancy under the New York State Uniform Fire Prevention and Building Code, a survey bearing the stamp and signature of a professional Land Surveyor licensed to practice in New York State shall be filed with the town Code Enforcement Officer documenting the final as built location of all utilities and compliance with the approved site plan.

; and further

RESOLVED, That this resolution shall take effect immediately.

6. MISCELLANEOUS

DISCUSSION – DEER RUN PHASE 2 – RESUBDIVISION

Mr. Amering said I'm with Costich Engineering. This is Chris Iversen with Chrisantha Inc. We have been working with Sarah and the folks with the Town to dig up records. Obviously, this goes back to 1988. Originally they put in infrastructure. There is public water, public sewer, and obviously they dedicated the road to the Town. Since then a number of lots have been built out. Even up here on Main Street they started with lots 1, 2, 3, 4 and it kind of wraps around. A couple of the houses have been built on two lots. Notably, I think, lot 20 & 21 and lot 9 & 10. He has sold lot 11 and lot 12 is sold but not filled.

Mr. Harvey said as one lot?

Mr. Amering said as one lot. Which obviously is a good option when people are looking to purchase if they would like two lots. We are proposing, I think Chris primarily for tax purposes left these as single lots, but we are now looking to break these out into three lots each. The road has already been dedicated and it's owned by the Town. We would primarily be installing the roadway, extending the sewer and water systems so they connect over here.

Mr. Harvey said the whole parcel is already in the Town Sewer District, right? And the Water District?

Mr. Amering said yes. One thing in retrospect we called this phase 2 of the subdivision but when we went through the history of the project this is really all part of phase 1. It was approved for both preliminary and final. They went through the exercise of granting preliminary approval for the overall which included 2 and 3 up to, it think, 50 lots at the time. Phase 2 & 3 would extend to the south. Chris can chime in more but at this point there are no plans to go further. Essentially it would create a loop which would be beneficial for emergency access. It would also connect the water and sewer. From an infrastructure standpoint traffic, water, sewer we are pretty comfortable considering that all the initial engineering studies were done for 50 lots. At the conclusion of this it would be a maximum of 20, I believe, because of the double lots that have been purchased. It would be a total of 23 if you split 11 & 12 and 20 & 21.

Mr. Harvey said does water already loop around through there?

Mr. Iversen said no it dead ends.

Mr. Amering said there is a hydrant in front of 11 or 12. For the sewer, there is kind of a high point in the road and originally they had negotiated easements to bring it through the backyard. When we looked at it it would be easier to bring it out the road extension out to Main and connect.

Mr. Iversen said it makes sense to go out to Main instead of South Street because of the future lots and then we are done.

inaudible conversation

Mr. Harvey said so the water is going to come out there too then?

inaudible conversation

Mr. Iversen said we have to complete the water loop. The sewer goes one direction there to the higher lands **inaudible**.

Mr. Amering said I think they actually put in a 10" watermain thinking that they would have 50 lots in the future. I don't think the pressures are very high but again with single family residential it will be more than enough.

Mr. Harvey said I don't have any issue you have two ways in.

Mr. Iversen said it is a little deceiving here with the diagram. We would cut off the pavement at the lot line because there is no reason to extend that and the driveway would just go out to the end of that road.

Mr. Harvey said so it is going to be a private drive from the intersection.

Mr. Iversen said correct.

Mr. Amering said I think that came up in some preliminary comments from MRB asking about a hammerhead. We originally showed the road extending because that is the lane-way that exists. If that is the last lot being served we would just bring a flag.

Mr. Harvey said so what is the plan for the rest of the property then?

Mr. Iversen said nothing. No development.

Mr. Harvey said so who is going to own that? I mean you may not plan it and if it's just going to be sitting there sooner or later somebody will want to do something with it. I don't have any problem with the guy having a driveway but we will probably want the Town to have a right of way easement across there. That way it doesn't land lock it.

Mr. Morse said I think the driveway is going to be past that intersection though so they are going to need to do something with a hammerhead for the plow trucks to turn around if these roads are going to be dedicated.

Mr. Harvey said he is going to grant the Town a right of way. So if some successor decides they are going to develop it then they will have the right to do that.

Mr. Morse said we had the engineer look at all of this and he had some comments but I think he was under the impression you were still doing 50 lots. After tonight I was going to follow up with Sherman for all of us to have a meeting. The other question I had for you, Tom, is when the lighting and the sidewalks became a nonfactor because the condition of approval for these lots is sidewalks and lights. There is no record of that being reversed by the Board.

Mr. Iversen said I remember sitting at the Planning Board meeting and Tom asked the question about sidewalks and I said absolutely no sidewalks in this subdivision and it was agreed to.

Mr. Morse said it is a condition of approval.

Mr. Harvey said we actually adopted it that way. Whether or not I remember having that discussion it never made it into any minutes or action that we can find. Obviously, it was built without it, the rest of it, so that is a discussion.

Mr. Morse said most of the houses have a pedestal light next to the driveway, right?

inaudible conversation

Mr. Morse said I am fine with it either way we just need to clarify that. I mean you are probably going to do the SEQR process because it's been 30 years, right Tom?

Mr. Harvey said I am weighing that in my head.

Mr. Morse said our engineer did recommend that we did a new one and then you can just change the conditions if you are satisfied with that.

inaudible conversation

Mr. Amering said we couldn't find that. To some degree there was bonding and a letter of credit established. It would be the first time I have ever seen a letter of credit if it didn't include sidewalks.

Mr. Morse said up until a few years ago that road was never dedicated. I think at the time it was probably lack of knowledge by some of the Town Board members that they had to do all of that.

Mr. Iversen said I don't even remember having a letter of credit. Times were different. I think you would have a number of unhappy homeowners if they were suddenly required to put sidewalks across their properties.

Mr. Harvey said probably.

Mr. Morse said Tom that was the way it was subdivided originally. Then probably because they didn't want to pay taxes on so many building lots they combined them and now we are back to building lots. The problem is there is no record of that either but we are fine with that because you are coming back in for it.

Mr. Harvey said any property owner has the right to go in and say I want these combined.

Mr. Morse said to the County.

Mr. Harvey said correct.

Mr. Iversen said the Assessor has the combined lots but we want to subdivide now back to the original that was already approved.

Mr. Harvey said what was MRB's reasoning to go through a whole other SEQR process.

Mr. Morse said with almost 40 years since the SEQR determination and almost 30 years from the original preliminary approval, it is common for applications to go through a review or amendment of the SEQR process especially if there was not an overall plan provided for the complete development of the site. There is a statement that 50 lots were approved but all plans only show 23. So they are still thinking this is for 50 lots.

inaudible conversation

Mr. Harvey said it is the safe thing to do. If we do an environmental review you submit the paperwork for it then it will give us a chance to see if there are any comments. All your neighbors will have a chance to come in and tell us why they don't want sidewalks and then we will waive that requirement.

Mr. Iversen said they may come in and say they don't want it subdivide and sold.

Ms. Klotz said they want it quiet.

Mr. Iversen said yes.

Mr. Harvey said then they are free to buy those lots.

Ms. Klotz said Jim can you fill me in on where the Maple Avenue drainage project is. Is that on the other side?

Mr. Morse said that is further down.

Ms. Klotz said so it's not adjacent. That's good.

Mr. Harvey said so lot sizes haven't changed. The only thing that has really changed is the site plan and we are going to have to do some onsite stormwater mitigation on those lots. It doesn't mean that you need detention ponds or anything. It means whatever the coverage is to get the stormwater back into groundwater.

Mr. Amering said for the road infrastructure or the build out of the lots or both?

Mr. Harvey said both.

Mr. Amering said there is an infiltration basin ****inaudible**** soils and of the benefits of using the open swale concept ****inaudible****.

Mr. Harvey said then you can say you have the stormwater drainage from the road handled.

Mr. Amering said when Chris approached us we went through the DEC regs and what was and wasn't grandfathered or documented.

Mr. Harvey said so you are going to subdivide and it's just concept at this time where houses could be it's not the actual final site plan, right?

Mr. Amering said right.

Mr. Harvey said ok just be aware that site plans are going to require stormwater mitigation on the individual lots.

Mr. Amering said I think the individual buyer will be required to come in with the architect and engineer.

Mr. Harvey said ok I am good with that.

Mr. Iversen said back on the stormwater at Maple Avenue these lots drain out to the road and go that way and these lots will be draining this way down.

Mr. Amering said you dedicated this stormwater facility to the Town, right?

Mr. Iversen said yes.

Mr. Morse said and this connection would be dedicated to the Town as well.

Mr. Harvey said the dedication ends at what is labeled phase 1 now.

Mr. Morse said that is one thing you would do with the Town Board and we would have to get a letter of credit established and we would need an estimate for the Board to approve.

Mr. Harvey said we will just say a surety in an amount acceptable to the Town Board.

Mr. Morse said I will email Jeff Graff and he can send you over the packet but you will just have to get us the estimate.

Mr. Amering said sometimes there is a record mapping or inspection.

Mr. Harvey said they are large lots so there is no issue with spacing, setbacks and lot coverage.

Mr. Morse said same conditions with these houses too as far as what you had on the other houses.

Mr. Iversen said yes.

Mr. Amering said they are recorded with the deed.

Mr. Morse said yes he had some deed restrictions with the other ones so I was just curious.

Mr. Harvey said so the other stormwater management facility past Maple Ave, whose responsibility is it to maintain that?

Mr. Iversen said that goes down through a number of properties I don't think there is a retention facility.

Mr. Morse said he is talking about the one at the end of the stub.

Mr. Amering said that would have to be included I think in an easement to the Town also.

Mr. Morse said then you would have to do that with that roadway then.

Mr. Amering said it would probably be one contiguous easement.

Mr. Harvey said yes that would be fine. That's the only other thing I can think of, so get the SEQR form in and we will go from there. If you haven't reached out to our good friends at SHPO, they can say there's no issue, you know that process.

Mr. Amering said we submitted to SHPO and they asked for updates so we have reached out to Powers Archaeology. I think we did submit a short form already.

Mr. Harvey said I don't think there is anything that would push this into a Type I action.

7. NEXT MEETING

The next regular meeting of the Planning Board will be held on Monday, February 23, 2026, at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

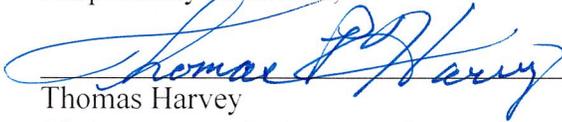
8. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:44 p.m.

Respectfully submitted,



Thomas Harvey
Chairperson to the Planning Board



