

Town of Gorham

4736 South Street
Gorham, New York 1461

PLANNING BOARD

Monday, April 28, 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*
Andrew Hoover
Gabrielle Harris
Jeremy Stowe
Lynn Klotz

Board Members Excused: Bob Farmer
Richard Perry
Jon Willis, *Alternate*

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

Applicant Present:
John Schell, APD Engineering

Others Present:
Keith Blaker

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 one public hearing scheduled for tonight. According to the State of New York we have to conduct the environmental review prior to the application being deemed complete. We cannot have a public hearing unless the applications are complete.

2. APPROVAL OF MINUTES OF MARCH 24, 2025

■ A motion was made by MR. HOOVER to approve the minutes from MARCH 24, 2025 and the motion was seconded by MS. KLOTZ.

Motion carried by voice vote with all present voting aye.

3. LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by and before the Planning Board of the Town of Gorham on the 28th day of April 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 application and to discuss all matters relevant to the environmental review under the New York State Environmental Quality Review Act:

PB #8-2025: JULIA AND TOM INSALACO 4914 COUNTY ROAD 11, CANANDAIGUA, NEW YORK, 14424: Requests site plan approval to expand the existing residence with two additions. One two story addition totaling 522 square feet and the second single story addition 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.

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. NEW PUBLIC HEARING

PB #8-2025: JULIA AND TOM INSALACO 4914 COUNTY ROAD 11, CANANDAIGUA, NEW YORK, 14424: Requests site plan approval to expand the existing residence with two additions. One two story addition totaling 522 square feet and the second single story addition 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 the applicant has provided Part 1 of the Short Environmental Assessment Form. This is an unlisted action under New York State Environmental Quality Review Act in its implementing regulations. There are no wetlands and the only thing that shows up really is the site is located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office archaeological site

inventory and the answer is yes. The applicant has provided a February 26, 2025 letter from the State Office of Parks, Recreation and Historic Preservation saying they don't see any impact from the proposed project. 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 critical environmental areas that have been established in or approximate to the Town of Gorham. For Question 8 the Planning Board based its answer upon the February 26, 2025 letter from NYS Office of Parks, Recreation, and Historic Preservation. For Questions 9 & 10 on Part 2, those deal with stormwater, erosion, flooding etc. The Planning Board based its answer on the stormwater management facilities the Planning Board will require to be added to the site plan as a condition of approval as well as changes to grading to direct surface flow away from the building foundation.

Mr. Hoover 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 says now that the application is complete we will open the public hearing.

Mr. Schell said I am here from APD Engineering & Architecture representing the Insalaco's, the property owner. Last month we came before the Board and discussed two small additions to their house on Canandaigua Lake on County Road 11. I think, in general, the Board was amenable to the project with a few loose ends that we want to tie off in the meantime between the last meeting and this meeting. The main one stormwater. Since the last meeting we have conducted some stormwater investigation and testing that, I think, shows that we satisfy the ability to mitigate additional runoff from the expanded site.

Mr. Harvey said are you going to add to the site plan how you are going to get the water over to that leach field?

Mr. Schell said we are showing a lateral from the gutters on there.

Mr. Harvey said that is from the house, so what the Town likes to see is what is existing is existing and you run your numbers. Then you run your numbers again with the proposed changes and the additional runoff you have to handle.

Mr. Schell said to summarize from last time there is an existing leach field on the site that was installed a number of years ago. It wasn't used for very long before sewer came down the road and then the building was connected to sewer leaving the leach field intact in place. Since the last meeting, APD went out to the site and we dug some test pits in the existing leach field. We uncovered the stone bedding and the laterals and both looked good. We performed infiltration testing on the subgrade below the leach field bed and it had excellent infiltration. Then we looked at 25, 50, and 100 year design storms.

Mr. Stowe said I am looking at some of your calculations here, I don't think it is going to make a difference, but there is definitely some errors in the formulas here.

Mr. Schell said the final number there is correct but the line above it is a typo. I'm sorry about that.

Mr. Stowe said like I said I don't think it was going to make a difference.

Mr. Schell said thanks for bringing that up.

Mr. Harvey said what formula were you using?

Mr. Schell said we used the rational method.

Mr. Harvey said perfect. It's less than an acre so it makes perfect sense.

Mr. Schell said yes we used the rational method. It's conservative because it calculates the maximum runoff. The average runoff in any storm is going to be less than the runoff that we calculated. Additionally, we didn't factor in the void area of the stone bedding or the pipes in the field so there is some storage that is not factored into this calculation to add an extra factor of being conservative. We are collecting a portion of the existing roof, so not only are we infiltrating everything that is new but part of what is existing. This project is going to decrease the total runoff from the site during rain events.

Mr. Harvey said I see the dotted line for the roof liters but this other addition how is the water getting to the leach field?

Mr. Schell said yes so that addition it will have a litter over to that liter and then into there.

Mr. Harvey said alright so you are going to add that to the plan.

Mr. Schell said sure.

Mr. Harvey said so can you tell me is there going to be a proposed grading plan because all I see is the existing.

Mr. Schell said the intent with what is shown here is to basically leave the grades of the hill untouched by using the foundation as a retaining wall and then putting in a large stoned under drained drip edge on that foundation to collect any runoff that goes down that hill.

Mr. Harvey said what is under the finished floor elevation? Is there a basement under this?

Mr. Schell said no it is slab on grade.

Mr. Harvey said I am assuming that the stone is not going to be at the same elevation as what's there, right? You are going to dig it out.

Mr. Schell said yes, the stone will be flat probably sloped 2% away from the foundation.

Mr. Harvey said you need to add how that grade is going to work.

Mr. Schell said we are planning to tie it in by keeping the edge of the stone against the hill at the existing grade and then we are raising the foundation along the other side.

Mr. Harvey said so basically what you are telling me is you are going to do something like this [pointing to the site plan].

Mr. Schell said yes.

Mr. Harvey said I would expect to see those on the plan.

Mr. Schell said sure that is not a problem.

Mr. Morse said is that a five foot or ten foot apron?

Mr. Schell said five foot.

Mr. Morse said that meets the requirement.

Mr. Harvey said it is a small lot. The Town's design standards say ten feet so at least maintain the five feet. How does water get out of this little area and not pond there? Can you add some spot elevations or something that shows me again all these directions you've got a minimum 2% away from the grade.

Mr. Schell said sure I can add those. One other thing to note is the existing house and the new sunroom those are both on piers so there is a space underneath them.

Mr. Harvey said wonderful. I like it. Do you want to say anything about the house plans?

Mr. Schell said the house plans meet the Town requirements. They are using stone on the foundation per the design standards and the real purpose of them is to blend in with the existing house and within the existing character of the neighborhood.

Mr. Harvey said is this all lawn or is there any landscaping that is going to be associated with ****inaudible****?

Mr. Schell said it's all lawn area and any disturbed area will be seeded as lawn again after construction.

Mr. Harvey said so no trees, no shrubs, no foundation plantings, no nothing?

Mr. Schell said no.

Mr. Harvey said does anybody else have any questions?

Ms. Harris said on your hard piping from the downspouts, this conveyance pipe to the leach field can you show where those downspouts are because it is not clear to me. On the existing house you said you were picking up some form there?

Mr. Schell said I can speak with the architect and add downspouts if that helps. The area that we are collecting is that thick dashed line that covers the two additions and the corner of the existing roof.

Ms. Harris said whoever is going to build this isn't going to know which ones they are supposed to be connecting and maybe call out the size and type of pipe that it is supposed to be so it's clear.

Mr. Schell said sure.

Mr. Harvey said was there a design detail on the stone underdrain? Just make us comfortable because you don't want water to sit there forever. If it is going to infiltrate that's fine just make us feel comfortable about what is going on.

Mr. Schell said we can add that detail.

Ms. Harris said is the foundation drain draining to the leach field as well?

Mr. Schell said yes.

Ms. Harris said so you might want to make that clear on your plan.

Mr. Harvey said I think that works well just depict it.

Mr. Schell said we are more than happy to clarify the plans for the Board and for the contractor when they go and build this.

Mr. Harvey said exactly because what ends up on the plan he's got to make sure that it gets done that way.

Ms. Klotz said I have a question on the way this is listed on the letter that you sent in February. It says this expansion will enlarge the existing 987 square foot single-family residence but on the tax roll it's listed as a 1428 square foot residence and that is for the primary building.

Mr. Schell said is that possibly the square footage of the floor area where on our plans it's just the square footage for the footprint.

Ms. Klotz said I don't know, Jim, you would know how this is listed on Oncor.

Mr. Harvey said Oncor would be the square footage of the entire house.

Mr. Morse said we would only know what the permit was pulled for but if the Assessor's is different that's something with her. Oncor is based on the assessment.

Mr. Harvey said it is exactly what he said, so if they have two stories then they are counting both floors.

Ms. Klotz said okay and the garage is staying?

Mr. Schell said yes, the garage will be untouched by the project.

Ms. Klotz said if it is going to be a year round residence where is the HVAC going?

Mr. Schell said I think the plan is to tie everything to the existing building.

Mr. Harvey said Jim, with the various standards with a 76.9 foot wide lot this complies with the Town's design guidelines?

Mr. Morse said it does. It meets all the requirements. It needed no variances.

Mr. Harvey said is there anybody in the public or online that wishes to make comment on this application?

Mr. Insalaco said there was a question last time about the number of bedrooms and we are not changing the number of bedrooms. We will have three bedrooms which are currently in the building right now.

Mr. Harvey said thank you. Anybody else? 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. HOOVER** to approve the site plan as submitted with conditions. The motion was carried with all present voted aye.

**INSALACO
RESOLUTION
Application #8-2025**

WHEREAS, Julia & Tom Insalaco submitted a site application, known as the Insalaco Residence Expansion Site Plan for 4914 County Road 11 Application #8-2025 on March 26, 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 April 18, 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 April 28, 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. Show grade to create a minimum of a 2% slope at a minimum of five feet away from the foundation.
3. Stormwater calculations must be submitted, reviewed, and approved by MRB.
4. Add a note to the plan that the silt fence and any diversion around the construction site has to be done and stabilized prior to the rest of the site being opened.
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 method of capping.

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. MISCELLANEOUS

REVIEW OF LOCAL LAW ESTABLISHING A MORATORIUM ON FARM MARKETS

Mr. Morse said you need to discuss and make a recommendation back to the Town Board on whether or not you feel a moratorium on Farmer's Markets is necessary at this point. We have established a code update committee that you are going to be the chairperson of. I sent you a list of the people that are on the committee. The Town Board has put it to you guys. I think they are about 50/50 with this on whether or not they think this is necessary. Ironically with the Nolt application, he has made it known that he will not be putting the market there.

Mr. Harvey said I saw the grading started and then it stopped and then he plowed it up.

Mr. Morse said I don't want to go on record with the reasoning he gave to us but he has made it known to us that he has pulled that.

Mr. Harvey said well let's put it this way, in my opinion, it seems like no but then the next guy that walks in the door has everybody upset because he wants to do something that is quasi.

Mr. Morse said just so you guys know, we have talked about it before, there really is no definitive way to have a Farmer's Market and how much has to come from the farm or be purchased locally.

Mr. Harvey said I think our intent, when we wrote that years ago, that you have a right under state Ag & Markets Law to have a farmstand. The Town has standards that when you grow it a farmstand is less than 100 square feet or something?

Mr. Morse said it is 120 square feet for a farmstand and if it is over it's a Farmer's Market but we never specified exactly how much.

Mr. Harvey said and that is the issue. The intent was that it is a little bit bigger stand because you are selling more stuff that is locally produced but that language never made it into the zoning regs.

Mr. Morse said and I think that is what created the confusion with the Nolt application because when he came in he was going to sell books.

Mr. Harvey said books, stationery, and fabric.

Mr. Morse said he did come back with that was going to be 50/50 and that's when you guys finally approved it. He was going to sell seeds, eggs, poultry but then obviously now he's not doing it. We have Marlin Horst next month but his is a seed store. That is a true Farmer's Market and it is quite large.

Mr. Harvey said but that is not an issue.

Mr. Morse said but it is up to you guys. Tom, I don't know what you are thinking on timeframe of when you want to have our first meeting. I know they asked at the last Town Board meeting when we thought but I said I didn't know what your thought was.

Mr. Harvey said now that I have caught up with Andrew we will have our first one in a week or two.

Mr. Morse said do you think it is even necessary? What is your goal timeline for a code update if we go chapter by chapter? Do you think it will take us six months?

Mr. Harvey said probably, yes.

Mr. Morse said so if we do a moratorium we are going to put it for six months and then it will fizzle before we have a new code.

Mr. Harvey said we will probably look to extend it once but who knows.

Mr. Morse said again, it is totally up to you guys. Right now we do have that application for Marlin. We also do have an application for a solar farm that is going to take up a lot of your time. We also have, where the old sauerkraut plant is on Dewy Ave, is going to be a very interesting application. You have a property over there that is purchasing all the excess hand sanitizer and separating the alcohol from the chemical products. Then they resell the alcohol and resell the chemical product and are getting paid to get rid of all the packaging and reselling that. The government bought way too much of it and he is making money off of it hand over fist. The problem is we are getting leakage coming out and the DEC is all over us to get this taken care of with conditions. As of right now he is not supposed to be doing anything. He is supposed to be cleaning it up.

Mr. Harvey said he is under an order from the DEC.

Mr. Morse said he said there are certain people over there because I called him on the vehicles over there. He said those are the people that are over there cleaning up. The last test the DEC did they said it was rotten produce being dumped into the creek. Which was probably in the pipes from the previous owner because that's what Marchenese stored over there. That could have went down the drain as a clean-up project. It did not have remnants of chemicals coming out. The site doesn't look good because he's backing up with all the deliveries he's getting of the hand sanitizer.

Mr. Harvey said because he can't operate.

Mr. Morse said we are also going to hit him for probably an "H" occupancy based on the volumes that he is dealing with which will kick this into a whole different category.

Mr. Harvey said you should explain that.

Mr. Morse said an “H” occupancy is a Hazard Occupancy and when you deal with certain chemicals like alcohol because it is so flammable and the volume he is dealing with he is going to have to store it in certain areas outside 300 feet apart. Jamie and I are working on giving you something that will help spell that out. We have also sent that to MRB for review and we anticipate they will have many things for you to consider.

Mr. Harvey said it’s not a dynamite factory but it’s close.

Mr. Morse said he is also trying to claim that he is exempt from a bunch of things because the government did pass a bunch of rules and regulations that said because they have all this and they are trying to get rid of it there were exemptions of rules he had to follow. We already told him that was not true. We said you are not exempt in a building in a residential area and you have to meet the building codes. The alcohol in the hand sanitizer is being separated and sold to make the alcohol that you drink. We are going to invite the DEC. We already sent them what we received as an application. I am sure they are going to have some things to say as well.

Mr. Harvey said so nobody knew he was there and how did that all get discovered?

Mr. Morse said I got notification from the DEC that he was separating alcohol over there. I immediately sent him an email requesting information on what he was doing. He came up and met with me and I explained to him that he had to come to the Planning Board. He does meet the criteria for Industrial District. There are two categories that he met with warehouse and industrial processing. I told him that because it is a change of use/business he has to come in. The DEC is pretty adamant about this one.

Mr. Harvey said anything else?

Mr. Morse said you may not know but it is public record that Scenic Ridge Rise has been sold to a new developer. Tom and I have met with them.

Mr. Harvey said it is Cook Properties.

Mr. Morse said he will still be moving ahead with eighty homes but it will be a denser type development which will get it out of the ridge line. We made some suggestions to them which were the biggest concerns from the last plan. This will be a fresh start with a completely new application.

Mr. Harvey said he is hoping that we find that his proposal is going to be equal or less impactful on the environment so we do not have to go through a new environmental impact statement process.

Mr. Morse said that is what I think we told him that if his is less impactful then he did not have to go back through the coordinated review but he does have to get an updated DOT letter and traffic study.

Mr. Stowe said where is the solar farm proposed?

Mr. Morse said it is over near the high school. The application is in our office and MRB is currently reviewing it. It is a very visible location. With the new zoning code we tried to write it to include a lot of buffering as far as a visual goes. I think this will have a few people in the community not very happy. We are currently going back and forth right now about lot coverage.

Mr. Harvey said we didn't have a different definition for lot coverage when it comes to solar.

Mr. Morse said we are trying to get the exact information of what the solar panel coverage is.

Mr. Harvey said it is big enough that it is obviously commercial but it's not so big that it would qualify for the state preemption.

Mr. Morse said and he can't make it any bigger because he doesn't own any of the adjacent property so it will never fall under that category. The way our code is written once we determine the lot coverage portion of it he is going to be okay because of the classification of soils. We got the interpretation of soils through Tom and County Ag so 25% lot coverage is allowed and they say they are at 22% but it doesn't look that way when you look at the lot.

Ms. Klotz said there are other things to clarify in the code, right? It's not just Farmer's Market?

Mr. Morse said right we are not just doing Farmer's Market we are going through the code.

Mr. Harvey said what that group is going to do is first go through the comprehensive plan and see what recommendations were made and then go from there. We know there are some things to clean up but also adjust our zoning code to match what has been adopted in the new comprehensive plan.

Mr. Morse said and in the LFO District our attorney has told us multiple times that we need to update that because we cannot keep granting variances for every single house. I have some recommendations on that one but we will see what the committee comes up with. There are certain things in there that we can keep but there are things that we need to address. The lots that are being sold right now have small cottages and they want permanent residences. If we do solar next month we may have to move the meeting to the firehall or the school if we expect a lot of people.

Ms. Klotz said so the decision is to not have the Farm Market moratorium?

Mr. Morse said that is up to you.

Mr. Stowe said I don't think that is necessary.

Mr. Klotz said I don't think so if there are none coming down the pipe. Maybe just put the Farm Market clarification early on the agenda for the code committee.

Mr. Morse said you can give me guidance so I interpret it as that you guys expect it to be 50% local grown, produce auction locally, or grown on-site.

Mr. Harvey said well that would be a suggestion we would make to the Zoning Board of Appeals because the way zoning works they are in charge of doing an interpretation. I would be happy to go and approach them.

Mr. Morse said if you want to make them aware of that then until the time comes and we put that all in writing then I can treat it as such.

Mr. Harvey said just doing it up front doesn't really work because the Town wants to say here is the new zoning code not do multiple public hearings and get it all done at once.

Mr. Morse said do you want to recommend that over to the Zoning Board or do you want to bump it up?

Ms. Harris said where does the 50% number come from?

Mr. Morse said 50% would need to be locally grown onsite or agricultural products and then they would be able to do 50% other stuff. Do you want to do 50%? That's what I am asking. I just threw that out there because it's the middle of the road.

Ms. Klotz said what do other Town's do?

Mr. Morse said some other Towns have a very similar definition as we do. They don't spell it out.

Ms. Klotz said but the County does?

Mr. Morse said Ag & Markets does not. They just describe what is agricultural products. Handmade crafts made onsite are still considered agricultural.

Mr. Stowe said what is the radius or distance that "local" is considered?

Mr. Morse said Finger Lakes area. I think the big thing that was brought up was how is getting deliveries from Pennsylvania local. But if they are trying to survive in the winter-time and things are brought up from a storage facility in Pennsylvania I don't think that's a bad thing either. That could fall into the other 50% or 60%.

Mr. Harvey said when that section was written we didn't have a produce auction house, etc.

Mr. Morse said yes, a lot has changed.

Mr. Harvey said it really was intended to not limit what was being offered for sale and produced on the farm. That was the whole idea. It was a bigger version of a farmstand and it grows to a point where there is enough traffic coming in and out that it bears a closer look. That is a starting point and let's see where that goes. It's not a bad suggestion and local is local.

Mr. Morse said everyone wants them to provide different things but what was brought up was when you have stores that are selling candy that can be sold at the market or if 90% of the business is welding decorative stuff that is not agricultural. That is just a business being run in an agricultural district. I understand that we are a very strong community and it is good for everyone but we still have the neighbors don't care for the tractor trailers and deliveries.

Mr. Harvey said there are other standards and definitions in the zoning. We allow home-base businesses A and B and again as they grow and they are doing things different than selling the produce or whatever is made on the farm, that has a different level of scrutiny.

Mr. Morse said that falls under the Department of Health too. We have received calls about some stores selling meat and they can't so that.

Mr. Harvey said the other big regulation is milk.

Mr. Morse said someone's exact words were "you have a Lowe's in the middle of 247" and I said now that is getting carried away. Those lawn chairs and tables are technically crafts and his greenhouses are everything else that he is selling. I thought that was an exaggeration by somebody but that is the example that he used.

Mr. Hoover said and all those chairs he makes right there.

Mr. Morse said and that is what I said. It meets the definition of Farmer's Market it says crafts and products being built onsite and then he is growing everything else onsite. It is the definition through and through.

Mr. Harvey said it's the difference between a Farm Market and a commercial store. We didn't really cap the size of a Farm Market and that is going to be part of the discussion, when has it grown too big and if you need to bring in stuff to keep it going over the winter, etc.

6. NEXT MEETING

The next regular meeting of the Planning Board will be held on Monday, May 19, 2025, at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

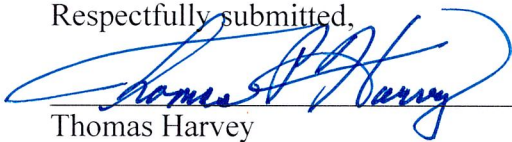
7. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:47 p.m.

Respectfully submitted,



Thomas Harvey
Chairperson to the Planning Board