

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
March 18, 2021

PRESENT:	Chairman Bentley	Mr. Coriddi
	Mr. Amato	Mr. Morris
	Mrs. Oliver	Mr. Bishop
	Mr. Lonsberry	Mr. Goodwin-Alternate

Chairman Bentley called the meeting to order at 7:00 PM and explained the process. Mr. Goodwin-Alternate will participate and vote on three applications tonight. Mr. Lonsberry made a motion to approve the February 18, 2021, minutes as presented. Mr. Amato seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #21-008, David McCarthy, owner of property at 4541 Maiden Ln, request an area variance to build a 16' x 30' garage addition. Proposed garage addition does not meet the side yard setback.

Chairman Bentley opened the public hearing and the notice as it appeared in the official newspaper of the Town was read.

David McCarthy was present and presented his application to the board.

Mr. McCarthy stated that he is proposing to build a garage and add it to the shed that is existing.

Chairman Bentley explained that he could move it over no more than a foot and would not need a variance.

Mr. McCarthy stated that he would like to keep it in line with the shed.

Chairman Bentley stated that the shed is at an angle and if he wants to keep it in line with the shed the garage will also be at an angle and the plan shows something different.

Mr. Amato stated that he has a lot of room to work with so is there a feasible reason why he can't put the garage on the other side, and he would not need a variance.

Mr. McCarthy stated that he would like it where it is proposed for convenience for entering the house.

There was a discussion by the board that the garage could be moved, and no variance would be needed.

Mr. McCarthy stated that he is also trying to avoid a gas line. And showed the approximate location of the gas line to the board.

Mr. Coriddi asked what the height of the garage was going to be.

Mr. McCarthy stated that it would be 13'6".

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

After discussing the application and reviewing the questions on the back of the application the following motion [attached hereto] was made: Mr. Lonsberry made a motion to deny the application because the garage can be moved to eliminate the variance request. Mr. Morris seconded the motion, which carried unanimously.

Application #21-018, Douglas & Robnlyn Ketchum, owners of property at 4056 State Rt. 364, requests an area variance to build a single family home and detached garage. Proposed single family home does not meet the side yard setbacks. Proposed detached garage does not meet the south side yard setback, the rear yard setback and exceeds the height of 14 feet. The proposal does not meet the lot coverage requirement. Public Hearing time 7:25PM to 7:45 PM.

Chairman Bentley re-opened the public hearing and the notice as it appeared in the official newspaper of the Town was read.

Douglas & Robnlyn Ketchum and Brennan Marks, Marks Engineering was present and presented their application to the board.

Mr. Marks stated that the biggest issue last month was the detached garage and the safety of backing out onto State Rt. 364. They have come back with revised plans showing the garage attached to the house, which eliminates the variance for the garage height. It also eliminates the setback variances for a detached garage. They still require variances for the principle structure. They are asking for a variance from the north and south property line, a variance for lot coverage and a rear yard variance.

Chairman Bentley stated that the lot coverage has gone up about 2% from what was proposed last month. He asked for an explanation of where the increase is.

Mr. Marks stated that they are reducing the lot coverage from existing. The existing coverage is 51.14% and they are reducing it to 50.38%. The increase in coverage is due to the driveway and the sidewalk that goes along the side of the garage.

Chairman Bentley explained that last month he had a lot of conversation about the garage. He had stated that he would be more comfortable with more lot coverage due to a driveway and making it safer to enter and exit the property by attaching the garage.

Mr. Marks stated that the driveway dimensions are 21' x 40'.

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

After discussing the application and reviewing the questions on the back of the application the following motion [attached hereto] was made: Chairman Bentley made a motion to approve the revised plans granting 5.14' variance for a 9.86' south side setback. A 9.98' variance for a 5.02' north side setback. A 25.38% lot coverage variance for a lot coverage of 50.38%. An 8.98' variance for a rear setback of 21.02'. With a caveat that this is being reduce from the current lot coverage it is also becoming more conforming and the primary factor is the safety of the turning radius out of the garage. Mrs. Oliver seconded the motion. Roll Call was read with Bentley, Coriddi, Oliver, Bishop, Morris & Goodwin voting AYE and Amato voting NAY. Motion carried 6-1.

Application #21-026, Richard Hall, owner of property at 4881 County Road 11, requests an area variance to build a single family home. Proposed single family home does not meet the front yard setback. Public Hearing time 7:50PM to 8:10PM.

Chairman Bentley opened the public hearing and the notice as it appeared in the official newspaper of the Town was read.

Mr. & Mrs. Richard Hall and Brennan Marks was present and presented their application to the board.

Mr. Marks stated that the lot is vacant other than an existing barn on County Road 11. The owners wish to build a single family residence on the lot. They also have rights to a 50' right of way on the lake, which is their view. They wish to orient the house such that it has a view of the lake around the historic barn. The other option would be to tear down the barn to have the view of the lake. They do not desire to do this. Arrowhead drive is very little traveled on. It services about 15 homes.

They feel that encroaching on the setback of Arrowhead Drive is minimal.

Mr. Hall stated that the parcel across the road on the lake is a right of way there is nothing built on that property so it does afford a nice view of the lake. The barn was on the property when they bought it and would like to keep the barn. The setback from Arrowhead Drive is such that it is not dissimilar to a lot of the neighborhood structures. They feel that it is not going to be an impediment for anyone's view.

Chairman Bentley stated that there is a drainage ditch on the property that goes underneath the road and asked Mr. Morse, Code Enforcement Office what class drainage ditch it is.

Mr. Marks stated that it is a non-classified stream.

Mr. Morse agreed that he was pretty sure it was a non-classified stream.

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

After discussing the application and reviewing the questions on the back of the application the following motion [attached hereto] was made: Mr. Morris made a motion to grant 16.58' variance for a setback of 18.42' from Arrowhead Drive. This is contingent on the classification of the stream on County Road 11. The existing barn is to remain. Chairman Bentley seconded the motion, which carried unanimously.

Application #21-027, Richard & Alberta DiMarco, owners of property at 3900 State Rt. 364, requests an area variance to build 24 x 30 garage. Proposed garage does not meet the rear yard setback from Old East Lake Road and exceeds lot coverage. Public Hearing time 8:15PM to 8:35PM.

Chairman Bentley opened the public hearing and the notice as it appeared in the official newspaper of the Town was read.

The application was referred to the Ontario County Planning Board.

The Ontario County Planning Board determined the application to be a Class 2. Their final recommendation was denial. The Ontario County Planning Board made the following findings: 1. Protection of water features is a stated goal of the CPB. 2. The Finger Lakes are an indispensable part of the quality of life in Ontario County. 3. Increases in impervious surface lead to increased runoff and pollution. 4. Runoff from lakefront development is more likely to impact water quality. 5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.

6. Protection of community character, as it relates to tourism, is a goal of the CPB. 7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character. 8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Richard DiMarco and Anthony Venezia, Venezia Associates were present and presented their application to the board.

Mr. Venezia stated that the proposal is for a garage/storage building. The house has an attached garage that will be renovated into a master suite so that it is all one floor living. So they need a garage for the stuff that is presently in the existing garage. Some of the changes that are different from the last time they met is that they moved it closer to Old East Lake Road meeting the setback requirement from State Rt. 364. For the driveway they are going to use a grass paver material. For the stormwater runoff they are proposing an underwater leaching system.

Mr. Amato asked if the home built received any variances at the time it was built.

Mr. Morse and Mrs. Yarger stated that they have researched this and have found no records of this.

The proposed lot coverage is 31.6%. 37.3% was proposed at the last meeting with the ZBA. They took out the driveway and reduced the size of the building.

Mr. Venezia stated that they are going to do their best to save the big trees on the bank.

Mr. Morse stated that he has been in contact with the Architect, and he has confirmed that the height is 14' in height.

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

Chairman Bentley recused himself from participating in the motion and the vote for the requested variances.

After discussing the application the following motion [attached hereto] was made: Mr. Bishop made a motion to grant a lot coverage variance of 6.6% for a lot coverage of 31.6%. A variance of 20.78' for a setback of 9.22' from Old East Lake Road as shown on the plan. Mr. Morris seconded the motion. Roll Call was read with Bishop, Morris, Oliver, Coriddi, Lonsberry & Goodwin voted AYE. Amato voted NAY. Motion carried 6-1.

Application #21-029, Dale Stell, owner of property at 4477 County Road 1, requests an area variance to subdivide a 2.5 acre lot. Proposed lot does not meet the required lot frontage. Public Hearing time 8:40PM to 9:00PM.

Chairman Bentley opened the public hearing and the notice as it appeared in the official newspaper of the Town was read.

Dale Stell, Ryan Stell, Logan Rockcastle, and Brennan Marks, both from Marks Engineering were present and presented their application to the board.

Mr. Rockcastle stated that the 2.5 acre parcel that they are proposing to subdivide off the parent parcel will be landlocked and are requesting a variance for no lot frontage where 200 feet is required. They will use the existing driveway to the neighboring residence. They have designated an expansion of the existing drive to accommodate an emergency turn around. There will be an easement drawn up for the driveway.

Mr. Morris stated that they will also need an easement for the utilities if they are underground going through the neighboring property.

Minutes of the May 24, 1999, Planning Board meeting was presented to the board from the applicant. Chairman Bentley read the minutes, which stated that Mr. Stell stated they have added a 60 foot right of way so in the event the property along the Bero property line were to be developed there would be access to it.

Chairman Bentley asked how many more times are they going to subdivide this lot. He expressed he has a concern with this.

Mr. Morris stated that legally an owner can't grant an easement to himself.

Mr. Marks read an excerpt of a letter from Tom Harvey on preliminary review of the subdivision. "It states Real Property Law requires a minimum 15' deeded property access for a public road for every lot except in a municipality that's granted it's Planning Board subdivision authority, which the Town of Gorham has done. In which case the Planning Board has to rule on acceptability of deeds of egress."

Mr. Bishop asked if the two lots in front of this lot was owned at one time by Mr. Stell and subdivided off.

Dale Stell stated that as far back as 1950 his dad sold those lots.

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

After discussing the application the following motion [attached hereto] was made: Mrs. Oliver made a motion to grant a variance of 200 feet for the lot frontage with an easement to the property for access.

After a brief discussion Mrs. Oliver withdrew her motion.

Chairman Bentley made a motion to grant a variance of a non-conforming lot already of 200 feet there's currently 163 feet of road frontage for an easement point of 0 feet of lot coverage with deeded access to the 2.5 acres and there's no future development from this access to the 80.7 acres.

After a brief discussion Chairman Bentley withdrew his motion.

Mr. Morris made a motion to deny the application. Mr. Amato seconded the motion. Roll Call was read with Morris, Amato & Lonsberry voting AYE and Bentley, Coriddi, Oliver & Bishop voting NAY. Motion did not carry 3-4.

Chairman Bentley made a motion to grant the variance as requested with a 60 foot access easement to one residential lot of 2.5 acres and future residential lots cannot be granted a variance from this access point of 0 road frontage for a 200 foot variance from the current access to 4477 County Road 1. Mrs. Oliver seconded the motion. Roll Call was read with Bentley, Oliver, Coriddi & Bishop voting AYE and Amato, Lonsberry & Morris voting NAY. Motion carried 4-3.

MISCELLANEOUS:

Application #21-016, Greg & Delia Kern, owners of property at 4194 State Rt. 364, request an area variance to build a single family home. Proposed single family home does not meet the side yard setbacks, rear yard setback, front yard setback and does not meet the lot coverage requirement. Time 9:00PM - till.

Public hearing was held and closed on February 18, 2021.

Greg Kern & Brennan Mark, Marks Engineering was present and presented their application to the board.

The board took a moment to read a letter of support from William & Denise McKenzie. This letter will be kept in the file.

Mr. Marks stated that the proposed home will be 5 foot off of the south property line to the 6 inch eve. It's 7.16 feet off northern neighboring garage wall to wall. It's 5.53 feet from the north property line to the 6 inch eve. The lot coverages remain the same as last month. The town requires that adjacent structures be 10 feet apart and they are requesting

7.16 feet between structures and will provide material inside the house that meets the fire code.

Mr. Bishop asked if they are going to demolish the garage across the street.

Mr. Kern stated that they are not. That is his garage, and the attached garage is his wife's.

After discussing the application the following motion [attached hereto] was made: Mr. Morris made a motion to grant a 9.47 foot side setback variance from 15 feet required for a new house to be located 5.5 feet from the north property line. A 10 foot side setback variance from 15 feet required for new house to be located 5 feet from the south property line. 22.43 foot rear setback variance from 30 feet required for new house to be located 7.57' from road line. 2.80 foot front setback variance from 30 feet required for new home to be located 27.20 feet from mean high water mark. 23.12% lot coverage variance from 25% lot coverage required for new house site to have 48.12% lot coverage. 2.84 foot building separation variance from 10 foot required for a new house to be located 7.16 feet from the north neighbor's garage structure. 7.64% lakeside lot coverage variance from 50% lot coverage required for new house site to have 57.64% lakeside lot coverage. The private drive signs can remain on the access but is to remain open for emergency service vehicles to access the interior road right of way for the benefit of adjacent lot owners. Mr. Coriddi seconded the motion. Roll call was read with Morris, Coriddi, Bentley, Oliver, Bishop & Goodwin voting AYE. Amato voted NAY. Motion carried 6-1.

Chairman Bentley made a motion to adjourn the meeting at 9:25PM. Mr. Morris seconded the motion, which carried. unanimously.

Michael Bentley, Chairman

Sue Yarger, Secretary