

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
August 18, 2022

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

EXCUSED: Mr. Coriddi

Chairman Bentley called the meeting to order at 7:00 PM and explained the process. Mr. Goodwin-Alternate will participate and vote on all applications tonight. Mr. Amato made a motion to approve the June 23, 2022, minutes as presented. Mr. Bishop seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #22-084, Merit & Jean Wilkinson, owners of property at 3644 Dewey Cove, requests an area variance for existing decks and existing patios. Proposed decks and patios do not meet the north yard setback and exceeds lot coverage.

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

The application was required to go to the Ontario County Planning Board.

The Ontario County Planning Board made the following findings, comments and recommendation.

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.

Comments:

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

2. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

Final Recommendation: Denial

Merit and Jean Wilkinson was present and presented the application to the board.

Mr. Wilkinson stated that in May they withdrew their application for a second floor addition. They would like to add a second story but are working with architects to design something that will not expand the existing footprint. When they had made that application they thought they were at about 25% coverage. During the process for the second floor addition they learned that they are well over the 25% lot coverage. With his misunderstanding of lot coverage with building the deck they have increased the lot coverage to 34.7%, through misunderstandings and errors made.

Chairman Bentley stated that in May he recalls that the board suggested to either A. remove the items that were added after the deck was constructed. Or B. submit an application for consideration to keep what is there today, which is what is in front of the board tonight.

Mr. Wilkinson stated that is correct.

Mrs. Wilkinson stated that the deck on the north side is not new they just simply replaced the boards.

Chairman Bentley asked if the deck that was just constructed was built slightly bigger than what was permitted.

Mr. Wilkinson stated yes slightly bigger.

Mr. Lonsberry asked if their plan is to build a second story.

Mrs. Wilkinson stated that if they can get this approved then they will build a second story. If they cant settle this they may sell and find a bigger cottage.

They are not asking for a second story at this time they are just trying to get approvals for what is on the property at this time.

Mr. Wilkinson stated that when he bought the property he approached Jim's predecessor and asked if he could build a deck. He was told that he was at 25% lot coverage and would not be able to build a deck as it would put them over lot coverage. He then told them but they could build a patio. He interrupted that a patio did not count towards lot coverage. That is the error that has gotten them to where they are today. He thought that the pavers that he replaced the poured concrete patio with and the pavers that he put on the east side didn't count towards the 25% requirement.

Chairman Bentley stated that it appears that they could take about three feet off of each side of the front concrete paver patio. He also thinks they could remove a large portion of the rear concrete paver patio. There is room to minimize the lot coverage.

Mrs. Wilkinson asked if they could just take the patio in the front out and keep the rear patio. They have the most grass then anyone on Dewey Cove. The yard is very hard to mow and having grass between the garage and house would be very hard to mow.

Chairman Bentley stated that would not necessarily have to be grass they could have landscaping.

There continued to be discussion on ways to decrease their lot coverage.

Chairman Bentley asked if there were any comments from the public.

The Town received two letters from neighboring property owners expressing their concerns with the proposed application. These letters will be kept in the file.

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

Mr. Goodwin recused himself from participating in the discussion and the vote.

After discussing the application and reviewing the questions on the back of the application the following motion [attached hereto] was made: Mr. Bishop made a motion to deny the application as presented. Mr. Lonsberry second the motion. Roll call was read with Bishop, Lonsberry, Amato, Morris and Bentley voting AYE. Goodwin abstained. Motion carried.

Application #22-095, Douglas & Kathleen Crane, owners of property at 3928 & 3930 State Rt 364, requests an area variance to build a 12' x 20' deck on 3928 and improve an open porch on 3930. Proposed 12' x 20' deck does not meet the north side setback and exceeds lot coverage.

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

The application was required to go to the Ontario County Planning Board.

The Ontario County Planning Board made the following findings, comments and recommendation.

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.
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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.

Comments:

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

Final Recommendation: Denial

Merit and Jean Wilkinson was present and presented the application to the board.

Douglas & Kathleen Crane were present and presented their application to the board.

Mr. Crane explained that on 3928 there is no deck on that house at this time. There is a set of stairs that don't apply to code. They would like to add a deck to meet the code for ingress and egress out of the house. The deck will be in 6 inches on each side of the house.

Chairman Bentley asked if the dimension of 12' x 20' was going to include the step.

Mrs. Crane stated that they don't need a step coming off of the deck.

Mr. Lonsberry asked if the lot coverage calculation included the deck on the south side.

Mr. Crane stated yes.

Chairman Bentley asked if they could make the deck on 3928 (North house) smaller.

Chairman Bentley stated that there is also a generator that is not shown on the map. This will need to be put on the map and figured into the lot coverage.

Mr. Morris questioned if the eaves was included in the lot coverage.

Chairman Bentley stated that he would also like to see elevations of the decks showing what they are going to look like.

Mr. Crane stated that the deck on 3930 is made out of concrete block and is as old as the house and the steps are not to code. They are extending this deck out towards the road so that they can get the rise that they need. They are going over the deck with composite material.

Chairman Bentley asked if there were any comments from the public.

The Town received one letter from a neighboring property owner expressing their support with the proposed application. This letter will be kept in the file.

Chairman Bentley stated that he would like to see the drawings of the front showing what the deck is going to look like. The lot coverage calculation needs to be checked to make sure everything on the lot is in the calculation. Make sure that the generator is in the calculation and that the eaves are included in the lot coverage.

Mr. Bishop explained that it helps if the lot coverage is outlined on the map.

Chairman Bentley made a motion to adjourn the public hearing to be re-opened on September 15, 2022, at 7:00PM in the Gorham Town Hall. Mr. Lonsberry seconded the motion, which carried unanimously.

Chairman Bentley made a motion to adjourn the meeting at 7:48PM. Mr. Lonsberry seconded the motion, which carried. unanimously.

Michael Bentley, Chairman

Sue Yarger, Secretary