

TOWN OF GORHAM
Minutes

Town of Gorham Zoning board of appeals

December 21, 2023

Present: Mr. M. Bentley Mr. S. Coriddi
Mr. C. Goodwin Mr. V. Lonsberry
Mr. A. Bishop

Excused: Mr. T. Amato Mr. R. Morris

Guest: Keith Burley, Marks Engineering

Virtual Attendance: The Smith family

Call to order and Approval of Minutes:

Chairperson Bentley called the meeting to order at 7:00 PM and explained the process. Mr. Lonsberry made a motion to approve the November 16, 2023 minutes as presented. Mr. Coriddi seconded the motion, which was carried unanimously.

Public Hearings:

Application #23-193, Thomas Smith, the owner of the property at 4260 State Rt 364, requests and area variance to subdivide parcel into two lots. Proposed lots do not meet the lot size requirement of 15,000 square feet.

The public hearing notice was read as it appeared in the official newspaper of the town.

The application was sent to the County Planning Board. The County Planning Board referred it back to the town with the following comment. "Will the dock be shared? If dock is shared a maintenance, access and use easement should be required.

Keith Burley, from Marks Engineering was present and presented the application to the board. Question from board - What is the lot coverage and the setback to the eaves? Response - Maps have been updated to meet the side setback. Easements are now shown on the maps.

Question from board - Lot 2 – I am not sure what the intent of the separating the lots is, the question relates to the dock will it be shared, if so has easement been set up? Response- The dock and boat hoist will be shared, if/ when sold an attorney will draw up an easement for that. Question from board– Lot 2 is about 40% bigger is there any intent to get this closer to a more even split? Response - No conversation to lot improvements, lots will stay as they are with a new subdivision. Question from board - Can some of the stone be converted to grass? Response- Yes, a section can very easily be converted to grass.

There was further discussion and concern from the board about storage which is all on the one parcel as the larger parcel. The board clarified with the engineer that any modifications teardown

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would require reapplication and to start over.

Board stated a concern about the dock and sharing access, the board foresees in the future a possible lawsuit. Response – an easement or use agreement requirement for the dock can be placed on the property if sold or title transferred.

Discussion about the shuffleboard and possibly removing to decrease the lot coverage on lot 1? Response from owner - If the town would assist us with the drainage problem, due to the issue the state created in the states right of way.

Question from board- What about changing how the lots were broken up, and what variances if any would be needed? Response / discussion – if in the subdivision you move it north so dock is all on one lot, noting removal of the concrete shuffleboard. Question from KB - What is the goal lot coverage for the lots from the board? Response – move line 5ft, remove shuffleboard, change stone drive by water main to grass and then refigure the lot coverage. Owner states sees dock as a shared driveway. Response – not an issue now but will be an issue in the future. By moving the line you address dock and lot coverage issue, this will make both lots almost equal, approximate lot coverage 32.7 lot 2 and 29.3 lot 1.

Motion made by M. Bently to temporally adjourn discussion and move on to application #23-204 and seconded by Steve Corridi

Motion made by M. Bently to resume discussion on Application #23-193 and seconded by V. Lonsberry.

Would you approve conditionally? I could do a motion not to exceed Lot 1 28% and lot 2 32.7%?

Question KB- What carries more weight, two residence on one lot or over on lot coverage? The future development of lot 1 may create issues down the road.

Call roll of board for “does this application meet requirements for area variance?”

(1) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance –

5 NO/ 0 YES

(2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance - **4 NO / 1 YES**

(3) whether the requested area variance is substantial - **2 NO/ 3 YES**

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district - **4 NO/ 1 YES**

(5) whether an alleged difficulty is self-created – **5 YES/ 0 NO**

After discussing the application and reviewing the questions on the back of the application the following motion was made [attached hereto]:

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Chairperson Bentley motioned I am proposing that Lot 1 cannot exceed 27.8% and lot 2 cannot exceed 32.7% with the conditions that the dock is to be shared by both properties and in the event that either property is ever sold that both lots must have a conforming dock put in within a 180 days of purchase and the existing dock removed if purchase of lot 2, furthermore the lot line has to be moved so that the entire entryway is on one property either lot 1 or 2 but not the dock that is existing on one side, the stone drive that is present today from a watermain brake will be replaced with grass and removed from lot coverage and concrete slab will be removed, the variance being made will be less than for lot size to be less the lot 2 - 12,000 and lot 1 - 10,000sqft

Seconded by Charlie G. 4 yes, 1 no, 0 abstained, 2 absent

Application #23-204, Robert & Suzanne Craugh, owners of property at 4576 Lake Dr, requests an area variance to build a residential addition. Proposed addition does not meet lot coverage of 25%.

The public hearing notice was read as it appeared in the official newspaper of the town.

Applicant – there was a slight change to 2 numbers, states change is not additional lot coverage.

Question from board – any elevation pictures of what you are doing? Are you adding to or are you replacing?

Public hearing open – no questions or comments

Public hearing closed

Call roll of board for “does this application meet requirements for area variance?”

(2) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance –

5 NO/ 0 YES

(2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance - **4 NO / 1 YES**

(3) whether the requested area variance is substantial -**5 NO/ 0 YES**

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district - **5 NO/ 0 YES**

(5) whether an alleged difficulty is self-created – **5 YES/ 0 NO**

After discussing the application and reviewing the questions on the back of the application the following motion was made [attached hereto]:

Chairperson Bentley made a motioned to accept application as submitted that it can not exceed the 39% lot coverage due to the size of the nonconforming lot there should be no further additions or amendments to the property after the 39% this motion was seconded by

S. Corrippi 5 Yes, 0 no, 0 abstained, 2 absent

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Miscellaneous:

No miscellaneous business

Motion made to adjourn the meeting at 8:18 pm by Mike Bentley and seconded by which was carried 5 Yes, 0 No, 0 Abstained

Michael Bentley, Chairperson

TOWN OF GORHAM
ZONING BOARD OF APPEALS
P.O. BOX 224 GORHAM,
NEW YORK 14461

RESOLUTION FORMAT FOR VARIANCES:

WHEREAS, application number 23-193 was received by the Secretary of the Zoning Board of Appeals from Thomas Smith, owner of property at 4260 State Rt 364, on September 22, 2023, requesting the maximum area variance to subdivide the existing parcel in order to have one residence on each; and,

WHEREAS, said application was denied by the Code Enforcement Officer for the Town of Gorham on the basis that the two non-compliant lots proposed don't meet the required lot size of 15,000 sqft ; and,

WHEREAS, the Town of Gorham Zoning Board of Appeals has determined this application to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and as a Type II Action, no further review under SEQRA was required; and,

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

WHEREAS, a Public Hearing was duly called for and was published in the official newspapers of the Town on 11/9, 2023; and,

WHEREAS, a Public Hearing was held on December 21, 2023, at which time all those who desired to be heard were heard and no person spoke in favor of the application and no person spoke against the application; and,

WHEREAS, after viewing the premises and after reviewing the file, the testimony given at the Public Hearing and after due deliberation, the Town of Gorham Zoning Board of Appeals made the following findings of fact:

For an Area Variance:

That an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the variance.

That the benefit sought by the applicant cannot be achieved by some feasible method other than a variance.

That the requested variance is not substantial.

TOWN OF GORHAM

That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created.

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DECISION/CONDITIONS

NOW, THEREFORE BE IT RESOLVED that the application number 23-193, Thomas Smith owner of property at 4260 State Rt 364 from the Town of Gorham Zoning Ordinance for residential subdivisions. Chairperson Bentley made a motion that Lot 1 cannot exceed 27.8% and lot 2 cannot exceed 32.7% with the conditions that the dock is to be shared by both properties and in the event that either property is ever sold that both lots must have a conforming dock put in within a 180 days of purchase and the existing dock removed if purchase of lot 2, furthermore the lot line has to be moved so that the entire entryway is on one property either lot 1 or 2 but not the dock that is existing on one side, the stone drive that is present today from a watermain brake will be replaced with grass and removed from lot coverage and concrete slab will be removed, the variance being made will be less than for lot size to be less the lot 2 - 12,000 and lot 1 - 10,000sqft. Mr. C. Goodwin seconded themotion which was carried 4 yes, 1 no, 0 abstained.

Michael Bentley, Chairman

12/23/23

LOCALiQ

Observer-Dispatch | Daily Messenger
Times Telegram | New Jersey Herald
Times Herald-Record

PO Box 631202 Cincinnati, OH 45263-1202

PROOF OF PUBLICATION

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Gorham NY 14461-0224

**TOWN OF GORHAM
ZONING OFFICE
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GORHAM, NEW YORK
14461
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STATE OF WISCONSIN, COUNTY OF BROWN

The Daily Messenger, a daily newspaper of general circulation, printed and published in Canandaigua, Ontario County, New York; that the publication, a copy of which is attached hereto, was Published in said newspaper in the issues dated:

11/09/2023

That said newspaper was regularly issued and circulated on those dates.

Sworn to and subscribed before on 11/09/2023



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LEGAL NOTICE

Please take notice that the Town of Gorham Zoning Board of Appeals will hold a public hearing on the following application. Said hearing will be held in the Town Hall, Gorham, New York on Thursday November 16, 2023, at 7:00PM.

Application #23-193, Thomas Smith, owner of property at 4260 State Rt 364 requests an area variance to subdivide parcel into two lots. Proposed lots does not meet the lot size requirement of 15,000 square feet.

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

Susan Yarger, Secretary
Zoning Board of Appeals
No 9
9463829

TOWN OF GORHAM
ZONING BOARD OF APPEALS
P.O. BOX 224 GORHAM,
NEW YORK 14461

RESOLUTION FORMAT FOR VARIANCES:

WHEREAS, application number 23-204 was received by the Secretary of the Zoning Board of Appeals Robert and Suzanne Craugh, owner of property at 4576 Lake Dr., on November 9, 2023, requesting an area variance to build residential addition; and,

WHEREAS, said application was denied by the Code Enforcement Officer for the Town of Gorham on the basis that the proposed additions overall lot coverage; Req'd = 25% max, proposed 39%, with 14% variance requested; and,

WHEREAS, the Town of Gorham Zoning Board of Appeals has determined this application to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and as a Type II Action, no further review under SEQR was required; and,

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

WHEREAS, a Public Hearing was duly called for and was published in the official newspapers of the Town on 12/14, 2023; and,

WHEREAS, a Public Hearing was held on December 21, 2023, at which time all those who desired to be heard were heard and no person spoke in favor of the application and no person spoke against the application; and,

WHEREAS, after viewing the premises and after reviewing the file, the testimony given at the Public Hearing and after due deliberation, the Town of Gorham Zoning Board of Appeals made the following findings of fact:

For an Area Variance:

That an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the variance.

That the benefit sought by the applicant cannot be achieved by some feasible method other than a variance.

That the requested variance is not substantial.

TOWN OF GORHAM

That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created.

TOWN OF GORHAM

DECISION/CONDITIONS

NOW, THEREFORE BE IT RESOLVED that the application number 23-204, Robert and Suzanne Crough owner of property at 4576 Lake Dr from the Town of Gorham Zoning Ordinance for residential additions Chairperson Bentley made a motioned to accept application as submitted that it cannot exceed the 39% lot coverage due to the size of the nonconforming lot there should be no further additions or amendments to the property after the 39% this motion was seconded by S. Carriello, 5 Yes, 0 no, 0 abstained

Michael Bentley, Chairman

12/21/23

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PO Box 631202 Cincinnati, OH 45263-1202

PROOF OF PUBLICATION

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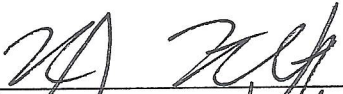
STATE OF WISCONSIN, COUNTY OF BROWN


The Daily Messenger, a daily newspaper of general circulation, printed and published in Canandaigua, Ontario County, New York; that the publication, a copy of which is attached hereto, was Published in said newspaper in the issues dated:


12/14/2023

That said newspaper was regularly issued and circulated on those dates.

Sworn to and subscribed before on 12/14/2023



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Application #23-204, Robert & Suzanne Craugh, owners of property at 4576 Lake Dr. requests an area variance to build a residential addition. Proposed addition does not meet lot coverage of 25%.

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

Susan Yarger, Secretary
Zoning Board of Appeals
De 14, 9603651