

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
November 16, 2023

PRESENT: Mr. Lonsberry Mr. Goodwin
 Mr. Coriddi Mr. Amato
 Mr. Bishop

EXCUSED: Chairman Bentley Mr. Amato

Mr. Lonsberry called the meeting to order at 7:00 PM and explained the process. Mr. Bishop made a motion to approve the October 19, 2023, minutes as presented. Mr. Goodwin seconded the motion, which carried unanimously.

PUBLIC HEARING:

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.

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

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. The Smith Family was present on zoom.

Mr. Burley stated that on the plan there is a note that the dock and boat hoist is to be shared equally between lot 1 and lot 2. They are non-conforming with two residences on one parcel. They are splitting the parcel equally down the middle splitting the dock down the middle. If a maintenance agreement is needed for the dock that is something that they can provide.

Mr. Lonsberry stated that the requirement for a minimum lot is 15,000 square feet. The proposed lot size on the northern parcel is 10,466 square feet and 11,541 square feet on the southern parcel.

Mr. Bishop stated that the minimum lot depth is 150 feet and asked if the minimum lot depth was 150 feet.

Mr. Burley stated that they show from the road line out to the tie line the depth is 122.80 feet on the southern lot and on the northern lot it is 97.46 feet. Those are existing boundary lines.

Mr. Bishop asked if there was an easement for others to use the asphalt drive.

Mr. Burley stated that there may be but they did not have the abstract for this parcel. An abstract search of title would show those easements.

Jim Morse explained that he did not make them go for a variance the buildings that are too close to the property lines cause they are existing. He only sent them to get a variance for the undersized lots.

Mr. Burley stated that the home on the southern lot he set back 15.5'. The required setback is 15'.

Mr. Morris stated that the setback goes to the eaves.

Mr. Burley stated that the 15.5 feet is to the corner of the building. The eaves are not over a half of a foot.

Mr. Morris asked if the lot coverage was calculated for each lot.

Mr. Burley stated that he did not calculate lot coverage.

Mr. Morris stated that lot coverage is also something that they need to consider.

Mr. Burley asked the board if they would like to see the lot coverage calculations.

Mr. Morris stated that they should know what the lot coverage is and if it is over the required lot coverage they will need a variance for that too.

Mr. Morris asked what the plan was for the two lots.

Kay Smith stated that they have no plans to sell any of the property. The property is owned by an LLC which is her, her brother and sister. This will give their children flexibility when they inherit it. Given the prices of Canandaigua properties they want to give them the option to not have to sell everything.

Thomas Smith stated that now they would be eliminating the non-conformity of having two homes on one parcel.

Mr. Morris asked where the parking is on the north lot.

Mr. Smith stated that it is a grass spot that is used for overflow. To the north side of the north lot there is a grass area that a driveway could go.

Mr. Lonsberry stated that he would like to see the lot coverage calculations on the two proposed properties.

Mr. Burley stated that they can calculate the lot coverage.

Mr. Lonsberry stated that if they are over the 25% lot coverage they will need to ask for a variance for lot coverage.

Mr. Morris asked if it would be possible to get an updated abstract of the property to see if there are any easements for egress and ingress.

Mr. Smith stated that he will go through his records to see if they have an abstract.

Mr. Lonsberry asked if there was anyone in the public that would like to make a comment.

Anne Chwiecko stated that she lives across the street and just wanted to know what they were proposing to do there.

Carolyn Kubota stated she is the neighbor to the south and just wanted to understand what was going on.

Mr. Lonsberry stated that what the board is looking for is an abstract to see what easements are on the property. They also need the lot coverage calculations.

Mr. Lonsberry adjourned the public hearing to be re-opened on December 21, 2023, at 7:00PM.

MISCELLANEOUS:

Application #23-135, George West, owner of property at 4476 State Rt 247, requests an area variance to build a residential addition and garage. Proposed addition and garage do not meet the front yard setback.

George West and Richard Krapf, Architect was present and presented the application to the board.

On the revised plan they have moved the addition so that they are now proposing a setback of 42.7 feet from the road and are putting the apartment addition on top of the garage eliminating the need for a variance on the southside.

Mr. Lonsberry thanked them for working with the board to eliminate some of the variances.

After discussing the application and reviewing the questions on the back of the application the following motion was made [attached hereto]: Mr. Lonsberry made a motion to grant a roadside variance of 7.3' for a setback of 42.7'. Mr. Bishop seconded the motion which carried unanimously.

Mr. Lonsberry stated for the record he would like to thank Sue Yarger for her dedication for many years of service with the Town. All board members concurred.

ZBA

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Mr. Morris made a motion to adjourn the meeting at 7:35PM. Mr. Lonsberry seconded the motion which carried unanimously.



Victor Lonsberry, Vice Chairman

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

RESOLUTION FORMAT FOR VARIANCES:

WHEREAS, application number 23-135 was received by the Secretary of the Zoning Board of Appeals from George West, owner of property at 4476 State Rt 247, on May 23, 2023, requesting an area variance to build residential additions and garage; and,

WHEREAS, said application was denied by the Code Enforcement Officer for the Town of Gorham on the basis that the proposed additions and garage does not meet the front yard setback; 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 August 10, 2023; and,

WHEREAS, a Public Hearing was held on August 17, 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.

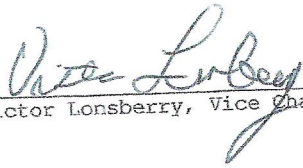
That the requested variance is not substantial.

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.

DECISION/CONDITIONS

NOW, THEREFORE BE IT RESOLVED that the application number 23-135, George West owner of property at 4476 State Rt 247 from the Town of Gorham Zoning Ordinance for residential additions and garage. Mr. Lonsberry made a motion to grant a roadside variance of 7.3' for a setback of 42.7'. Mr. Bishop seconded the motion which carried unanimously



Victor Lonsberry, Vice Chairman

11/16/23