

MINUTES  
TOWN OF GORHAM ZONING BOARD OF APPEALS  
October 19, 2017

PRESENT:	Chairman Hoover	Mr. Johnson
	Mrs. Oliver	Ms. Hoover-Alternate
EXCUSED:	Mr. Bentley	Mr. Airth
	Mr. Amato	

Chairman Hoover called the meeting to order at 7:30 PM and explained the process of the Zoning Board of Appeals. Ms. Hoover will participate and vote on all applications tonight. Mr. Johnson made a motion to approve the minutes of the September 21, 2017, meeting. Mrs. Oliver seconded the motion, which carried unanimously by the board members present.

PUBLIC HEARINGS:

Application #17-133, Victor & Rosemary Lonsberry, owners of property at 3667 State Rt. 364, requests an area variance to build a 22' x 24' attached garage. Proposed garage does not meet the side yard setback.

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

Victor & Rosemary Lonsberry were present, and presented their application to the board.

Mr. Lonsberry stated that he would like to build a two car attached garage.

Chairman Hoover asked the Lonsberry's if they could get away with building a 20' wide garage.

Mr. Lonsberry stated that with a 16' wide garage door there would only be 2 feet on both sides. They would also like a man door coming out the front. There will also be a set of stairs going into the house from the garage.

Mr. Lonsberry stated that their neighbor to the north has no problem with the proposed garage and presented a letter to the board stating such.

Chairman Hoover read the letter from Harvey Van Allen stating that he had no issues or objections to the project. This letter will be kept in the file.

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

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

Ms. Hoover made a motion to grant an 8' variance for a setback of 7' to the eaves. Mrs. Oliver seconded the motion, which carried unanimously by the board members present.

Application #17-134, Robert & Rebecca Melton, owners of property at 4314 Deep Run Cove, requests an area variance to build a 20' x 20' garage & parking area. Proposed garage does not meet the south side yard setback and the rear yard setback and exceeds lot coverage of 25%.

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

The application did go to Ontario County Planning Board. The County Planning Board made the following findings 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.

**Final Recommendation: Denial**

Robert Melton was present and presented his application to the board.

Chairman Hoover asked if the frame building behind the proposed garage would come down.

Mr. Melton stated no that would stay and the proposed garage would go on the existing pad.

Chairman Hoover expressed his concern with impacting the view shed of houses across the street.

Mr. Melton stated that he understands but does not believe that there is a view of the lake from those homes.

Chairman Hoover stated that in visiting the site he agrees there is not much of a view but there is a small view of the lake and building the garage will eliminate this view.

Chairman Hoover also expressed his concern with all the congestion in the area. With the garage at 8.5' from the right of way it does not leave any room to back out of the garage and see down the right of way before backing out of the drive. He also expressed his concern with going to 48% lot coverage.

Mrs. Oliver stated that she has the same concerns that Mr. Hoover raised.

Mr. Johnson stated that he has a concern with backing out into the right of way with the garage so close to the right of way. He also has a concern with the 1 foot setback on the south side. He asked if the 1 foot setback is to the eaves or to the face of the building.

Mr. Melton stated that he was unsure. He wanted to make a point that the garage will be well away from the lake and meets that setback. As far as the garage he stated that he was willing to put in glass so that it would be more visible. He also stated that they have used the pad to park on and have backed out into the street.

Ms. Hoover asked if there had ever been a building on the pad.

Mr. Melton stated no, but it has been used for parking forever.

Mr. Melton stated that if the board has an issue with a garage he would settle for a carport.

Mr. Melton stated that he could change the proposed gravel parking area to be permeable.

Gordon Freida, Code Enforcement Officer explained that if the installer states that the permeable material is 85% then it would be 15% towards lot coverage. Some come in at 100% depending on the material that they use.

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

Richard Woodworth, property owner across the street expressed his concerns with the 1 foot setback. And with a structure there they will not be able to see the lake.

Karl Essler, Attorney, representing the neighbor to the south of the proposed property expressed the same concerns that he put in a letter that was sent to the Zoning Office. This letter will be kept in the file. They had concerns with the setback to the road right of way and the setback to the south side property line. They also had concerns with the view for the properties across the road. He also stated that his clients do not object to the parking area in front of the home. He also mentioned that in the Town Code it requires the Highway

Superintendent to give an opinion about the traffic issues. His clients are not in favor of the proposed garage.

Mr. Melton stated that he is flexible. He is willing to make it as short as possible. He will even put on a flat roof.

Mr. Freida state that it can be no higher than 14 feet with a minimum of 3 in 12 pitched roof.

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

In discussing the application the board found that there would be an undesirable change in the character of the neighborhood and a detriment to the nearby properties with the structure so close to the south side lot line and to the road right of way. The requested variance is substantial with being only one foot off the property line on the south. The variance would also have an adverse effect on the physical condition in the neighborhood by blocking the view for the properties across the street. After discussing the application the following motion was made [attached hereto]: Mr. Johnson made a motion to deny the application as presented. Mrs. Oliver seconded the motion, which carried unanimously by the board members present.

Fred Lightfoote, Town of Gorham Supervisor was present and thanked the board for all that they do.

Ms. Hoover made a motion to adjourn the meeting at 8:16 PM. Mr. Johnson seconded the motion, which carried unanimously.

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Jerry Hoover, Chairman

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Sue Yarger, Secretary