

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
March 15, 2018

PRESENT: Mr. Bentley Mr. Lonsberry
 Mrs. Oliver Mr. Amato
 Mr. Airth Mr. Burley
 Mr. Coriddi

Mr. Airth made a motion nominating Mr. Bentley as Acting Chairman. Mr. Lonsberry seconded the motion, which carried unanimously.

Mr. Bentley called the meeting to order at 7:30 PM. Mr. Amato made a motion to approve the minutes of the February 15, 2018, meeting. Mrs. Oliver seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #18-011, Victor & Eileen Salerno, owners of property at 4894 County Road 11, requests an area variance to build a residential addition. Proposed addition exceeds maximum lot coverage of 25%.

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

Robert Wolfe, Architect, and Brennan Gooding, Surveyor from Venezia Land Surveyors, was present and presented the application to the board.

Mr. Wolfe stated that Victor & Eileen want to enjoy their golden years on the lake. The cottage currently has bedrooms on the second floor only. Each of them is in their 70's and is interested in getting a bedroom on the first floor.

Mr. Wolfe presented elevation renderings to the board.

Mr. Wolfe stated that there are trees and bushes around much of the site. It's really kind of a natural lot. They situated the addition nestled next to the house tucked behind the garage. They tried to minimize the impact. All the setbacks are within the requirements. The height is below the existing home.

Mr. Gooding stated that all the roof water is going to go through a leaching catch basin. The new addition will be tucked downhill from the street view.

Rocco Venezia stated that the only reason they are here is for a variance for 33.1% lot coverage when 25% is allowed.

Mr. Burley questioned if the existing patio in front of the existing deck was going to remain.

Mr. Wolfe stated that patio will remain. There is a fire pit on that patio. It has been there for 25 years and they would like to keep it.

Mr. Bentley stated that he has a concern with going from 26.7% lot coverage to 33.1%. He believes this is substantial. He asked if they have looked at other options to minimize the lot coverage. The request for the addition he can understand, but then they are adding another patio.

Mr. Wolfe stated that with the patio that is where the Salerno's like to go to have their breakfast because it gets the sun in the morning.

Mrs. Oliver questioned if there would be morning sun there with the addition in front.

Mr. Lonsberry asked if the addition is going to be all bedroom.

Mr. Gooding stated that it is going to be a bedroom and a bathroom.

Mr. Lonsberry stated that that is an awful big bedroom. He explained that the Zoning Board of Appeals purpose is to try to minimize the variance as much as they can. He sees several areas where they can reduce the lot coverage.

Mr. Wolfe stated that what is not shown on the plan is that the addition is also some kitchen and pantry use. With four generations of family there, to get them in there with the kitchen the dining room and there is also a fireplace and the stairs going downstairs and upstairs it takes a big bite out of the existing footprint. Part of the addition is borrowed for a pantry, expanded kitchen and a place to put a table. So it is not all bedroom. It's to make the current kitchen useable.

Mrs. Oliver asked what the size of the proposed patio is.

The proposed patio is about 400 square feet.

Rocco Venezia stated that if they remove the proposed patio they can get the lot coverage down to 30.5% and wondered if that would be more reasonable.

The board agreed that would be a start at minimizing the variance.

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

Wade Lippman, neighbor to the north stated that the Salerno's are good neighbors and he would like to see them get what they want. "However, if the law is 25% I find this process to be a little silly. All you have to do is apply for a variance and maybe you get it and maybe you don't. The law should reflect what's allowed, without a compelling reason like the one that was just discussed. There shouldn't be a variance. The law should be 25%, 30%, whatever is appropriate and without a really good reason the law should be adhered to. This should be passed onto the Town Board."

Mr. Bentley thanked Mr. Lippman for his comments and explained that Fred Lightfoote, Town Supervisor is here tonight and the Code Enforcement Officer is also here, the ones that work on and write the rules.

Mr. Lippman stated that "I wanted to build on a lot that was too small for the house that I wanted by about 10% and I was told that there was no way that I could do that. So I didn't. It turns out all I had to do is apply for an appeal I mean it's a silly process."

Letters were received from Ted Aguglia, Mr. & Mrs. Michael DiNapoli and Peter Rulison in the Zoning Office stating their objection to the variance request. All three letters were read and will be kept in the file.

Mr. Gooding stated "in theory if the Salerno's wanted to they could tear the existing home down and build a 30 foot tall house in the center of this neighbors view. With what is getting asked for tonight is a smaller addition that is very low; one story. So it is maximizing his view with also adding the additional living space to their house."

Mr. Amato stated that he feels like that is a threat if they don't get what they want.

Mr. Gooding stated that he did not say that was a threat.

Mr. Bentley stopped the conversation right there.

Mr. Rocco Venezia stated that this is not really about the size of the addition. "The size of the addition is a moot point. More than anything this is about stuff that is on the ground, stuff you step on, stuff that no neighbor can see. But the town in their ordinance counts that as lot coverage. They treat it the same as they treat a house. This site happens to have a lot of that. And as I'm bartering with you or dealing with you the next thing I'm going to say is well I can take this out and get down to 28.6. And I can replace it with belguard pavers, which are permeable that wouldn't count towards lot coverage. So what I am saying is do I have to get it all the way down to 25 or is there some number."

Mr. Bentley stated that the ZBA's job is to minimize the variance, which doesn't cause a detriment to the health safety and welfare of the community. He would like to see a plan that will minimize the variance request.

Mr. Wolfe stated that if they were to take the proposed patio out and since it is new and they don't have to tear anything out of the ground. But if they were to put the pervious pavers in there that would get them down to 30.4 to 30.5.

Mr. Venezia stated that he can get it down to 28.5%.

Mr. Bentley asked if that was what they are proposing now is a 28.5% for a 3.5% variance.

Mr. Venezia stated that he would have to consult with the owner, but believes they can do that.

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

Mr. Venezia asked the ZBA to table the decision so that they could go back to the owners and discuss reducing the lot coverage variance.

Mr. Airth made a motion to table the decision until April 19, 2018, at 7:30 PM. Mr. Burley seconded the motion, which carried unanimously.

Miscellaneous:

Mr. Bentley stated that it has been brought up to change the meeting time from 7:30 PM to 7:00 PM. And asked if anyone was opposed to that.

No one was opposed. Mr. Lightfoote will check to see if the ZBA can change the time themselves or if the Town Board is the one to make the change.

Mr. Amato stated that he has done some research and has found a pamphlet on the scope and what the responsibilities of the ZBA are.

Mr. Lightfoote stated that Mr. Freida is also going to talk to the people in the Ontario County Planning Department and ask if they can come in and do a training session. He is also going to talk to the Town Attorney about doing a training session.

Mrs. Oliver made a motion to adjourn the meeting at 8:01.
Mr. Airth seconded the motion, which carried unanimously.

Michael Bentley, Acting Chairman

Sue Yarger, Secretary