

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
July 18, 2019

PRESENT: Chairman Bentley Mr. Lonsberry
 Mrs. Oliver Mr. Coriddi
 Mr. Amato Mr. Bishop

ABSENT: Mr. Burley

Chairman Bentley called the meeting to order at 7:00 PM and explained the process. Mr. Lonsberry made a motion to approve the minutes of the June 20, 2019, meeting. Mr. Coriddi seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #19-030, Pierre & Karen Heroux, owners of property at 3780 Meadow View Dr., requests an area variance to build a single-family home with attached garage. Proposed home and garage does not meet the north and south side and front yard setbacks and exceeds lot coverage.

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

Pierre & Karen Heroux, Brendon Marks, Marks Engineering & Holly Lahue, Contractor were present and presented their application to the board.

Mr. Marks stated that the plan is to renovate the existing cottage and make it a year around home. They will be adding a second story, adding a porch on the front of the home, adding a garage on the rear and adding on to the existing structure to the south. They are requesting four variances. The variances being requested are for the north side setback, which is less than existing at 7.82 feet. They are requesting a south side setback 7.58 feet. A front setback of 21.04 feet and a lot coverage variance of 44.06%. They were in front of the board with a larger front porch that was 12 feet in width that went the entire front of the structure. They have reduced that to 10 ¼ feet and narrowed it so that it does not go the entire front of the structure. They have removed some wood decks on the waterfront. They changed the driveway to a pervious paver driveway. They are trying to create a pervious surface that will infiltrate more stormwater. The town code recognizes this

as impervious surface so that is why they need a lot coverage variance.

Mr. Heroux presented the board with a packet with his calculations on the existing vs proposed lot coverage and the environmental benefits of pervious pavements. This will be kept in the file.

Mr. Heroux also presented 9 letters from neighboring property owners stating their support of the project. These will be kept in the file.

Chairman Bentley questioned if they were going to remove the wood deck that is currently on the high-water mark.

Mr. Marks stated that they are going to remove and dispose the larger wood deck, but the smaller wood deck is going to remain.

Mr. Amato asked if there were elevations of the new home.

The elevations were presented to the board and will be kept in the file.

Mr. Bishop asked if there were any plans for the structure across the road.

Mr. Heroux stated that structure will remain the same. It will probably be resided to match the home.

Chairman Bentley questioned if they could shrink up the house on the south side to minimize the variance that is being requested.

Mr. Marks stated that they have come up with a floor plan at the bare minimum that they need.

Ms. Lahue stated that that side has an entrance and a stairway.

Chairman Bentley stated that he understands that, but they are now going to take that out and add 5 more feet of house. An encroachment to the south for a stoop is different than an encroachment of a house. They are taking a lot impervious material out i.e. the wood deck and things of that nature to add more house. His concern is they are taking out the landing steps and then increase the size of the footprint of the house to that mark.

Mr. Heroux stated that the wall on the north side is staying in the same location as the existing.

Mr. Marks stated the reason for the increase in the setback is because they are cutting the size of the overhang.

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

Mr. Amato stated that he agrees with Chairman Bentley. He is also concerned with adding 5 feet to the house and adding a second story.

After discussing the application and reviewing the questions on the back of the application the following motion was made [attached hereto]: Mr. Amato made a motion to deny the application. There was no second to this motion. Chairman Bentley made a motion to grant a south side yard setback of 9.58 feet for a variance of 5.42. A north side setback of 7.82 feet for a variance of 7.18 feet. A front yard setback of 21.04 for a variance of 8.96 feet. A lot coverage of 42.75% for a variance 17.75%. Mrs. Oliver seconded the motion. Roll call was read with Amato voting nay and Oliver, Bentley, Coriddi, Lonsberry & Bishop voting yeah. Motion carried. (5-1).

Application #19-103, Brad & Delores Kruchten, owners of property at 4124 Torrey Bch., requests an area variance to build a single-family home & deck. Proposed home & deck does not meet the north and south side yard setbacks, the rear yard setback, the front yard setback and exceeds lot coverage.

Chairman Bentley opened the public hearing and the notice that 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: 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

Brad & Delores Kruchten, Scott Harter, Engineer & Daniel Habza, Architect was present and presented the application to the board.

Mr. Harter explained that they have changed the setback request on the south side from 5 feet to 4 feet due to shifting the structure further to the east to accommodate the view for the neighbors to the north looking to the southwest.

Mr. Kruchten also explained that they are moving the home further to the rear to accommodate the neighbors view. This will also give them more front lawn.

Chairman Bentley asked how big the front deck was going to be.

Mr. Harter stated that the proposed deck is 541 square feet. The deck previously proposed was 667 square feet.

James Morse, Code Enforcement Officer, explained that the proposed home and the neighboring home must be 10 feet apart according to New York State Building Code and if not, they will need to remove the window and make that wall a fire rated wall. The owners have been made aware of this.

Chairman Bentley suggested that the front deck be mirrored up with the corner of the proposed house. By moving the deck in they can minimize the variances that are being requested.

Mr. Lonsberry stated that he also doesn't think it needs to be 18 feet wide.

Mrs. Kruchten stated that the discussion at a past meeting was to move the deck back further from the lake and that is what they did.

Chairman Bentley stated that keeping with the character of the neighborhood the neighbors as he recalls has a walkout. So, he does believe there is room to minimize the variance with the deck.

Lot coverage was discussed. Mr. Harter stated that the total lot coverage being proposed is 45% and 50% on just the lake side of the lot.

Mr. Morse asked how he calculated the lot coverage because the gravel parking area is not considered pervious surface and must be in the calculation.

Mr. Harter stated that they included 50% of the drive as impervious. They are going to use runoff reduction. They are not going to use the gravel they are going to put in something else to reduce the impervious area.

Mr. Morse asked if they are taking the gravel out and make it lawn.

Mr. Harter stated that they are either going to make it lawn or use some sort of pavers.

Mr. Harter explained that on the lakeside of the property he has stamped the plan confirming that they are at 50% lot coverage on that side. He will stand by this and make sure it stays at 50% when he gets to the Planning Board.

Mrs. Kruchten stated that the reason the deck is the size that it is, is because the house is small. "Today and in the future that's our dining room. So that's why it is the size. And the other thing is it is not a level yard. It doesn't look like the Madara's. So, it's not level and the only way to level it is with the deck."

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

An e-mail in support of the project was received in the Zoning Office from Carol Steron. This will be kept in the file.

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

The board asked if there were elevations of the proposed home.

Mr. Habza presented elevations to the board. These will be kept in the file.

Mr. Morse asked what the height of the proposed home would be.

Mr. Habza stated it will be what the code allows at 22 feet in height.

After discussing the application and reviewing the questions on the back of the application the following motion was made: Chairman Bentley made a motion to grant lot coverage is not to exceed 50% on the lakeside of the property and not to exceed 45% total lot coverage. Therefore, removing the impervious stone that is on the non-lakeside of access to the house. A 9.9-foot variance to the southeast corner for the construction of a southeast corner of a home as proposed to the northeast corner a 21.8-foot setback for an 8.2' variance. A 10-foot variance for a 5-foot setback on the northeast corner from the north property line to a 10-foot variance for a 5-foot setback to the northwest corner for the construction of a home not to exceed 32 feet in length including the eaves. A variance of 6.1 feet for an 8.9-foot setback to the southwest corner to an 11-foot variance for a 4-foot setback to the southeast corner for the construction of a 24' x 32' as proposed. A variance of 7 feet for a 23-foot setback for the northwest corner of the house to the highwater mark. A variance of 5 feet for a setback of 25 feet on the southwest corner of the home. A deck to be attached to the home on the lakeside where the northwest corner from the highwater mark must be 6.6 feet with a variance of 8.4 feet. The deck cannot exceed 26 1/2' x 17 1/2' with a 7.8-foot setback with a 6.2' variance at the southwest corner of the proposed deck. A 10-foot variance

for a 5' setback from the south property line parallel to the deck and at no time should any portion of the deck come in contact with the highwater mark for a 10 ½ foot variance for the plan as shown in the proposed drawing 18717SP2 July 2018. Mr. Lonsberry seconded the motion. Roll call was read with Chairman Bentley voting nay. Mrs. Oliver abstained. Amato, Coriddi, Lonsberry & Bishop voted yeah. (4-1). Motion did not carry. Needed a majority plus one for the motion to carry due to the County's denial.

Mr. Lonsberry made a motion to adjourn the meeting at 9:35. Mr. Amato seconded the motion, which carried unanimously.

Michael Bentley, Chairman

Sue Yarger, Secretary