

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
June 18, 2020

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

Chairman Bentley called the meeting to order at 7:00 PM and explained the process. Mr. Bishop made a motion to approve the minutes of the January 16, 2020, meeting. Mr. Lonsberry seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #20-016, Emily & Christopher Brodhead, owners of property at 5156 County Road 11, requests an area variance to build a residential addition. Proposed addition does not meet the north side yard setback. Public Hearing time 7:00PM-7:25PM.

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

The property owners have asked for a postponement on their application until July.

Mr. Lonsberry made a motion to adjourn the public hearing to be re-opened on July 16, 2020. Mr. Coriddi seconded the motion, which carried unanimously.

Application #20-025, Shepard Family Trust, owners of property at 4622 Bachelor Row, request an area variance to build a 12 x 28 garage. Proposed garage does not meet the side yard setback. Public Hearing time 7:25PM-7:50PM.

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

Thomas & Jo Anne Shepard were present and presented their application to the board.

Mr. Shepard stated that they recently moved here, and this is going to be their year around home, and they have things that they need room for. They would like to build a garage/shed that would give them parking and storage.

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

Dawn Kane an adjacent neighbor presented the board with her survey and a list of concerns that she has with this project.

Ms. Kane stated that her concerns are that: 1. Existing lot is thirty feet wide and 160 feet in length. 40 feet of that lot line already encroaches on her property at less than 18 inches and the chimney is at property line. Further encroachment seems unreasonable. 2. Application page B is not representative of size or location of building. 3. The building in the application being presented to the ZBA is not the building but something similar. She thinks accuracy of the footprint is a reasonable request in a lot this size. 4. She thinks that a request for a single car garage is reasonable. A standard garage is 12 feet wide 21 feet long. The proposed is 28 feet deep and two stories high up to 20 feet. She does not think this meets a requirement of a variance that is necessary. This is untactful for continuous properties. 5. The placement of the garage is 5 feet off of her property line. The placement of the garage as requested will most likely injure or damage her trees. 6. Multiple variances for setback and coverage do not seem reasonable on a lot this small. She believes that a single car garage single story centered in the property with a request for a setback variance on both sides of one foot is fair and equitable. 7. She believes that the requested garage will be over lot coverage of 30% after she calculated the lot coverage.

Mike Pilarski an adjacent property owner on Fair Oaks Ave. stated that his concern was to find out how big the structure was going to be. He has an elevated deck, which is about 15 feet from the ground to the top. It was built that way to get a view of the lake as much as possible. His concern with a second story to the garage is losing the view from his deck. The lot is only 30 feet wide, which they knew when they bought it and it will be tough to fit a structure on that lot. He does appreciate the need for storage and a garage and is happy they are improving the neighborhood but is concerned about the physical size and the location. He thinks it would be better if it were setback further from the road. He asked the board to take that into consideration in terms of the impact to his property.

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

Mr. Shepard stated that moving the garage to the center would only give them nine feet on either side, which would not give them room for an emergency vehicle to get to the back of the house. He said that they lined the placement of the garage with the adjacent home on Fair Oaks Ave., but they could move it further into the lot from the road. Putting the garage where it is proposed kind of tucks it into the corner that already has a lot of trees. There are some trees that are on Ms. Kane's property that come over the property line and they will probably have to trim some of those back.

Chairman Bentley explained that his biggest concern with the proposed garage is the height in that neighborhood.

Mr. Bishop questioned if the drawing was to scale.

Mr. Shepard stated that he did measure it out and drew it what he believes to be to scale.

Mr. Shepard stated that they could drop the height down to no more than 16 feet.

It was discovered by Mr. Morris that the proposed garage that was placed on the survey was not to scale.

Mr. Bentley made a motion to adjourn the decision on the proposed to allow the applicants to place the proposed garage on an updated survey showing it to scale and also showing the lot coverage calculation. Mr. Bishop seconded the motion, which carried unanimously.

Tom Amato joined the board at this time.

Application #20-060, Susan Glenz, owner of property at 3696 Nibawauka Bch, requests an area variance to build garage addition. Proposed addition does not meet the side yard setbacks and exceeds lot coverage. Public Hearing time 7:50PM-8:15PM.

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

The Ontario County Planning Board determined the application to be a Class 2. 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

The County Planning Board made the following comments: 1. The referring board is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot. 2. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District or Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

Richard Krapf, RA from Identity Design, PLLC and Art Glenz was present and presented the application to the board.

Mr. Krapf stated that his client would like to add a 12 foot deep by the width of the garage, which is about 22 feet addition to the rear of the garage. The addition exceeds the setback requirement. It is the existing garage that is too close. By adding the addition to the garage, it adds 2% to the lot coverage for a total of 34%.

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

Chairman Bentley stated that he is trying to understand why there needs to be an addition to the garage, which increases the lot coverage when they already have a garage.

Mr. Glenz stated that the garage is small and does not fit the needs that they have.

Mrs. Oliver questioned if the pavers that are all around the house were figured into the lot coverage calculations.

Mr. Krapf stated the pavers were figured into the lot coverage.

Chairman Bentley stated that this parcel was before them about a year ago asking for a lot coverage variance and now they are asking for a further increase. He does struggle with increasing the lot coverage when a variance was just given for lot coverage for an addition to the residence.

After discussing the application and reviewing the questions on the back of the application the following motion was made [attached hereto]: Mr. Bishop made a motion to grant 34% lot coverage and a 1.3 foot variance for an 8.7 foot setback on the north west corner only and all other corners of the building must meet the required setbacks. Mr. Coriddi seconded the motion. Roll Call was read with Bishop, Coriddi, Oliver, Lonsberry & Morris voting AYE. Amato, Bently voting NAY. (5-2). Motion carried.

Application #20-061, Sheril Cota, owner of property at 3122 State Rt 245, requests an area variance to subdivide house and 2.166 acres out of parent parcel. Proposed subdivision of lot does not meet the required road frontage of 200 feet. Public Hearing time 8:15PM-8:40PM.

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

Sheril Cota was present and presented her application to the board.

Ms. Cota explained that she would like to subdivide off the house and barn and 2.166 acres. She would like to keep the land and sell the parcel with the house and barn.

It was discovered that the shed on the parent parcel was only about 5 feet from the property line. After a discussion on the shed Ms. Cota decided that she would change the property line to include the shed in with the parcel being split from the parent parcel.

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

After discussing the application and reviewing the questions on the back of the application the following motion was made [attached hereto]: Chairman Bentley made a motion to grant a 19.23 foot variance to the center road line for road frontage with a condition that the current framed shed on the southeast corner of the property either be relocated to meet the required setback of 10 feet or the property line of the subdivide parcel be moved to include the shed showing a required 10 foot setback. Mrs. Oliver seconded the motion, which carried unanimously.

Application #20-063, Michael Spaan, owner of property at 4458 Lake Dr, requests an area variance to build a single family home. Proposed home exceeds lot coverage. Public Hearing time 8:40PM-9:05PM.

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

Michael Spaan and Jim Fahey, Architect was present and presented the application to the board.

Mr. Fahey gave a brief summary of what Mr. Spaan is proposing to do. They are going to raise an existing shed and cottage that is now on the property and build a single family cottage. The application was approved for site plan last fall by the Town of Gorham Planning Board with a few conditions. At the time they believed that they did not need a variance for lot coverage. In the past they have been able to use porous pavement for driveways and walk areas to eliminate requiring a lot coverage variance. On the plan that was presented in September it clearly showed the existing lot coverage and all the eliminates that led up to that lot coverage. They showed the square footage of the driveway and showed that it was porous pavement figuring that it would not be counted towards lot coverage. Later it was brought to their attention that they would need a variance because the assumption that using porous pavements was acceptable is not true. This puts the lot coverage at 31.3% lot coverage. The Spaan's still intend to install the porous pavement system.

Chairman Bentley asked if there were any letters received from the public.

Two letters of concern with the project were received in the Zoning Office. One from Patricia Atkinson and one from Mark Case. Both letters were read and will be kept in the file.

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

Mr. Fahey stated that after hearing the concerns about a large home. It is very clear they are not asking for a single setback variance or height variance. The home is not something that is over whelming on the property.

Mr. Amato asked if the patio and stairs were calculated in the lot coverage and when were they installed.

Mr. Fahey stated that they were calculated in the lot coverage.

Mr. Spaan stated that they were installed about 4 or 5 years ago.

Mr. Amato asked if a permit was required from them.

Mr. Spann stated that yes they did pull a permit for them.

Mr. Bishop questioned if the break wall was included in the lot coverage.

Chairman Bentley questioned the size of the house and if there was a garage.

Mr. Fahey stated that the house square footage is 2450 the rest is porch areas. There is no garage. That was a concession that the Spaan's made to keep the lot coverage down.

Mr. Lonsberry asked what the width and length of the driveway is.

Mr. Fahey stated that it is approximately 50 feet in length and 24 feet wide. It is a standard two car garage width driveway.

Mr. Coriddi asked how much farther the new home was going to set to the north from the existing home.

Chairman Bentley stated that it looks to be 60 feet closer to the north.

Mr. Coriddi expressed his concern with the house behind this property losing their view with the new proposed home.

Mr. Lonsberry questioned if they were going to infringe on the view for the property to the south.

Mr. Fahey explained that they are in compliance with the Town's lakeside setbacks.

Mr. Lonsberry explained that he believes that there are plenty of ways to reduce the house, driveway, etc. to meet the 25% lot coverage.

Mr. Amato expressed that he agrees. The fact that the owner in the last few years has built a fairly large patio and a large set of stairs leads him to believe that those were planned to be affixed to the property.

Chairman Bentley expressed that if they look at the character of the neighborhood the homes are not of the magnitude of the proposed home. He believes there are many ways to reduce the lot coverage down to the 25% lot coverage.

Mr. Bishop stated that he also agrees that the proposed home is very large for the neighborhood. 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 as presented. Mr. Lonsberry seconded the motion, which carried unanimously.

Mr. Amato made a motion to adjourn the meeting at 9:10. Mr. Coriddi seconded the motion, which carried unanimously.

Michael Bentley, Chairman

Sue Yarger, Secretary