

MINUTES  
TOWN OF GORHAM ZONING BOARD OF APPEALS  
September 17, 2020

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

Chairman Bentley called the meeting to order at 7:00 PM and explained the process. Mr. Amato made a motion to approve the minutes of the August 20, 2020, meeting. Mr. Lonsberry seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #20-134, Kimberly L. Weaver, owner of property at 4003 State Rt 364, requests an area variance to build a 12 x 24 shed. Proposed shed does not meet the side yard setback and exceeds 30% lot coverage.

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

The application was submitted to the Ontario County Planning Board. The County Planning Board made the following findings:

1. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.

2. Collectively individual residential developments have significant impacts on surface and ground water.

3. Proper design off on-site sewage disposal is needed to protect ground and surface waters.

4. Proper storm water and erosion control is also needed to achieve that same end.

5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.

6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.

7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.

Final Recommendation-With the exception of applications involving lakefront properties involving side, lake, or lot coverage variances or encroachments to County owned right-of-ways described in AR Policy 5 Parts A and B, the CPB will make no formal recommendation to deny or approve applications involving one single family residential site, including home occupations.

#### Comments

1. The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

The County Planning Board made no formal recommendation to deny or approve the application.

Kimberly Weaver and her father Duane Weaver were present and presented the application to the board.

Ms. Weaver stated that she does not intend to put the driveway to the proposed shed. She only wants a 24' x 12' shed to store her outdoor things. She will not be using the building as a garage.

Chairman Bentley asked if she has no intention of using the building as a garage why couldn't the building be moved a few feet to eliminate the side setback variance.

Ms. Weaver stated that she has one kitchen window and her house is tiny and does not have a lot of light she does not want to look out the window and see a building there.

Chairman Bentley stated that their position as the Zoning Board of Appeals is to grant the least variance possible. In his opinion one the variances requested is very easily eliminated just by moving the building over 5 feet.

Mr. Lonsberry stated that he agrees with Chairman Bentley. There is no reason the building can't be moved over to maintain the 10 foot setback.

Mr. Bishop asked if she could build the building smaller.

Ms. Weaver stated that she likes to redo furniture and she doesn't have anywhere in the house with ventilation where she can do this. In the building she could have the garage door open. This way she would have a space to work on something that she likes to do. She also has a kayak and lawn mower to store in there also.

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

A letter was read that was received from Steve Imburgia stating the he had no problem with the shed being built close to his property line. This letter will be kept in the file.

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

Mr. Lonsberry asked if the driveway is not going to go all the way to the proposed building is the extra driveway included in the proposed lot coverage.

After the lot coverage was discussed and the questions on the back of the application were discussed Chairman Bentley made a motion to postpone their decision on the application to allow time to receive an updated survey showing the exact location of the driveway and a new calculated lot coverage percentage. Mrs. Oliver seconded the motion, which carried unanimously.

#### MISCELLANEOUS:

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 and exceeds lot coverage of 25%.

Brennon Marks, Marks Engineering and Mr. & Mrs. Shepard were present and presented a revised plan to the board.

Mr. Marks stated that they have moved the garage off of the west property line. It will now be 6 feet from the overhang to the property line and 10 feet from the overhang to the east property line. They also took an inventory of the trees that are on the property line. He presented pictures of the tree line to the board. These will be kept in the file.

A letter was received and read from Ontario County Soil & Water Conservation District, Tucker Kautz. This letter will be kept in the file.

After discussing the questions on the back of the application, the following motion was made [attached hereto]: Mr. Lonsberry made a motion to grant a variance of 4 feet for a setback of 6 feet on the west side of the property and a lot coverage at 42.02%. Mr. Amato seconded the motion. Roll call was read with Lonsberry, Amato, Coriddi, Morris, Bishop and Oliver voting AYE. Chairman Bentley voting NAY. Motion carried 6-1.

Mr. Amato made a motion to adjourn the meeting at 7:37PM. Mr. Bishop seconded the motion, which carried unanimously.

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Michael Bentley, Chairman

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Sue Yarger, Secretary