

MINUTES  
TOWN OF GORHAM PLANNING BOARD  
April 25, 2016

PRESENT: Chairman Harvey            Mrs. Rasmussen  
          Mr. Dailey                    Mr. Henry  
          Mr. Hoover

EXCUSED: Mr. Atkins

ABSENT: Mr. Farmer            Mr. Westermann-Alternate

Chairman Harvey called the meeting to order at 7:30 PM.  
Mrs. Rasmussen made a motion to approve the February 22, 2016, minutes as presented. Mr. Henry seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #06-2016, Thomas & Gretchen Perrone, owners of property at 4888 County Rd 11, request a site plan approval to build a single family home and garage.

The public hearing was opened and the notice, as it appeared in the official newspaper of the town, was read.

On February 18, 2016 the Zoning Board of Appeals granted a 13 ½ foot variance for a 16 ½ foot rear yard setback. The driveway is to be a north side load driveway and the home is to be no higher than 23' above the centerline of the road as shown on the plan dated 2/18/16, and signed by Mr. Johnson.

Scott Harter was present and presented the site plan to the board.

Mr. Harter stated that the ZBA stated that the home could be no higher than 23 feet above the center line of the road. He has figured it to be exactly 23 feet above the center line of the road.

Building height calculations were presented to the board. The average building height will be 29.96 feet.

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

Tom Amato expressed his concerns with the height of the new construction with a two story garage. He believes it will impair his view when setting on his deck.

Wade Lippman also expressed a concern with the height of the two story garage and he does not believe it is within character of the neighborhood.

Mr. Amato present pictures to the board showing his view as it is today. He asked if the proposed building would be the same height as the existing.

Mr. Harter stated that it would be 2 feet higher.

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

Mr. Dailey expressed his concern with the height of the two story garage and whether it is within character of the neighborhood.

The Planning Board discussed Part 2 of the Short Environmental Assessment Form. There was discussion on number 3. Will the proposed action impair the character or quality of the existing community? It was determined that the two story garage could have an impact on the community.

Mr. Harter expressed that he would like to take another look at the plan to see how he could eliminate this impact.

Chairman Harvey re-opened the public hearing and adjourned the public hearing to be re-opened on May 23, 2016, at 7:30Pm in the Gorham Town Hall.

Application #07-2016, David & Cheryl Waldman, request a site plan approval to build a single family home.

The public hearing was opened and the notice, as it appeared in the official newspaper of the town, was read.

On April 21, 2016 the Zoning Board of Appeals granted a variance of 8.1' for a setback of 6.9' on the south side and 8.6' variance for a setback of 6.4' on the north side.

David & Cheryl Waldman & Rocco Venezia, Land Surveyor, was present and presented the site plan to the board.

Mr. Venezia stated that they are showing no grading changes except on the rear and it is just enough to slope the driveway up to the house.

Chairman Harvey stated that the parcel is in a Flood Plain Overlay District. He read 31.4.9 C. & D. of the Zoning Local Law of the Town of Gorham.

31.49.9 C. Any development with the Flood Plain Overlay District, including buildings or other structures, mining dredging, filling, paving, excavation or drilling operations, or storage of equipment or materials, shall require a Special Use Permit. No such special permit shall be granted unless the applicant demonstrates that the proposed development is consistent with the requirements of Chapter 45, Flood Damage Prevention Local Law of the Town of Gorham.

## 31.49.9 D. Construction within Floodplain

1. Cut and fill must be balanced within the limits of the 100 year floodplain as identified on the most recently released Flood Rate Insurance Maps published by the Federal Emergency Management Agency. Principal buildings and other structures shall be construed as fill for the purposes of the section.

2. All construction within a floodplain or flood way shall conform to the Town of Gorham Local Law No. 3 of 1987 as may be amended.

The Town of Gorham Flood Damage Prevention Local Law was also referenced.

Mr. Venezia stated that there is nowhere on the property that he could cut and fill. The only thing he thought he could do is put flood gates in the crawl space and leave the grading as existing.

Mr. Waldman expressed his concern with the flooding coming off of Cottage City Road. He would rather see grading in front of his garage to prevent the water from Cottage City Road flooding his garage, which happens about every three years rather than address the flooding that happens from the lake maybe every 10 years.

The board requested that Gordon Freida, Code Enforcement Officer read section 31.5.4 NON-CONFORMING STRUCTURE OR BUILDING and 31.4.10 LAKEFRONT OVERLAY DISTRICT of the Zoning Local Law of the Town of Gorham and give his opinion on whether or not taken together the situation where you have a preexisting non-conforming lot coverage or building, whether that can be expanded during the reconstruction or not.

Rocco asked that the application be adjourned so that he could review the application with the architect.

Chairman Harvey asked if there were any comments from the public. Hearing none the public hearing was adjourned to be re-opened on May 23, 2016, at 7:30Pm in the Gorham Town Hall.

## MISCELLANEOUS:

Mr. Dailey had questions regarding two parcels in the Town. At 4436 Lincolnwood they have constructed a patio that he believes was not on the site plan at the time of approval.

Gordon Freida, Code Enforcement Officer stated that he will check the plan and go visit the site to see if it meets the Town Zoning.

Mr. Dailey questioned if the structure at 3698 State Rt. 364 was enlarged at all.

Mr. Freida stated that they removed the siding and re-sheeted the exterior walls and are renovating the interior. There was no additions to the structure. They have obtained a building permit for the renovation.

Mr. Henry made a motion to adjourn the meeting at 9:52. Mr. Dailey seconded the motion, which carried unanimously.

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Thomas P. Harvey, Chairman

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Sue Yarger, Secretary