

MINUTES  
TOWN OF GORHAM ZONING BOARD OF APPEALS  
Webex meeting  
January 21, 2020

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

EXCUSED: Mr. Lonsberry

Chairman Bentley called the meeting to order at 7:07 PM and explained the process. Mr. Goodwin-Alternate will participate and vote on all decisions tonight. Mr. Morris made a motion to approve the minutes of the December 17, 2020, meeting. Mr. Bishop seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #20-210, Stephen J. Imburgia, owner of property at 3999 State Rt 364, request an area variance to build a 12 x 24 deck. Proposed deck does not meet the front and side yard setbacks and exceeds lot coverage.

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

Stephen Imburgia was presented and presented his application to the board.

Mr. Imburgia stated that he has redone the skirt of the front of the house and realized rather than having the deck attached to the house he would like a free standing deck. He changed the size a little to eliminate waste. The deck may even be a little smaller than 12 x 24. He went over the pictures he submitted with his application with the board. He explained that his neighbor who was granted a variance a few months ago to build a garage once she removes the foundation of the old garage and driveway that was partially on his property and returns it to grass his lot coverage will be 200 square feet less. Once that 200 square feet is removed his lot coverage will be 36.81%.

Chairman Bentley asked Sue Yarger to read the motion that was made on 4003 State Rt 364, the neighboring property.

The following motion for 4003 State Rt. 364 was read. "A motion was made to grant a 5' variance for a 5' north side setback with the removal of the existing foundation and the replacement of the gravel driveway to be within the boundaries of this property and not to exceed the back corner of the house."

Chairman Bentley asked Mr. Imburgia if there was any way that he could minimize the variance request.

Mr. Imburgia stated that in looking at the photos that were submitted with the application the proposed deck is right in line with neighboring decks.

Chairman Bentley explained that the board is talking about his deck not the neighbor's deck. He also explained that he thought the variance request was excessive to add that big of a deck. If the deck size was decreased one variance would be minimized and one variance would be eliminated.

Mr. Imburgia stated that the whole idea of having a deck in the front of the house is he is going to put a sliding glass door to access the deck from the house.

Mr. Amato questioned what Chairman Bentley's concern was. He feels the size Mr. Imburgia is asking for fits the application.

Chairman Bentley stated that the Zoning Board of Appeals job is to minimize the variances and if three foot were cut off the deck it would eliminate a variance.

Mr. Imburgia stated that with cutting off 3 feet it would not work with the placement of the sliding glass door.

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

Mr. Goodwin asked if the sliding glass door could be moved to the center of the house to help eliminate a variance.

Mr. Imburgia stated that the reason why he would like to put the sliding glass door in that corner is there is a very large window towards the center of the front and there is a small window on the south side corner he would like to remove to put in the door.

After discussing the application and reviewing the questions on the back of the application the following motion was made: Mr. Morris made a motion to grant a variance of 3' for a side yard setback of 7', a variance of 6.81% for a total lot coverage of 36.81%, a 34.4' variance for a front setback of 15.6'. Mr. Amato seconded the motion. Roll Call was read with Morris, Amato, Bishop, & Coriddi voting AYE. Bentley, Oliver, & Goodwin voting NAY. Motion carried 4-3.

Application #20-211, Eric & Mary Wangler, owners of property at 3940 State Rt 364 request an area variance to build residential additions. Proposed additions do not meet the south side yard setback and exceeds lot coverage.

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

Eric & Mary Wangler and Chuck Smith, Architect was present and presented their application to the board.

Mrs. Wangler stated that they have sold their home in Rochester and are working with Chuck Smith to turn this home into a year around home for them.

Chairman Bentley questioned if this was a complete tear down and rebuild.

Mr. Smith stated that the plan is to use the existing foundation and first floor deck of the existing house. They are rebuilding the first floor walls to support a new second floor. They are adding a small addition on the street side.

Chairman Bentley stated that it looks like the house runs at a slight angle on the lot so if a variance is granted the new patio pavers will need to be placed at the setback that is granted.

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

Sean Kelly asked if the south side of the existing structure is going to be moved further south.

Mr. Smith answered no. The home will stay at 6.6' on one corner and 7.1 on the other corner.

Mr. Kelly asked if the second story would go past the existing south side wall of the house.

Mr. Smith answered no. The chimney on the south side will be removed down to the deck level.

Chairman Bentley asked if there were any more 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: Chairman Bentley made a motion to grant 1.5% variance for 26.5% lot coverage and a 9.4' variance for a setback of 5.6' setback to the overhangs on the south. Mr. Coriddi second the motion, which carried unanimously.

## MISCELLANEOUS:

Jim Morse explained to the board that there are amendments to the Zoning Local Law being drafted up for discussion at the Planning Board meeting and a public hearing at the next Town Board meeting.

Mr. Goodwin made a motion to adjourn the meeting at 8:04PM. Mr. Morris seconded the motion, which carried. unanimously.

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Michael Bentley, Chairman

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Sue Yarger, Secretary