

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
June 17, 2021

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

ABSENT: Mr. Lonsberry

Chairman Bentley called the meeting to order at 7:00 PM and explained the process. Mr. Goodwin-Alternate will be voting on all decisions tonight. Mr. Amato made a motion to approve the April 15, 2021, minutes as presented. Mr. Coriddi seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #21-081, Andrew Prestigiacom, owner of property at 4332 Deep Run Cove, requests an area variance to build a pickleball court on existing gravel driveway. Proposed pickleball court exceeds 25% lot coverage.

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

Andrew Prestigiacom & Peter Sarkis, Marks Engineering, was present and presented the application to the board.

Mr. Sarkis stated that they are proposing a pickleball court in the area of the existing gravel driveway.

Mr. Prestigiacom stated that during construction when they had the retaining wall around the property they had over 100 ton of stone trucked in with mirafi on either side cradling it. This entire perimeter is made up of over 100 ton of washed stone inside a cradle of mirafi.

Mr. Sarkis stated that they are proposing a pickleball court in that area that will be paved and on both sides there will be curtain drains and they will restore the surrounding gravel areas with grass. Their intentions is to reduce impervious coverage and make an improvement to the property. There will be a 12' high fence and a 4' high fence.

Mr. Prestigiacom stated that presently there is a berm on the property that is 3 foot with 10 foot green giants on it so they can't see the adjacent properties.

Chairman Bentley asked Mr. Prestigiacom how long he has owned the property.

Mr. Prestigiaco stated he has owned it an estimate of 3 years.

Chairman Bentley asked what they have done to the property to get it to the current lot coverage of 37.6% and if variances were granted.

Jim Morse, Code Enforcement Officer, stated that he would go get the file to see what was granted. There was new construction on the property.

Chairman Bentley asked what they were going to reduce to get to 35.03%.

Mr. Sarkis stated that the gravel area that is not paved for the pickleball court will be returned to grass.

Mr. Amato stated that when the construction of the home and garage was done the gravel construction area was to return to grass when the construction was done. This was never done.

Mr. Amato asked if the fence would only be on the two ends of the court.

Mr. Sarkis stated yes the fence would only be on the two ends.

Chairman Bentley asked what the intent of the pickleball court was, for public use or private use.

Mr. Prestigiaco stated that it is just for private use.

Mrs. Oliver asked if the boulder retaining wall was included in the lot coverage.

Mr. Sarkis stated that yes it is.

Mr. Coriddi asked if the court elevation was equal to the road. And how close to the adjacent houses is the court?

Mr. Prestigiaco stated the court is 30 feet to the closes adjacent house.

Mr. Amato asked how far the court was going to be from the property line.

Mr. Sarkis stated that the corner of the 12' fence is 21.4' from the property line.

Mr. Morse stated after looking in the file, no variances were applied for or granted. There was just subdivision and site plan for combining three lots and building a new home and garage in 2017.

Chairman Bentley asked what extra was added to the property to make them over the 25% lot coverage. They are 50% over and now they are asking for a variance, and they are already in violation of what they were granted.

Mr. Morse presented to the board the site plan that was approved in 2017 for the new construction.

Chairman Bentley stated that on the site plan for the construction the proposed lot coverage was list as 20.6% lot coverage.

The plans that were presented to the town in 2017 do not meet the plans that are being presented today.

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

Paul Babiarz presented to and reviewed with the board a report of responses of neighbors of Deep Run Cove. This will be kept in the file. Their main concerns were the closeness of the pickleball court to their properties and the noise level that a pickleball court can make.

A letter was read from Daniel Hayden expressing his concern with the noise the pickleball court would create. This letter will be kept in the file.

Mr. Prestigiaco stated that on the property currently all the woods have stayed and along the neighboring property line is 12 foot green giant arborvitaes on top of a 4' berm. The elevation of the pad is about 25 feet higher than Mr. Babiarz land. So the sound is going to go up it won't go down to them.

Ellen Chesler stated that her property is at the same level as the proposed pickleball court and about 30 feet away. She objects to the proposal.

Evelyn Collins expressed her concern with the noise level.

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

Mr. Bishop expressed that his concern is what was presented back in 2017 isn't what has been built there.

Chairman Bentley stated that today he is in violation of what he proposed in 2017. He expressed his concern with him being over the lot coverage that he proposed in 2017. There are many things that are on the present proposed plan that are not on the plan that was approved in 2017.

Mrs. Oliver stated that she agrees.

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. Mrs. Oliver seconded the motion, which carried unanimously.

Chairman Bentley made a motion to adjourn the meeting at 7:45PM. Mrs. Oliver seconded the motion, which carried. unanimously.

Michael Bentley, Chairman

Sue Yarger, Secretary