

MINUTES  
TOWN OF GORHAM ZONING BOARD OF APPEALS  
May 19, 2016

PRESENT: Chairman Hoover            Mr. Johnson  
          Mr. Markell                 Mr. Farrell  
          Mrs. Oliver                 Mr. Airth

EXCUSED: Mr. Bentley                Ms. Hoover-Alternate

Chairman Hoover called the meeting to order at 7:30 PM. Mr. Johnson made a motion to approve the minutes of the April 21, 2016, meeting. Mr. Markell seconded the motion, which carried unanimously.

Chairman Hoover introduced three special guests that were sitting in the public. Seniors Shelby Stewart, Charlee Kimmel and Madison Herenden are here as a requirement for their AP Gov. class.

PUBLIC HEARINGS:

Application #15-167, John J. Manila, owner of property at 5220 & 5222 Long Point Rd, requests an area variance to build a residential addition. Proposed addition does not meet the front yard setback and exceeds lot coverage.

Chairman Hoover re-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. Their final recommendation was denial. 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.

Scott Harter, Engineer, was present and presented the application to the board.

Mr. Harter stated that at the meeting in January the board asked for some elevations of the new build, which has been presented to the board. They also had updated the site plan based on a re-survey to identify the mean high water mark, which was not shown correctly on the first plan submitted.

Mr. Harter stated that they plan on combining the two lots into one; eliminate the 263 square foot accessory structure, 910 square foot cottage, plus walkways and other impervious surfaces designated on the plan. They will be adding onto the cottage at 5222 Long Point Road, which according to the owner is a much higher quality unit as opposed to knocking everything down and starting from scratch.

Chairman Hoover asked if the roof line was changing on the 5222 cottage that is remaining.

Mr. Harter stated he knows that they have to make some adjustments to the roof line to make the buildings agree with one another.

Chairman Hoover stated that in looking at it at the site and then on the elevations it looks like the roof is going to be torn off.

Mr. Harter stated that he agrees. That is what it looks like to him too.

Chairman Hoover stated that before he opens it up for comments from the board. "I understand you guys are taking down the 263 square foot building that we had concerns about last time. But what really concerns me is we're taking the whole roof structure of that existing cottage that they're saying they don't want to do and our proposal went from a 900 square foot addition to a 1400 square foot addition. From the original proposal to the new proposal that addition increased dramatically."

Mr. Harter explained that "they wanted to take the 263 and 910 and the 196 and they wanted to combine it all into one complete addition. Yes, we are larger than what we originally proposed, but we're netting out the same I guess you could say. And as for the roof, I'm looking at the same thing as you are. It appears to me that either they have to rebuild that roof or the way that we are looking at it is obscured in a certain way based on the way it has been drawn. Without contacting the

architect I don't really know that I can provide any more information than that."

Chairman Hoover stated that if they are taking the whole roof line off of the house at 5222 they may be better off tearing the house down and centering a new home in the middle of the lot. Needing less of a variance.

Mr. Johnson agreed that if they are taking the roof off the home at 5222 they could tear the home down and move it to require less of a variance.

Mr. Harter stated that he is unsure if they are taking the whole roof off. The only way to know is to ask the architect.

Mr. Harter asked the board to adjourn the application for a month so that he could bring the architect to the next meeting.

Chairman Hoover stated that he doesn't want Mr. Harter to walk away with a false impression that if they have the roof line questions answered that it's going to be a given that they are going to grant variances here.

Mr. Johnson stated that it is a very large home for that lot.

The board suggested that the home be moved away from the lake and be placed more northeast on the lot.

Mr. Harter stated that the architect came out to the site and worked with the owner and they went back and forth to come up with this proposal. "I think they did it with a lot of thought and I guess based on these questions I regret not bringing the architect with me."

Chairman Hoover asked if there were any comments from the public. Hearing none, the public hearing was adjourned to be re-opened on June 16, 2016, at 7:30PM.

Application #16-055, Sally Napolitano, owner of property at 4661 Lake Drive, requests an area variance to make the width of such non-conforming lot more non-conforming.

Chairman Hoover opened the public hearings for this application and application #16-049 and the notices as they appeared in the official newspaper of the Town were read.

Kenneth & Sally Napolitano were present and presented the application to the board.

Chairman Hoover explained that the application shows the south lot line bowed in a little on 4661 Lake Drive so that 4662 Lake Drive can have a setback for the garage in the next application.

Mr. Napolitano stated that this application and the next go hand in hand. What is there now is a two story dwelling that today is non-conforming in a bunch of ways. It is 21 1/2 feet high. It sets about 2 feet from the south west corner. With the carport it hangs over the other property line. They would like to tear down the old cottage and build a one story garage structure within reasonable setbacks. They are proposing about 5 feet on one side and 7 feet on the other so that they will meet the New York State fire code. The existing structure is 30 feet wide and the new structure will be 30 feet wide. As far as the height he is trying to get 12 feet inside of the garage to accommodate the work that he does on old cars. The proposed building will be at 17 feet verses the existing building, which is at 21 feet. The lot is all wooded back to State Rt. 364 so there would be no obstruction for other properties.

Chairman Hoover explained to the board that while he was at the site he asked Mr. Napolitano if he could ask his architect if the design of the garage could be dropped a little in height.

Mr. Napolitano stated that he was able to talk to his architect. "As shown on the site plan it shows the height at 17' and 1.58". That is based on keeping the grade as it is today." We could get a calculated height a foot less than what it is by grading a little more severely around the back and one side, which picks up a foot just for reference. It doesn't change the face of the building any it just changes the calculated grade. I did talk to Mr. Fahy and he believes that it's possible to put a single ridge beam from the front to the back of the building. He said he would have to do the calculations. His comments were that for sure you would have to do a steel beam. The word he used was massive, because it's a 60 foot span. He had a little bit of concern of how you would navigate that piece down to the site. Because it would be on an oversized trailer. It would be a fairly substantial expense to do that."

It was discussed merging the two lots together to make one lot.

Mr. Napolitano stated that it is their intent to someday tear down the cottage on the lake and rebuild it. At the time that they do that they don't want to have to tear down the little cottage across the road.

Mr. Farrell stated that he believes that the height is not going to affect any one. It is an improvement over what it is there now.

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

Two letters from neighboring property owners in favor of the project were read and will be kept in the file.

Chairman Hoover asked Mr. Napolitano to drop the height of the proposed building to an even 16 foot.

Mr. Napolitano stated that they can make that work.

Mr. Johnson asked if they were going to have a driveway.

Mr. Napolitano stated that the garage will be for storage. They will store a boat, a couple of old cars, a tractor and things like that. It's not intended to be a garage that they park their cars in. So they want to keep it all grass around the garage.

Chairman Hoover asked if there were any more comments or questions. Hearing none, the public hearings were closed.

After discussing and reviewing the questions on the back of the application the following motion was made [attached hereto]: Mr. Johnson made a motion to allow the property line to be move approximately five feet to the north as shown on the subdivision map done by Venezia. Mrs. Oliver seconded the motion, which carried unanimously.

Application #16-049, Kenneth Napolitano, owner of property at 4662 Lake Drive, requests an area variance to replace and existing two story dwelling with a garage. Proposed garage does not meet the north and south side yard setback. The garage also exceeds the height limit of 14 feet.

The Ontario County Planning Board determined the application to be a Class 2. Their final recommendation was denial. 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.

This application was discussed along with application #16-055, above.

Mr. Farrell stated he does not understand why Mr. Napolitano would have to re-grade the property to get to 16 foot height.

Chairman Hoover explained that part of the Zoning Board of Appeals job is to minimize the variances needed.

Mr. Farrell stated he thinks the code that deals with height is a very important code particularly when you are on the water and when you have people to your east and to your west. This is not on the water it is back towards the woods where the neighbors have no problem with the proposal.

Mr. Johnson stated that Mr. Napolitano can't get into the garage without going onto the neighboring property, which is now owned by his wife.

Mr. Napolitano stated that they will be setting up an ingress, egress easement.

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

There was more discussion on the height of the building. It was decided that a foot lower would not make one bit of difference. No one had a concern with the proposed 17 foot height.

After discussing and reviewing the questions on the back of the application the following motion was made [attached hereto]: Chairman Hoover made a motion to grant a 3 foot variance for a maximum height of 17 feet, a north side variance of 9.2' for a 5.8' setback and a south side variance of 7.7' for a setback of 7.3 feet. Within 6 months an ingress, egress easement if filed for the north side of the proposed building. Mr. Johnson seconded the motion, which carried unanimously.

Mr. Johnson made a motion to adjourn the meeting at 8:44PM. Mr. Airth seconded the motion, which carried unanimously.

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Jerry Hoover, Chairman

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Sue Yarger, Secretary