

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
June 16, 2016

PRESENT: Chairman Hoover Mr. Johnson
 Mr. Bentley Mr. Farrell
 Mrs. Oliver

EXCUSED: Mr. Markell Mr. Airth
 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 May 19, 2016, meeting. Mr. Bentley seconded the motion, which carried unanimously.

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.

John & Steph Manila, Scott Harter, Engineer, and Todd Morotta, Architect was present and presented the application to the board.

Chairman Hoover explained that he has a concern with the new proposal as far as the size of the addition and setback to the lake.

Mr. Harter stated that the existing conditions show that 5220 was within a foot of the break wall. They are proposing to move the break wall and move out to the mean high water mark to have more access around the building.

Mr. Morotta stated that the Manila's have needs for the extra space that the existing building does not provide. They also have issues with the slope. They do want to be sensitive with how close they are to the water. In their initial design proposal they had the addition moved forward and after they met and had discussion they talked about moving it back. But moving it back necessitated elevating the floor level such that they could build it back into the hill and not have such a structural retaining wall on the high side of the slope. They have issues with drainage. They have issues with access around. They are trying to accommodate all of these things. Space issues, slope

issues, height requirement, coverage and the needs of the applicants. They want to get certain bedroom features and certain living features into this space. That is how they derived at the current plan. They are trying to be sensitive to how close to the water by shifting the addition back as far as possible without doing harm to the design. As far as the coverage he thinks they are in the neighborhood of where they need to be. The height restriction they are trying to maintain. It's a challenging site. They are trying to be sensitive to the needs of the community and the lake. The Manilas want to do justice to the property and be sensitive to the town's needs and the neighbor's needs.

Mr. Harter stated that Mr. Morotta measured all the buildings and designed space that matches within the existing space. They tried to bump the addition back to get further away from the lake but that would disconnect or disjoin from the existing building.

Mr. Morotta stated that it does damage to the way the addition is going to connect to the existing structure. They can't get dining room space, because the building shifts back far enough that the stair element, which is a fixed piece that can't be changed. The way that the stair will discharge into the new living space is going to be basically very near the front wall and they need that to be their dining space. It is difficult for them to try to shift it back.

Mr. Harter stated that they did talk about a total demo and build all new in a better location. He asked Mr. Manila to speak about the investment that he has.

Mr. Manila stated that they have two sons and they are trying to develop a residence where they can for the first time have their own bedroom and share a common area together. The property at 5220 they would like to demolish because it's basically a wide open structure and it was built in 1928 and so it is getting to the point where it's probably out lived its useful life. After they bought the home at 5222 they found out that it was basically resting on the shale beach and there was no support left in the structure. They invested a significant amount of money to jack that property up and still retain as close to its original character, but it needed a great deal of support. They ended up renovating the entire house. Since then they have enjoyed the combination of the living experience that they have had but are now trying to get together under one roof. Last winter they made the mistake of not turning the water off and the pipes froze. They had significant damage to the lower level of the newer property and they have invested a great deal

of money with custom woodworking all the way through the home and a lot of that was destroyed. As much as they have looked at ways to make this something that they think is useable and suitable for their family, they also have a financial investment that is quite significant.

Chairman Hoover asked what was going to happen to the roof line of the existing house.

Mr. Morotta stated that "one of their design objectives and a very nice feature of this house is that it has a cathedral ceiling all done in wood. The majority of the center of the house where you see the gable; that gable runs all the way through the building and it's cathedral it's integral both to the inside of the building and it's an architectural feature on the outside of the building. On either side of the existing there are two shed style roofs that are a one and half twelve pitch or less. They are almost flat. I realize John has money invested into the renovation of that part of the building. I'm advising him that that's going to be a maintenance item for him. It's a reasonably new roof and it's going to leak. And for him to put a significant dollar investment into an addition I told him that my advice to him would be to, at this time, try to give yourself a little future protection. We're just going to build over those shed roofs that are there with a little bit more steeply pitched roof that will allow a little bit more longevity to that roof by virtue of it being steeper pitch, but also allow us to bridge the roof line of the new addition so we have no issues with drainage. We have issues and consequences with a low pitch roof and maintenance. The core of the roof is going to remain. Realistically the roof that is existing is going to remain we're just going to build over the top of it."

Chairman Hoover explained that with the first proposal the board had concerns with the size of the addition so close to the lake and having the bunk house remain. On the new proposal the bunk house is being torn down but the proposed addition is now over 200 square foot bigger than the previous proposal. He asked the applicant to explain what had changed making the proposed addition so much larger than what was previous proposed.

Mr. Morotta stated that they were looking to optimize the outdoor living space. "The Manila's have a need for a covered outdoor space. They have an existing deck now; the sun is excessive at times, so they can't utilize that space as well. As a function of our design we wanted to add an enclosed porch element on the lake side. So the additional square footage

that we deferred from the upper bunkhouse we utilized into that screened porch to try to not go beyond what our total coverage is supposed to be."

Chairman Hoover asked "What about the part that came out the back? Because it is substantially larger out the back side.

Mr. Morotta stated that "it is the building shifted backward. The structure itself I don't think got larger. What got larger is the addition of the screen porch, which was lakeside. The building itself shifted back. It really wasn't added onto."

Chairman Hoover asked "what is the limit of the enclosed space as far as square footage of the addition?"

Mr. Morotta stated that "my total proposed heated area is 956."

Mr. Bentley asked about the screened porch.

Mr. Morotta stated that the screened porch measures 20 x 10, 200 square feet.

Mr. Morotta stated that with the proposed addition, screened porch and the existing structure that is staying the total square footage is 2311.

Mr. Hoover stated that on the plan they show 2535 square feet.

Mr. Morotta stated that he comes up with 2311 square feet.

The square footage was discussed. With the overhangs it was decided that the proposed 2535 on the plan could be close with the overhangs. The overhangs do come into play when calculating the lot coverage.

Mr. Harter stated that their goal is to stay under the existing lot coverage.

Chairman Hoover asked how the lot coverage was going down from 45% on the first proposal to 44% on the second proposal when the building is larger on the second proposal.

Mr. Manila stated that they are removing the wooded walkway, the bunkhouse and the cottage and deck at 5220.

Mr. Harter stated that he has figured the lot coverage at 44%. This could come down a little when he refigures the square footage since his differs for the square footage that Mr. Morotta has. He feels confident that they will come in under the existing lot coverage.

Chairman Hoover asked if they could screen in the existing deck and eliminate the proposed screened porch.

Mr. Morotta stated that it is not an effective use because the master bedroom suite is moving to that side of the house and the connection will be from the bedrooms to that deck, instead

of the primary living space. They want to have an extension of their living space screened in.

Mr. Johnson asked if they have talked to DEC about moving the retaining wall out to the high water mark.

Mr. Harter stated that they are not going to move it out into the lake. They are going to stay on the land side of the high water mark.

Mr. Johnson asked again if they have talked to the Army Corp of Engineers or the DEC about moving the break wall to the edge of the lake.

Mr. Harter stated no. They are willing to get whatever permits the Planning Board asks them to get.

Mr. Farrell stated that you have indicated that there is no way to move the addition back.

Mr. Morotta stated "I'm not saying that there's no way. I'm saying it's not really feasible based on the way the grading is and the drainage is.

Mr. Farrell stated that he has a concern with building so close to the lake and was wondering if the whole thing could be moved back away from the lake.

Mr. Morotta stated that it is not really feasible.

Mr. Farrell asked why it wasn't feasible.

Mr. Morotta stated because of the slope in the hill side. They would have to disjoin floors. They will end up with a gravity sized retaining wall in the back of the hill side that will cost more than the cost of the addition.

Mr. Bentley expressed his concern with the screened porch and asked if they could make it smaller to get more of a setback.

Mr. Morotta stated that they may be able to clip the corner of the screen porch to get more of a setback.

Mr. Johnson stated that they will not gain much by clipping the corner off. They may gain about 3 feet on the diagonal.

Mr. Manila stated that he would lose good living area and architecturally.

Mr. Harter stated that clipping the corner of the screen porch architecturally it would look odd.

Chairman Hoover asked Mr. Harter how confident he was in his lot coverage calculation at this time.

Mr. Harter stated that he believes he has given a higher number than what it would be with Mr. Morotta's input.

Chairman Hoover stated that before the board makes any kind of decision it is important that they have the exact lot coverage that is being requested.

Mr. Johnson stated that he would like to see an existing lot coverage table and a proposed lot coverage table.

Mr. Bentley stated that he would like to see an alternative plan for the screened porch. This is crucial to the application.

Mr. Johnson stated that Mr. Bentley is talking about the front setback. "You are too close to the lake."

Mr. Harter stated "This is a unique situation. That is why we are before the Zoning Board."

Mr. Johnson stated that it is on the lake and every property on the lake has a unique situation.

Chairman Hoover stated that he is trying to be sensitive that you want to work with your existing cottage. "For the amount of activity that's going to go on this lot; tearing two structures down, taking side walks out and everything else; I still believe the possibility exist when it comes down at the end of the day by the time you get done putting roofs over laid onto it and try to tie two cottages together at different levels and things like that at the end of the day I still question whether it's more cost effective to take the whole thing down and slide it back."

Mr. Morotta stated that the point of connection is four feet. "The stairway that's it. It's a reasonably simple proposition to connect. We're not trying to marry room to room. The stairs are the only connector."

Chairman Hoover asked if there were any comments from the public. Hearing none, the public hearing was adjourned to be re-opened on July 21, 2016, at 7:30PM.

Chairman Hoover explained to the board his function as the Chairman of the Zoning Board of Appeals. He has two primary functions. 1. Lead the discussion with the applicants to generate answers and questions from the rest of the board so an educated decision can be made. 2. To protect the town from a lawsuit by making sure proper procedure is followed.

Mr. Johnson made a motion to adjourn the meeting at 8:48PM. Mr. Farrell seconded the motion, which carried unanimously.

Jerry Hoover, Chairman

Sue Yarger, Secretary