

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
November 17, 2022

PRESENT: Chairman Bentley Mr. Bishop
 Mr. Morris Mr. Lonsberry
 Mr. Coriddi Mr. Amato
 Mr. Goodwin

Chairman Bentley called the meeting to order at 7:00 PM and explained the process. Mr. Lonsberry made a motion to approve the September 15, 2022, minutes as presented. Mr. Bishop seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #22-160, Bob & Kim Morgan, owners of property at 3752 Meadow View Drive, requests an area variance to build a detached two car garage. Proposed garage does not meet the rear yard setback, the south side yard setback, exceeds height of 14' 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.

The application was required to go to the Ontario County Planning Board.

The Ontario County Planning Board made the following findings, comments and recommendation.

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.

Comments:

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

2. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

Final Recommendation: Denial

Bob & Kim Morgan and Doug Templeton, Hanlon Architects were present and presented their application to the board.

Doug Templeton stated the Morgans are looking to replace the single car garage that is on the site with a two car garage with added storage up above. They are intending to use this home as their full time residence so they would like the garage to be able to park their cars out of the weather. They would like to have a storage loft up above the garage which is the reason for the height variance. The current home does not have a lot of storage.

Mr. Bishop asked if there was a breakdown calculation for the lot coverage. The overall calculation of lot coverage is on the plan but there is not a break down of how that was calculated.

Mr. Templeton stated that they called out different areas on the plan as to how the lot coverage was arrived at.

Mr. Bishop asked if the area in front of the garage is going to be all paved and was it included in the lot coverage.

Mr. Templeton stated that it is currently paved and will remain paved and was calculated in the lot coverage. They are already over on lot coverage existing and they are aiming to make it a little bit better by removing some of the gravel that is there today to reduce the lot coverage.

Mr. Bishop asked where they will be removing some of the gravel.

Mr. Templeton stated that they will be removing gravel on the north side of the garage as well as a concrete slab that is on the south side of the garage.

Chairman Bentley explained that the board would like to see a breakdown listed on the plan of how the lot coverage was calculated.

Mr. Templeton stated that they don't have a breakdown they just have a total before the proposed garage and a total after the proposed garage.

Chairman Bentley explained that he does have a concern with the height of the garage.

Mr. Templeton stated that they explored putting more storage down below. That obviously increased the footprint of the garage and that pushed them into that north side setback. They tried to keep it sited similarly where the garage is today.

Mr. Lonsberry asked what their neighbor behind them thought of the excess height.

Mr. Morgan stated that they did mention it to her and she did not have a concern at all.

Mr. Lonsberry expressed his concern with blocking their neighbor's view. He stated that he concurs with Mr. Bentley. Height has been one thing that the board has been very strict about.

Mr. Morgan stated that there are many garages on Meadow View that are over the 14 feet in height. Pictures of these were submitted with the application.

Mr. Morris stated that the setbacks and lot coverage need to be figured from the overhangs and not the building.

Mr. Morgan stated that they were just told that and are prepared to modify that.

Mr. Templeton stated that as drawn on the plan the setbacks go to the building face. So they will modify the building footprint so that they are maintaining the setbacks as shown.

Mr. Goodwin asked if there were any plans on heating the storage area.

Mr. Morgan stated no.

Mr. Coriddi asked what the ceiling height was in the loft area.

Mr. Templeton stated that it is about 7 and a half feet to the ridge, side walls about 5 feet.

Chairman Bentley asked if the whole upstairs was going to be storage and if it would have a floor.

Mr. Templeton stated yes.

Chairman Bentley asked if they could bring the height down and make the back half storage.

Chairman Bentley explained that his only hang up is with the height. He also complimented them on doing a very nice job with renovating the house. He would like to see the height lowered and come up with a different storage schematic.

Mr. Amato stated that without a stairway they would gain some space in the lower part of the garage.

Mr. Goodwin explained that they could put grass down instead of gravel and it would still be usable to park on.

Chairman Bentley asked if there were any comments from the public. Hearing none, he made a motion to adjourn the public hearing to be re-opened on December 15, 2022, at 7:00PM. Mr. Amato seconded the motion, which carried unanimously.

Application #22-161, Paul & Charin Greco, owners of property at 4186 State Rt. 364, requests an area variance to build a single family home & barn. Proposed single family home does not meet the rear yard setback.

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

Paul Greco, Jay Palermo, JC Concepts and Anthony Venezia, Surveyor were present and presented the application to the board.

Anthony Venezia stated that they are planning on tearing down the existing home, the garage and the shed. The required setback is 30 feet and they are asking to be at 11.2 feet. The current house is about 36 or 37 feet.

Chairman Bentley asked why they are pushing the home back so far.

Mr. Palermo stated that in the front of the house there is a 10' deep deck. The footprint of the house is 32' x 60' and the deck is 10 feet out from there. They wanted to make sure the deck and stairs are within the setback on the lake side.

The setback on the front is 32.46' to the southwest corner of the deck.

Mr. Bishop asked where the steps to the deck are going to be placed.

Mr. Palermo stated that he would like them off the front of the house. They have a little bit more room to the south setback allowing to have the stairs come off that end of the deck. If they come off the front of the house they would have to be built into the deck but that takes up a lot of deck and it is pretty small as it is.

Mr. Venezia stated that there is room for the stairs in the front on the north side without getting into the front setback.

Chairman Bentley asked if the house could be moved forward some to minimize the variance request in the rear.

Mr. Venezia stated that the most that they could move it is 2 feet toward the lake.

Mr. Amato stated that they could move the home the two feet and the 10 feet of the deck and build the deck not the full width of the house. There is a lot of room to either minimize the variance or even build without having to have a variance.

Chairman Bentley stated that he believes there is room to build what they want and minimize or eliminate the variance request.

Chairman Bentley asked if there were any comments from the public. Hearing none, Mr. Amato made a motion to adjourn the public hearing to be re-opened on December 15, 2022, at 7:00PM. Mr. Lonsberry seconded the motion, which carried unanimously.

Application #22-163, Sandra Bell & Serge Couture, owners of property at 3961 Middle Road, requests and area variance to build an attached garage and residential addition. Proposed garage and addition do not meet the required setback from the gully.

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

David Anderson, Surveyor, Sandra Bell and Serge Couture were present and presented the application to the board.

Chairman Bentley informed the board that he and Jim Morse did meet with the applicants. The site plan that they had then was different than the one presented tonight. He did tell them that it was going to be difficult to do what they wanted to do. This is the first time he has seen these plans in front of them.

Mr. Anderson stated that they did a boundary and a topographical survey. The way the proposed is laid out is that it will only work on the north side of the house. They would like to add a mud room, bathroom, laundry room and an attached two car garage. It will not fit on the south side of the house because they would be going from a mud room into the living room. The existing driveway is also on the north side of the house. Unfortunately, it is close to the bank. They are asking if there might be something they can do to alleviate that problem. He asked if they could put in some bushes or trees to stabilize the bank.

Chairman Bentley stated that he does not believe they would be able to do anything that close to the bank. "If you go back and look at the pictures of this gully its eroded quite some time over the last 30-40 years. If I had to guess it's about 10 or 15 feet that it has eroded from the 70's and 80's to now."

Mr. Anderson asked if they were to put something there to stabilize the bank would that alleviate it.

Chairman Bentley stated that he is not an engineer or architect so he could not say.

Chairman Bentley asked if it would be possible to move the proposed garage in front of the former garage.

Ms. Bell stated that they have not looked at putting it in front of the former garage. She explained that they would like to age in place. Their current three bedrooms are upstairs so the way that they can age in place is to take what was the former garage which is now their office. This will become their future bedroom. If they put the garage directly in front of that they would not have any windows.

Ms. Bell went over the architectural plans with the board.

Ms. Bell stated that putting the addition on the south side would be an awkward floor plan.

Mr. Amato stated that he doesn't disagree that the floor plan would be awkward but the chance of damaging a natural resource they have to live with. There is considerable amount of space to the south to build what they want.

Mr. Morris explained that in another 30 or 40 year the bank could be 10 or 15 feet closer to your house.

Ms. Bell asked the board if they were to redraw their plan how close could she go to the gully.

One board member stated 100 feet another stated no closer than the house already is and another stated that they did not know.

Chairman Bentley stated that he feels it is going to be tough to build anything on the north side of the property.

Ms. Bell explained that the reason they did not put the garage on the south side is because they were told that it had to be attached. She asked if there would be a problem with putting up a large, detached barn/garage.

There was discussion on putting up a detached garage.

Ms. Bell asked if she would be allowed to put a carport on the north side. This would be just posts in the ground with a roof so that she could park her car under it.

She was told that the carport would still need a variance.

Chairman Bentley stated that he would have Jim Morse reach out to her on the detached garage.

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

Chairman Bentley made a motion to deny the application as presented. Mr. Bishop seconded the motion which carried unanimously.

Mr. Lonsberry made a motion to adjourn the meeting at 8:10PM. Mr. Goodwin seconded the motion, which carried. unanimously.

Michael Bentley, Chairman

Sue Yarger, Secretary