

Town of Gorham

4736 South Street
Gorham, New York 1461

ZONING BOARD OF APPEALS SPECIAL MEETING

Thursday, October 30, 2025 7:00 p.m.

MINUTES—Approved

The minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Gorham Zoning Board of Appeals. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions.

Board Members Present:

Mike Bentley, *Chairperson*
Ed Kaiser
Charles Goodwin
Steve Coriddi
Tom Amato
Mary Ellen Oliver
Alan Bishop
Ben Smith, *Alternate*

Staff Present:

James Morse, Town of Gorham Code Enforcement Officer

Applicants Present:

Anthony Venezia, Venezia Land Surveyors
Julie Rae, 5018 Co Rd 11
Tom Rae, 5018 Co Rd 11
Bill Grove, 8677 State Route 53
Eric Geoca
Maureen Kohler, 5028 Co Rd 11
Dick Kohler, 5028 Co Rd 11

Others Present:

Gail Kaiser
Dick Hall, 4881 Co Rd 11
Robert Johnson, 4976 Co Rd 11
David McLane, 5090 Co Rd 11
Pam Cummings, 5024 Co Rd 11
Todd Cummings, 5024 Co Rd 11

Via Zoom:

Dave Sauke

RJB

1. MEETING OPENING

The meeting was called to order at 7:00 p.m. by Mr. Bentley.

Mr. Bentley stated I am the Chairperson for the Zoning Board of Appeals for the Town of Gorham. This is a special meeting for the Zoning Board of Appeals for the month of October 2025. Minutes of each meeting are recorded and the vote of every member is recorded as well. The jurisdiction of the ZBA is limited to appellate review only. Before we can make a decision or hear an application, there first must be a determination made by the Zoning Officer. Town Law 267-B says that we can reverse, modify or affirm any decision of the Zoning Officer. I am going to put this in moving forward, you are the first ones to have this, any conversations you have had with the Zoning Officer or the Zoning Department are null and void based off of the record of vote tonight. So if there has been any conversations that you have understood otherwise it will be based off of the vote we have tonight. I wanted to put that on the record for moving forward. There's five questions that you have submitted on your application that we will go over before any determination is made and just for the record that if four out of those five are a yes then it is a motion for an automatic denial. The ZBA in the granting of area variances shall grant the minimum variance that it shall deem necessary if a variance is granted and it is written to protect the character of the neighborhood, health, safety, and welfare of the community. In attendance tonight is Ben Smith, he is an alternate and he will be asking questions but will not vote, Ed Kaiser, Tom Amato, Steve Coriddi, Mary Ellen Oliver, Alan Bishop and Charlie Goodwin.

2. LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Town of Gorham will be holding a special meeting and public hearings on the 30th day of October 2025 commencing at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, in the Town of Gorham, Ontario County, New York 14461 to consider the following applications:

ZBA #4-2025: RICHARD KOHLER 66 SABLE RIDGE COURT, SPENCER-PORT, NEW YORK, 14559: Requests area variances in accordance to Article IV Section 31.4.10 of the Town of Gorham Zoning Local Law. The applicant is requesting relief to the maximum allowable lot coverage of 25% with a variance to allow a lot coverage of 53.3%. Also requesting an area variance for the northeast side setback of 6.2 feet from the house where fifteen (15) feet is required, a southwest side setback of 10.3 feet where fifteen (15) feet is required, a front setback of 19.8 feet to the north east corner of the deck where thirty (30) feet is required, a front setback of 24.2 feet to the south west corner of the deck where thirty (30) feet is required and a rear setback of .3 feet where thirty (30) feet is required. The variances are to allow the construction of a single family

residence. The property is located at 5028 County Road 11 and is zoned LFO Lake Front Overlay and R-1 Residential.

ZBA #5-2025: VENEZIA LAND SURVEYORS 33 NORTH MAIN STREET, CANANDAIGUA, NEW YORK, 14424: Request area variances in accordance to Article IV Section 31.4.10 of the Town of Gorham Zoning Local Law. The applicant is requesting relief to the maximum allowable lot coverage of 25% with a variance to allow a lot coverage of 39.8%. Also requesting an area variance for the southwest side setback of five (5) feet from the house where fifteen (15) feet is required and a height variance of 26.9 feet where twenty six (26) feet is allowed. The variances are to allow the construction of a single family residence. The property is located at 5018 County Road 11 and is zoned LFO Lake Front Overlay and R-1 Residential.

All persons wishing to appear at such hearing may do so in person, by attorney or other representative.

Michael Bentley, Chairperson
Zoning Board of Appeals

3. CONTINUED PUBLIC HEARINGS

ZBA #4-2025: RICHARD KOHLER 66 SABLERIDGE COURT, SPENCER-PORT, NEW YORK, 14559: Requests area variances in accordance to Article IV Section 31.4.10 of the Town of Gorham Zoning Local Law. The applicant is requesting relief to the maximum allowable lot coverage of 25% with a variance to allow a lot coverage of 53.3%. Also requesting an area variance for the northeast side setback of 6.2 feet from the house where fifteen (15) feet is required, a southwest side setback of 10.3 feet where fifteen (15) feet is required, a front setback of 19.8 feet to the north east corner of the deck where thirty (30) feet is required, a front setback of 24.2 feet to the south west corner of the deck where thirty (30) feet is required and a rear setback of .3 feet where thirty (30) feet is required. The variances are to allow the construction of a single family residence. The property is located at 5028 County Road 11 and is zoned LFO Lake Front Overlay and R-1 Residential.

Mr. Grove said I am the engineer on the project and we have Dick and Maureen Kohler with us tonight and they are the owners of the property. Also here is Eric Geoca and he is helping us out on some of the planning for building the house. If you remember back to two meetings ago when we were here we presented an application for site plan that required variances and at the meeting we felt that the variances were probably a little too much based on the discussion with the Board. We went back to the drawing board and we minimized the variance requests that we were asking for. We presented a project narrative that I think everyone has a copy of. I am going to go over some of the key points of it. The existing structure that is on the lot now is preexisting nonconforming so it is our intention to try to minimize those nonconformities with the proposed structure. The front setback existing is at 21.1 feet and we are proposing 21.8 from the mean high water

line. The rear setback, because of the way the garage is, is actually 5.4 feet into the right of way. We are proposing to pull that structure completely out of the right of way and have it be .6 feet from the right of way line. It is an improvement of six feet. On the sides the existing structure is 2.9 feet from the north property line and we are proposing to move that back to 5.5 feet. The previous request for the side setback to the south property line, that would have needed a variance, we eliminated that variance request entirely. As far as lot coverage goes, we are improving the lot coverage over the preexisting condition, not by much, but it is a reduction in lot coverage. We are also proposing some infiltration for roof runoff which currently there isn't any on the property. With that all said we think we are presenting a great project to improve the property for the Kohler's and improve the existing nonconformities as best we can.

Mr. Kohler said from my perspective we have improved on the four existing nonconformities and eliminated the fifth one and we pulled the structure off the north lot line a little but further. We straightened it out on the lot as well because right now it is a little bit skewed at this point.

Mr. Bishop said do you have any idea when the existing structure was built?

Mr. Kohler said 1928.

Mr. Bentley said anyone else?

Mr. Kohler said in the revision we took into consideration the comments from the Board the last time and we incorporated all that into the revision.

Mr. Bentley said didn't we talk about reducing the size of the house the last time.

Mr. Geoca said we actually did do that. We made the house more narrower.

Mr. Grove said it was 32 x 42.5 and now it's 28 x 42.5.

Mr. Geoca said it is four foot narrower than it was the last time.

Mr. Amato said correct me if I'm wrong, the original setback to the north was going to be 6.2 and now it's 5.5. I realize you eliminated the one to the south.

Mr. Grove said correct, keeping in mind that the existing is at 2.9.

Mr. Kaiser said where is your entrance into the new house?

Mr. Grove said on that six foot part right next to the garage.

Mr. Kaiser said is there a walkway going there?

Mr. Grove said no walkway.

Mr. Bentley said no slab? No nothing?

Mr. Kohler said just grass.

Mr. Amato said grass right up to a door.

Mr. Grove said to the exterior door. I think they will go in through the garage functionally.

Mr. Smith said do you know what the current lot coverage is?

Mr. Grove said the existing lot coverage is 49.8%.

Mr. Bentley said they are actually going down to 49.6%.

Mr. Amato said and what are you taking off to be able to do that, other than the house and garage?

Mr. Grove said there is a couple of patio areas and a walkway to the lake.

Mr. Geoca said because the current house and garage are not connected.

****inaudible conversation****

Mr. Amato said now it's to the other steps but it's going to be to the deck, will it stay there?

Mr. Grove said no.

Mr. Bentley said you shrunk the deck to, right?

Mr. Kohler said yes.

Mr. Bentley said it was 32 x 12?

Mr. Kohler said it was. It is 10 x 16 now.

Mr. Kaiser said where are the stairs coming off the deck?

Mr. Geoca said there are no stairs; they are going to go downstairs and walk out through the basement.

Mr. Kaiser said so underneath the deck.

Mr. Bentley said you don't have any elevations, right?

Mr. Grove said we don't.

Mr. Kaiser said it's a two story with a walkout?

Mr. Grove said it is a ranch with a walkout.

Mr. Amato said but we don't have any elevations.

Mr. Grove said we have a maximum height we are allowed of twenty six feet.

Mr. Geoca said we have a basement slab, the finished floor and the peak. We have been to the architect and as you can imagine it's a busy time of year for everybody trying to get their plan done before the gas cutoff. Those were hard restrictions that the architect was given.

Mr. Coriddi said is the driveway all concrete?

Mr. Grove said right now there is a section of concrete and then gravel over to another set of stairs that come off that gravel to a lower area. It will end up being all parking.

Mr. Amato said ****inaudible**** so that is going to stay?

Mr. Grove said yes.

Mr. Bentley said and that is going to be all gravel?

Mr. Grove said gravel or asphalt. I don't know if they have made a decision on that yet.

Mr. Kohler said probably just leave it gravel.

Mr. Amato said and that is all the way to the south property line?

Mr. Grove said yes.

Mr. Kaiser said and then a paved or concrete driveway.

Mr. Grove said we don't know paved, gravel or concrete.

Mr. Coriddi said but no walkway going to the house?

Mr. Kohler said no.

Ms. Oliver said will there be a walk through door in the garage?

Mr. Kohler said yes.

Mr. Gove said we made the decision to make up the lot coverage with the house rather than walkways.

Mr. Smith said there are stairs off the gravel now down to the lawn or walkway. Are those stairs going away and you are not putting new stairs in there?

Mr. Grove said correct because the garage slab will be higher to match the existing grade of the road.

Mr. Smith said but how do you get down if you put a door on the six foot wall there how do you get down off the gravel?

Mr. Grove said it will be level. We are going to bring grade up on that side of the garage.

Mr. Kaiser said would the retaining wall be going away?

Mr. Grove said that will stay.

Mr. Kohler said part of it.

Mr. Kaiser said what is the elevation there compared to the slab at 707?

Mr. Grove said 706.5 or so.

Mr. Kaiser said so lower.

Mr. Grove said yes. We still need a retaining wall on the south side of that ****inaudible****.

Mr. Bentley said what is the total square footage of this lot?

Mr. Kaiser said 5447.

Mr. Grove said 5257 from the right of way line to the mean high water line.

Mr. Bentley said if I take 42.5 x 28 I get 1190. If I take 24 x 22 for the garage I get 528. Then if I take the deck 16 x 10 it's 160 and this doesn't include the walkway you have which goes into lot coverage. Then you take your parking area that is 920 square feet if it's going to be gravel or asphalt you are well over 55%. I need some clarity.

Mr. Grove said I had the total footprint of the garage, the house, the deck at 2091. I didn't count anything that was in the right of way. I only counted from the right of way to the mean high water line. There is a portion of the parking area here that counts and that is 140.6. Then on the shoreline side there is a retaining wall that is at the top and a sloped concrete retaining wall that goes down to the mean high. I included that retaining

wall, the stairs, and this concrete wall down to the mean high and then there is an area on the southside for a total of 376.4.

Mr. Bentley said so 2091, 141 (I'm going to round up), and 376. What's your total?

Mr. Grove said 2608.

Mr. Bentley said ok, thank you. Anything else from anybody? Having heard nothing else from the Board I am going to open the public hearing. I am going to open it to those of you that are on zoom first. If you would like to speak, there is two of you on zoom, Dave, I will open it up to you first. If you have anything to say please state your name, your relevance to the property and I will give you the floor. If I hear nothing from you then I will close you and go to the next person. You have the floor.

Mr. Sauke said we are about four doors down. It really doesn't affect us at all. I don't see anything that is going to be a problem for us.

Mr. Bentley said thank you. RJB I will open it up to you. Same thing if you would like to speak. Hearing none I will close the opportunity for you to speak. For those that are in attendance you know the criteria. Just raise your hand and I will call on you.

Mr. Cummings said I live at 5024 County Road 11, next door and on the north side of the Kohler's. Pam and I oppose the new plan. On the lakeside, the new proposal is still eight foot into the setback pushing the house and deck closer to the high water mark than all the other houses in the area. It will also change our view. On the roadside, from my understanding, I believe the proposal still puts the garage fully in the setback. Another concern is the elevation of the proposed garage. When you get to the proposed 707 foot elevation of the garage it means the driveway will raise up instead of the ground going down now. Located just five and a half feet from our property line it means #1 they would have to build a wall along our driveway and #2 if I'm standing down next to my line next to the garage the garage is going to be right up here depending on where you are standing going down the hill now it's going to be raised quite significantly. Overall I just think the proposal is too large for the lot. Many of us in the area had to sacrifice garages for remodel and reconstruction because of the rules. The rules were put into place for us all to be on the same page.

Mr. Bentley said anyone else? Hearing none I will close the public hearing.

Mr. Bentley then read the following email into record from Patrick Cunningham:

To: Town of Gorham Zoning Board of Appeals
From: Patrick Cunningham, 5032 County Road 11 homeowner
Date: October 17, 2025

I hereby request that the proposed zoning law variances on the property located at 5028 County Road 11 be denied. Please refer to the letter dated October 6, 2025 from Grove Engineering re: Kohler Project.

My concerns are as follows:

1. **Obstruction of View:** By allowing the home and deck to extend closer to the lake (in violation of the zoning laws), my view to the northern part of the lake would be compromised.
2. **More direct view of the proposed deck:** Currently the house is oriented such that the house and deck are relatively perpendicular to lake front, as are all the nearby lakefront homes. The proposed orientation of the house would position the deck such that it would be oriented more to the south (parallel to the lot lines) and much more open to view from my property. This would decrease the privacy of my deck and lakefront yard.

In addition, assuming the deck would have an outdoor staircase to the lawn level, there is no indication as to where the staircase would be located.

Thank you for your attention to this matter.

Mr. Bentley read the following email into record from Jeff Gambrill:

October 16, 2025 Gorham Zoning Meeting

Subject: Kohler Project, 5028 County Rd. 11, Rushville, NY

The following remarks are made by Jeff Gambrill who resides at 5022 County Rd. 11, Rushville NY.

Comments regarding the Kohler project:

Let me start by saying that I am in full favor of developing and enhancing properties on Canandaigua Lake as long as you stay within the established zoning guidelines put in place by the town. These guidelines are in place for a reason... There are always exceptions of course, but these requests for variances need to be scrutinized not just by the town, but also by the neighbors impacted directly or indirectly by the project.

I previously owned property 5018 County Rd. 11 and wanted to tear down and rebuild the property to establish a year around home. While working with a Civil Engineer to develop the plans, we soon realized, not only was the home too large for the 50' wide property, but it just didn't look right stuffed into such a small lot, essentially damaging the look of the neighborhood. We decided to purchase another property with a 92' wide lot which gave us the room we needed to accomplish our goals, meet the zoning requirements, and most importantly, enhance the neighborhood we were going to live in.

Again, I'll be happy to support this project as long as the guidelines are met, but the current plan revisions do not accomplish this. For this reason I cannot endorse the current plan.

Sincerely
Jeff Gambrell

Mr. Bentley read the following letter into record from Wanda & Lee Edgcomb:

— Regarding KOHLER PROJECT for review on 10/16/2025
5028 Co Rd. 11, Rushville, NY 14544
Town of Gorham, NY.

Comments from Lee and Wanda Edgcomb, owners of the property at 4998 County Road 11 Rushville. 10 doors North of the applicant's property.

Please note that we do not know the new owners personally. Our critique is solely about this project.

After reviewing many of the submissions from our other neighbors who raise many appropriate technical questions with which we agree, we've decided to approach this from an aesthetic point of view.

I'll go right to the Zoning code book:

In 31.4.10 **Lakefront Overlay District*** the zoning code starts with this sentence:

The intent of the lakefront overlay is to protect the water quality and scenic beauty of Canandaigua Lake as well as the overall design, unique character, and configuration of existing lakefront neighborhoods and properties by regulating the development of row property.

The third sentence states:

Where new construction or significant rehabilitations are proposed in the overlay district, the existing density and scale of the overall development should be maintained to ensure compatibility with adjacent properties... And the character of the lakefront is sustained.

If this is truly the Townships goal, then the Kohler proposal fails. The Kohler's are attempting to stretch every rule and seek multiple variances to shoehorn a suburban Florida style Townhome into a postage sized piece of lakefront.

Let's talk about the neighborhood and the sheer scale, **49.6%** coverage!

When you drive down County Road 11 in this area you can see much of it was divided into dozens of 50 foot wide lots. Over time, lots were combined and shaved, and the

result is a mix of 50'(+/-) camps and cottages many of which are seasonal, and a host of full-sized homes where lots have been combined into ~100'(+/-) properties.

A perfect example of this dynamic is the current cottage itself. It is in a neighborhood where camps style cottages all have ~50' lots. And just to the south is an example of a full-sized home on an appropriately larger lot.

The next issue is style. We all can see homes which were constructed taking advantage of the rulebook to put as much living space on a property as allowed. And I emphasize the word allowed because after all it is America, and the rules are here to help do the right thing.

But this proposal doesn't even try to fit in. It is an over the top, hardline attempt to stuff a townhome into the space where their cottage sits, virtually covering the entire lot. This building is simply not appropriate for a 48.5 foot wide lot (see graphic below).

This proposal would be more suitable to places like Nibawauka Beach or Otetiana Point. I drove up there just to check the neighborhood. I knew the houses were two-story homes close together, and I wanted to see what they were really like.

Even these, which were clearly rectangular footprint solutions to maximize living space had more side setbacks than this proposal seeks. And the garages are on the other side of the street due to the limited space available.

So I repeat from the Lakefront Overlay District:

The intent of the lakefront overlay is to protect the water quality and scenic beauty of Canandaigua Lake as well as the overall design, unique character, and configuration of existing lakefront neighborhoods and properties by regulating the development of row property.

The third sentence states:

Where new construction or significant rehabilitations are proposed in the overlay district, the existing density and scale of the overall development should be maintained to ensure compatibility with adjacent properties... And the character of the lakefront is sustained.

In conclusion, I submit this plan is 1) out of scale and 2) out of compatibility with the neighbors and 3) is out of character with the lakefront on County Road 11. **That's three strikes.**

This lot might handle a home 2/3rds the size of the proposed, and closer to the desired code coverage of 25 %. **It is 25 % for a reason, so let's enforce it!**

Thank you for your time and consideration,
Wanda & Lee Edgcomb

4998 County Rd 1, Rushville NY 14544

****Diagrams are attached to the minutes****

Mr. Bentley said I am going to state this for the record, three of these four letters that I have read have also received variances on East Lake Road. Discussion of the Board.

Mr. Amato said I am concerned about not having any elevations. I understand why but it concerns me.

Mr. Bentley said I will put this on the record too, Tom, I am 100% in agreement with you for elevations but the cost associated with architectural design now you are approaching \$10,000 just for a design. I get what you are saying and I don't disagree.

****inaudible conversations****

Mr. Morse said there is design guidelines that the Planning Board does look at in regard to that. They have to meet roof pitch. They have to meet aesthetics. They look at that when they go to the Planning Board. I also understand what Mike's point was if they don't get the variances and they have to make this house smaller they just spend all this money designing this house with an architect now to throw that in the garbage and start over. So you just threw away \$7,000-\$10,000 in architectural plans.

Mr. Grove said I googled images of ranch houses with walkout basements but none of them had a walkout on the end or a porch. I didn't want to confuse the Board with an idea that wasn't accurate to what we were going to do.

Mr. Bentley said we just had another application and I am going to show this to you because these people did an incredible job on a lot size similar to yours. Typically, I think I said this last time, we don't grant a variance when you decrease hardscapes and increase the footprint. You are taking out a garage and that is where you are getting most of your coverage from.

Mr. Bentley then reviewed the application for 3704 Nibawauka Beach.

Mr. Bentley said for me personally you have done a lot of work but I think there is still more work to be done with the width of the house.

Mr. Grove said is there existing structure on that lot?

Mr. Bentley said there is. It is a 20x14 shed.

Mr. Grove said so it didn't have as many nonconformities as we have to deal with.

Mr. Bentley said understood, but he asked for one variance.

Mr. Grove said how many preexisting nonconformities does the lot have?

Mr. Amato said what does that matter?

Mr. Bentley said what I am telling you is that you can design a house with less variances like we asked for the last time and you didn't decrease it enough in my opinion. You have a twenty eight foot wide house could you go down and I don't know what the number is but you are pushing the envelope. For me, personally, you are pushing the envelope with the size of the house when you could do a smaller variance. I'm all for what you are doing because you are making the nonconformities better. We voted on this the same night that you came in and it went to 33% and it is nowhere close to 33%. That is not egregious to me at all. We are asking for 50% and I get what you are saying. If you came in here and said Board I want to build a house that is 1200 square feet and the current house is 1000 square feet, that is a different story but we are asking for a 2100 square foot house, deck etc. That is where my current thought process is. What is the current house size?

Mr. Kohler said just under 1000.

Mr. Bentley said and we want to go to 2100.

Mr. Grove said with garage 1634.9.

Mr. Bentley said if you come in and presented, from my perspective, a plan that was still 1634 I personally wouldn't bat an eye at it.

Mr. Grove said but that is already twice the available building area on that lot. The area to meet the setbacks is somewhere around 840 square feet.

Mr. Bentley said let me back the conversation up. You are currently at 1600 and you are asking for 2100, right?

Mr. Geoca said it is basically a ranch home and the story that they are going to live on is the street level story and it is 1176 square feet.

Mr. Bentley said plus the deck and the garage. I can approve this for you today, from my vantage point, if you take the garage off. There is your problem. I'm just being very candid from my vantage point and there is six other people. You can decrease the size of the house and go to a one car garage because you have parking. I'm not telling you what to do I am just giving you suggestions in order to get it approved.

Mr. Geoca said I just want to make a point and I'm not sure the Board will care at all but they are looking to make this a year round house.

Mr. Bentley said can't consider it.

Mr. Geoca said and they are looking for a house to age in place in.

Mr. Bentley said I understand but we can't consider it. Then they will have to get a bigger lot.

Mr. Grove said when we were here at the first meeting the Board instructed us to decrease lot coverage. You said you would not ever be in favor of a variance where you are increasing lot coverage.

Mr. Bentley said correct.

Mr. Grove said so we did that and decreased the lot coverage. You are kind of picking on us because we are taking away walkways and the gravel parking and the concrete patio area in lieu of building square footage but it is still lot coverage by definition.

Mr. Bentley said I can't tell you what lot coverage to go to. I can't say if you get to 36.7 we will approve it because I am only one person on this Board. Just like I just put on the record that if you took the garage off that house and shrunk it a few feet I would approve it, my vote, tonight. I can move forward with a vote and give you the guidelines that you have to meet and then you go back and design it but I don't think that is fair to you. We have never in the history of this Board from what I can recall agreed to increase lot coverage with removing hardscapes and that is what we are doing. You might have a percent or two but to the extent that we are doing absolutely not. We just approved one a few months ago where they took the garage and the house and they went up by 140 square feet. We are going up by 500 or 600 square feet and their lot was much larger than this. That is why we say no two lots are the same. They have the same criteria because they are different. That is my opinion. Our job is to minimize the amount of variance that we give. You are already nonconforming. In order to build something you are going to be nonconforming, understood. We are willing to work with you because the lot is unique but you can also shrink the size of the house, in my opinion. If anyone disagrees, please, the floor is yours.

Mr. Bishop said I think the garage for me is the issue.

Mr. Amato said for me it is the width of the house including the garage.

Mr. Kaiser said you are saying no sidewalk to the front door and I don't know how that will go.

Mr. Bentley said if you are going to make it a year round home.

****inaudible conversations****

Mr. Geoca said the plan is to egress in and out through the garage and if there is no garage then that is not possible.

Mr. Bentley said I think that you can get it reasonable, to be very candid, if you took square footage off the side of the house and shrunk it a little more as we instructed. I can't tell you what to shrink it to and then make it a one car garage. I get it people want to live there year round and you don't want to go in and out in the snow. I go in and out in the snow every year but I get it that's my choice. I think you've got room to work here. I will be glad to table this and you guys can go outside and talk and we will vote when you come back. I think you have more room to work here, in my opinion, in order to get this to move forward.

Mr. Amato said in my opinion that 5.5 is a no for me.

Mr. Grove said we pushed it to 5.5 to eliminate an entire variance request.

Mr. Bentley said we requested that. We said we would be more comfortable.

Mr. Amato said the Board said that but I didn't agree with that and I still don't agree with that. I think it's still too wide.

Mr. Bentley said you eliminated one but you can minimize that 5.5 if you shrunk the width of the house. How wide is the garage?

Mr. Kohler said it's twenty two.

Mr. Amato said the house is twenty eight.

Mr. Bentley said any other discussion?

Mr. Bishop said no just that garage is a half a foot from the property line, is that correct?

Mr. Grove said the garage is 5.5.

Mr. Amato said but it's a half a foot from the front property line.

Mr. Grove said right now it exists five feet out into the right of way.

Mr. Amato said but you are taking it away.

Mr. Grove said it's also four feet from the north property line. It's an improvement over the existing condition.

Mr. Kaiser said no question.

Mr. Bentley said agreed.

Mr. Grove said it's a balancing act. We are trying to minimize the request but give the property owner what they want on the lot. They are trying to keep it as a ranch house.

They could do a narrow house and get as much living square footage like the other application you had but that is a two story home with a walkout basement. We are trying to avoid that because we already have neighbors complaining about the view across our property.

Mr. Bentley said I am going to say this as well, I understand neighbors' concerns but the lot is the lot. If you come in with a twenty five foot house that is what the code says I can't address that, now if you come in with a twenty eight foot house that's a different conversation. I understand the neighbors concern but their property is their property and people on this Board disagree and I am fine with it and your property is your property. If you can design a house under twenty six feet that's two story with a walkout basement God bless your soul.

Mr. Geoca said doesn't the Board have the ability to grant the variances with the stipulation that it is a single story house not a two story house because I heard your concern while you were talking.

Mr. Bentley said well you could do as presented.

Mr. Geoca said but could you stipulate that.

Mr. Bentley said I could.

Mr. Geoca said and wouldn't that appease your concerns.

Mr. Amato said a single story to what elevation, twenty six?

Mr. Kaiser said the elevations are on here.

Mr. Grove said twenty five is what's proposed.

Mr. Kohler said is that the elevation you were asking about, the height?

Mr. Bentley said what it's going to look like.

Mr. Amato said is there living space or storage space above the garage?

Mr. Kohler said no.

Mr. Amato said I don't know any of that.

Mr. Geoca said but I think this meeting highlights your point about plans for \$10,000 and then they have to change again.

Mr. Bentley said I think the biggest concern is still the magnitude of the house. We are increasing by 33% in the size of the home, the deck, and the garage from what is

currently there today. You are taking 33% of hardscapes out, 600 square feet, and then you are putting in 600 square foot of lot coverage.

****inaudible conversation****

Mr. Amato said you are actually increasing the size of the garage substantially.

Mr. Bentley said seventy two feet you are talking about. That's the issue. You are actually asking to go over 670 and I'm rounding. Today you have the benefit of it not being counted on your property because it's in the right of way the seventy feet. I think we are more than willing to hear but how do we minimize the variances on this. You eliminated one by moving it but there is not enough elimination. If you had it as ten feet verses five what would that do for you? It takes four feet off the house.

Mr. Kaiser said by eliminating one they increased what they are asking for on the other side.

Mr. Bentley said right and that was my discussion so I own that. The deck reduced and you can't do a patio there because it's still going to be lot coverage. Where can you get 500 feet so you're not increasing the size of what you currently have. Or 430 feet, in my opinion, because I'll give you the seventy feet.

Mr. Geoca said you make a 700 square foot house or eliminate the garage.

Mr. Bentley said or you get 42.5 feet by twenty four feet is 976 plus your garage.

Mr. Amato said the garage would have to be smaller as well.

Mr. Bentley said we could move forward with a vote if you would like or we can table it and you can go talk. I am totally fine with whatever you would like for me to do.

Mr. Geoca said I think we should go talk at least for now.

Mr. Bentley made a motion to adjourn this to the last application for the night. The motion was seconded by Mr. Kaiser. The motion carried with all present voting aye.

Mr. Bentley said just so you know for the record this is sort of what I explained. On page 54 of our code subsection K for Demolition and Reconstruction of existing Structures, this is what I alluded to earlier. Where a legally existing, non-conforming residence or seasonal dwelling is proposed to be demolished and where such residence is the only dwelling on the parcel, said dwelling may be reconstructed. Where the existing lot coverage exceeds the maximum lot coverage allowed in the underlying zoning district, whether or not a variance for lot coverage had previously been granted by the Zoning Board of Appeals, the lot coverage resulting from any proposed reconstruction, replacement, relocation, or expansion of buildings and structures shall not result in an increase in lot coverage nor shall the area of the lot covered by the footprint of the principal building or

buildings on the lot increase from the pre-existing lot coverage. In other words, where an existing lot coverage exceeds the maximum allowed in the underlying zoning district, a building's footprint cannot be expanded in the reconstruction by reducing decks, drive-ways, or other impervious surfaces in order to have the lot coverage that exceeds that allowed by the underlying zoning district.

ZBA #5-2025: VENEZIA LAND SURVEYORS 33 NORTH MAIN STREET, CANANDAIGUA, NEW YORK, 14424: Request area variances in accordance to Article IV Section 31.4.10 of the Town of Gorham Zoning Local Law. The applicant is requesting relief to the maximum allowable lot coverage of 25% with a variance to allow a lot coverage of 39.8%. Also requesting an area variance for the southwest side setback of five (5) feet from the house where fifteen (15) feet is required and a height variance of 26.9 feet where twenty six (26) feet is allowed. The variances are to allow the construction of a single family residence. The property is located at 5018 County Road 11 and is zoned LFO Lake Front Overlay and R-1 Residential.

Mr. Venezia said a little bit of an overview of the project. There is a cottage currently on the lot and there is also a current garage. The plan is to take down the cottage and the garage and construct a new two story house in its spot.

Mr. Bentley said are we going up in lot coverage?

Mr. Venezia said no we are below the current lot coverage. One of the biggest issues the last time was the height and we went back to the drawing board and reworked the house a little bit and the grading and we are at twenty six feet.

Mr. Bentley said what was the height the last time?

Mr. Venezia said it was at 26.9, so we were able to reconfigure that and we got under it. We took into advisement some of the other comments and we pushed the house as far north as we could to not create another side setback issue. We went from five feet on the south to six feet. Those were the two big changes. The lot coverage stays the same.

Mr. Kaiser said you said you pushed the house north?

Mr. Venezia said we pushed it north. We were at five feet off the south line and now we are six feet off the south line. Those are the two big changes with the biggest change being the height. We removed that height variance all together.

Mr. Bishop said so you are looking for two variances.

Mr. Venezia said we are looking for two variances instead of three. The lot coverage we are about .7% lower than we were before. There is not a lot of hardscape on the site in general. It was basically the house and the garage that we are tearing down to recoup that square footage.

Mr. Bentley said what is the size of the current house today?

Mr. Venezia said 855 square feet I believe.

Mr. Bentley said so you are at 1312, which is the size of your garage and house, right?

Mr. Venezia said correct.

Mr. Bentley said so you are asking to go to 1624.

Mr. Venezia said correct.

Mr. Bentley said how wide is this house?

Mr. Venezia said twenty eight feet.

Mr. Amato said you are taking the garage away but technically you are saying it's not a garage.

Mr. Venezia said it's not a garage it's a storage area with a garage door.

Mr. Bentley said so we have the same thing that we just had in the last conversation.

Mr. Venezia said there was never a walk to the front door there was just some walkways around the house that we are removing. It's about a hundred and something square feet of gravel pathways.

Mr. Amato said but there will be no walk?

Mr. Venezia said there isn't currently now and it's going to be the same kind of situation we have now. It will just be grass.

Mr. Kaiser said going up to the porch.

Mr. Venezia said yes to the porch and that will be the entrance and there will be a garage door in front of it.

Mr. Amato said so these elevations

Mr. Venezia said the architect didn't have time to adjust them. The windows are going to be buried and there are no stairs off the front. If you look at the updated site plan the stairs are embedded in the porch. We are not going to extend on that.

Mr. Bentley said so you are asking to triple the size of the deck, right? The deck is 126 square feet.

Mr. Venezia said the new porch is 28 x 7.

Mr. Bentley said stairs and patios, what am I missing?

Mr. Venezia said that was the old deck and stairs down to the lake.

Mr. Bentley said how big is this covered porch?

Mr. Venezia said 7 x 28 and we included that in the lot coverage for the house. The 1640 includes everything that is under the roof overhang and including the roof overhang.

Mr. Bentley said you still have 312 feet you have to come up with. You are doing the same thing as the last one. You are reducing lot coverage and increasing your footprint size.

Ms. Rae said yes. We had no intention of building but the house is compromised. The house is sinking, so we kind of got pushed into this.

Mr. Bentley said I'm going to ask you something and I mean no disrespect. If it is a hardship situation build on the same footprint.

Ms. Rae said we thought we were. We were taking the existing house and garage and combining it and going two stories.

Mr. Bentley said Anthony unless I'm missing something.

Mr. Venezia said we were including the deck in that number. If you don't include the deck you are about 137-150 square feet over what you are talking about now.

Mr. Bentley said so you are at 1438 so you are 186, so if you took four feet off the house and get it down the twenty four you have no qualms with building. Does that make sense?

Mr. Venezia said I understand.

Mr. Amato said he would still need a variance because it would still be within the fifteen feet.

Mr. Bentley said understood but it is the same size house or give or take fifty feet. Does that make sense? It's not what you want to hear.

Ms. Rae said I lost you.

Mr. Bentley said the code reads that you cannot teardown and rebuild bigger by taking out impervious surfaces, which is what you are doing. It's the same situation as the last application.

Mr. Rae said we are eliminating our garage.

Mr. Venezia said right, but there is one or two other things that add up to about 180 square feet of hard surfaces.

Mr. Bentley said let's call it about 175. I understand the hardship and I understand the foundation is going. So if you combine the three, because the deck is still there under the roof, so I understand that you are not eliminating that you are including it. It's a single story now, right?

Mr. Venezia said correct.

Mr. Bentley said and you are going to go to a two story?

Mr. Venezia said correct.

Mr. Bentley said so if you can bring that down to the original size of 1450 square feet. However you can get to that 175 square feet, it's up to you, but it has to come out of the house. You can take off the back or take off the sides but you have to come up with 175 square feet.

Ms. Rae said I wish I knew this last time.

Mr. Rae said yes, that was never brought up the last time.

Ms. Rae said there were two requests and we did those. I apologize I thought I read and understood the rules.

Mr. Bentley said we can vote on it, but it requires a variance and you are increasing it significantly by 10%. Any questions?

Mr. Amato said no again the same as last time my problem is the six foot variance and going that close and going up twenty six feet.

Mr. Rae said we are in between two big homes.

****inaudible conversation****

Mr. Venezia said the house to the north is forty two feet tall.

Mr. Amato said he's got a lot of property.

Ms. Rae said we just want to be appropriate for the neighborhood. My mom was buried in Gorham and this was my lifelong dream to live in Gorham on the lake. We really did try to keep it as small as possible.

Mr. Smith said can you refresh my memory on what you were asking for at the last meeting?

Mr. Venezia said the ask at the last meeting was a side setback on the south of five feet and we moved it north, but we were also at 26.9 feet so we were asking for a variance of .9 feet for height. So we regraded it and adjusted the height inside of the house.

Mr. Bentley said how tall are the ceilings inside?

Ms. Rae said one is nine and one is eight.

Mr. Amato said but then the walkout.

Mr. Venezia said it's not a walkout it's buried. There is going to be maybe eighteen inches of block showing on the lakeside. It is going to look like a two story house from the lake.

Mr. Bentley said how far is this garage?

Mr. Venezia said about three feet and the garage we are tearing down is about a foot and a half off. It's very close. For the most part we have gone through a couple iterations and landed on this. It's a size house the works for the lot and it also works for family.

Ms. Rae said and the neighbors were pleased with it. The existing is two feet off of Jeff's property and it will go to six.

Mr. Venezia said I did not realize there was another variance required for the building square footage. That was the first I've ever heard of it to be totally honest.

Mr. Morse said Mike, did you say it was 150 square feet over?

Mr. Bentley said it's 174.

Mr. Morse said if you took two feet off the roadside and took two feet off the side you are asking for the variance that is 152 square feet right there. Then you get an eight foot side setback rather than six.

Mr. Bentley said right, I think it's doable. You are literally talking two feet verses five feet.

Mr. Venezia said so you are saying to take a couple feet off the garage.

Mr. Bentley made a motion to table this. The issue is that you cannot rebuild and take away a portion of roadway, driveway, a hardscape and increase it to the magnitude that you are doing and request a variance for it. You are doing it because you are nonconforming and you are going to be less nonconforming if you meet the criteria of the original square footage of the house and the deck and garage because you are combining all of those into one without the garage but you still get that space. So you have about 1000 square feet for the house, about 500 square feet for the garage, and 125 square feet for the deck which the deck still exists at 175 square feet or whatever that may be. You now have to meet that same square footage of your new build. You have 1450 square feet so you have to trim 175 square feet off of the house. Then you are going to minimize this variance.

Ms. Rae said what if we just take off the deck.

Mr. Bentley said that is 175 square feet. You are going to have the front of the house with no deck.

Mr. Bentley makes a motion to table this and you will go to the end of the line tonight. The motion was seconded by Mr. Kaiser. The motion carried with all present voting aye.

ZBA #4-2025: RICHARD KOHLER 66 SABLE RIDGE COURT, SPENCER-PORT, NEW YORK, 14559

A motion was made to reconvene ZBA #4-2025 and the motion carried with all present voting aye.

Mr. Bentley said I don't know if you heard but we were having the same conversation with them that we were having with you. What did you come up with?

Mr. Grove said we would like clarification on that snippet of code that you read about the existing square footage. Basically what we want to know is if the existing garage square feet at 328 plus the seventy four that is in the right of way, plus the 1231 which is the footprint of the house and deck, plus the 74.9 which are the stairs that lead down to the walkway, that would be the existing structure footprint?

Mr. Bentley said that is correct.

Mr. Geoca said when you read the code it confused me because I thought I heard you say two things and I probably misheard you. I thought I heard you say it can't be bigger than the existing house and I thought I heard you say that it can't be outside the existing footprint.

Mr. Bentley said when you have a situation like this that is where the variance comes into play that you are combining the two. Your garage is detached and you are attaching the garage. If you have 1750 square feet you can have 1750 square feet. You can't remove

400 square feet of deck and put it in the house. You can remove 400 square feet of deck, and that is a large deck, and you can put 400 square foot of deck on. Or you can do a 300 square foot deck and put 100 into the house but that is with the approval. It has to be the same footprint but you are not going to have the same footprint because you are taking the garage which has to be taken into consideration of nonconforming and putting it in but you are increasing the size of the garage. Does that make sense?

Mr. Geoca said a little bit. Just for clarification, if we came back to the next meeting with a house in the same footprint and the same size garage but moved out of the right of way because right now part of the garage is in the right of way.

Mr. Bentley said so you make it more nonconforming.

Mr. Grove said no the other way. We would make it less nonconforming.

Mr. Bentley said you would make it less nonconforming and more conforming.

Mr. Geoca said the challenge is to make it less nonconforming without increasing the size of anything you're going to increase the lot coverage. Does that make sense?

Mr. Amato said yeah you're going to because you're gaining ****inaudible****.

Mr. Bentley said and we are understanding to that.

Mr. Geoca said you are understanding to that?

Mr. Bentley said right.

Mr. Geoca said so if they kept the same size garage and attached it to the house and the same size footprint with the same existing variances that are here today, is that essentially what the Town wants to see?

Mr. Bentley said no because you can make this lot less nonconforming by moving it away from the property line.

Mr. Grove said by squaring this up and rotating it?

Mr. Bentley said correct, you just can't build a 50% larger house and take out hardscapes and impervious surface etc.. The reason this code was written is because you wouldn't believe the amount of times that people come in and say I am under lot coverage from where I am today. We normally do not bat an eye at lot coverage if you are nonconforming and you make it less nonconforming unless you are making the house bigger. That's what we were getting at at the last meeting. If there is a variation of minuscule square footage there is not going to be much discussion about it. When you are asking for 300, 400, 500 square feet it's the same as the other folks who were just in here they are 150 square feet over.

Mr. Grove said along those same lines if we can come up with a plan that keeps the square footage of the structures same or very similar to the existing conditions we can manipulate the hardscaping so we are not over lot coverage, right?

Mr. Bentley said I am not following what you are asking.

Mr. Grove said we deleted all the hardscaping because of the lot coverage. We were manipulating the system to get rid of lot coverage.

Mr. Bentley said I am glad you recognize that.

Mr. Grove said well I don't know if anybody knew about that code before a few minutes ago. Somebody did at one point but it was the first we heard about it.

Mr. Bentley said if I didn't mention that the last time then I will own that.

Mr. Grove said ok, that was new to us.

Mr. Bentley said I did say we can reduce it but I can't tell you what to reduce it to.

Mr. Grove said but the idea is that we could total up the hardscape lot coverage that we have and reappropriate that into hardscaping sidewalks, pathways, patios etc.

Mr. Smith said come back with the same size house, garage and everything together and you manipulate the hardscape as long as it is the same size and you aren't adding to it then you should be ok.

Mr. Bentley said if you put a stoop on the back of this door and you take it from the patio up here.

Mr. Grove said no, not a stoop. If we add a patio down here because there was one up here that we are not going to have anymore, that is acceptable?

Mr. Bentley said right.

Mr. Grove said we have apples and oranges and we can't combine them.

Mr. Bentley said is this going to be a second story deck?

Mr. Grove said first floor above the walkout basement.

Mr. Bentley said so it can't be a patio because you don't have to have a variance for a patio for setback.

Mr. Grove said when we came back into session I guess we should've said we are going to go back and revise the plans. We are not asking you to vote on it tonight. We are trying to do some more homework so when we do come back with a plan it is acceptable to everybody.

Mr. Kohler said what part of the walkout counts as square footage, just the finished part?

Mr. Grove said none of it for lot coverage.

Mr. Bentley said the deck counts as lot coverage and the structure but if it were a patio it would count as lot coverage but it would not count as a variance for a setback. Right now you are asking for an 8.2 foot variance for a 21.8 setback to the high water mark because you have to be thirty feet.

Mr. Kohler said which is less than it is today.

Mr. Bentley said I am just minimizing variances.

Mr. Kohler said which is what I thought we did on that one.

Mr. Bentley said if it were a patio then you would minimize two variances right away.

Mr. Kohler said you are saying the footprint can't be more than 42.5?

Mr. Grove said not the dimensions themselves but the square footage in total.

Mr. Bentley said it can be 1600 square feet.

Mr. Grove said plus the seventy four plus the seventy five.

Mr. Bentley said it's 1707.

Mr. Grove said with the garage you are talking.

Mr. Bentley said with the 402 for the garage.

Mr. Grove said 1708.9.

Mr. Geoca said in terms of the placement of the house I think one of the things we heard the last time we were here and maybe that was wrong but we eliminated the variance to the south.

Mr. Bentley said right.

Mr. Geoca said would you rather we ask for a variance on both sides to center the house?

Mr. Bentley said that is up to you. From what I gather you are going to have to eliminate about 400 square feet on the size of the house, deck, etc. I don't know how you are going to do that, not my concern. I presume you are going to do some if it in the garage and probably some of that here. In my opinion if you minimize the variance you are requesting I am going to hypothetically say if you are asking for an eight foot variance here and a zero variance here you might be better off asking for a five foot variance here and a two foot variance here. It's one way or the other. We can have that conversation as a Board where he might be set no on an eight foot variance but might be good with five and two. That's just the way he thinks where I think differently.

Mr. Geoca said it's a challenge.

Mr. Bentley said that's why we compromise and we talk through it. I am going to move to close this application because you are going to submit new plans.

Mr. Grove said we are asking you to table it for us. I don't have any other questions.

Mr. Bentley said do you have any further questions?

Mr. Kohler said I'm good.

Mr. Grove said I do want to thank the Board for holding the special meeting to keep this moving forward for us.

Mr. Morse said this is going to be a problem because we were just talking about deadlines. We will need the plans by next Friday to still have the ZBA meeting.

Ms. Mitchell said the submittal date for the December Planning Board meeting is November 10th. We had this special meeting to keep them under the current building codes.

Mr. Morse said I will gladly go downstairs with you to talk about this to see if we can try to get this approved tonight.

Mr. Grove said ok let's do that.

**ZBA #5-2025: VENEZIA LAND SURVEYORS 33 NORTH MAIN STREET,
CANANDAIGUA, NEW YORK, 14424**

Mr. Bentley said ok we are back onto ZBA #5-2025.

Mr. Venezia said we talked it over and decided to readjust the plan for the house and our plan is to take two feet off the south side of the house to reduce the setback that we need to go from six feet to eight feet. Then we are going to reduce the length of the house enough to get to where the coverage of the house, the garage, and the deck equal what we are proposing. Does that make sense? We are going to shrink the house from east to west.

Mr. Kaiser said but you don't have that number.

Mr. Venezia said we don't have a specific number. I think it's 1.8 feet east to west.

Mr. Bentley said your total is 1450 square feet, correct?

Mr. Venezia said that is the house, the garage, and the deck.

Mr. Bentley said that is correct.

Mr. Venezia said that sounds about right. 1438 would be the existing house, garage and deck.

Mr. Bentley said so 1450.

Mr. Venezia said if we remove two feet off the south.

Mr. Bentley said that's 96 so you are at 1528.

Mr. Venezia said then whatever we have to go east to west to match that number. Whatever is left.

Mr. Bentley said east to west is how wide?

Mr. Venezia said if it's going down on the north side we will be going from forty three to forty one on that north side and that will be two feet total in reduction. The north side would go down to forty one feet and forty six on the south. That gets us, I think, where we need to be.

Mr. Bentley said that puts you at 1476. That is 150 square feet.

Mr. Venezia said it's about 36% lot coverage.

Mr. Bentley said 37.3%, is that what you got?

Mr. Venezia said if you take out the difference in the house, garage, and deck and match that to the house it would be 2151, is that correct?

Mr. Bentley said I got 2229. You are at 1476 at the end of the day.

Mr. Venezia said what is 1476?

Mr. Bentley said what we just removed off the house leaves you at 1476 and you add that to the driveway.

Mr. Venezia said the driveway is basically the same. There is maybe a slight reduction. There is just a sliver of driveway that we are removing.

Mr. Bentley said so you are taking it out.

Mr. Venezia said yes.

Mr. Bentley said so thirteen feet and you have 375 for stairs and patio, right?

Mr. Venezia said yes.

Mr. Bentley said which is reduction from 405.

Mr. Venezia said correct.

Mr. Bentley said then you have 178 for the wall, which is the same, and that leaves you at 2377 minus the 148 which puts you at the 2229 for a 37.3% lot coverage which is a reduction of almost 8%. Which is what we want to see when you are building a house on the same footprint. Any questions on this?

Mr. Kaiser said so the house is going down by two feet.

Mr. Bentley said four feet.

Mr. Venezia said two feet in both directions.

Mr. Kaiser said so two feet east to west as well. So we are 41 x 26 roughly.

Mr. Venezia said yes we are twenty six wide by forty one on the north and forty six on the south.

Mr. Amato said I don't understand the reduction east to west in lieu of the reduction north to south.

Mr. Venezia said you mean why are we reducing it east to west?

Mr. Amato said yes.

Mr. Venezia said to be closer to evening out the existing building coverage verses the proposed building coverage.

Mr. Amato said you should, in my mind, reduce it to take more off the south side of the house.

Mr. Venezia said the way that the house is designed; to take it off the north and the south is significant in a redesign. Two feet is a lot and shortening it is a little bit easier to do

than taking four feet off the south side. It narrows bedrooms. It narrows hallways. It is significant. We are abiding by the fifteen feet on the north side. We believe that is a good number to start with.

Mr. Bentley said I do understand Tom's point and you have the same square footage either way.

Mr. Amato said what is the actual lot coverage now?

Mr. Bentley said 37.3%. Any further discussion from the Board?

Ms. Oliver said I agree with where they are taking it off from. I don't think taking four feet off that side would be feasible.

Mr. Bentley said I am going to open this up to the public. Are there any comments from the public? Hearing none I will close the public hearing at this time. Let's move on to our five questions starting with Ed and ending with Charlie.

TOWN OF GORHAM
ZONING BOARD OF APPEALS
P.O. BOX 224
GORHAM, NEW YORK 14461

RESOLUTION FORMAT FOR VARIANCES:

WHEREAS, application ZBA #5-2025 was received by the Secretary to Planning and Zoning Department from Venezia Land Surveyors, representing the owner of the property at 5018 County Road 11 with tax map #154.08-1-2.000, on August 11, 2025, requesting a lot coverage variance and a side setback variance to tear down and rebuild a single family residence; and,

WHEREAS, said application was denied by the Code Enforcement Officer for the Town of Gorham on the basis that the proposed single family residence does not meet the lot coverage and side setback requirements; and,

WHEREAS, the Town of Gorham Zoning Board of Appeals has determined this application to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and as a Type II Action, no further review under SEQRA was required; and,

WHEREAS, said application to the Town of Gorham Zoning Board of Appeals was required to be referred to the Ontario County Planning Board; and,

WHEREAS, a Public Hearing was duly called for and was published in the official newspaper of the Town on September 11, 2025 and October 23, 2025; and,

WHEREAS, a Public Hearing was held on September 18, 2025, October 16, 2025 and October 30, 2025 at which time all those who desired to be heard were heard; and,

WHEREAS, on October 30, 2025 after viewing the premises and after reviewing the file, the testimony given at the Public Hearing and after due deliberation, the Town of Gorham Zoning Board of Appeals made the following findings of fact:

For an Area Variance:

That an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the variance.

That the benefit sought by the applicant can be achieved by some feasible method other than a variance.

That the requested variance is not substantial.

That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created.

DECISION/CONDITIONS

NOW, THEREFORE BE IT RESOLVED that Mr. Bentley made a motion to approve a structure of a house similar to what is presented not to be over twenty six (26) feet tall, not to be over 1476 square feet and it has to come in the confines of a seven foot variance on the south side for an eight foot setback on the southside and no variance on the north side. With the discussion that has taken place because the plans are not as presented is that we will be taking two feet off the south side and two feet off the east side for a length of forty six feet (46) and for a width of twenty six feet(26). The lot coverage in totality will be as presented with the driveway at no more than 200 square feet, the stairs and patio at no more than 375 square feet and the retaining wall that currently exists today at 178 square feet. The lot coverage will be no more in totality than 37.33%. That motion was seconded by Mr. Bishop and Mr. Bentley requested a roll call vote:

Mr. Kaiser	Aye
Mr. Amato	Nay
Mr. Coriddi	Aye
Ms. Oliver	Aye
Mr. Bishop	Aye
Mr. Goodwin	Aye
Mr. Bentley	Aye

The motion carried.

ZBA #4-2025: RICHARD KOHLER 66 SABLE RIDGE COURT, SPENCER-PORT, NEW YORK, 14559

Mr. Grove said we consulted with Jim and took his ideas into consideration. Ultimately what we came up with is to narrow the house down to 40.6 x 26 taking two feet off the width of the house and two feet of the length and also taking two feet off the garage depth. The garage becomes 22 x 22.

Mr. Amato said and you are also taking two feet off the house.

Mr. Grove said correct. The idea being that the lakeside of the house stays exactly where it is and we pull off of the right of way line. What that will gain is four feet. It will be four feet further from the right of way line.

Mr. Kaiser said the house is going to be forty feet six inches?

Mr. Grove said correct.

Mr. Kaiser said and then you are narrowing the whole thing to twenty six feet?

Mr. Grove said correct.

Mr. Bentley said so the whole thing is going to be sixty two on the north side?

Mr. Grove said 62.5.

Mr. Bentley said 62.5 x 26.

Mr. Grove said the bottom line of all of this is the lake side of the house will stay where it is, the deck would remain as the 10 x 16 covered deck, but in shrinking the house width and the garage depth it pulls us four feet further off the right of way line and two feet further off the north property line. It will be 7.5 on both corners and the garage setback has become 6.6 on the north corner and 4.6 on the south corner.

Mr. Amato and you will be leaving that from the garage to the road ****inaudible**** grass?

Mr. Grove said no that will be gravel.

Mr. Amato said now you are moving that back you will have four more feet of gravel.

Mr. Bentley said let's get to that in a second. I understand what you are saying. You will have an additional eighty square feet of gravel. Keep in mind that is also going to be a wash in my opinion. Do you disagree because it's seventy square feet you are bringing back off?

Mr. Grove said there are other hardscape areas we can remove to make that up.

Mr. Bentley said but you are increasing by seventy square feet because currently you have seventy two square feet that is not currently on the property it's in the right of way.

Mr. Grove said the only other part is lot coverage. When you consider structure to structures we go from 1709 square feet to 1880 square feet of lot coverage with structures and that includes the roof overhangs.

Mr. Geoca said it's a decrease from where we started today.

Mr. Bentley said so you are about fifty square feet bigger than what you started with originally bringing in that seventy square feet. Give or take an inch or two.

Mr. Grove said I believe you are right.

Mr. Bentley said there are several of you here for this application and some of you had some concerns. Mr. Cummings did you hear what is proposed and do you understand it? As you heard me read the code earlier I know you have some concerns as I know some of your neighbors do. We cannot prevent someone from rebuilding a house as a structure as long as they do not go bigger with the structure itself. As you see we are under a time crunch to be fair and equitable to everybody. What they are proposing is a similar structure within 100 square feet, reducing the garage, and I am getting to the lot coverage but I wanted to give you the opportunity to ask questions before we move forward. I don't disagree with you and I think you heard the Board that we were in somewhat agreement with the community that it was too big and obviously it is bigger than the current house as it sits today with the structures combined. I will open it up to you since you spoke earlier.

Mr. Cummings said quit honestly my biggest concerns is not so much the side setbacks the existing house is relatively ***inaudible*** now. My concerns are the front being forward further than everybody else to the water line and I believe the garage is still over the whole setback.

Mr. Bentley said no it's not.

Mr. Cummings said not all twenty feet?

Mr. Bentley said it's twenty two feet and actually now it will be 6.6 feet on the north verses where it is currently.

Mr. Cummings said I mean the road setback. The whole garage is in the setback I believe.

Mr. Bentley said there is six feet remaining.

Mr. Kaiser said it should be a thirty foot setback.

Mr. Cummings said right that is what I am saying because a lot of us wanted garages and we couldn't do it.

Mr. Bentley said understood. Did you have a garage prior?

Mr. Cummings said no.

Mr. Bentley said if you didn't have a garage, they are fortunate that they have a garage and if they meet that footprint, the square footage, they can have a garage.

Mr. Cummings said even though its way over.

Mr. Bentley said absolutely. It requires a variance but it is nonconforming and it is our job to get it less nonconforming. Even if there was no garage it would still be nonconforming and it would still have to have a variance. Does that make sense?

Mr. Cummings said yes.

Mr. Bentley said even the current footprint of the house, the same thing. That is the tough part of our job is making you happy and making you happy and doing what's right for the Town and by the code. It is never going to happen.

Ms. Cummings said is the house and garage attached?

Mr. Bentley said yes, it is a smaller garage.

Ms. Cummings said is the house coming back from the front?

Mr. Bentley said the house is thirty four and a half feet from the high water mark on the south side and thirty one feet from the high water mark on the north side.

Mr. Cummings said according to the print that we have right now the existing end of the steps ****inaudible****.

Mr. Smith said they will be 21.8 ****inaudible****.

Mr. Cummings said ****inaudible**** right out to where those stairs end and the house is going to be ****inaudible****.

Mr. Bentley then had Mr. Cummings come up to review the plans and changes with him.

Mr. Cummings said honestly my concerns weren't necessarily with the width of the house it's just pushing everything forward and nobody else can have a garage. It's just other people have built houses. Theres one a few houses down, I think his name is Pierre,

and he had to give up some stuff and he built a one car garage under the house. He lost a lot but he stayed within the setbacks.

Mr. Bentley said when you tear down it gives you different guidelines. These lots are small.

Mr. Cummings said basically my biggest thing is the garage because a lot of us wanted garages and we couldn't put it in because we didn't have the space.

Mr. Bentley said you're not the first and you won't be the last.

Mr. Cummings said I guess basically that is my biggest concern.

Mr. Kohler said and we are shrinking the house by two feet.

Mr. Bentley said anybody else? Hearing none I am going to close the public hearing. Board, what are your thoughts?

Mr. Kaiser said it's a big house.

Mr. Bishop said I would be more comfortable if there were no garage.

Mr. Grove said the house is 1053 square feet.

Mr. Kohler said and the existing house is almost 1000.

Mr. Kaiser said I agree with Alan if it didn't have the garage it would be a much easier decision.

Mr. Kohler said but it does have an existing garage and that is why we brought the property.

Mr. Amato said for me the garage is no problem it's the width. I think you could do with a twenty four foot wide house. Every one of us is different.

Mr. Kohler said including the architect.

Mr. Bentley said that is the thing with these small cottage lots and I alluded to the Odell application earlier because they asked for nothing and that tells us that it can be done. These are tough because you invest your life savings and earnings but I can't take that into consideration. We are going to read the questions and have a little more discussion but I am not going to sit here and haw about this all night. In my opinion and I can't tell you what to do and everyone is under a time crunch with the gas laws etc. His concern is the width and someone else's concern is something different. I think you can get to, like the Odell's did, and yes you can have a one car garage on the back however you want to do it and get to where you want to get to. I'm ok, me as one person, with

most of this but I think the garage is what is hampering everybody. You are over the lot line and you want to move it forward. Anybody else?

Mr. Goodwin said I think it is a big house on a small lot and I think the garage should be cut down significantly and that would help qualify it.

Mr. Bishop said I just think the garage should go away completely.

Ms. Oliver said I can understand wanting a garage, for sure, but I think it can be smaller.

Mr. Coriddi said it is a small lot and a difficult situation.

Mr. Bentley said I will tell you what you can do, you can rebuild the house and leave the garage there and that way you have a garage.

Mr. Geoca said with all the codes isn't it better to have that old garage out?

Mr. Bentley said can I tell you something, you are not going to please everybody. For the safety if I lived on this road tear the garage down I'm all for it. But the people that live there are not and then the next owner will question why the garage is there. We have to try to mediate for the next 100 years and we are never going to get it right. I think it could be a one car garage to be very candid because it is a small lot. If the neighbors don't want him to have a garage the neighbors don't want him to have a garage. The neighbors don't have a vote. They have a voice. I understand the neighbors' concerns. I guarantee if I ask Mr. Cummings if he would rather have you be out in the right of way with this garage or be on his property, I don't know him, but I am going to tell you he's like for the safety and welfare for everybody in that neighborhood it probably needs to be on his property. There is no happy medium but when you have a house bigger than for the lot and you put a garage on the back of it then that's when all the sparks start to fly. It's not in compliance. You are asking for an 85% variance for the setback. That's where we are. You could leave the garage and rebuild the house at the same square footage as it is now and turn it and that is all you have to do and you have a garage. Then I guarantee you that somebody is going to say in a year why didn't you tear down that garage. It's our job to decide that and the whole Board is saying that the garage has to go.

Mr. Kohler said the existing garage has two different level slabs they are eight inches deeper than the other so I can't even use it for a car.

Mr. Bentley said you can rebuild it in the same footprint.

Mr. Kohler said it's 17 x 18.

Mr. Amato said didn't we have an issue with that over by Deep Run? They tore down two sheds and built them on the same footprint and that was an issue.

Mr. Bentley said you'd have to remind me because I don't remember.

Mr. Amato said we ended up making them put the sheds together and reducing the footprint a little bit.

Mr. Bentley said right she was over the property line and she did it without a permit.

Mr. Amato said yes.

Mr. Bentley said am I correct, Jim?

Mr. Morse said I'd have to read through Article 10 to make sure because it talks about five feet from property lines for accessories and buildings. It's a zero foot setback and encroaching in the right of way and I don't think you can approve the house with it there. You can't approve a site plan for the house in an illegal situation.

Mr. Bentley said it's a negative setback.

Mr. Morse said what I am saying is you can't speak for New York State or the County. You are basically approving something for the County and I don't think you can. I'd have to read through it because there is a lot of articles in here. I wouldn't be comfortable stating that they could just rebuild the house and keep the garage without talking to our attorney on that one.

Mr. Bentley said how big is the garage currently today?

Mr. Kohler said 18x18.

Mr. Grove said but it's got that stub out the back because he had a town car that didn't fit so he put like chicken coop/egg retriever on the back so it's probably eighteen by twenty something.

Mr. Kohler said its about 400 square feet, isn't it? It's close to twenty where the bump out is.

Mr. Bentley said any further conversation?

Mr. Grove said I think you can always say that variances can be further reduced until there is no more variance. I think that it is your job to push the applicant to reset balance between what they want and what is right for the neighborhood and community as a whole. I know with the Town's questions you said if more than four of the answers are yes it's an automatic denial.

Mr. Bentley said yes if more than four questions are a yes then it is an automatic denial.

Mr. Grove said and my completion of the questions three of the five questions I answered yes because that is the answer.

Mr. Bentley said which ones did you answer yes?

Mr. Grove said two, three and five.

Mr. Bentley said five is always a yes.

Mr. Grove said I get it everybody is in a hard spot here but I think we have gone above and beyond to provide a real good plan.

Mr. Bentley said I am going to use Tom Amato's saying to you above and beyond you would comply 100% but that is really probably not possible.

Mr. Grove said well that is not 100% what the owner wants so there is that balance again. If they wanted a twenty foot wide house that is two and a half stories tall then yeah you could get as much footprint in there.

Mr. Bentley said what is the current square footage of the current house?

Mr. Kohler said a little under 1000.

Mr. Bentley said is that with the overhangs?

Mr. Grove said with the overhangs it is 1231.2 and that is the house and deck.

Mr. Bentley said so you are at 1657 square feet and that's the garage and everything included.

Mr. Grove said 1708.9 and that's the house, deck, garage but that includes the seventy four feet that is out in the right of way.

Mr. Bentley said that's what I was missing, thank you. Jim, correct me if I'm wrong I don't know if you can get 1700 square feet or even 1500 square feet on this property without a variance.

Mr. Grove said no you can get 840.

Mr. Morse said for total as far as footprint?

Mr. Bentley said yes.

Mr. Morse said that sounds accurate.

Mr. Amato said one of the things that are killing you is this huge break wall that you can't do anything with. It's killing the lot coverage.

Mr. Bentley said and that's what we have to understand that you can't even build what you have today.

Mr. Geoca said we have the house down to 1053 but you need a garage.

Mr. Kohler said and that is one of the reasons that we chose that property was because it had an existing garage.

Mr. Kaiser said but you are tearing it down.

Mr. Kohler said we are just trying to work with reasonability.

Mr. Grove said if the garage were eighteen feet wide I don't think you can get two vehicles in it.

Mr. Geoca said 22 x 22 is the minimum.

Mr. Bentley said I don't think you are going to get a 22 x 22 on this property.

Mr. Geoca said I'm just saying that is the minimum.

Mr. Bentley said it's not going to happen because you are at 18 x 18 now.

Mr. Kohler said it's twenty with the bump out. It's just cantilevered.

Mr. Grove said it doesn't necessarily change the variance request if we go eighteen or twenty two feet on the garage it's just the lot coverage concern.

Mr. Bentley said these guys say it's the size of the garage but me personally, you have a garage maybe it's a bad buy it's not really my decision and nobody can steer me otherwise having a garage in the right of way we have moved the house closer to the lake for the safety of everybody involved. That is my most important concern. If a garage is going there then it has to be safe. It's just simple.

Mr. Grove said and as we are proposing now it is ten feet further back than the existing.

Mr. Bentley said I get it but the garage is too big is what it boils down too. If you move it in four feet that's your opportunity.

Mr. Grove said so it's too big from a lot coverage standpoint?

Mr. Bentley said right.

Mr. Amato said or keep the almost same size garage and take some off the width of the house would do the same thing for me.

Mr. Kaiser said back to what you said on the questions, you said you answered yes to three of them so clearly you think this can be reduced. You are close to denying it with your answers.

Mr. Grove said but the answer to question two is yes you can rebuild on the same footprint but it is still more nonconforming by rebuilding on the same footprint so it is a yes but it is also a no.

Mr. Amato said we still have to go through the questions to get a motion, right?

Mr. Bentley said yes we do.

Mr. Kohler said so the size of the garage is pertinent why because of lot coverage?

Mr. Bentley said its lot coverage and the way it's backing up. If you moved the house ten feet forward and got rid of the deck you are going to have more opportunity with the garage.

Mr. Amato said he can't because then he has to have a variance for the front.

Mr. Bentley said he already has to have a variance for the deck because it's over a foot and a half.

Mr. Kaiser said but now you are moving the whole structure closer to the lake.

Mr. Bentley said understood. I am just saying you are giving one for the other. At some point in this conversation somebody is going to be upset.

Mr. Coriddi said a standard two car garage could go anywhere from 20 x 20 to 24 x 30. I'm just saying I have a large truck that fits in fifteen to seventeen feet. I'm just saying a twenty foot garage would bring you in potentially two feet from the road. Typically a two car garage door is eighteen feet.

Mr. Morse said if you are potentially giving up anywhere, which doesn't help their cause, is the width and not the depth.

****inaudible conversation****

Mr. Bentley said I am going to move on to our five questions starting with Ed and ending with Charlie.

For an Area Variance:

That an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the variance.

That the benefit sought by the applicant can be achieved by some feasible method other than a variance.

That the requested variance is substantial.

That the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created.

Mr. Bentley said so you have four out of the five yes's which is an automatic motion for denial.

Mr. Grove said we would request you that you table it.

Mr. Bentley said the public hearing is closed so you have sixty two days from today. I will make a motion to adjourn this application until November 20, 2025 so you have to have your updated plans in by the 10th.

Mr. Grove said do you ever have to justify your answers to the five questions?

Mr. Bentley said what do you mean?

Mr. Grove said why is it outside the character of the neighborhood and detriment to the nearby properties and why is it an adverse effect on the physical environmental conditions when we are making improvements over existing?

Mr. Bentley said those are very valid questions. I can give you my answers if you want my answers.

Mr. Grove said some of the Boards I go to state their reasons for their answer.

****inaudible conversations****

4. MISCELLANEOUS

NONE

5. NEXT MEETING

The next regular meeting of the Zoning Board of Appeals will be held on Thursday, November 20, 2025 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

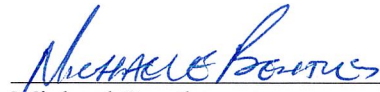
6. ADJOURNMENT

■ A motion was made by MR. BENTLEY, seconded by MR. BISHOP that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,



Michael Bentley

Chairperson of the Zoning Board of Appeals

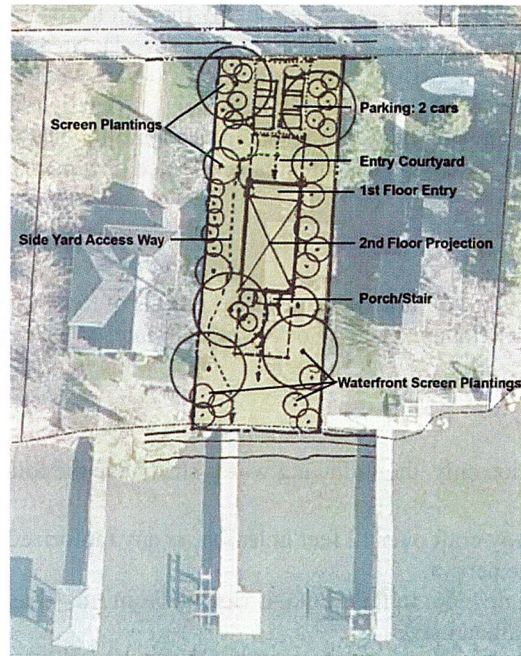
Figure 3A *Infill Concept Designs*

Small Lake Front Parcel Example



Parcel with buildable area

- 7,500 SF lot (50' x 150')
- 30' front/rear and 15' side setbacks
- 1,800 SF buildable area (20' x 90')
- Maximum lot coverage @ 25% = 1,875 SF
- Minimum green space @ 20% = 1,500 SF



Conceptual layout

- Two-story residence with a 880 SF building footprint (700 SF second story)
- 20' x 44' 1st floor and 20' x 35' 2nd floor
- Gross building size of 1,580 SF
- Combination of all impervious areas equates to approximately 1,870 SF (99% of maximum lot coverage)
- Adequate space for waterfront and side yard screen plantings and side yard access

31.4.10 Lakefront Overlay District (LFO)

A. Purpose

The intent of the Lakefront Overlay is to protect the water quality and scenic beauty of Canandaigua Lake as well as the overall design, unique character, and configuration of existing lakefront neighborhoods and properties by regulating the development of lakefront property. Ensuring lake water quality through the design and maintenance of effective stormwater management is a critical element that must be incorporated throughout the overlay area. Where new construction or significant rehabilitations are proposed in the overlay district, the existing density and scale of the overall development should be maintained to ensure compatibility with adjacent properties, public safety is not negatively impacted, and the character of the lakefront is sustained. In general, the design of structures along and with views of the lakefront should reflect the preferred designs included in the Town's Comprehensive Plan, Design Guidelines, or any other municipally-adopted documents. [Gorham, NY](#)

B. Location

The LFO is composed of those portions of all parcels of record with frontage on Canandaigua Lake which lie to the west of the centerline of either County Road 11 or NY State Route 364. [Gorham, NY](#)

C. Definitions

In the LFO District, only, the following words shall have the following meanings: [Gorham, NY](#)

1. **Boat:** Any craft over 12 feet in length, or any motorized craft, designed to be used in the water and capable of carrying at least one person.
2. **Front Lot Line:** In the LFO District the Front Lot Line shall be the line dividing the property from the High Water Mark of Canandaigua Lake.
3. **High Water Mark:** The location where the mean high water level intersects with the shoreline of the adjacent upland parcel.
4. **Mean High Water Level:** The approximate average high water level for a given body of water at a given elevation, determined by reference from survey datum provided by the United States Geological Service (USGS). According to the NYS DEC, the Mean High Water Level is 689.41.
5. **Rear Lot Line:** In the LFO District the Rear Lot Line shall be the line dividing the property from a public highway or private access Right of Way.
6. **Dock:** Any structure or fixed platform built on floats, columns, open timber, piles or similar supports, placed on the waterside of the mean high water mark, and designed to provide access from the shore to Canandaigua Lake.
7. **Lakefront Decks:** Any structure or fixed platform built on floats, columns, open timbers, piles, concrete pad, or other appropriate material placed on the landside of the mean high water mark. Lakefront decks may be connected to docks that are regulated under Chapter 38, Canandaigua Lake Uniform Docks and Moorings Local Law.
8. **Seawall:** A wall designed and constructed to reduce erosion from lake action along the shoreline of Canandaigua Lake. Under this zoning local law, the town can only regulate the appearance, location, and materials used on the landward side of the mean high water mark of Canandaigua Lake. [Gorham, NY](#)

D. Dimensional Requirements

The following dimensional requirements apply to all uses, unless more restrictive requirements are specified in these regulations. [Gorham, NY](#)

- Minimum Lot Area: as specified for the underlying zoning district
- Minimum Frontage: as specified for the underlying zoning district
- Minimum Width: as specified in the underlying zoning district
- Minimum Depth: as specified in the underlying zoning district

Minimum Setbacks from property lines (principal / accessory):

From	Distance
Front (measured from mean high water mark)	30 ft
Rear (opposite front lot line)	30 ft (20 ft for accessory)
Side (principal / accessory ≥ 144 sq ft)	15 ft
Side (accessory < 144 sq ft)	5 ft
Distance from other structures	10 ft

- Maximum Building Height: 35 ft for principal and attached accessory structures; 14 ft for detached accessory structures
- Maximum Lot Coverage: 25%
- Under replacement or substantial reconstruction conditions, full compliance with lot coverage and setback rules is required if $>50\%$ of an existing building's floor area is involved. [Gorham, NY](#)

There are additional special provisions:

- **Seawalls / Breakwalls:** Aesthetic appearance, compatibility, and materials are considered in site plan review. Preference is given to native materials and natural appearance.
- **Exemptions from Site Plan Review:** For replacement structures (accessory or single family) meeting certain criteria (same dimensions, completion within 2 years, minimum separation from property lines and other structures).
- **Multiple Residences on a Lot:** If $>50\%$ of building is reconstructed or expanded, additional residences may have to be removed unless subdivision to conforming lots is feasible.
- **Site Plan Required:** If construction exceeds thresholds defined in this section.
- **Minimum Floor Area:** Year-round single family residences must be at least 950 sq ft (with special rules for nonconforming lots).
- **Shoreline Clearing:** A 25 ft shoreline protection area (inland from high water mark) where vegetation removal or land disturbance is generally prohibited, with a limited "viewing or access corridor" up to 30 ft wide, with restrictions on how much tree height may be removed.