

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
January 17, 2008

PRESENT: Chairman Hoover Mr. Schilbe
 Mr. Ebersol Mr. Blaker

EXCUSED: Mr. Johnson

Chairman Hoover called the meeting to order at 7:30 PM. Mr. Ebersol made a motion to approve the minutes of the December 20, 2007 meeting. Mr. Schilbe seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #08-002, Jeffrey & Elizabeth Fitch, owners of property at 3698 Nibawauka Beach, requests an area variance to build a single family home. Proposed home does not meet the north side yard setback, exceeds lot coverage and cannot exceed 25 feet in height.

Application was required to go to the Ontario County Planning Board. Determined to be a Type II action, which does not require further review under SEQR.

The application was reviewed administratively by Ontario County. The following recommendation was received by Ontario County. **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. **Recommendation for application 10-08 (side setback and lot coverage variances):** Denial.

Board Comments: 1. The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot. 2. The applicant and referring agency are also strongly encouraged to involve (insert agency name here) as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

The applicant is requesting a north side yard variance of 10' for a setback of 4' and lot coverage of 57%.

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

Jeffrey & Sue Fitch were present and presented their application to the board.

Mr. Fitch explained to the board that due to sagging floors, small bathroom, no closets, doors won't shut and mice getting in, they are getting to a point where they have to do something. They are going to need something handicap accessible with a bath and a bedroom on the first floor. They wanted a 30' wide home instead of 28' but decided to come in with what they felt was the minimum that they could get away with and still do the things that they wanted too. They went through every thing with their neighbors and all were in favor of what they wanted to do. They are asking for 4 feet wider than what they have now. They do not understand what is involved in calculating lot coverage.

Chairman Hoover explained the lot coverage and what was involved in calculating the lot coverage. All impervious surfaces are used to calculate the lot coverage, such as blacktop, sidewalks, decks, and breakwalls etc. The Town zoning regulations allow for a maximum of 25% lot coverage. The existing according to the surveyor on this property is 52%, what is being requested is 57% lot coverage.

Chairman Hoover stated that they as a board grant the absolute minimum variances necessary to achieve what the applicant is requesting.

Chairman Hoover asked if they would consider looking at some designs of homes from an architect before a variance is sought to see if the home can be shrunk done some.

Mr. Fitch stated that they are not asking for anything more than what they already have. They are already 5 feet from the property line. They are not going to obstruct any more view with a 28' x 34' home.

Mr. Ebersol suggested that some of the blacktop driveway be removed, leaving it just in front of the garage. This would get the lot coverage down to around 40%.

Chairman Hoover explained that if a variance is granted for the footprint that is being proposed, any decks or porches would have to be within that footprint, they could not be added to the footprint.

Chairman Hoover stated that he would like to see the home narrowed down to at least 26 foot wide.

The rest of the board also felt that they would like to see the home narrowed down to 26 foot wide.

Three letters from neighbors were received stating that they were in favor of the application. These will be kept in the file.

Chairman Hoover adjourned the public hearing to be re-opened on February 21, 2008 at 7:30 PM.

Supervisor Calabrese and Councilmember Lightfoote addressed the board and thanked them for their service and dedication to the Town of Gorham.

Supervisor Calabrese informed the board that the Town is going to be starting work soon on updating the Comprehensive Plan and if anyone is interested in serving on one of the committees to contact Nancy or Sue.

Mr. Ebersol made a motion to adjourn the meeting at 8:25 PM. Mr. Blaker seconded the motion, which carried unanimously.

Chairman Hoover, Chairman

Sue Yarger, Secretary