

MINUTES  
TOWN OF GORHAM ZONING BOARD OF APPEALS  
June 18, 2009

PRESENT: Chairman Hoover            Mr. Johnson  
          Mr. Schilbe                 Mr. Blaker  
          Mrs. Fake                    Mr. Ebersol  
          Mr. Craugh

Chairman Hoover called the meeting to order at 7:30 PM and introduced Fred Lightfoote, Town Board member and Bob Farmer, Planning Board member who were sitting with the public. Mr. Johnson made a motion to approve the minutes of the April 16, 2009, meeting. Mr. Craugh seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #09-024, Denise McKenzie, owner of property at 4202 State Rt. 364, requests an area variance to build a single family home & garage. Proposed single family home does not meet the side yard setbacks, rear yard setback and exceeds the height of 25 feet. The garage does not meet the side yard setbacks and the rear yard setback. Proposed lot coverage exceeds 25%.

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

William McKenzie, & Matthew Rischpater, Architect, were present and presented the application to the board.

Mr. Rischpater stated that they rotated the house, removed a concrete walk, decreased the size of the deck on the front of the house, all the overhangs on the house and garage were decreased to one foot and the size of the garage was decreased to 20' x 24'. They added walkways and a driveway. With rotating the house they were able to make the house compliant with the setbacks on the south side as well as the lake side. The lot coverage is just under 25% at 24.52%.

Mr. Schilbe asked about the height of the house.

Mr. Rischpater stated that they are proposing 27 feet in height. "The issue we have and how we have gotten to this is the site drops about 10 feet. And by not wanting to lower the house, the first floor of the house you have to go down into a bowl. We are going to end up with essentially a full basement space there, either way it is either going to be useable or not useable. So what we decided to do is rather than have a two story massive structure we decided to cut back the second floor and have just a master suite upstairs and take the guest bedroom and put it in the lower level. So part of the lower level will be accessible space."

Mr. Schilbe asked how many course basement it would be.

Mr. Rischpater stated that it will be an 8 foot 10 inches finished floor to finished floor. "We lowered the plate height for the second floor to seven feet."

Mr. Schilbe stated that on the lake side when you come down the lake you are going to be looking at a three story building.

Mr. Rischpater stated on the lake side yes you will see a three story. On the land side you will see a two story and the second story is setback from the first.

Mr. Johnson questioned if they would be closer to 30 feet at the lake side of the building.

Mr. Rischpater stated that yes to the peak of the roof.

Chairman Hoover asked if through their design work were they able to lower it to 25 foot mean height to get under the height variance.

Mr. Rischpater stated no, by doing that we are going to end up having that lower level, "we would either have to take the occupiable rooms down there and put them upstairs and have a massive two story structure. Right now we have one foot overhangs with a 5 in 12 pitch and going anything less than 5 in 12 pitch with one foot overhangs it just does not look good architecturally. We have lowered the plate height though to get it down a little bit more."

Chairman Hoover asked if they have a set of elevations.

Mr. Rischpater presented a set of elevations to the board for their review.

Chairman Hoover stated that they have taken care of one of the issues that they had last time with the lot coverage. "There still is a fair amount of variances. The garage obviously there is not a lot you are going to be able to do to put a garage over there without some sort of a variance. I know one of the concerns last time was trying to achieve that 25 foot height, to stay within that 25 foot height restriction."

Mr. Johnson stated that he assumes that the mean was taken from the north side. "On the south side it appears that it is the same elevation as the front of the building for probably three quarters or better of the house. I personally still have a problem with the height of the house."

Mr. Rischpater stated that they have 78 feet of lake frontage and when they first started designing and first discussed with Gordy, they understood it to be the width of the lot at the lake frontage. They assumed in the initial design that they could be at 30 feet in height. "From the lake side I think it is comparable with other widths of that measure according to the zoning ordinance. That is an issue that I hope you can take into account."

Mr. Schilbe expressed his concern with the amount of development on the lake side portion of the property.

Mr. Freida, Code Enforcement Officer, questioned what the house coverage was. "The zoning states that the coverage on the lake side can be no more than 50%."

Mr. Rischpater stated that they are well under that. They are right around 30% with everything on that side of the lot.

Mr. McKenzie stated that they took the suggestions the board had at the last meeting and tried to address each of them.

"We tried to be compliant as much as we could with what we had. We did lower the height, obviously it is still 24 inches above what you had asked for. Matt already told you how we had started off a year ago with information thinking we had 30 feet and designed a place that was 28 and then things changed somehow and so that was too high last time and so we came down what we thought was a modest amount and get a height to allow the maintenance of the pitch of the roof and put the mechanicals between the floors. So again we tried in good faith to address each of the issues that you raised the last time."

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

Bob Farmer - "I may have the, probably the best view of his house that he is proposing to build and if you stood in my yard you'd see that he is down in a pretty good gully. I do not believe that it would affect the east lake side of his property. I think it is a good plan and do not think the two feet would hurt."

Fred Kless - "I don't see anything wrong with this. I think it would be beneficial to the neighborhood, and I for one support it."

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

After discussing the application and reviewing the questions on the back of the application the following motion was made [attached hereto]: Mr. Schilbe made a motion that the application be denied. Mr. Johnson seconded the motion. Roll Call was read with Schilbe, Johnson, Ebersol, Craugh & Fake voting yes. Hoover voting no. (5-1). Motion carried.

Application #09-073, Gloria J. Montaque, owner of property at 4523 Summit Pky, requests an area variance to build a 14' x 20' woodtex garage. Proposed garage does not meet the north side yard setback.

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

Gloria Montaque & Charlie Montaque were present and presented the application to the board.

Mr. Montaque stated that the proposed garage will be 6 feet from the house not 9 feet as stated on the survey.

Mr. Johnson asked why they could not make it an attached garage eliminating the need for a variance.

Mr. Montaque stated that it is a portable building and there is an egress window from a bedroom on that side of the house.

There were three letters of no objections to the variances proposed received in the Zoning Office. These will be kept in the file.

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

After discussing and reviewing the questions on the back of the application the following motion was made [attached hereto]: Mrs. Fake made a motion to grant a .8' variance for a setback of 9.2' on the north side for the construction of a 14' x 20' garage. Construction is to be completed within a year. Mr. Craugh seconded the motion, which carried unanimously.

Application #09-081, Thomas & Doris Giuliano, owners of property at 3958 State Rt. 364, request an area variance to build a 3-season room. Proposed 3-season room does not meet the north side yard setback.

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

Thomas Giuliano & Dino Kotrides were present and presented the application to the board.

The three season room will be replacing an existing open deck.

Mr. Giuliano stated that to build out more towards the lake would block his neighbor to the north's view from her dining area. He would never do that to her.

Mr. Kotrides stated that they have stayed in line with the house. "Technically speaking we are in violation of the setback. Architecturally speaking we're not going outside of the original lines of the house."

Mr. Kotrides presented a photo on his cell phone of what the view would look like from the neighboring property.

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

A letter was read from Betty Williams the neighbor to the north and will be kept in the file.

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

After discussing and reviewing the questions on the back of the application the following motion was made [attached hereto]: Mr. Schilbe made a motion to grant a 5 foot north side variance for a setback of 10 feet. Construction is to be completed within a year. Mrs. Fake seconded the motion, which carried unanimously.

A motion was made by Mr. Johnson to adjourn the meeting at 8:27PM. Mr. Craugh seconded the motion, which carried unanimously.

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Jerry Hoover, Chairman

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Sue Yarger, Secretary