

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
July 24, 2008

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

EXCUSED: Mr. Craugh

Chairman Hoover called the meeting to order at 7:30 PM. Mr. Johnson made a motion to approve the minutes of the May 15, 2008 meeting. Mr. Ebersol seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #08-137, Thomas & Barbara Meyer, owners of property at 4076 Shoal Water Point, requests an area variance to build a deck on the rear of the house. Proposed deck does not meet the side yard setbacks and exceeds lot coverage.

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 variances requested are a north side yard variance of 4.1 feet for a setback of 10.9 feet and a south side yard variance of 4.8 feet for a setback of 10.2 feet and a lot coverage variance of 10.9% for lot coverage of 35.9%.

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

The Ontario County Planning Board made the following recommendation using the administrative review process: DENIAL with the following 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.

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.

Thomas & Barbara Meyer were present and presented their application to the board.

Chairman Hoover asked if there was any way that they could cut the deck down to decrease the variances needed.

Mr. Meyer stated that if he was to decrease the deck so that it met the side setbacks the railing would be in front of a window. They would like it to be at least 10 feet wide so that they would have room to have furniture and set on the deck.

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]: Mr. Johnson made a motion to grant a variance for an open deck with no permanent covering, granting a north side yard variance of 4.1 feet for a setback of 10.9 feet and a south side yard variance of 4.8 feet for a setback of 10.2 feet and a lot coverage variance of 10.9% for a lot coverage of 35.9%. Mr. Schilbe seconded the motion, which carried unanimously.

MISCELLANEOUS:

Application #08-103, Jeff & Sue Fitch, owners of property at 3698 Nibawauka Beach, requests an area variance to build a single family home. Proposed home exceeds the maximum height of 25 feet. All setbacks and lot coverage variances were previously granted.

Application was not 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 public hearing was held and closed on June 19, 2008. Jeff & Sue Fitch & Mark Muller, Architect was present.

Chairman Hoover asked if the applicant was able to come up with a plan to lower the height of the home.

Mr. Muller explained that they were not able to take the boards suggestion to bring in fill. This would impact the drainage with water draining onto the neighboring property.

Mr. Fitch stated that they do want to be able to have a basement to use as living space and he and his son are over 6 feet.

The board discussed with the applicant several options that would allow a two story home at no more than 25 feet in height, such as lowering the pitch of the roof, lowering the height of the basement walls or only putting in a crawl space.

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 deny the application because there are several options available to keep the home no higher than 25 feet as allowed in the Zoning Local Law. Mr. Blaker seconded the motion, which carried unanimously.

Mr. Johnson made a motion to adjourn the meeting at 8:20 PM. Mr. Ebersol seconded the motion, which carried unanimously.

Jerry Hoover, Chairman

Sue Yarger, Secretary