

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
October 16, 2008

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

Chairman Hoover called the meeting to order at 7:30 PM. Mr. Schilbe made a motion to approve the minutes of the August 21, 2008 meeting. Mr. Ebersol seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #08-221, Ayse D. Lewis applicant for property at 4036 State Rt. 364, requests an area variance to build a garage and residential addition. Proposed garage and addition does not meet the south side yard setback, the rear yard setback 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 south side yard variance of 13.1' for a setback of 1.9' a rear yard variance of 19.5' for a setback of 12.5' for the proposed garage. The proposed exceeds lot coverage by 27% for a lot coverage of 52%.

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 recommendations, findings and comments on the application:

Recommendation for the side setback and lot coverage variances is DENIAL. Recommendation for the rear yard setback is NONE.

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. Increase 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 variances necessary to allow reasonable use of the lot.

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

Gene Laneri, Architect & Ayse Lewis was present and presented the application to the board.

Mr. Laneri stated that Ayse would like to make the home into a year around residence. It is now a one bedroom around 800 to 900 square feet. For a year around residence for Ayse to live in and have her children come and visit, she needs more space. The sewer easement takes up about $\frac{3}{4}$ of the lot, which makes it very difficult to add to the building. Bill Wright at the County Sewer Department has signed off on the additions to the north and south end of the building. They would like to increase the square footage to get another two bedrooms upstairs. When finished it will be around 1600 to 1700 square feet. The existing framed garage Ayse would like to make into her studio. They would like to add a two car garage to the east side of the property attached to the house. The height of the house will meet all the height requirements. The lot coverage existing is approximately 43%. The proposed additions will bring the lot coverage to 52%.

Chairman Hoover asked if this was a recent purchase.

Mr. Laneri stated yes, last week.

Chairman Hoover stated that it was purchased as a seasonal cottage. "For reasonable use to convert it into a year around home I am struggling with increasing the lot coverage to 52%, which is over double of what we allow, immediately after the

purchase of the property, when it was knowingly purchased as a seasonal cottage."

Chairman Hoover asked if removing the existing frame garage was out of the question.

Ms. Lewis stated that that was out of the question.

Mr. Freida explained that the sewer easement does not get included into the lot coverage calculation.

In increasing the proposed additions over the sewer easements as allowed by the County Sewer Department the proposed lot coverage would be increased from 52%.

Mr. Laneri stated that the proposed would be two stories including over part of the garage.

Mr. Laneri stated that in the neighborhood there are houses existing that are pretty large and come towards the road quite a bit. "It will not be out of character. In a practical sense the price of these places that are going on the lake are kind of limiting the usage of it as a cottage. It is pretty tough, unless you are a millionaire to pay that kind of money for a cottage and keep it as a cottage."

Chairman Hoover asked what percentage of the proposed garage would be two stories.

Mr. Laneri stated about 25%.

Mrs. Fake asked if they could make it a full two stories and put the studio up there.

Ms. Lewis stated that that would be too difficult.

Mr. Freida stated that the State of New York Department of Transportation likes to see at least a 16 foot setback from the garage to the road right of way. This is for safety in backing out of a driveway onto State Rt. 364.

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

Rebecca Scamurra neighboring property owner questioned how close to the lot line the additions would be to the adjacent properties.

Chairman Hoover invited her up to the table to look at the plan.

A letter that was received in the Zoning Office from the Becue Family was read 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. Johnson made a motion to deny the application as presented.

Mr. Blaker seconded the motion, which carried unanimously.

Application #08-223, Judith Blazey, owner of property at 3708 Nibawauka Beach, requests an area variance to build a 16'2" x 17' seconded story addition and a 12' x 14'8" ground floor addition. Proposed addition does not meet the north side yard setback 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 SEQOR.

The variances requested are a north side yard variance of 13.8' for a setback of 1.2' and exceeds lot coverage by 17.1% to 42.1%.

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 recommendations, findings and comments on the application:

Recommendation for the side setback and lot coverage variances is DENIAL.

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. Increase 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 variances necessary to allow reasonable use of the lot.

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

Randall Peacock, Architect was present and presented the application to the board.

Mr. Peacock stated that they would like to add to a bedroom and add a bathroom on the second floor. The addition on the first floor would be used for storage space, utility room and a small foyer. The present lot coverage is 40.9% and with the additions the lot coverage would go up 1.2% to 42.1%. The additions will not change any views for the neighboring properties.

Chairman Hoover asked if something on the property could be eliminated, such as some of the asphalt to decrease the lot coverage.

Mr. Peacock stated that they really do not want to eliminate the asphalt. They use it for parking and their neighbors also use the asphalt area for parking.

Chairman Hoover stated that the area on the side of the garage has a substantial amount of asphalt if removed could reduce the lot coverage to less than the existing lot coverage.

Mr. Peacock stated that they may be able to remove a little of the asphalt to keep it at the 40.9% lot coverage.

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. Blaker made a motion to grant a north side yard variance of 13.8 feet for a setback of 1.2 feet. The lot coverage is to be at a maximum of 40.9%. Mr. Ebersol seconded the motion, which carried unanimously.

Application #08-225, James E. McGhee III, owner of property at 4816 County Road 11, requests an area variance to build a deck addition. Proposed addition does not meet the front yard setback, the south side yard setback 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 SEQOR.

The variances requested are a front yard variance of 28' for a setback of 2 feet and a south side yard variance of 9.8'

for a setback of 5.2' and exceeds lot coverage by 15.4% for a lot coverage of 40.4%.

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 recommendations, findings and comments on the application:

Recommendation for the side setback and lot coverage variances is DENIAL.

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. Increase 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 variances necessary to allow reasonable use of the lot.

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

James McGhee was present and presented his application to the board.

Mr. McGhee stated that the existing deck is on the breakwall, which makes for a good footing. The proposed deck addition will also be built on the breakwall.

Chairman Hoover asked if there was anything, such as the driveway that could be eliminated to decrease the lot coverage.

Mr. McGhee stated that he possibly could shorten the driveway some.

Chairman Hoover stated that if the driveway was to be shortened by about 9 feet and plant grass the increase in lot coverage could be eliminated.

Mr. McGhee stated that he would be willing to find a way to keep his lot coverage as it is presently.

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 front yard variance of 28 feet for a setback of 2 feet, a south side yard variance of 9.8 feet for a setback of 5.2 feet the lot coverage is to remain the same as currently. A document needs to be presented to the Zoning Office showing the existing lot coverage before a building permit is issued. An as built needs to be presented to the Zoning Office after the deck is completed showing the lot coverage the same as the existing. Mr. Blaker seconded the motion, which carried unanimously.

The meeting was adjourned at 8:52 PM.

Jerry Hoover, Chairman

Sue Yarger, Secretary