

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
November 15, 2007

PRESENT: Chairman Hoover Mr. Schilbe
 Mr. Lewis Mr. Johnson
 Mr. Conley

EXCUSED: Mr. Ebersol Mr. Blaker

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

PUBLIC HEARING:

Application #07-222, Mark & Elizabeth Walker, owners of
property at 3754 Meadowview Drive, requests an area variance to
build a single family home. Proposed home 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 Type II action, which does not
require further review under SEQR.

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

The applicant is requesting a north side yard variance of
8.2' for a 6.8' setback and a lot coverage variance of 29%.

The County Planning Board made 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. It is the position of the Board that the
legislative
bodies of lakefront communities have enacted
setbacks and limits on lot coverage that allow
reasonable use of lakefront properties.
5. Runoff from lakefront development is more likely to

impact water quality.

6. Protection of community character, as it relates to tourism, is a goal of the CPB.

7. It is the position of the 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 from the CPB in the application is Denial (OCPB Policy AR-5, Part B), with the following board comments:

1. The Town is encouraged to first look at the overall concept of the proposal and decide if it represents a reasonable level of development for what appears to be a substandard lot.
2. The ZBA's decision regarding lot coverage should also factor in details of site development such as roof overhangs, walkways and other impervious surfaces.

Mark & Elizabeth Walker and Gerry Colf, Colf Brothers Construction, were present and presented the application to the board.

The footprint of the proposed home is smaller than the footprint of the existing home.

Mr. Colf stated that the entire concrete surface that is listed on the survey map is going to be removed during construction. They are 545 sq. ft. over on lot coverage. They will be removing approximately 700 sq. ft., which will eliminate the variance request for lot coverage.

The lot coverage will then be around 23%.

Chairman Hoover asked if they have looked at plans that would allow them to go narrower with the house.

Mrs. Walker stated that she has looked at plans for the last two years. In keeping with the concept of the lake she has chosen a very modest cottage looking home.

Mrs. Walker presented a rendering of the proposed new home to the board.

The porch is drawn wrong on the survey and needs to be flipped so that it is on the front (lakeside).

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

Scott Biesaart, neighbor to the north stated that he had no problems with the application. This will be a nice addition.

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

After reviewing the back of the application the following motion was made [attached hereto]: Mr. Schilbe made a motion to grant a north side yard variance of 8.2' for a setback of 6.8' to the overhang. 700 sq. ft. of concrete is to be removed to make the lot coverage at 25% or less. The porch is on the lake side. Construction must be started within a year. Mr. Conley seconded the motion, which carried unanimously.

Chairman Hoover made a response to the Ontario County Planning Board that the Zoning Board of Appeals has made a decision to reverse the County's recommendation based on the fact the applicant has agreed to remove 700 sq. ft. of concrete surface to meet the Towns lot coverage requirement of 25% or less.

Mr. Johnson made a motion to adjourn the meeting at 8:15 PM. Chairman Hoover seconded the motion, which carried unanimously.

Chairman Hoover, Chairman

Sue Yarger, Secretary