

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
November 19, 2009

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

Chairman Hoover called the meeting to order at 7:30 PM. Mr. Schilbe made a motion to approve the minutes of the October 15, 2009, meeting. Mrs. Fake seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #09-166, Patrick & Donna LaVeck, owners of property at 5008 Co Rd 11, requests an area variance to raise the roof of home on the east side. Proposed project does not meet the north side yard setback, and exceeds the height requirement.

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

Applicant has contacted the Zoning Office and withdrawn his application.

Application #09-188, Mary Colleen Wilmot, owner of property at 4096 State Rt. 364, requests an area variance to build porch additions and residential additions. Proposed additions do not meet the front yard setback & south side yard setback.

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

The application was required to be referred to the Ontario County Planning Board. The Ontario County Planning Board made the following comments:

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.

Final recommendation for CPB referral 170-09, which applies to the side and lake setback variance requests: Denial (OCPB Policy AR-5, part B)

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 strongly encouraged to address, as early in the review process, proper design and implementation of storm water and erosion control measures.

John Sigrist, Architect, was present and presented the application to the board.

Mr. Sigrist stated that they plan on withdrawing the side yard variance request. The adjoining property, which is 16 feet wide, is owned by Ms. Wilmot. She is willing to split the lot in half and merge it with the proposed parcel and the next southerly parcel, which is also owned by Ms. Wilmot. The proposed additions will then meet the side yard setback.

The decking where the addition is being proposed will be removed.

Mr. Schilbe questioned if the existing deck is staying in front of the new addition.

Mr. Sigrist stated that they are proposing to keep all of the existing deck except where the new addition is being proposed.

The plan will need to be corrected to reflect the existing deck that will remain.

Mr. Johnson stated that he would like to see the merge of the 8 feet to this parcel before they entertain any variance approvals.

Mr. Schilbe stated that he would also like to see the lot coverage calculations on the plan.

Mr. Ebersol stated that he does not believe that the outline of the house on the plan is correct. Part of the footprint of the house on the north side has been eliminated from the plan and will need to be added to the plan.

Chairman Hoover stated that what the board wants from the applicant before they consider granting any variances is to make sure the lot coverage is less than 25%, confirm the footprint of the house and an application to the Planning Board to merge the 8 feet from the adjoining property to the proposed property eliminating the side yard variance.

Mr. Sigrist asked if there is just the one variance that they need does the application still have to go to the County Planning Board and need a super majority from the Town Zoning Board of Appeals.

Gordon Freida stated that he will check with the County but is sure that if it is just one variance there is no County referral.

Chairman Hoover asked if there were any comments from the public. Hearing none, the public hearing was adjourned to be re-opened on December 17, 2009, at 7:30 PM in the Gorham Town Hall.

Mr. Schilbe made a motion to adjourn the meeting at 8:00PM. Mr. Ebersol seconded the motion, which carried unanimously.

Jerry Hoover, Chairman

Sue Yarger, Secretary