

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
June 21, 2007

PRESENT: Mr. Johnson Mr. Schilbe
 Mr. Lewis Mr. Ebersol

EXCUSED: Chairman Hoover Mr. Conley

ABSENT: Mr. Blaker

Mr. Johnson called the meeting to order at 7:30 PM.

Jack Schilbe made a motion to approve the minutes of the May 17, 2007, meeting. Mr. Ebersol seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #07-070, Margaret Henry owner of property at 5233 Twitchell Road, requests an area variance for road frontage for animal husbandry. Proposed lot does not meet the 300 feet road frontage for animal husbandry.

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 SEQOR.

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

The applicant is requesting a 8.15' road frontage variance.

Robert Rosenberg & Ms. Rhyner, representing Margaret Henry, were present and presented the application to the board.

Mr. Rosenberg stated that they will be clearing a small portion of the woods to make room for a paddock for the horses. They will probably have two horses.

Mr. Freida stated that for animal husbandry a parcel needs to have 300' of road frontage and a minimum of 3 acres. They are allowed 1 large animal per acre, taking 1 acre out for the house and buildings they would be allowed 5 horses.

When they get ready to take out some trees they can contact Mr. Frieda, Zoning Officer to see if they need a timber harvesting permit.

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

Mr. Freida stated that he did get a call from a couple of the neighbors and they did not have a problem with the application.

After reviewing the back of the application the following motion was made [attached hereto]. Mr. Lewis made a motion to grant a 8.15' road frontage variance with the following conditions: 1. The variance is for Robert Rosenberg and Ms. Rhyner only. 2. The variance is for only 3 horses. 3. The paddock size is to be a minimum of 1 acre. 4. The horses are to be there within a year from this date or the variance is null and void. Mr. Schilbe seconded the motion, which carried unanimously.

Application #07-071, Judith Smith, owner of property at 3702 Nibawauka Beach, request an area variance to build a single family home with an attached garage. Proposed single family home with attached garage does not meet the side yard setbacks, rear 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 SEQOR.

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

The applicant is requesting a north side variance of 3 feet, a south side variance of 5 feet, a rear yard variance of 11.5 feet and a lot coverage variance of 36.34%.

The Ontario County Planning Board made the following comment: The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

Marty Fredricksen, Architect and Judith Smith were present and presented the application to the board.

Mr. Johnson advised the applicant that there are only 4 members and they would need a unanimous vote for the variance to be granted, or they could postpone the application for a month.

Mr. Lewis stated that he would like to go on record saying "that the way that I feel and the way that I voted in the past with the area variances on the lake, any thing over a couple of percentage places is extremely excess so therefore, that is how I feel. I can not speak for other members of the board, so right away you have a problem tonight. I am wondering if we shouldn't postpone this and do most of the testimony at the next meeting so that the other three people could be here and hear your reasons for all of this. That is just the way I feel."

After a brief discussion the applicant decided to postpone the public hearing until next month.

Mr. Johnson asked if there were any comments from the public.

Rick Herman stated that he has no problem with the plan as submitted and would like to go on record the he does support this effort.

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Hearing no other comments Mr. Johnson adjourned the public hearing to be re-opened at 7:30PM on July 19, 2007.

Mr. Schilbe made a motion to adjourn the meeting at 7:58 PM. Mr. Lewis seconded the motion, which carried unanimously.

William Johnson, Vice-Chairman

Sue Yarger, Secretary