

MINUTES  
TOWN OF GORHAM ZONING BOARD OF APPEALS  
July 15, 2010

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

EXCUSED: Mr. Schilbe

Chairman Hoover called the meeting to order at 7:30 PM. Mr. Johnson made a motion to approve the minutes of the June 17, 2010, meeting. Mr. Craugh seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #10-086, Donald Reeve, owner of property at 4872 County Rd 11, requests an area variance build a single family home. Proposed home exceeds the maximum allowed lot coverage of 25%. Applicant is requesting 42.5% lot coverage.

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

Donald Reeve, Diane Reeve and Todd Longwell, contractor was present and presented the application to the board.

Mr. Longwell stated that the home will be single story in the way it will be profiled. "However, there is living area up within the confines of the attic or what have you. The idea was to try to maintain a lower profile overall verses taking what was there and adding another story on top."

The new home will have a full unfinished walk out basement.

Mr. Reeve stated that before they hired Mr. Longwell they took a close look to see if they could do anything with the existing home. When they had the existing home inspected part of the basement wall was cracked. If they remodeled they wanted a structure that was really sound. Their main goal is to have a first floor master bedroom.

The existing lot coverage on the parcel today is 39%.

Mr. Johnson questioned if the rip-rap area was included in the impervious lot coverage. If this has not been added the lot coverage being requested will be more than 42.5% lot coverage.

Gordy Freida, Code Enforcement Officer read from the Town of Gorham Zoning Law what is included in the lot coverage calculations.

Mr. Johnson stated that he believes a percentage of the rip-rap should be included in the lot coverage calculations. He agrees that it is not 100% impervious. He still believes a great percent of it would be impervious.

Mr. Longwell stated that the rip-rap area was not calculated in the existing lot coverage.

Chairman Hoover expressed his concern with the fact the existing house and garage are 1506 square feet and with the proposal the lot coverage is increasing by 3.5%. "A large portion of that was driveway which is a flat surface virtually unseen and turning 1300 square foot more into two and half story house arguably, 3 stories at the lake. I'm concerned about the amount of development on this lot. Generally speaking when somebody tears down a house and builds new we really are hoping that you give consideration of making the lot more conforming then what it is today. Obviously you are making it more conforming by taking the garage off the property line. The house meets all setbacks, but to increase the lot coverage by 3.5% when it is already 14% over developed, under today's standards is a concern to me."

Chairman Hoover asked if they have given any thought to shrinking the project down to where it is more conforming than what the current situation is.

Mr. Reeve stated that they did not consider anything less than 39%, because that is what they have today. "It doesn't mean we can't compromise."

Mr. Johnson expressed that he thinks the lot coverage has got to be less.

Mrs. Fake also expressed her concerns with increasing the lot coverage.

Chairman Hoover suggested that they use green pavers for the driveway instead of asphalt to allow for a 30% reduction in lot coverage.

It was suggested that they use the green pavers for the sidewalks as well to decrease the lot coverage.

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

Ron Behan, neighboring property owner, stated that they have been there since 1972. "Don and Diane have been great neighbors. Anything that they have done they have done first class. Our concern is the swale that borders both of our properties. The swale hasn't been touched in a number of years.

Ontario County probably did a little work up towards the road about 6 years ago. Back in the mid 80's we talked about getting

a 48" pipe and digging it all up. When the people came down from the County they said it was the worst idea in the world, if it ever floods up we are going to come in dig it up. On our side, if you look we are lower than the Reeves so everything that comes, comes that way. Our concern is the retaining walls up by the road and along the south side. If you look at the direction of the flow of

water, I was very concerned with the asphalt driveway. I can see that water coming down going right over the driveway right into

the swale. Great idea green pavers or whatever. Are they piping in or are they doing seepage pits? I've got pictures of the drainage. It is all washed out. I think the goal is not to put more water in the ditch; it's to put less water in the ditch. These last two weeks we have had heavy rains if you look out there is a brown spot that looks like the Genesee River. We want them to have their house built we're just concerned that more water in the ditch is going to effect our property. I am looking for someone to address the drainage."

Chairman Hoover explained that the Planning Board will be addressing the drainage during the site plan review process.

Mr. Reeve stated that they are willing to do what ever it takes to make the drainage appropriate.

Chairman Hoover asked if they could move the house to the north on the lot to have more room on the south.

Mr. Reeve stated that he would like to save the 150 year old twin oak.

Chairman Hoover asked if there were any more questions 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 approve the application with the stipulation that the hard surfaces get down to 37% lot coverage at a maximum, which includes our discussion with semi impervious materials for the driveway and the walkways. Mr. Blaker seconded the motion, which carried unanimously.

#### MISCELLANEOUS:

Application #10-066, David & Kathleen Buschner, owners of property at 3976 State Rt. 364, requests an area variance to erect a 6 foot fence. Proposed fence does not meet the maximum height of 4 feet.

Mr. Buschner presented to the board with some pictures showing what the fence would look like at a 6 foot level with one foot of lattice and two foot of lattice.

After discussing the application the following motion was made [attached hereto]: Mr. Johnson made a motion to approve the application for a 4 foot solid fence with 2 foot on top with at least 50% open for a total of 6 foot. The fence is not to pass the lake face and road side of the house. The fence is to only be on the north side. Mr. Blaker seconded the motion. Roll call was read with Johnson, Blaker, Hoover & Fake voting yes and Ebersol & Craugh voting no. Motion passed 4-2.

Mrs. Fake made a motion to adjourn the meeting at 8:32PM. Mr. Ebersol seconded the motion, which carried unanimously.

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Jerry Hoover, Chairman

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Sue Yarger, Secretary