

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
August 16, 2007

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

Chairman Hoover called the meeting to order at 7:30 PM.

Mr. Ebersol made a motion to approve the minutes of the July 23, 2007, meeting. Mr. Conley seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #07-126, Daniel & Susan Lang, owners of property at 4784 County Rd. 11 requests an area variance to build a small addition. Proposed addition does not meet the rear yard setback and the side yard setback.

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 rear yard variance of 27.9' for a 2.1' setback and a side yard variance of 6' for a 9' setback.

The Ontario County Planning Board made the following recommendation: For the rear yard variance they had no comments. For the side yard variance the following findings and recommendation was made. 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 the 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 the side setback): Denial.

Daniel & Susan Lang & Greg Mancine, contractor, were present and presented the application to the board.

Mrs. Lang stated they want to add egress windows and make it so that they do not bump their head when they are going up the steps.

Chairman Hoover stated that the proposed request is not adding much to the footprint of the building. He understands what the County is saying. He expressed his concern with the incremental additions and the looks of the building being so close to the road and the lot becoming so over developed.

Chairman Hoover asked the applicants if they had any plans of putting the addition on the front that received a variance on June 16, 2005. If they did not have plans to build the addition on the front would they consider relinquishing the variance from the property?

Mrs. Lang stated that it is more important to them to get what is being proposed. It is a safety thing as far as getting windows in for egress. "I would like to have some kind of roof over the deck like a screened in type of porch not so much as an addition."

Chairman Hoover stated that that would still fall under the variance procedure.

Mr. Conley asked if they would give up the other variance.

Mrs. Lang stated if they could keep the variance that was previously granted fine but it is more important that we do what is being proposed. "If this is what you would prefer than we would defiantly."

Mr. Ebersol asked what the house would look like.

Mr. Mancine stated the roof would be a peaked roof. The roof line will look the same on both sides peaked in the middle.

Letters that were received in the Town Zoning Office from Michael & Linda Roche, Robert & Kathryn Baxter and Larry & Rhonda Jones were read and will be kept in the file.

Chairman Hoover asked if there any 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. Lewis made a motion to grant a 27.9' variance for a 2.1' setback on the rear yard and a 6' variance for a 9' setback on the side yard based on the Lang's voluntarily relinquishing the variance 05-093 for an addition on the front of the property that was granted on June 15, 2005. The new proposed addition will stay within the current footprint of the home. The proposed addition is to be started within 6 months and completed within one year or the variance granted becomes null and void. Mr. Schilbe seconded the motion, which carried unanimously.

Chairman Hoover made a motion in response to the County Planning Board that the Town of Gorham Zoning Board of Appeals overrode their decision to deny the side yard setback variance on the bases that the applicant voluntarily relinquished two existing variances for an addition that went beyond the limits of the current house and based on that we allowed the incremental variance to go up on the existing structure to stay within the limits of the house. Mr. Johnson seconded the motion, which carried unanimously.

Chairman Hoover made a motion to adjourn the meeting at 8:05 PM. Mr. Johnson seconded the motion, which carried unanimously.

Chairman Hoover, Chairman

Sue Yarger, Secretary