

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
October 21, 2021

PRESENT: Chairman Bentley Mr. Bishop
 Mr. Lonsberry Mr. Amato
 Mr. Goodwin-Alternate Mr. Coriddi

EXCUSED: Mrs. Oliver Mr. Morris

Chairman Bentley called the meeting to order at 7:00 PM and explained the process. Mr. Goodwin will participate and vote on all applications tonight. Mr. Amato made a motion to approve the September 16, 2021, minutes as presented. Mr. Bishop seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #21-144, Gregory & Nancy Gula, owners of property at 5096 County Road 11, requests an area variance to build a single family home. Proposed home does not meet the north and south side yard setbacks, the front yard setback, exceeds lot coverage, and exceeds the height of 26 feet. Public Hearing 8:00PM to 8:15PM.

Chairman Bentley re-opened the public hearing and the notice as it appeared in the official newspaper of the Town was read.

The application was referred to the Ontario County Planning Board.

The Ontario County Planning Board determined the application to be a Class 2. The Ontario 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. 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.

The County Planning Board made the following comments: 1. The referring board 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 involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

CLCSD Comments - Utility site plans need to be supplied to the District for review. Renovation permit will be required.

Final Recommendation: Denial.

Rocco Venezia, Surveyor and Gregory Gula was present and presented the application to the board.

Mr. Venezia stated that they have slid the house back away from the lake, so they now meet the setback from the lake. The side setbacks are the same as on the existing home. The lot coverage is going down from existing about 5%.

Mr. Amato asked if the deck shown on the south side is existing and is it staying.

Mr. Gula stated that it is existing and will probably be repaired being at 5' from the property line.

Mr. Lonsberry asked if they have reviewed the height to see if it is possible to lower the height to meet the 26 feet.

Mr. Venezia stated that the only way to get down to 26 feet is to change the architecture of the home. They can't do it based on the outside elevations.

Mr. Lonsberry felt that there is a number of ways the height could be reduced.

Mr. Gula stated that at this height he is still 10 to 15 feet lower than most of the homes around him. They are only using 8 foot ceilings and the minimum of a 4 in 12 pitch roof.

Mr. Lonsberry explained that he has a problem with exceeding 26 feet in height.

Mr. Gula stated that they can look up and down in the whole neighborhood.

Chairman Bentley explained that the board is focused on the property that is presented.

Mr. Amato asked if they had elevations of the new home.

Mr. Gula presented the elevations to the board.

Mr. Amato asked if they are having a full walkout basement.

Mr. Gula stated yes that is being proposed.

Mr. Amato questioned a porch that is shown on the elevations and asked if it was included on the plan and in the lot coverage.

This porch was discussed and was pointed out on the site plan and was shown that it is shown in the lot coverage calculation.

Mr. Amato stated that if his numbers are correct the home will be about 4000 square feet.

Mr. Gula stated no. The square footage will be 2100 square feet.

Mr. Amato asked including the walkout basement, three stories.

Mr. Gula stated that the basement is just going to be a basement.

Mr. Venezia stated that the footprint of the home is 1601 square feet. Two stories high with a basement.

Chairman Bentley stated that if it is going to be truly a basement there is room to make that a basement and get within the height requirement.

Mr. Amato stated that he agrees with Chairman Bentley. But he also is concerned with all the variances that they are requesting to get a house that is about 4000 square feet.

Mr. Venezia asked what was wrong with a 4000 square foot house. Is it against the code.

Mr. Amato stated no but you're asking for a lot of variances to get this size of a home.

Mr. Gula stated that is what he has today. He believes he is giving up from what he has today other than 11 inches in height.

Chairman Bentley stated that he would like to clarify. "You are not giving up anything."

Mr. Gula stated, "what I have today."

Chairman Bentley stated "then keep what you have. Don't come in here and try to start a storm. We're trying to help you to get you where you need to be. I'm going to work with you but you're not going to come in here and start a storm. If you're not going to get what you want and present yourself like you did last month I'm not having it. Sir am I clear?"

Mr. Gula stated, "yes you are."

Chairman Bentley stated, "thank you."

Mr. Venezia stated that "there is no attitude on his side. But what he is trying to say is that he is not giving up anything. Your law doesn't say it but the precedent in the Town of Gorham is if I come in below the lot coverage that I have right now, and my side setbacks are identical or less you have granted that variance."

Chairman Bentley explained that each application is on its very own accord. "You're asking for a lot of variances. I can tell you one time in the last nine years that we granted a height variance."

Mr. Venezia stated let's talk about the height. He does think there are some things they can do with basement and the architecture of the house to lower it. He would like to appeal to the board that if they could drop the height and stay within that code that the other three variance are a reasonable request.

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

After discussing the application and reviewing the questions on the back of the application the following motion [attached hereto] was made: Mr. Amato made a motion to grant a 6.5 foot variance for a setback of 8.5 feet on the north side. Grant a 7 foot variance for a setback of 8 feet on the south side for a distance of 28.1 feet for the deck. Grant a 5 foot variance for a 10 foot setback on the south for the house along the 28.5 foot long section not to extend the full length of the house. Grant a 43% lot coverage. Mr. Coriddi second the motion, which carried unanimously.

MISCELLANEOUS:

Application #21-143, Terrance Neary, owner of property at 3974 State Rt. 364, requests an area variance to build a two story single family home. Proposed home does not meet the north side yard setback, the rear yard setback and exceeds lot coverage.

The public hearing was held and closed on September 16, 2021.

The application was referred to the Ontario County Planning Board.

The Ontario County Planning Board determined the application to be a Class 2. The Ontario 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. 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.

The County Planning Board made the following comments: 1. The referring board is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot. 2. The applicant and referring agency should consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials. 3. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of stormwater and erosion control measures.

CLCSD Comments - Utility site plans need to be supplied to the District for review. Renovation permit will be required.

Final Recommendation: Denial.

Terrence Neary, Brendon Gooding and Tim McKenna were present and presented a revised site plan to the board.

Chairman Bentley asked Mr. Philipponne to remind the board of his concerns with the application from last month.

Mr. Philipponne stated that they were informed that the house was moved 8 feet from its original submittal and also they had a concern with the north side of the structure not being any closer than it is today.

Mr. Gooding stated that the reason that they have moved the garage further to the north is so that they have enough driveway space to park vehicles and turn around.

Chairman Bentley asked if there was a way to come directly into the garage from State Rt. 364. He explained for safety reasons he does not like the current proposal.

Mr. Neary explained that the wall at the road is 2 ½ to 3 feet high so the drive would have to be filled in and leveled.

Chairman Bentley expressed his concern with the safety of the driveway and going out onto State Rt. 364.

Mr. Neary stated that they have done the best that they could to stay on the existing footprint except with the portion of the garage on the north side.

Mr. Coriddi expressed his concern with the setback to the north lot line.

Mr. Neary stated that if they move the home to the south they would be blocking the view of the neighbor across State Rt. 364.

Mr. Lonsberry asked if they could do something about the 4.1 foot setback on the north side.

Mr. Amato stated that he has to agree he is not happy with the 4.1 foot from the property line.

Chairman Bentley asked if the garage could be bumped to the south and move the driveway to the south.

There was discussion moving the garage and the driveway 2 feet to the south.

After discussing the application and reviewing the questions on the back of the application the following motion [attached hereto] was made: Chairman Bentley made a motion to grant a 17.1% variance for a 42.1% lot coverage. A 6.5' variance for a setback of 8.5' on the northwest corner. A 8.9' variance for a 6.1' setback for the entire length of the garage on the north side. Both sheds are to be removed. A 2.2' variance for a 27.8' rear yard setback. Mr. Bishop seconded the motion, which carried unanimously.

Chairman Bentley made a motion to adjourn the meeting at 7:55PM. Mr. Lonsberry seconded the motion, which carried unanimously.

Michael Bentley, Chairman

Sue Yarger, Secretary