

MINUTES  
TOWN OF GORHAM ZONING BOARD OF APPEALS  
February 16, 2017

PRESENT: Chairman Hoover            Mr. Airth  
          Mrs. Oliver                    Mr. Johnson  
          Mr. Amato                        Ms. Hoover-Alternate

EXCUSED: Mr. Bentley

Chairman Hoover called the meeting to order at 7:30 PM. Ms. Hoover-Alternate will participate and vote on all applications. Mr. Amato made a motion to approve the minutes of the January 19, 2017 meeting. Mr. Johnson seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #17-007, Ashley Isliker owner of property at 3674 Nibawauka Bch, requests an area variance to build a garage. Proposed garage does not meet the north side yard setback and the rear yard setback.

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

The application did go to Ontario County Planning Board. The 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.

**Final Recommendation: Denial**

Chairman Hoover explained that since the County Planning Board recommended denial they would need to approve the application with a majority plus one of the board. The ZBA is a 7 member board and would need at least 5 members present to carry a motion for approval.

Carmen Torchia, from Torchia Structural Engineering & Design P.C. and Teresa Winship, representing the Islikers were present and presented the application to the board.

Mr. Torchia stated that their clients would like to replace a small garage with a bigger garage. They plan on building it in the same location as the existing garage. The materials will match the house.

Chairman Hoover expressed his concern with the garage only setting 10 feet off of the right of way. A car parking in front of the garage will be sticking out into the right of way. He asked if there was a possibility that the garage could move further to the west to get it off of the right of way. He would like to see a minimum of 16 to 18 feet off of the right of way. He would like to see the garage moved at least 2 more feet off of the north side lot line.

Mr. Torchia and Ms. Winship stated that they don't think they can move the garage to much farther off the side lot line because they are trying to save the maple tree in that area.

Mr. Johnson expressed his concern with the setback on the north side. He feels it should be moved at least two feet if not more. He feels that it should be moved over at least 4 feet more.

Ms. Hoover expressed that if they could move the garage so that it is 18 feet off the right a way she does not have a problem with it being 2 feet off of the side yard.

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

Letters that were received in the Zoning Office from two of the neighbors stating their support of the project was read. They will be kept in the file.

Hearing no more comments from the public Chairman Hoover closed the public hearing. The decision on the application was adjourned until March 16, 2017, so the engineer and architect can meet with their clients to see if any changes can be made on the application.

## MISCELLANEOUS:

Application #16-165, David & Denise Pontillo owners of property at 3848 Cove Content, requests an area variance to build a single family home and detached garage. Proposed home does not meet the north and south side yard setback and the front and rear yard setback.

Rocco Venezia, Surveyor, and Richard Krapf, Architect, was present and presented the application to the board.

Mr. Venezia stated that they have reduced the footprint to move the garage 14.8' from the right of way.

The original application was 11.2' from the right of way now the proposal is 14.8' so it has been moved back about 3.5'.

Mr. Amato asked if they achieved this by pushing the house back some.

Mr. Krapf stated that they reduced the size of the house and the size of the garage.

Mr. Amato asked if there were any elevations of the new home.

Mr. Krapf presented the elevations of the home for the board to review.

An e-mail that was received from the northern neighbor was read. This will be kept in the file.

Mr. Amato expressed his concern with the home going from a single story to a two story on a small lot.

Ms. Hoover asked if it was within the height allowed.

Mr. Krapf stated that the home is within the height allowed. It is actually slightly less.

Mr. Johnson stated that he still has a concern with the rear setback of 14.8'.

Chairman Hoover asked if they could decrease the footprint enough to get 15' to the overhang and 16' to the face of the wall for the rear setback.

Mr. Krapf stated that he believes he can do this.

Mr. Venezia asked if they could move the house 4" closer to the lake to achieve the 15' setback on the rear. This would make it much easier for the architect.

Mr. Johnson stated that he did not have a problem with that.

After discussing the application and the questions on the back of the application the following motion was made: Mr. Johnson made a motion to grant a 4.6' front yard variance for a 25.4' setback, 14.8' rear yard variance for a 15.2' setback, 6.9' variance on the north side for a 8.1' setback and a 6.6' variance on the south side for a 8.4' setback. Ms. Hoover seconded the motion. Roll Call was read. Johnson, E. Hoover, Oliver, J. Hoover voted AYE. Airth & Amato voted NAY. (4-2). Motion did not carry.

Mr. Johnson made a motion to deny the application. Aaron seconded the motion. Roll Call was read. Airth & Amato voted AYE. Johnson, Oliver, J. Hoover & E. Hoover voted NAY. (2-4). Motion did not carry.

This application will be discussed again next month on March 16, 2017.

Mr. Airth made a motion to adjourn the meeting at 8:26PM. Ms. Hoover seconded the motion, which carried unanimously.

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Jerry Hoover, Chairman

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Sue Yarger, Secretary