

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
March 23, 2017

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

EXCUSED: Mr. Amato

Chairman Hoover called the meeting to order at 7:30 PM. Ms. Hoover-Alternate will participate and vote on all applications. Mr. Johnson made a motion to approve the minutes of the February 16, 2017 meeting. Mr. Airth seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #17-015, Stephen P. Cassidy, owner of property at 5398 County Road 11, requests an area variance to build 30 x 40 pole barn style garage. Proposed garage exceeds the maximum height of 14 feet.

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

Stephen Cassidy and Randy Peacock, Architect was present and presented the application to the board.

Mr. Peacock stated that they want to build a 30' x 40' garage tall enough to put a boat that is a little less than 9 feet tall so they need a 10 foot door plus another 12 inches for the garage door opening above that. The garage height will be 15.6'. There was a pad that was put in by the previous owner that they would like to use. It will set below the road a good 6 to 8 feet.

Chairman Hoover 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 was made [attached hereto]: Mr. Bentley made a motion to grant a 1.5' variance for a 15.5' maximum height for a pole barn style garage. Mrs. Oliver seconded the motion, which carried unanimously.

Application #17-017, Cody Docteur, owner of property at 4579 Kearney Road, request an area variance to subdivide 1.249 acres and merge to property at 4565 Kearney Road. Proposed subdivision would create 4579 Kearney Road to be a non-conforming lot in the HR district.

Cody Docteur and David Deleo were present and presented the application to the board.

Mr. Deleo stated that he would like to purchase from Cody Docteur the back portion of his parcel and add it to his parcel. There is a drainage ditch that runs along his property and into Cody's property and then drains into Flint Creek. He would like to properly service the ditch and feels he can't do this unless he is the owner. He also leases 30 acres that adjoins Cody's property, which is landlocked. Cody and the previous owner have allowed him to cross over their property to get to the landlocked piece of property. He would like to be able to stay on his own property to access the 30 acres.

Mr. Deleo presented pictures of the property to the board. These pictures will be kept in the file.

Chairman Hoover asked if they have given any thought to moving the proposed property line further back towards the ditch to maximize the size of Cody's lot.

Mr. Docteur stated that his septic system is in the front yard.

Chairman Hoover asked Mr. Deleo if he was thinking of subdividing this to try to get another building lot.

Mr. Deleo stated "no you can't build on that ground."

Mr. Johnson asked if they thought of doing this by an easement instead of by fee parcel.

Mr. Deleo stated that he does not understand that.

Mr. Johnson explained how an easement works.

Chairman Hoover explained an easement would be attached to the property not the owner. It would be put right into the deeds.

Mr. Deleo stated that they have not considered that.

Chairman Hoover 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 was made [attached hereto]: Mr. Johnson made a motion to grant a variance for the subdivision of 1.249 acres creating a non-conforming lot of 1 acre on Tax map 144.00-1-7.000 upon Planning Board approval the subdivided piece is to be merged with 4565 Kearney Road tax map 130.00-1-21.100.

Ms. Hoover seconded the motion. Roll call was read. Johnson voted Nay. E. Hoover, J. Hoover, Oliver, Bentley, Airth voted Yay. Motion carried 5-1.

MISCELLANEOUS:

Chairman Hoover introduced Fred Lightfoote, Town Supervisor and thanked him for coming.

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.

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

Mr. Venezia stated that they have reduced the variance needed on the rear lot line. The proposed setback to the overhang on the garage will be 15.2' and to the garage wall 16.3'. He also presented pictures from Pictometry showing what they are proposing is within character of the neighborhood. These pictures will be kept in the file.

Chairman Hoover asked if they intend to park a car in the driveway going into the attached garage.

Mr. Pontillo stated that only one car will park in that driveway and garage the rest of the cars will go in the driveway and garage across the road.

Mrs. Pontillo stated the reason she would like an attached garage is just so she would not have to carry groceries across the road especially in the winter time.

Chairman Hoover asked if they would have a problem if a variance was granted with the condition that no car can be parked in the driveway on the west side.

Mr. & Mrs. Pontillo stated that they do not have a problem with that.

After discussing the application and reviewing questions on the back of the application the following motion was made: Chairman Hoover made a motion to grant a north side variance of 6.9' for a setback of 8.1' to the overhangs, a south side variance of 6.6' for a setback of 8.4' to the overhangs, a front yard variance of 4.6' for a 25.4 setback to the overhangs, and a rear yard variance of 14.6' for a setback of 15.4' to the overhangs. The driveway to the attached garage is solely

ingress and egress to the garage and there is to be no cars parked in that driveway. Mrs. Oliver seconded the motion, which carried unanimously.

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.

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

Mr. Torchia stated that they have moved the garage so that it is now being proposed 16.31' setback on the rear to the overhang. And they have moved it to the south so that the setback on the north side will be 4.5' to the overhang.

Chairman Hoover stated that according to building code the overhang at 4.5' would have to be fire coated and asked if they could move it so that it is 5 feet to the lot line.

Mr. Torchia stated that should be no problem.

Chairman Hoover asked if they could move the garage back so that the setback to the right of way would be 18 feet to the wall and 17' to the overhangs.

Mr. Torchia stated that it is getting quite tight to the house, but would probably be able to move it back to the 18 foot setback.

After discussing the application and reviewing questions on the back of the application the following motion was made: Mr. Airth made a motion to grant a north side yard variance of 10' for a setback of 5' to the overhang and a rear yard variance of 13' for a setback of 17' to the overhang. Mr. Bentley seconded the motion, which carried unanimously.

Mr. Bentley made a motion to adjourn the meeting at 8:36PM. Mr. Johnson seconded the motion, which carried unanimously.

Jerry Hoover, Chairman

Sue Yarger, Secretary