

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
May 17, 2018

PRESENT: Chairman Bentley Mrs. Oliver
 Mr. Amato Mr. Coriddi
 Mr. Burley Mr. Lonsberry

EXCUSED: Mr. Airth

Chairman Bentley called the meeting to order at 7:30 PM and explained the process. Chairman Bentley welcomed many students from the Participation in Government Class from Marcus Whitman Central School. Mrs. Oliver made a motion to approve the minutes of the April 19, 2018, meeting. Mr. Lonsberry seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #18-026, Patrick LaVeck, owner of property at 5008 County Road 11, requests an area variance to build a single family home. Proposed home does not meet the north and south side yard setback.

The County Planning Board made the following comment and findings: The CPB's role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

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.

Comments: 1. The Town is advised to grant only the minimum variance necessary to allow reasonable use of the lot. 2. The applicant and referring body should consult with Ontario County Soil and Water Conservation District early in the review process to ensure proper design and placement of expanded on-site sewage treatment system. 3. The applicant and referring body should consult with the Canandaigua Lake Watershed Program Manager early in the review process to ensure proper design and implementation of storm water and erosion control measures.

Final Recommendation: Denial

Patrick LaVeck was present and presented the application to the board.

Mr. LaVeck stated that the footprint of the new home will be the same as the old home. The new home will be two stories. They are moving the home back from the lake 5 feet. He had gotten a variance in 1994 for a deck in the front. He plans on removing that variance and moving the home towards the road 5 feet.

Mr. Amato asked to see the elevation renderings of the new home.

A set of elevation renderings and architectural plans was presented to the board for their review.

Mr. Burley asked Mr. LaVeck if it was his intent to center the new home on the lot.

Mr. LaVeck stated that the new home will be setback 5 feet on the north property line and 5.4' on the south property line for a small landing for an entry door.

Mr. Lonsberry stated that the proposed is 5.4' to the stairs but 10 feet to the overhang on the south property line.

Mr. Amato asked Mr. LaVeck if he was keeping the existing metal shed.

Mr. LaVeck stated that yes he was.

Mr. Lonsberry asked what kind of foundation was under the shed.

Mr. LaVeck stated that the shed is on patio blocks

Mr. Lonsberry stated that the shed could be moved very easily.

Chairman Bentley asked if there has been any consideration to minimizing the entry deck and stairs.

Mr. LaVeck stated that for the safety point of view they could have people going up and down at the same time and they have to be sufficiently wide enough.

Mr. Burley asked Mr. Freida, Code Enforcement Officer if there were regulations on the size of stairs needed for an entryway.

Mr. Freida stated that the size of the stairs depends on the size of the door opening.

Mr. LaVeck stated that he could shorten the stairs and landing by a foot.

Mr. Lonsberry asked Mr. LaVeck if he has given any thought to moving the entry door interior to the wall a bit to increase the setback.

Mr. LaVeck stated that the new home is not very wide. If you are asking if I can make the landing four feet instead of five the answer is yes.

The entry into the home was discussed further. It was suggested that the entry door be put on the rear of the home towards the road. Mr. LaVeck stated that they have been flooded in that area several times and would just as soon not put an entryway in that area.

Mrs. Oliver and Mr. Burley agreed that there really is not another good place to put the entryway except where it is being proposed.

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

An e-mail that was received in the Zoning Office from Kenneth & Sandra Hinett, property owner to the north was read and will be kept in the file.

Lynn Schaertl, property owner to the south questioned where the fire place was going. She expressed her concern with where the stairs are located and with all the flooding that has occurred and when and if there is more flooding the water is going to end up on her property. She also expressed a concern with the deck on the second floor and asked if it will go out further than the current deck that is on the front of the house.

Mr. LaVeck stated that the proposed deck will be moved 5 feet further toward the road. The proposed home is being moved 5 feet further toward the road.

Ms. Schaertl expressed her concern with the second story deck not being consistent with the homes in the area. She was concerned with loosing lake view from her second story windows. She did not want to lose any lake view. She also expressed how close to her garage the new home is being proposed. Is there enough space to get equipment back there to do work such as

taking a tree down? She stated that she does not support the plan. She doesn't want any obstruction of lake view. She doesn't want her property value decreased.

Mr. LaVeck stated that his view is block from the north and south properties. Both of those houses are 26 to 28 feet tall.

To address Ms. Schaertl's concern with flooding and the location of the stairs, Mr. Burley asked what material was going to be used to construct the landing and stairs.

Mr. LaVeck stated it will be constructed with 4 x 4's.

Mr. Burley stated that so it is possible that the water will pass right under the landing and stairs.

Mr. LaVeck stated that it will be built with pressure treated lumber and opened.

Mr. LaVeck stated that he can move the shed away from the north property line to take care of the issue with Mr. Hinett. He would move it 5 feet off the property line to line up with the house.

Ms. Schaertl asked if they know who the contractors are and the time frame for construction.

Mr. LaVeck stated that it is getting late to get a contractor for the summer so it will probably be in the fall. He has one bid from a contractor and plans on getting three bids.

Chairman Bentley stated that if you start in the fall what is the time frame for completion.

Mr. LeVeck stated that with starting in the fall it will depend on the winter. The contractor may have to shut down for the months of January and February. Ideally it would be nice to have someone start in August and then they may not have to shut down in the winter.

Matt Schaertl questioned what the roof elevation was on the proposed home. It appears to be flat.

Mr. Freida stated that the zoning requirements are at least a 3 in 12 pitch.

Chairman Bentley stated on the architectural plans it shows a 3 in 12 pitched roof.

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

Robert Brancato stated that they did not get an answer of how long the construction was going to take.

Chairman Bentley stated that there is a time frame with a building permit. It is one year from the time that they start.

After discussing the application and reviewing the questions on the back of the application the following motion was made [attached hereto]: Mrs. Oliver made a motion to grant an 8.6' variance for a south side yard setback of 6.4' for the steps and landing. A variance of 10 feet for a 5 foot north side yard setback to the overhang. The shed is to be moved to set in line with house on the north side. The 5' variance that was granted on the west side is to be removed. Mr. Lonsberry seconded the motion. Roll call was read Oliver, Lonsberry, Amato, Coriddi & Burley voted AYE. Bentley voted NAY. Motion carried. (5-1).

Mr. Amato made a motion to adjourn the meeting at 8:41. Mr. Burley seconded the motion, which carried unanimously.

Michael Bentley, Chairman

Sue Yarger, Secretary