

TOWN OF GORHAM

Minutes

Town of Gorham Zoning board of appeals

February 22, 2024

**Present:** Mr. M. Bentley Mrs. M. Oliver  
Mr. C. Goodwin Mr. V. Lonsberry  
Mr. R. Morris (sent home)

**Excused:** Mr. T. Amato, Mr. S. Coriddi, Mr. A. Bishop

**Guest:** Mark Tolbert, Mike Kubarek, Logan Rockcastle, Jason Dobbs, John Anderson, Mike Maxwell, Hannah Coney

**Virtual Attendance:**

**Call to order and Approval of Minutes:**

Chairperson Bentley called the meeting to order at 7:00 PM and explained the process. Mr. Goodwin made a motion to approve the January 18, 2024 minutes as presented. Mr. Lonsberry seconded the motion, which was carried unanimously.

**Public Hearings:**

The public hearing notice was read as it appeared in the official newspaper of the town. Application #ZBA 46-2024, William Coe, owner of property tax map #127.19-2-10.000, located at Sylvan Rd., requests a variance to add a single-family home that does not meet required rear set back and exceeds the maximum allowed lot coverage of 30%.

-Vacant lot to west, the proposed house is currently 1500 sqft (30 X 50) we do have a rendering with a floor plan it is a modest 2 bedroom with a front a rear porch, he would like to have a driveway for two cars and access to the front porch.

**Board** – is there any reason why you cannot turn the house?

**Logan** – We have tried to turn it several ways but due to the access point in the center it limits where it can be put.

How big is the front porch?

**Board** - 8ft porch and a 34 X 30 house which is a 1020, what we are looking to do is minimize the variances. I see a couple of options:

- a. Eliminate the back porch
- b. Turn the house or reconfigure, I think you have enough property

You are currently asking for a 67% variance, if it was 25 to 20 that would be one thing but you are asking for a 25 to 7 when there is ample space to build on the lot.

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**Logan-** I have spoken to my client and let them know this may be a stretch as proposed I suggested reducing the footprint of the house to get to that 30% coverage and proposed keeping the driveway as proposed and moving the front set back to 20.4 ft instead of 7.

**Board** – what we will do is we will adjourn this and you can submit e updated drawings for next month's meeting.

**Logan-** yes

**JM** read CPB and CLCSD comments

1. Could the orientation of the house be adjusted to reduce variance request?
2. How many trees are to be removed? Will anything be planted in its place? Any soil/erosion concerns? Any visual landscape buffering from houses to east/west?
3. Is stormwater drainage management adequate for increased impervious surface (and therefore runoff).

CLCSD Comment

1. Plan submission and approval is required prior to issuance of a sanitary lateral permit.

**Motion made to adjourn Application #46-2024 until March 21, 2024 by Chairperson Bentley and seconded by Vic in favor 4, Opposed 0, Abstentions 0. Motion carries.**

**Miscellaneous:**

Application #ZBA 45-2023, Mark Tolbert, owner of property tax map #98.19-3-6.00 located at Otetiana Pt., requests a variance to add a single-family home that does not meet required setbacks and exceeds the maximum allowed coverage of 30%.

**Board** – Are these the new plans?

**Tolbert-** Yes you have 2, the building percentages are the same, there was a question as to preference on having centered with two 12.5ft setbacks which would require two 2.5ft variance as opposed to having it off center and have one 5 ft variance.

**Board-** So it is 37 x 58 still, you did not reduce the size of the building?

**Tolbert** – Yes, we did reduce the size of the original plans. It was originally 2804sqft to the eaves now it is 2146sqft. The lot coverage has been reduced from 6313 to 5486. What was proposed to us at the last meeting if we could reach 44% with 3 variances that would be a scenario that may be more amendable.

**Board** – what is the height on now?

**Tolbert** – It will be below 35. Still two stories.

**Board-** Which of the plans are we reviewing?

**Tolbert-** 100 is as it set now, 101 5ft set back and 103 is two 2.5 ft set backs are the two

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options I brought tonight for review and preference.

**Board** – We will need to circle back to Acciari Dr.

**Tolbert** – We abandoned the pull through option so we eliminated an access to that side, at the county level it is not clear to them if it had access or not from that drive, which was our primary reason of abandoning the pull through plan.

**Board** – Is there a fence there now?

**Tolbert** – Yes there is currently a fence that we will leave standing.

**Board** – I see a 50 Ft set back

**Tolbert** - Yes, it is the same set back that is currently there now.

Discussion of the measurement using to the eaves was for the lot coverage or for the set back and came up when inquiring how large the eaves were.

**Board** – for my question was for the setback

**Tolbert** – the eaves are set at total 3ft, 1.5ft either side.

**Board** - To clarify with those eaves measurements it is a 34ft building.

- This is a question we had - Oticianna Pt is a deeded access right of way or drive – should this be included and excluded for lot coverage because it is a shared access, what is the right thing for that?

**JM** – If you look at the definitions it discusses private Rds. and shared access and that it should be included in lot coverage if it goes through it is still considered impervious.

**Board** – So you will be going down by about 8% in lot coverage calculations. Any other questions? Can you explain the pavers?

**Tolbert** – the pavers themselves will have grass in the center, the coverage definition we were given was that if it had grass in it then it is not considered coverage, so it is an open paver that you then plant through.

**Board** – Who gave you that definition? I do not think that would apply here. Jim, the permeable paver that has the grass growing in it, is a 100% coverage?

**JM**- You can take consideration if they want to use something like that but it is still considered lot coverage. All systems previously proposed have required some sort of base, gravel, rubber mat etc. which would make it part of lot coverage.

**Tolbert** – I was understanding that if it had grass it was not coverage.

**JM**- Grass it is not coverage but if it requires any type of base then yes, it is part of the



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coverage.

**Tolbert** – I was not thinking about the finished product and the base.

**Board** – You are currently looking at 130 bases points from where you currently sit.

**Question from the floor** - All the properties in the area they are all single or double garages and the heights are all 14ft or below?

**Tolbert** – I took several pictures in each direction that show size and style.

**Board** – This is the first of this kind it is an anomaly at no fault of the home owner it is zoned for a home not a garage, is in two different jurisdictions the property is in ours and the home is in Canandaigua therefore legally a home can be built on this property.

**CG** – What are the variances?

**Tolbert** – If you do not have a preference I would lean towards symmetry.

**Board** – If you go with symmetry then variances increase by 1, for me if you wanted to go forward it would need to be the one with the less variances which would be A101 5ft set back in the north side, a 14.6 on the rear and the lot coverage of 13.38 which is a decrease of a 1.2 but increase of the structure. Lot coverage is 44.7 today.

**Question from floor** – Allen Bishop asked last month as to the usage of the second story, heat, plumbing?

**Board** – Do not answer that because this could be a home built on this property, we can not determine that because this is a livable home lot.

**JM** – we submitted to the county previously for review because this is a split lot and they determined that because it is a split lot with its own tax parcel, so he has a right to build a residence there. Usually town lines go around the parcels this goes through, so it is two different parcels.

- You said that was not a water problem??

**Tolbert** – There is not a water problem on the property.

**Board** – I left the public hearing open from last time – if anyone would like to speak please say your name and relevance to the property.

- Michael Maxwell – I have property at Otetiana Cove which is immediately south of the property, President of the HOH, on our side of the property line there is a swale that manages water flow from 364 to the lake. We have been working on improving the water flow to the lake, for everyone and have had positive comments it starts

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about where the building would go and goes to the west. We want to be sure with a larger building and a lot more roof that you will have more water to be managed. My question is how will that water be managed? How will the grading and drainage occur so we do not get any new water into our swale? How does the board recommend a design or how should that be handled through the approval process? Tree removal, I am guessing there will be tree removal they are on point property, it does create a change in the ambiance of our property looking north, I believe there will be a large willow tree removed, what will be the consequences and soil erosion from the tree removal.

**Board** – 100-year storms – that we have had 5 of in the last 3 years -neither of these are concerns we address. We are a planning board we are only modifying or confirming or changing his decision for the denial. Once this goes to the planning board that is when those decisions will be made.

- Having heard nothing else I will close the public hearing.
- In reading your deed it references the deeded access and that you must maintained the 20ft it is more so talking about the piece of property at Otetiana pt., right of way of 20 ft. I think it is an anomaly and worth looking into, as I am reading it if that is the case you would not be able to build as you only have 15ft.

Call roll of board for “does this application meet requirements for area variance?”

(1) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance –

**3 NO/ 1 YES**

(2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance - **3 NO / 1 YES**

(3) whether the requested area variance is substantial - **4 NO/ 0 YES**

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district - **3 NO/ 1 YES**

(5) whether an alleged difficulty is self-created – **4 YES/ 0 NO**

After discussing the application and reviewing the questions on the back of the application the following motion was made [attached hereto]:

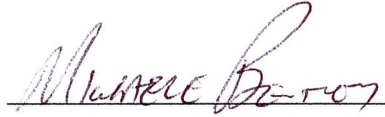
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Motion made I propose to grant a variance on the north side of the structure of 5ft allowing a 10ft set back to the corner of the building on the east side grant a variance of 14.6ft to 8.4ft set back on the east side and lot coverage of 43.38% which is a 14.7% variance by Vic and seconded by Bentley in favor 4, Opposed 0, Abstentions 0.

Motion carried.

Date change to 3/21/24

Motion made to adjourn the meeting at 8:15 PM by Bentley and seconded by Vic which was carried 4 Yes, 0 No, 0 Abstained

A handwritten signature in cursive script, appearing to read "Michael Bentley", written in dark ink. The signature is positioned above a horizontal line.

Michael Bentley, Chairperson