

# Town of Gorham

4736 South Street  
Gorham, New York 1461

## ZONING BOARD OF APPEALS

Thursday, January 16, 2025 7:00 p.m.

### **MINUTES—Approved**

*The minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Gorham Zoning Board of Appeals. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions.*

**Board Members Present:** Mike Bentley, *Chairperson*  
Alan Bishop  
Charles Goodwin  
Steve Coriddi  
Mary Ellen Oliver  
Ed Kaiser  
Ben Smith, *Alternate*

**Board Members Absent:** Tom Amato

**Staff Present:**  
James Morse, Town of Gorham Code Enforcement Officer

**Applicants Present:**  
Tom Johnson, 527 S Main Street, Geneva

**Others Present:**  
Gail Kaiser, 4202 State Route 364

**Via Zoom:**  
None

### **1. MEETING OPENING**

The meeting was called to order at 7:05 p.m. by Mr. Bentley.

Mr. Bentley stated I am the Chairperson for the Zoning Board of Appeals for the Town of Gorham. This is the meeting for the month of January 2025. Minutes of each meeting are recorded and the vote of every member is recorded as well. The jurisdiction of the ZBA is limited to appellate review only. Before we can make a decision or hear an application, there must be first determination made by the Zoning Officer. Town Law 267-B says that we can reverse, modify or affirm any decision of the Zoning Officer. There's five questions that each of you have submitted on your application that we will go over before any determination is made and just for the record that if four out of those five are a yes the application will be made for a motion for denial and the application will be denied based off of the Town law. The ZBA in the granting of area variances shall grant the minimum variance that it shall deem necessary if a variance is granted and it is written to protect the character of the neighborhood, health, safety, and welfare of the community. In attendance tonight is Ben Smith, Ed Kaiser, Steve Coriddi, Mary Ellen Oliver, Alan Bishop and Charlie Goodwin.

## 2. APPROVAL OF MINUTES OF DECEMBER 19, 2024

■ A motion was made by MS. OLIVER, seconded by MR. BISHOP, that the minutes of the DECEMBER 19, 2024, meeting be approved.

Motion carried by voice vote with all present voting aye.

## 3. LEGAL NOTICE

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by and before the Zoning Board of Appeals of the Town of Gorham on the 16th day of January 2025 commencing at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, in the Town of Gorham, Ontario County, New York 14461 to consider the following application:

**ZBA #1-2025: TOM JOHNSON 527 SOUTH MAIN STREET, GENEVA, NEW YORK, 14456:** Requests variances in accordance to Article IV Section 31.4.10 of the Town of Gorham Zoning Local Law. The applicant is requesting relief to the maximum allowable lot coverage of 25% with a variance to allow a lot coverage of 39.6% and a side setback of 5.1 feet where 15 feet is required to construct a 200 square foot rear porch addition to the existing residence. The property is located at 4080 Shoal Water Point and is zoned LFO Lake Front Overlay and R-1 Residential.

All persons wishing to appear at such hearing may do so in person, by attorney or other representative.

Michael Bentley, Chairperson  
Zoning Board of Appeals

#### 4. PUBLIC HEARING

**ZBA #1-2025: TOM JOHNSON 527 SOUTH MAIN STREET, GENEVA, NEW YORK, 14456:** Requests variances in accordance to Article IV Section 31.4.10 of the Town of Gorham Zoning Local Law. The applicant is requesting relief to the maximum allowable lot coverage of 25% with a variance to allow a lot coverage of 39.6% and a side setback of 5.1 feet where 15 feet is required to construct a 200 square foot rear porch addition to the existing residence. The property is located at 4080 Shoal Water Point and is zoned LFO Lake Front Overlay and R-1 Residential.

Tom Johnson said I am the designer for this project. The client lives in Rochester and they want to redo the kitchen, bathroom, and laundry room. This is an original 1940's cottage and someone in the 80's or early 90's changed things, so it needs to be updated. The initial project is to update the kitchen, bathroom and laundry room and to also update the HVAC system. When you walk in the back door you literally go from the lawn in the door and it is a very awkward entrance into the house. I thought if they had a porch there because that is where they put the grill in the summer and grandkids bicycles and it just piles up on the door. Having a covered porch seemed like the logical thing. This will not make or break the project this would just be a better thing for the house. So normally it's a 30% lot coverage but because of the lake we can only have 25% lot coverage so we are working against that. The previous owner put in a four car parking area which is across the street. They own that area with the garage, so all that area is part of the coverage. We are up to 39% which is well over the 25%, so no one is arguing that but it is a huge front yard. The impact of putting the porch on the back of the house will not impact the neighborhood in a negative way, so that's one issue. The second thing is the house is already built so close to the property line. The neighbor's house, I think, is about eighteen inches from the property line. It is already snug, so if we do extend the roofline out to include the porch then we do need a variance to do that.

Mr. Johnson handed out pictures for the Board members and reviewed with them the proposed layout of the porch addition. The pictures reflect the area that was staked out for the Board Members to have a better idea of where the proposed porch would be constructed.

Mr. Johnson said relative to what is going on in the neighborhood this would not make any impact at all. What we are up against is the 25% coverage.

Mr. Bishop said what is the current coverage?

Mr. Johnson said it is pretty close to 39% because if you look at this picture they already have a porch there. We want to keep it looking like a 1940's cottage.

Mr. Bishop said so it will not be any closer to the property line than the existing building.

Mr. Johnson said no.

Mr. Morse said the existing lot coverage is 37.8% and they are asking for 39.6%.

Mr. Bentley said I am going to challenge the existing. If I am reading this correctly, from what I can see, you are really looking for about 48 square feet.

Mr. Johnson said oh beyond what is existing, yes.

Mr. Bentley said is that correct because I don't think 48 square feet is going to impact the lot coverage by 200 basis points.

Mr. Johnson said I think the square footage of the porch is 200 square feet but we didn't subtract the existing rounded porch.

Mr. Bentley said so my question is, is that even in your lot coverage? What we have found in these older cottages is that people go in after the fact, and I am not saying that's what has transpired.

Mr. Morse said it shows the existing but they didn't subtract the area they are taking away for the porch so that is where you are coming up with them not needing that much lot coverage.

Mr. Bentley said correct. That is my concern that we do not have the factual data. To me you are asking for 48 square feet at max but I don't think the calculations are correct because if we were to grant you 40% and you only use 38% then that 2% goes with the property.

Mr. Johnson said so what you are saying is that we need to adjust the drawings to be more accurate. I am not the architect. The architect on record is 9x30 Design.

Mr. Kaiser said are you putting a deck on the roof or is that just an architectural feature?

Mr. Johnson said no it's a big flat roof and we thought we would just put a parapet. It is not changing the height of the roof itself.

Mr. Bentley said I don't see the back patio listed on here in the existing lot coverage. The half-moon patio.

Mr. Johnson said I thought that was included in the walkway.

Mr. Bentley said how long is your walkway? It looks to be about sixty feet by three feet wide.

Mr. Johnson said not even. It's maybe two and a half feet wide. It's really narrow.

Mr. Bentley said so about 120 square feet. These are the details that we need.

Mr. Coriddi said they are calling the existing walkway at 195 square feet.

Mr. Morse said yes I think that it's included. When we originally looked at this we figured it was included in that. I just didn't catch that they didn't subtract the walkway.

Mr. Bentley said the calculations are off for me and that is a concern. So this will be twenty and a half feet by ten feet correct?

Mr. Johnson said but also there is the overhang because with the coverage we have to include the eave, right?

Mr. Bentley said so then you are twenty four feet because these are two feet overhangs.

Mr. Johnson said we are bringing it out eight and a half feet plus the two foot eaves so ten and a half feet out.

Mr. Bentley said so you are literally talking about 250 square feet not 200 square feet.

Mr. Johnson said the 200 was the floor space not the coverage.

Mr. Bentley said this is a whole lot bigger than presented.

**\*\*inaudible conversation\*\***

Mr. Bentley said no it's fine these things happen it's not the end of the world. Is everyone seeing it the same way I am?

Mr. Johnson then went through the proposed design and dimensions with the Board again.

Mr. Bentley said the lot coverage is at 37.6%?

Mr. Morse said it's 37.8%.

Mr. Bentley said and they want to go up to 39.6%.

Mr. Johnson said well now after what we just talked about that there may have been a mistake.

Mr. Bentley said there is no doubt that they made a mistake. Are there any other questions?

Mr. Smith said going from a slightly pitched roof to a flat roof, what are you doing with downspouts being so close to the neighbors? You are adding that much more square footage of water, roughly half a gallon per square foot, so if there is a heavy rain you are

potentially adding hundreds of gallons going down the downspout going towards the neighbor's house.

Mr. Johnson said we can pitch the roof going in any direction. We can pitch it going towards the middle of the lot and dump it in their lot or it can be pitched towards the back of the house. Can it go underground and find daylight somewhere towards the lake?

\*\*inaudible conversation\*\*

Mr. Smith said that would be a Planning Board conversation.

Mr. Morse said he doesn't meet the criteria to go to the Planning Board with the square footage of the addition. If you want to address it address it here. The only thing I am going to make him do, when it comes time for the permit if he is approved, is discuss the fire rating because of the distance from the other building. He is less than ten feet so he is going to have to meet the fire code.

Mr. Bentley said is this a deck or an enclosed porch?

Mr. Johnson said it's a covered porch. It's an open porch.

Mr. Morse said oh it's open, then whatever they renovate in the interior that's in that area will have to meet the fire code.

Mr. Johnson said that is good to know because we are changing all the walls on the inside.

Mr. Smith said what happens with the water because right now there are downspouts on both sides and if you go flat I didn't see in the plans where that water would go.

Mr. Johnson said they probably didn't put it on the plans. One idea that I had was that we direct it out to the back and find daylight back here somewhere instead of just dumping it in the front yard.

Mr. Bentley said you are going to have water problems when you do because that is on a slope already. You are going to have to sister it in or french drain it out because if I look at these plans this house sits higher than the house to the south so you will be the one that ends up eating the water. I would strongly encourage you to address that.

Mr. Kaiser said it looks like the roof pitches straight east now from the roof drawing.

Mr. Bentley said any further questions from the Board? Hearing none I am going to open the public hearing. Is there anyone in the public that would like to speak on behalf of this application? Hearing none I will close the public hearing. Let's move on to our five questions starting with Ben and ending with Charlie.

**For an Area Variance:**

That an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the variance.

That the benefit sought by the applicant cannot be achieved by some feasible method other than a variance.

That the requested variance is not substantial.

That the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created.

Mr. Bentley said I have a question. What is the approved lot coverage for this property?

Mr. Morse said if it's 1960's we probably don't have it. They haven't gotten any recent building permits on that property.

Mr. Bentley said any conversation from the Board?

Mr. Kaiser said is it safe to assume that a 5.1 foot setback already exists for the part of the house that is currently there or would there have been a variance for that?

Mr. Morse said if this was built in the 50's there wouldn't have even been regulations. We are trying to determine that for another application in Cottage City right now when the code took effect versus when a garage was built.

Mr. Bentley said I would presume the same thing, Ed, but does that lot line run straight and it looks like it does.

Ms. Oliver said but how do you know that?

Mr. Johnson said it's on the survey.

Mr. Bentley said but the concern with the survey is the survey is not a picture of the property. That's the problem. If you look at the survey today, this was done in 2007, it does not depict what is on the property.

Mr. Morse said I think it grows because road frontage is 49.87 and 47.97 down at the water but it also doesn't meet the house perfectly perpendicularly.

Mr. Bentley said on the back you have a wooden deck on there from what I can see.

Mr. Johnson said no that is a screened porch.

Mr. Bentley said what is behind that on the screened porch? Not that half-moon you have on there today. You have a walkway that leads up to the house on here.

Mr. Johnson said the walkway the architect put that on there.

Mr. Bentley said this survey does not depict these piece of property accurately.

Ms. Oliver said it is not an accurate representation of the property today.

Mr. Johnson said you are 100% right.

Mr. Bentley said I am going to make a motion to adjourn this application because we need the facts. I personally don't have an issue with what you are presenting. I'm just one vote but they could overrule me and vote on it tonight. We need the facts of what you are looking for because I come up with that you are looking for 38.87 and you are asking for 39.6. You don't have the items removed from the lot coverage and the difference because you are really just asking for the difference of 118 square feet with overhangs at best. For me adjourning, unless you all disagree and want to vote on it tonight I am fine with that and presenting it next month with the accurate information.

Mr. Johnson said does that mean they need to get a new survey made?

Mr. Bentley said no you need to get the information you are asking for accurate on your ask.

Mr. Kaiser said update your lot coverage making sure your information is accurate.

Mr. Bentley said you are asking for 39.6 but in actuality you need 38.9, give or take three percentage points. That is where I stand on it.

Ms. Oliver said I will second the motion to adjourn until the next meeting.

Mr. Bentley then calls for a roll call vote.

The following roll call vote was recorded:

Mr. Smith	Aye
Mr. Kaiser	Aye
Ms. Oliver	Aye
Mr. Bishop	Aye
Mr. Goodwin	Aye
Mr. Coriddi	Aye
Mr. Bentley	Aye

Motion carried.



Mr. Bentley said so bring that back next month and we can vote on it from there.

Mr. Johnson said so now that it is postponed, I get that, but they want work to get done before the season starts which is not your problem I'm just putting that out there. So what I have done, in parallel, I have put in an application for a building permit just to do the interior work and replacement windows but not do the porch. Is it possible, if they give me the building permit, for the contractor to get started?

Mr. Morse said that is with me.

Mr. Bentley said that is with him and has nothing to do with us.

Mr. Johnson said no what I am saying is we would start on that and we could come back next month even if the contractor has already started working on the inside. It has nothing to do with the porch and then we can come up with the accurate information. Then if you decide the porch is okay then he can go ahead with that.

Mr. Bentley said correct.

Mr. Johnson said I just want to make sure I'm getting you all the information that you need.

Mr. Bentley said what you need is what you are asking for because what you are asking for you don't need. You need the whole entire scope of what you need which is the 248 square feet, is what I think. You have to have the lot coverage that is currently there and it is reduced from that so in essence you are asking for 118 square feet, does that make sense?

Mr. Johnson said yes.

Mr. Bishop said list everything out as line items and exactly how you figured it out.

Mr. Johnson said okay, so when do I have to have this back to you?

Mr. Morse said ten days prior to the meeting so by February 10, 2025.

## **5. MISCELLANEOUS**

Review of ZBA #51-2024 Hellman 4244 State Route 364 to verify updated site plan meets approved zoning variances.

Mr. Bentley said we asked last month for the Hellman application to give us specific things and it could not exceed 2450 square feet. Any questions on the submitted plan? The plan appears to be at 2442 including the driveway.

Mr. Bentley makes a motion to approve the plan as submitted. The motion was seconded by Mr. Coriddi. The motion carried with all present voting aye.

**6. NEXT MEETING**

The next regular meeting of the Zoning Board of Appeals will be held on Thursday, February 20, 2025 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

**7. ADJOURNMENT**

■ A motion was made by MR. BENTLEY, seconded by MR. BISHOP that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,



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Michael Bentley  
Chairperson of the Zoning Board of Appeals