

Town of Gorham

4736 South Street
Gorham, New York 1461

ZONING BOARD OF APPEALS

Thursday, February 20, 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*
Tom Amato
Charles Goodwin
Steve Coriddi
Mary Ellen Oliver
Ben Smith, *Alternate*

Board Members Excused: Alan Bishop

Board Members via Zoom: Ed Kaiser

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

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

Others Present:
None

Via Zoom:
None

1. MEETING OPENING

The meeting was called to order at 7:08 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 February 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 first must be a 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, Tom Amato, Steve Coriddi, Mary Ellen Oliver, and Charlie Goodwin. Ed Kaiser is on Zoom and he will be able to participate but will not be able to vote.

2. APPROVAL OF MINUTES OF JANUARY 16, 2025

■ A motion was made by MS. OLIVER, seconded by MR. GOODWIN, that the minutes of the JANUARY 16, 2025 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. CONTINUED 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.

Mr. Bentley said this is a carryover from last month so we will not read the legal notice again and there is no one in the audience either. We asked for some revisions last month, so tell us what you were able to do.

Mr. Johnson said there were two points and one was the area calculations for the lot coverage. Remember we were going over how our information seemed incorrect. You asked me to go remeasure everything which I did. Then we itemized everything, as you requested, so now you can see how many square feet everything takes up like the sidewalk, front porch, etc. everything that's existing. By adding this new porch the total new coverage that we are adding is 98 square feet.

Mr. Bentley said so how is the building coverage going up by 208 square feet?

Mr. Johnson said we are replacing that semicircular front porch with this new front porch and this is a square area, so the only addition to the surface area are the corners. That is the only change we are making to the building. We are only adding this porch. The second issue we talked about was gutters and where the water was going to drain. I talked to the contractor about that and he said if you want us to drain it all the way to the lake because the lot varies slightly and slopes upward. He gave me two options. One was to take it out and drill through the seawall and let it go into the lake.

Mr. Morse said that is not an option.

Mr. Johnson said I am not proposing that. The other option is that we can do a whole series of pop up drains in the whole lot so that you aren't dumping everything into one spot. We could put in four different pop ups in the lawn so when the water comes out it oozes all over the place to distribute it.

Mr. Bentley said that will be for the Planning Board.

Mr. Morse said this one will not have to go to the Planning Board. That can be condition that you place on the Board's decision. What he is draining needs to be maintained on-site and we can do a site inspection on that. You can require him to submit a design to be reviewed and approved by our engineer.

Mr. Bentley said fair enough. Are there any questions? Is there questions from the public? Hearing none I am going to close the public hearing. Any discussion from the Board?

Ms. Oliver said no, they did what we asked.

Mr. Bentley said I will make a motion that we approve the drawings as submitted with the revision date of January 22, 2025 and that a blueprint will need to be submitted for drainage and approved by the Town Engineer before construction can be started.

Mr. Johnson said does that have to be done by an engineer?

Mr. Morse said it will be reviewed by an engineer. You will submit us a drawing showing where it is going and I will send it to our engineer. It will need to show calculations of the square footage of the roof area runoff is what they are going to want to see. So the answer is you do not necessarily need to have an engineer submit them but if our engineer has more questions it is just going to prolong it.

Mr. Johnson said do I just submit them to your office?

Mr. Morse said yes.

The motion was seconded by Ms. Oliver and the following roll call vote was recorded:

Mr. Smith	Aye
Mr. Amato	Aye
Mr. Coriddi	Aye
Ms. Oliver	Aye
Mr. Goodwin	Aye
Mr. Bentley	Aye

Motion carried.

TOWN OF GORHAM
ZONING BOARD OF APPEALS
P.O. BOX 224
GORHAM, NEW YORK 14461

RESOLUTION FORMAT FOR VARIANCES:

WHEREAS, application ZBA #1-2025 was received by the Secretary to Planning and Zoning Department from Howard & Nancy Silberstein, owner of the property at 4080 Shoal Water Point with tax map #127.07-1-10.000, on December 9, 2024, requesting a side setback variance and a lot coverage variance to build a rear porch addition; and,

WHEREAS, said application was denied by the Code Enforcement Officer for the Town of Gorham on the basis that the proposed rear porch does not meet the setback requirements and the lot coverage requirements; and,

WHEREAS, the Town of Gorham Zoning Board of Appeals has determined this application to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and as a Type II Action, no further review under SEQR was required; and,

WHEREAS, said application to the Town of Gorham Zoning Board of Appeals was required to be referred to the Ontario County Planning Board; and,

WHEREAS, Public Hearing was duly called for and was published in the official newspaper of the Town on January 9, 2025; and,

WHEREAS, Public Hearings were held on January 16, 2025 and February 20, 2025 at which time all those who desired to be heard were heard; and,

WHEREAS, on February 20, 2025 after viewing the premises and after reviewing the file, the testimony given at the Public Hearings and after due deliberation, the Town of Gorham Zoning Board of Appeals made the following findings of fact:

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 variance 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.

DECISION/CONDITIONS

NOW, THEREFORE BE IT RESOLVED that Mr. Bentley made a motion to approve the drawings as submitted with the revision date of January 22, 2025 and that a blueprint will need to be submitted for drainage and approved by the Town Engineer before construction can be started. That motion was seconded by Ms. Oliver and Mr. Bentley requested a roll call vote:

Mr. Smith	Aye
Mr. Amato	Aye
Mr. Coriddi	Aye
Ms. Oliver	Aye
Mr. Goodwin	Aye
Mr. Bentley	Aye

The motion carried.

5. NEXT MEETING

The next regular meeting of the Zoning Board of Appeals will tentatively be held on Thursday, April 17, 2025 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

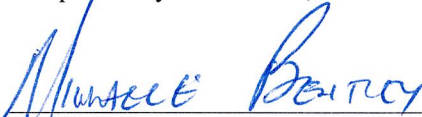
6. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:19 p.m.

Respectfully submitted,



Michael Bentley

Chairperson of the Zoning Board of Appeals