

Town of Gorham

4736 South Street
Gorham, New York 1461

ZONING BOARD OF APPEALS

Thursday, April 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:

Ben Smith
Ed Kaiser
Steve Coriddi
Mike Bentley, *Chairperson*
Mary Ellen Oliver
Alan Bishop
Charles Goodwin

Staff Present:

James Morse, Town of Gorham Code Enforcement Officer

Applicants Present:

Kyle Trickey
Linda Thomas
Nate Esh

Others Present:

James Hitchcock
Tricia Tepedisa
Gail Kaiser

1. MEETING OPENING

The meeting was called to order at 7:00 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 April 2026. Just for the record, any conversation that has been had with the Zoning Officer is now null and void from this point

forward. The Board has the approval from this point forward. 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 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 then it is a motion for an automatic denial. 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 MARCH 19, 2026

■ A motion was made by MR. CORIDDI, seconded by MR. GOODWIN, that the minutes of the MARCH 19, 2026 meeting be approved.

Motion carried by voice vote with all present voting aye.

3. LEGAL NOTICE

NOTICE IS HEREBY GIVEN that Public Hearings will be held by and before the Zoning Board of Appeals of the Town of Gorham on the 16th day of April 2026 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 applications:

ZBA #5-2026: KEYSTONE CUSTOM DECKS 2869 NY-54A, KEUKA PARK, NEW YORK, 14478: Requests area 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 29%. The applicant also requests two north side setback variances from the corners of the covered deck for a setback of 8 feet where 15 feet is required. The property is located at 4686 County Road 11 and is zoned R1 Residential and LFO Lakefront Overlay District.

ZBA #6 -2026: LINDA THOMAS 4036 STATE ROUTE 364, CANANDAIGUA, NEW YORK, 14424: Requests area variances in accordance to Article IV Section 31.4.10 of the Town of Gorham Zoning Local Law. The applicant is requesting two south side setback variances for a setback of 7.1 feet from the southwest corner of the house and a setback of 5 feet from the southeast corner of the house where 15 feet is required. The property is located at 4040 State Route 364 and is zoned R1 Residential and LFO Lakefront Overlay District.

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. NEW PUBLIC HEARINGS

ZBA #5-2026: KEYSTONE CUSTOM DECKS 2869 NY-54A, KEUKA PARK, NEW YORK, 14478: Requests area 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 29%. The applicant also requests two north side setback variances from the corners of the covered deck for a setback of 8 feet where 15 feet is required. The property is located at 4686 County Road 11 and is zoned R1 Residential and LFO Lakefront Overlay District.

Mr. Esh said I am with Keystone Custom Decks here on behalf of John DeCarolis. What we are looking to do is a porch/deck off the lakeside of the house. It won't be going out any wider than the current house footprint. It will be closer to the property line than the existing deck but it won't be closer than the existing house. There is an existing deck and concrete patio there now and we will be tearing that out. The lot coverage doesn't go up very much because there is a deck existing there but we are going just a little bit bigger. I believe it went up 1%. We are in the setback area on the north property line so we are asking for relief on that side there to build the porch and deck. If you saw the survey, I think the property has an impressive amount of yard on the front side of the property and it accommodates a space like this without it being too cramped. Are there any questions?

Mr. Bentley said there will be. Just for the record, for both applications, there are people that are on zoom so I will allow them to go first when I open the public hearing. If I hear nothing from them then I will ask you. If there are no comments then I will close the public hearing. All I ask is that you don't talk over others when someone is talking then state your name, your address, and your relevant location to the property. With this, the way that it sits today, is that I think you personally can do without a variance for increased lot coverage. There is enough space, in my opinion, on the north side that you could minimize the variance. I went down that north side and I would presume the tree line, which it shows, is from the break wall down, right? Which is right under the hedge-row there. If you have eight feet there and I would presume this concrete pad on the north side is proposed to come out?

Mr. Esh said correct.

Mr. Bentley said so why are we taking it all the way to the end because there is two or three feet there that we can bring it in to minimize the variance from that sliding glass door.

Mr. Esh said you are saying to bring the project back off the corner so that it is not out eight feet.

Mr. Bentley said here is your sliding glass door so there is about three or four feet because you are not going all the way over here you are to the end but not to the bump out right?

Mr. Esh said right.

Mr. Bentley said is that an achievable ask to minimize the variance and then that way you are eliminating potentially one of the variances in itself like the increase in lot coverage.

Mr. Esh said it would still be within the setback area, right?

Mr. Bentley said correct.

Mr. Esh said it's still fifteen feet from the side.

Mr. Bentley said correct.

Mr. Esh said but what we would be doing is eliminating the lot coverage is what you are saying.

Mr. Bentley said you are currently at 28%, if I remember correctly, and you are asking to go to 29%. I really don't know, and I don't see it on here, how you are adding this much space and you are only going up 1% because that is a pretty big addition you are adding on.

Mr. Esh said the existing comes out eight or ten feet and goes all the way across and goes around the north side there some and we are roughly adding 240 square feet. That is why we are only going up 1% because we are taking away some on the north side and then adding some on the lake side but it is not doubling the size of the existing footprint. I didn't do any of the math that was the surveyor but we are increasing by 241 square feet.

Mr. Kaiser said I didn't measure it while I was there but do you happen to know the width from the house towards the lake of the current deck?

Mr. Esh said the current deck, I believe is eight feet.

Mr. Kaiser and the new deck?

Mr. Esh said fourteen feet.

Mr. Bentley said because you are going from a patio to a structure. You are going from 112 square feet to 700 square feet in essence because you are going to have 700 square feet of lot coverage. You are putting a building that is seven times bigger than what is currently on there. Does that make sense?

Mr. Esh said yes, but the concrete patio goes towards lot coverage.

Mr. Bentley said it does but what I am saying is you are taking a slab and now you are putting up a structure and it seven times bigger than what's there.

Mr. Esh said the current deck is what you are saying.

Mr. Bentley said because your current deck is 112 square feet, if that is correct, 14x8 and to me it looked bigger than that.

Mr. Esh said it is not 14x8. We are going from eight feet off the house to fourteen feet off the house. Their current deck is eight feet off the house but I'm not sure what it is this way it is probably 25 or 30 feet.

Mr. Bentley said it looked bigger than that to me but I didn't measure it because that is normally the comparison that we make. I think it can be minimized, myself. I don't think it is egregious, let me just say that, but I still think it can be minimized in my opinion.

Mr. Esh said you had mentioned bringing it back off the northside, right?

Mr. Bentley said this is the bad part about it is it is such a nice design but I think if we moved it two feet in but then it would probably look stupid when it's jagged from the corner of the house. Is it an argument worth arguing? I don't think it is egregious.

Mr. Esh said we hadn't discussed that option but I think if it came down to it, they would be willing to lose two feet there in order to have it passed. I think they would prefer to have it this way as of now. We hadn't discussed that because we talked about keeping the roof lines coming off the corner.

Mr. Bentley said so the current deck is 250 square feet so you are going almost three times of what it currently is.

Mr. Bishop said what is the distance to the highwater mark from the north corner?

Mr. Esh said forty one plus.

Mr. Morse said to the proposed not to the existing.

Mr. Kaiser said is the covered portion the full width of fourteen feet?

Mr. Esh said yes but not the full length.

Mr. Kaiser said how much? Is it half?

Mr. Esh said it is a little less than half.

Mr. Morse said is there a sliding glass door there that they centered that roof over?

Mr. Bentley said yes. I wouldn't say its centered over it but it is probably close. It is going to be a little off set.

Mr. Morse said it's just a thought for aesthetics.

Mr. Bentley said it looks like you are sixteen feet by forty feet.

Mr. Esh said that sounds about right.

Mr. Smith said is the fourteen or sixteen feet because that is a big difference.

Mr. Bentley said if this scale is right it's sixteen feet.

Mr. Esh said I was thinking it was fourteen but it might be sixteen.

Mr. Bentley said neither one of them equal 696 square feet.

Mr. Esh said that is including the stairs in the square footage.

Mr. Bentley said if its 14x40 you are at 560 and if you are at 16x40 you are at 640. The current deck is coming out, correct?

Mr. Esh said yes.

Mr. Bentley said anybody else? I will open the public hearing. Is there anyone on zoom that would like to comment on this project? Hearing none, I will close the public hearing. Is there anything further from the Board?

Mr. Bishop said personally I think it is fine the way it is proposed.

Mr. Goodwin said I agree with Alan.

Mr. Bentley said alright let's move on to our five questions starting with Ben and ending with Charlie.

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

RESOLUTION FORMAT FOR VARIANCES:

WHEREAS, application ZBA #5-2026 was received by the Secretary to Planning and Zoning Department from John DeCarolis the owner of the property at 4686 County Road

11 with tax map #141.10-1-12.100, on March 4, 2026, requesting two side setback variances and a lot coverage variance to construct a new covered porch with deck; and,

WHEREAS, said application was denied by the Code Enforcement Officer for the Town of Gorham on the basis that the proposed covered porch with deck does not meet the lot coverage or side setback 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, a Public Hearing was duly called for and was published in the official newspaper of the Town on April 9, 2026; and,

WHEREAS, a Public Hearing was held on April 16, 2026 at which time all those who desired to be heard were heard; and,

WHEREAS, on April 16, 2026 after viewing the premises and after reviewing the file, the testimony given at the Public Hearing 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 can 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. Bishop made a motion to approve the application as submitted. That motion was seconded by Mr. Smith and the following roll call vote was recorded:

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

The motion carried.

ZBA #6 -2026: LINDA THOMAS 4036 STATE ROUTE 364, CANANDAIGUA, NEW YORK, 14424: Requests area variances in accordance to Article IV Section 31.4.10 of the Town of Gorham Zoning Local Law. The applicant is requesting two south side setback variances for a setback of 7.1 feet from the southwest corner of the house and a setback of 5 feet from the southeast corner of the house where 15 feet is required. The property is located at 4040 State Route 364 and is zoned R1 Residential and LFO Lakefront Overlay District.

Mr. Morse said originally when they came in they were following code and everything would have been fine. They were just doing a second floor addition and everything would have been fine. As they got into it they noticed the walls were more dilapidated so I said to take it down to the foundation. Then we had issues with the foundation. Technically they would have been able to rebuild this house no matter what but it was too close to the south property line. Per our code, you can rebuild a noncompliant structure but it has to be at least five feet and this happens to be too close. They were gracious enough to do this application and agree to do the exact same footprint as what they have and just move it over. I just didn't want you to think they started it and now they need something. It wasn't like that. They were trying to cooperate as much as possible.

Mr. Bentley said if I read this correctly, 4042 has a note in here and they are moving it away from their property. Ms. Thomas owns the house to the north, so she is actually moving it closer to her primary residence. Anything else you want to add?

Mr. Trickey said I think what Jim said pretty much covers it. We are just trying to do the best job we can and unfortunately we ended up with the circumstance that we did. We are just trying to make everybody happy as best as we can and have a good product for her and do what's best for you too.

Mr. Kaiser said is there no variance for lot coverage that is necessary because it's the same size house?

Mr. Morse said no. Technically if you do more than 50% there are those things but because it was a noncompliant structure even if you go over 50% if they are five feet away then they can replace it as is. So, no we don't even have to worry about that but what we are trying to do is get it to that five feet mark. Yes there are other variances here but re-

ally those shouldn't be considered or factored for denial because he wouldn't have even had to do this if they didn't have problems with the structure itself.

Mr. Bentley said so the answer to your question is yes but with the mitigating circumstances if we move forward with this we have to be very clear because this is a tricky application. The things that have transpired that have lead us to this point are unfortunate. We aren't doing anything with the garage?

Mr. Trickey said no the garage is staying.

Mr. Kaiser said are you cleaning it up or re-siding it? I noticed the door was open and I tried to shut it and the door wouldn't close.

Mr. Trickey said I am sure we will fix the door but as of this moment I was not instructed or asked to do anything to the garage.

Mr. Bentley said what are your plans with the garage?

Ms. Thomas said paint it, have the door fixed and replace a couple windows.

Mr. Bentley said anything from the Board?

Mr. Coriddi said so the whole foundation and everything is coming out and you are going to start over?

Mr. Trickey said yes. There is nothing really savable about it.

Mr. Smith said are all the elevations staying as close to the same as possible? You're not raising the foundation or anything?

Mr. Trickey said it will meet the height requirements. Actually, the finished basement floor that was there before was at the threshold of 692 and the new proposed plan is at 694. We put it above so we wouldn't have issues.

Mr. Bentley said anything else? I will open it up to zoom.

Mr. Becue said I think it is a great idea to upgrade that home. I'm happy that Linda has bought it and is doing so. Sorry that she has to go through all these issues. The only thing that I wish to be sure of is the house, on the lakefront, is not moving more towards the lake and that it is staying within the footprint on the lakefront.

Mr. Bentley said it is thirty four feet away from the lake so it appears to be within inches of what it currently is.

Mr. Becue said my only concern for that is the view. That is my only issue.

Mr. Bentley said ok, thank you for that. Anyone else? Hearing none, I will close the public hearing.

Ms. Oliver said given what Jim has explained I think they are doing the best thing that they can do to make this as compliant as can be.

Mr. Kaiser said I don't see any other option, honestly.

Mr. Bentley said did the old house have a deck on the front?

Ms. Thomas said no it had a porch.

Mr. Morse said this footprint is exactly the same. They went to great lengths to design this house to meet that footprint.

Mr. Bentley said the front of house, and this is just me, put an 8x10 little deck on there for a sitting area because you don't want a house on the lake, in my option, that you walk straight out. I'm just throwing it out there because you are only going to add 24-30 square feet to it at most from the stairs over to the end. You won't be able to add anything to this property if this is approved.

Mr. Morse said I think what he is saying is you should ask for what you want right now.

Ms. Thomas said and it doesn't matter if it's concrete or deck?

Mr. Bentley said if you do this out to a patio there that's fine. If you just want to walk straight out that is fine.

Mr. Morse said the stairs are not code compliant anyway because there is no landing.

Mr. Bentley said I will put in the variance that you can have an eight foot patio extending from the stairs and twelve feet wide from the house not the end of the stairs.

Mr. Bentley said alright let's move on to our five questions starting with Ben and ending with Charlie.

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

RESOLUTION FORMAT FOR VARIANCES:

WHEREAS, application ZBA #6-2026 was received by the Secretary to Planning and Zoning Department from Linda Thomas the owner of the property at 4040 State Route

364 with tax map #113.19-1-25.000, on March 9, 2026, requesting two side setback variances to rebuild a single family residence; and,

WHEREAS, said application was denied by the Code Enforcement Officer for the Town of Gorham on the basis that the proposed single family residence does not meet the side setback 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, a Public Hearing was duly called for and was published in the official newspaper of the Town on April 9, 2026; and,

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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 application as submitted with a 12x8 patio (only) in the front yard no more than eight feet from the house into the front setback from the approved house plan. That motion was seconded by Mr. Coriddi and the following roll call vote was recorded:

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

The motion carried.

5. MISCELLANEOUS

NONE

6. NEXT MEETING

The next regular meeting of the Zoning Board of Appeals will tentatively be held on Thursday, June 18, 2026 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

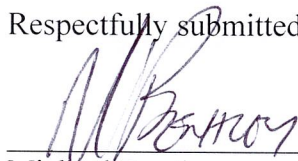
7. ADJOURNMENT

■ 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 7:36 p.m.

Respectfully submitted,



Michael Bentley
Chairperson of the Zoning Board of Appeals