

Town of Gorham

4736 South Street
Gorham, New York 1461

ZONING BOARD OF APPEALS

Thursday, September 18, 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*
Charles Goodwin
Steve Coriddi
Alan Bishop
Tom Amato
Ed Kaiser
Mary Ellen Oliver
Ben Smith, *Alternate*

Staff Present:

James Morse, Town of Gorham Code Enforcement Officer

Applicants Present:

Tom & Julie Rae, 5018 Co Rd 11
Anthony Venezia, Venezia Land Surveyors
Dick & Maureen Kohler, 66 Sableridge Ct
Bill Grove, 8677 State Route 53

Others Present:

Gail Kaiser
Catherine Cantwell, 5036 E. Lake Rd
Patrick Cunningham, 5032 Co Rd 11
Patrick Laveck, 5008 Co Rd 11
Pam Cummings, 5024 Co Rd 11
Todd Cummings, 5024 Co Rd 11
Resident from 5090 Co Rd 11
Dick Hall, 4881 Co Rd 11
Robert Johnson, 4976 Co Rd 11
Jeff Gambriel, 5022 Co Rd 11

Eric Geoca, 19 Apollowic

Via Zoom:
Unidentified

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 September 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 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, Tom Amato, Ed Kaiser, Steve Coriddi, Mary Ellen Oliver, Alan Bishop, and Charlie Goodwin.

2. APPROVAL OF MINUTES OF JULY 17, 2025

■ A motion was made by MR. BISHOP, seconded by MR. GOODWIN, that the minutes of the JULY 17, 2025 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 18th day of September 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 applications:

ZBA #4-2025: RICHARD KOHLER 66 SABLERIDGE COURT, SPENCER-PORT, NEW YORK, 14559: 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 53.3%. Also requesting an area variance for the northeast side setback of 6.2 feet from the house where fifteen (15) feet is required, a southwest side setback of 10.3 feet where fifteen (15) feet is required, a front setback of 19.8 feet to the north east corner of the deck where thirty (30) feet is required, a front setback of 24.2 feet to the south west

corner of the deck where thirty (30) feet is required and a rear setback of .3 feet where thirty (30) feet is required. The variances are to allow the construction of a single family residence. The property is located at 5028 County Road 11 and is zoned LFO Lake Front Overlay and R-1 Residential.

ZBA #5-2025: VENEZIA LAND SURVEYORS 33 NORTH MAIN STREET, CANANDAIGUA, NEW YORK, 14424: Request 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 39.8%. Also requesting an area variance for the southwest side setback of five (5) feet from the house where fifteen (15) feet is required and a height variance of 26.9 feet where twenty six (26) feet is allowed. The variances are to allow the construction of a single family residence. The property is located at 5018 County Road 11 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. NEW PUBLIC HEARINGS

ZBA #4-2025: RICHARD KOHLER 66 SABLE RIDGE COURT, SPENCER-PORT, NEW YORK, 14559: 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 53.3%. Also requesting an area variance for the northeast side setback of 6.2 feet from the house where fifteen (15) feet is required, a southwest side setback of 10.3 feet where fifteen (15) feet is required, a front setback of 19.8 feet to the north east corner of the deck where thirty (30) feet is required, a front setback of 24.2 feet to the south west corner of the deck where thirty (30) feet is required and a rear setback of .3 feet where thirty (30) feet is required. The variances are to allow the construction of a single family residence. The property is located at 5028 County Road 11 and is zoned LFO Lake Front Overlay and R-1 Residential.

Richard & Maureen Kohler and Bill Grove presented the above project.

Mr. Bentley said there appears to be someone on zoom and your camera is off, which is perfectly fine can you just confirm that you have received the instructions if you want to speak please. Hearing none, go ahead and present your project.

Mr. Grove said I know that it sounds like a lot that we are asking for and I guess it is in the fact that the variance requests are probably pretty substantial compared to a lot of them that you get. What we have is a preexisting nonconforming lot where the garage extends out beyond the right of way line. The deck stairs are already too close to the

water. The house is much closer to the north property line. It is an eighth of an acre lot .125 acres. The proposal is to build a 1360 square foot house with a 24x24 attached garage and a deck on the lakeside of the house. The intent is to make the lot more conforming and less nonconforming by eliminating the structure that exists within the right of way and pulling the structure off the north property line a little bit further than it is. In order to get this modest house on the lot it requires variances for lot coverage, green space and the setbacks. I did have a question on the setback from the shoreline. The way it read it was two separate variance requests for front setback to the corners of the deck which I don't think is accurate.

Mr. Bentley said it is front setback, if you have an offset lot and depending on your shoreline if you are twenty six feet from one side and twenty four feet from the other side we do it very specific that way because if we give you a twenty six foot setback that means you could take it all the way across. So it is very specific the way that we do it. Just like the corners of the house. If you are closer on one corner on the front verses the back we are specific.

Mr. Grove said that makes sense. The other thing is the proposed house will be squared up to the property lines. The existing house is skewed a little more to the north than the proposed house is.

Mr. Bentley said is this the biggest drawing you have?

Mr. Grove said yes.

Mr. Bentley said this is a lot to digest on the small paper. Go ahead.

Mr. Kohler said what we are interested in doing is we looked at the existing structure and it is old and just needs a lot of work and for the cost we are looking at making it a permanent residence as we age to have a one floor and not a two floor home. The basement will be for storage with some finished space. It is more of a look to the future to get into there permanently and have everything on one floor as opposed to a two story home.

Mr. Grove said if you look on the second sheet of the plans it shows the lot coverage and maybe that is a little easier to see what is there verses what we are proposing.

Mr. Kaiser said you are turning the house south. Is that what you said?

Mr. Grove said the existing house faces more north is what I meant to say. It's not a lot of angling it's only a few degrees. The idea would be to line it up parallel to the property lines.

Mr. Bishop said how close is the existing cottage to the mean high water mark now?

Mr. Grove said to the corner of the steps I think it is 19.8.

Mr. Amato said how about to the deck?

Mr. Grove said to the existing deck it is about thirty two feet.

Mr. Kaiser said are there stairs coming off the new deck?

Mr. Kohler said not the new one but the existing. They will go off to the side not to the waterfront.

Mr. Kaiser said on the new deck.

Mr. Kohler said yes because the existing one they go off to the waterfront.

Mr. Kaiser said but the new one.

Ms. Kohler said to the side.

Mr. Grove said and those will be within the footprint of the deck.

Mr. Amato said they are not showing here.

Mr. Kaiser said no, not at all.

Mr. Gove said it will live within that 12x32 footprint somehow.

Mr. Bishop said so the current building, the deck, how close is that to the mean high water mark?

Mr. Grove explained on the plans where the existing covered deck is verses what is proposed.

Mr. Kohler said I think from the water to the third or fourth stair was thirty feet.

Mr. Amato said this drawing of the existing doesn't match what I saw today. The stairs were coming off the center.

Mr. Grove passed out copies of the survey map.

Mr. Bentley said the stairs are 74.9?

Mr. Grove said yes.

Mr. Amato said this is not the same as when I was just out there three to four hours ago. The deck also looks like it was added on to, so currently you have thirty two feet, was that from the add on from the deck or the original part of the deck?

Mr. Grove said I don't understand your question. I'm sorry.

Mr. Kaiser said what is the setback to the corners of the deck as it sits today?

Mr. Bentley said it is thirty two feet on the south side, not the stairs because that is different, and it's thirty feet to the north side. The northwest corner is twenty four and the southwest corner is twenty four.

Mr. Amato said that is according to this?

Mr. Bentley said I am scaling this drawing and according to the scale that's what it reads. Did I answer your question?

Mr. Amato said you answered my question according to what is here but I am asking what is actually there.

Mr. Bentley said I am just going by the survey map and we have to go by the approved survey.

Mr. Grove said the survey was from this year, 2025.

Mr. Kaiser said it looks like there is a thirty foot setback line on that drawing but I'm not sure that's accurate.

Mr. Grove said I don't believe that it is. It is from what the surveyor called the shoreline but I don't believe that to be the mean high water line. The mean high water line is at the bottom of the retaining wall. I think that is part of the discrepancy in numbers.

Mr. Bentley said the bottom of the retaining wall.

Mr. Grove said it's a sloped concrete retaining wall.

Mr. Bentley said so you are at twenty eight feet from the northwest corner and from the southwest corner you are at twenty eight feet. You are about four feet different. You have a thirty foot setback that runs through the middle of the stairs and according to the scale we are already past that setback.

Mr. Kaiser said so the new home is substantially closer to the lake than the current.

Mr. Bentley said according to this, if this is accurate, you are at twenty five feet to the water mark. Is the red the high water mark on here or the bottom of the retaining wall?

Inaudible conversation

Mr. Bentley said the bottom of the retaining wall you are at fifteen feet and nineteen feet. So you are about eleven to thirteen feet closer. Sir, the question was if the deck had been added on to and you said you had an answer.

Mr. Cummings said Ann had the deck put on a few years back. A tree had fallen on it so when she fixed it, the tiny deck she had on it before was as far as they said she could go, then she added three feet on.

Mr. Amato said can we revisit those numbers because I just want to understand that. We are seeing 19.8 feet to the northeast corner of the deck and 24.2 and you just said fifteen and something else.

Mr. Bentley said according to this, and I am just going by what I am reading on the scale, the southwest corner is nineteen feet not twenty four feet to the bottom of the retaining wall.

Mr. Grove said the 24.2 feet is the accurate measurement on the site plan.

Mr. Bentley said if this scale is right I am still not showing 24.2. I am not a surveyor but if I move this over because it is to the closest part of the high water mark you are actually at seventeen feet.

Mr. Grove and Mr. Bentley then reviewed the plans and measurements again.

Mr. Grove said I guarantee that measurement is accurate. The drawings may not be printed to scale.

Mr. Bentley said I don't mean any disrespect but when we get told that and it gets built all of a sudden we need forgiveness. We have been through this rodeo too many times.

Mr. Grove said what is the dimension of the house? Can you scale that? Is it 42.5?

Mr. Bentley said no it's at forty feet.

Mr. Grove said it must not be printed to scale then.

Mr. Bentley said that would make sense because I am two feet off there too.

Mr. Grove said trust my measurements and not the scale.

Mr. Bentley said I can't.

Mr. Grove said you have to because the surveyor when they stake the house they are going to stake it to the measurements on the site plan.

Mr. Bentley said the garage and deck are off two feet as well so it is not printed to scale.

Ms. Mitchell gave Mr. Bentley a copy of plans that were originally submitted that had some typos and other errors for Mr. Bentley to use for measurements.

Mr. Bentley said these are to scale and the measurements appear to be correct.

Mr. Grove said that makes me feel better. Did we answer your questions about existing verses proposed distances?

Mr. Amato said all we have to work with is what you are telling me and this is not to scale.

Mr. Bentley said I am going to go back and answer your question. It is 24.2 on the right drawing.

Mr. Amato said where are you seeing the existing?

Mr. Kaiser said our question was is the new house closer?

Mr. Bentley said absolutely it's closer. You are pushing it further with that garage so it's closer by ten or twelve feet.

Mr. Kohler said actually there is about nine feet between the existing garage and the house. The house, the eastside, isn't moving forward. We are just pulling the garage out of the right of way back to the house. There is probably a nine or ten foot gap in there.

Mr. Bentley said but your current house, if this is to scale and correct, 42.5 and with the roof overhang it makes it 44.5 and then you have a ten foot deck with an overhang of a foot. Does that sound right?

Mr. Kohler said yeah. I was thinking it was a little less than that but yeah.

Mr. Bentley said that's what the scale says. We have no elevations with this house. Is this a ranch with a basement is the proposal not a two story?

Mr. Kohler said no. The existing house, I think the reason that jog is there, is because it's so close to the lot line so if we straighten it adds to there and it obviously takes away from the other side.

Mr. Bentley said ok, I am going to open it up to the Board for questions.

Mr. Amato said your elevation you are saying is single story with a basement below could you explain that? How far down will you be digging? Where will your first story start?

Mr. Grove said where the steps in the front come down to grade that bottom step is at 696.0 and our proposed basement elevation is the exact same 696.0.

Mr. Amato said and how high will your basement ceiling be?

Mr. Grove said there is more than, let's say a normal stories worth of elevation difference between that elevation and the road, so we are proposing a ten foot basement wall plus a foot of floor structure. It is an eleven foot difference between the finished floor of the basement and the finished floor of the first floor.

Mr. Amato said and the house since we have no elevations.

Mr. Grove said yep, I show a peak elevation of 722.0, so as far as total height from average grade is 26 feet.

Mr. Kaiser said are you doing a walkout basement?

Mr. Grove said yes.

Mr. Amato said eleven foot and fifteen for the house, is that what I am gathering?

Mr. Grove said yes.

Mr. Bentley said you are not asking for a height variance though, correct?

Mr. Grove said no we are well below. Nine feet lower than height.

Mr. Morse said twenty six feet is max height.

Mr. Grove said oh, I thought thirty five was the max height. Then you are right we are right on.

Mr. Bentley said anyone else?

Mr. Bishop said from the measurements on here your existing cottage without the deck is 977 square feet is what it looks like and you are looking to go up to 1360 and if you include the garage you are looking to go up to 2137, is that correct?

Mr. Grove said it sounds about right. The existing cottage 1231.2 but that includes the deck on the front.

Mr. Bishop said right and I took the deck off and came to 977. If you do residence to residence you are going 977 to 1360 which is a pretty significant increase and if you include the garage you are going up to 2137. Correct?

Mr. Grove said yes.

Mr. Bentley said anyone else?

Ms. Oliver said is the gravel also included in your lot coverage?

Mr. Grove said only where it is on the lot, so outside of the right of way area.

Mr. Kohler said isn't the total square footage with the garage under 2000? It's 1360 and 24x24.

Mr. Kaiser said without the deck it is.

Mr. Bentley said we are going to get there momentarily. Anyone else? Alright, I always give my two cents and some like it and some don't. So, I think what you are trying to do with this lot is a good idea but I don't think it's going to work from my vantage point. I think you can get to where you want to be in a different fashion. You are asking for a 22% increase in lot coverage. In my opinion, you can make the deck smaller. For me, this is a very small lot and you can get to where you want to be. I hear you that you want to be a full time resident and I respect that but unfortunately I can't take that into consideration when we go to vote. I think you can minimize and ask for a smaller variance, in my opinion and I am only one person. The deck is much too large, in my opinion, for this lot, as well as the garage is much too large. I understand you have to have storage and things of that nature and one of the things we are tasked with is that we have really had to focus over the last three to five years is to not overgrow these cottage lots. I think, from my perspective, I'd like to see a few things, a drawing to scale with some proposed elevations with more detail. If we get those things in the first pass then we don't have to ask a lot of things. I don't know where it is going to go. If you could scale it down a little bit and I know you want it to be a full time residence but if you could put a full time resident house on a lot that size I think you will have a better chance. I will tell you this and I will put this on the record I don't believe in the thirteen years I've been on this Board that we have ever turned down an application that wants to tear down and built back to the same lot coverage except if they want to tear out concrete to build a monstrosity of a house. I would say if you got it closer to where you are today and I honestly think you can do that by minimizing a few things I think in my opinion you might have a better chance to move forward with the application. That is my two cents. I want some accurate drawings so I'm not comparing apples to oranges.

Mr. Grove said it's all on there it's just hard to read. I thought it would simplify. I certainly understand what you are saying. On a lot that is this small even though that percent of lot coverage is large it's not a lot of square footage to reduce it to get back to preexisting conditions. I think we might be able to get to it.

Mr. Bentley said and that's the thing, we can say what we want to about a basement but it is livable space if it's a walkout. My apologies, I don't know if you have a walkout basement today.

Mr. Kohler said it's a crawl space.

Mr. Bentley said you are actually going from, let's just call it a 1000 square foot house, to a 2600 square foot house if you include that livable space because although it's below ground it is still livable. That's my two cents. I applaud you for wanting to do what you are doing but I think we have to scale it back a little bit, in my opinion. Anything else from anybody?

Mr. Kohler said and the intent on the walkout wasn't to have it all finished.

Mr. Bentley said maybe you change your intent.

Mr. Bishop said I agree. Our job is to minimize variances and I would look to minimize those variances.

Mr. Bentley said and let me say this, you are already nonconforming so you are over the lot line and we take that into consideration, and I will say this for the public as well, if you are two feet off the lot line here and you are eighteen feet off the lot line here and you move it to square it if you're not getting bigger then that is taken into consideration. Really you are doing the same footprint, for the most part, for the house but your garage and your deck are the areas of concern. Anything else from the Board?

Mr. Goodwin said I agree with you Mike, I think there are too many variances. Reduce the number of variances and overall size of the house.

Mr. Bentley said ok, I am going to open this up to Zoom. If you are on Zoom I am going to give you the opportunity to speak first. Hearing none, I will move on. If you have any input on this property please be respectful and give me your name and address and relevance location to the property.

Mr. Cunningham said first of all thank you for allowing me to speak.

Mr. Cunningham read the following letter into the minutes:

To: Town of Gorham Zoning Board of Appeals
From: Patrick Cunningham, 5032 County Road 11 homeowner
Date: September 18, 2025

I hereby request that the proposed zoning law variances of the property located at 5018 County Road 11 be denied.

My objections are as follows:

1. **Obstruction of View:** By allowing the home and deck to extend closer to my property line and to the lake, my view to the northern part of the lake is significantly compromised.
2. **More direct view of the proposed deck:** Currently the house is oriented such that the house and deck are relatively perpendicular to lake front. The proposed orientation of the house would position the deck such that it would be oriented more to the south (parallel to the lot lines) and much more open to view from my property. This would decrease the privacy of my deck and lakefront yard.
3. **Property value:** I believe that obstructing my northern view of the lake by reducing the space between my home and the proposed home and reducing the setback of the proposed home from the lake, as well as the proposed reorientation of the deck relative to the property line, will decrease the appeal and ultimate value of my property compared to a footprint that is in accordance with the current zoning requirements.

Mr. Bentley said thank you Mr. Cunningham. Is there a Mr. McCormick here?

A member of the audience said he is not here but I am his wife so I represent that property. I don't know what he wrote but I agree with it.

Mr. Bentley then read the following email into the minutes:

Michael Bentley
Zoning Board of Appeals
Town of Gorham

Dear Mr. Bentley,

Thank you for the notification of the request for variances for construction planned for 5028 East Lake Road. Having reviewed the request and the architect's renderings, I would ask you not to approve these variances. The codes are there for good reason and while reasonable accommodations should be made, when they do not infringe on the property of others, that is not the case here. The requested variances completely override the goals of construction proportional to the lot and respecting the boundaries with neighboring properties. The proposed structure would violate the code in all directions of the compass.

Perhaps the new property owners can get a more respectful plan from their architects but please vote no on the current request.

Thank you,

Kevin R. McCormick
5036 East Lake Road
Rushville, NY

Mr. Cummings said I live directly north of the 5028 property. I am here to respectfully object to the requested variances for the property. This proposal does not comply with zoning codes particularly regarding setbacks. The proposed design places the structure closer to the high water mark than the code allows and closer to the road. These setback rules exist to protect Canandaigua Lake and reduce runoff and to preserve the shoreline from overbuilding ***inaudible***. Another concern is orientation. The property lines are really angled and if you turn it parallel with both lines all the other houses are square with the property lines and road basically. The existing house I ran a line from both stakes and the front of the house is approximately four feet not counting eaves from the lot line and you go back about thirty five feet its seven feet so it changes three feet in that short distance. So you can imagine even a longer house the whole thing, like Pat said, will be turned facing more towards his house. Finally granting this variance would be unfair to the neighbors who followed the zoning code in good faith and approving it sets a precedent that undermines the ordinance. For these reasons I respectfully urge the Board to deny the application. Thank you.

Mr. Bentley said the house is forty two and a half feet the same as it is today. I don't want it to be misconstrued because when we see these things we have to decide for so much but the house is the same length as it is today. It is a different configuration but it's the same length. I am in agreement with you that it's too much. There are some things, in my opinion, that need to take place. I just want to make sure for the record that you are aware that it is not a bigger house. It is not a longer house. It might be a wider house but it is not a longer house. Just for clarity for the record.

Mr. Cummings said with the twenty four foot garage it is much longer

Mr. Bentley said I don't disagree with that but the house footprint itself is not any bigger or longer. Anything else from anyone? Hearing none I am going to close the public hearing.

Mr. Grove said are we able to propose that we will revise this plan and come back with a better plan?

Mr. Bentley said are you asking me to adjourn it for thirty days?

Mr. Grove said yes that is what I am asking.

Mr. Bentley made a motion to adjourn this application until October 16, 2025. The motion was seconded by Mr. Kaiser. The motion carried with all present voting aye.

Mr. Bentley said if you do not have your plans in by October 6th then it will be a dead application. Thank you have a good night.

ZBA #5-2025: VENEZIA LAND SURVEYORS 33 NORTH MAIN STREET, CANANDAIGUA, NEW YORK, 14424: Request 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 39.8%. Also requesting an area variance for the southwest side setback of five (5) feet from the house where fifteen (15) feet is required and a height variance of 26.9 feet where twenty six (26) feet is allowed. The variances are to allow the construction of a single family residence. The property is located at 5018 County Road 11 and is zoned LFO Lake Front Overlay and R-1 Residential.

Mr. Venezia said I am here representing Julie and Tom Rae for their potential teardown and rebuild of a family cottage on Canandaigua Lake. Currently as the cottage stands we are a nonconforming lot. We are high on lot coverage currently. The goal on this project is to remove the home and remove the existing garage that is up at the road. We are reducing the overall lot coverage by about .7% total with the removal of a few items during construction. We are also moving the house northerly a few feet. The current cottage is 3.1 feet off the south line and we are going to move that five feet and try to not require a secondary variance on the north side. As to the height we have gone through a couple iterations with the architect to try to minimize as much as we can. The overall height from the front of the house to the peak is about twenty five and a half but because of the grade and without doing major grading at the lakeside we are requesting that .9 feet just to give us a little more clearance with the height of the building. There are a couple of changes on the architectural compared to the plan. The stairs going down to the lake are going to be integrated into the porch. The architect is working on a few other changes but the footprint that you are seeing on the actual plan is the footprint that we will be within.

Mr. Amato said these are going to be ****inaudible****.

Mr. Venezia said yes, they are going to be integrated and with the windows we might not be able to put those windows in the basement because we have to raise the grade a little bit more. The architect on there had the grade at two or three feet lower but we have to bring this up just a couple of feet so it's not a walkout but it will be a basement for storage. Also, there is that garage door in the front that just looks like a garage door. It's not going to have a driveway going to it. It's just going to be for storage since we are removing that current garage.

Mr. Kaiser said where will you park?

Mr. Venezia said they have a parking area.

Mr. Kaiser said and that will stay there?

Mr. Venezia said yes that is all staying there. The stairs will stay in there. There will still be the walkways. The garage will be removed and grass will go in so that helps us in reducing our overall lot coverage by about .7% is the goal there. Also, if you look at what I brought to you with the elevations and grades we are about seventeen and a half feet. That brown line that I have on there represents the road elevation so we are about seventeen and a half feet above the road. The current garage is about fifteen feet so we are only about two feet above the current peak of the garage. Just to give you an idea on where we are amongst larger homes in the area. The house to the north with the walkout basement is about forty feet tall approximately.

Mr. Bishop said you have stairs and patios that look like they are coming out.

Mr. Venezia said there are some stairs on the deck that will come out.

Mr. Bishop said by the water?

Mr. Venezia said the patio by the water is not staying there but there is some walkway and deck that will come out closer to the lake.

Mr. Venezia then reviewed the layout of the patios and stairs on the plan.

Mr. Amato said so this nonfunctioning garage door.

Mr. Venezia said it's just for looks and storage.

Mr. Amato said I understand but where is that in relation to the elevation of the road?

Mr. Venezia said the road is about 708 and that's about 701. If you have been to the site, which I assume you have, it is kind of staying that way. You are going to have that slope that we are going to cut out to get a swale to move some water around the building where it's not right now. That is one of the reasons the project is coming forward is a few years ago, in 2018, they had a flood event and there was construction going on and water ran right through the house and destroyed everything. That is the pushing factor because the house is kind of deteriorating.

Mr. Kaiser said you said you believe the road is at 708?

Mr. Venezia said roughly yes.

Mr. Kaiser said and it looks like your finished floor is at 702 and that would be your garage.

Mr. Venezia said that might be a little bit lower at maybe 701 or 701 and a half.

Mr. Amato said what is the grade upfront?

Mr. Venezia said 701.00

Mr. Amato said no upfront on the lakeside.

Mr. Venezia said 696 at the porch but at the house we are going to grade up a little higher. So we are at 698 at the house.

Mr. Amato said so the walkout will be at?

Mr. Venezia said it's not a walkout it will be a lookout possibly if we can get a window in there.

****inaudible conversation****

Mr. Amato said so the basement is going to be lower than the existing grade.

Mr. Venezia said the basement will be right where grade is now the 696 we are going to raise it to 697 because we are raising grade a bit at the front of the house.

Mr. Kaiser said the floor will be five foot below that 697.

Mr. Venezia said yes, roughly.

Mr. Amato said the basement floor will be?

Mr. Kaiser said 692.

Mr. Morse said you do realize that will kick in the floodplain construction right, Anthony?

Mr. Venezia said yes.

Mr. Morse said with flow throughs and everything.

Mr. Venezia said we can take a look at that and if we have to adjust with the architect we can.

Mr. Bentley said I just want to make sure I am clear on this; we are doing the same house on the same footprint.

Mr. Venezia said the house is bigger than what is there now.

Mr. Bentley said so what am I missing then?

Mr. Venezia said we are removing a large garage.

Mr. Bentley said so this grayed out portion?

Mr. Venezia said that is the house and then you have the porches and the overhangs.

Mr. Bentley said is the black line the new house?

Mr. Venezia said the dotted line is the overall outline of the house. It's a rectangle.

Mr. Bentley said ok, I thought it was sitting right on top of it, so that makes more sense.

Mr. Amato said one other question that I had was on the plans and everything it shows a bump out on the southern side.

Mr. Venezia said we are going to integrate that fireplace bump out into the house.

Mr. Amato said so that won't be there?

Mr. Venezia said no. We are also narrowing up with the architect that the overhang will be six inch and I believe it shows twelve.

Mr. Kaiser said but they are a part of your setback on your plan.

Mr. Venezia said correct.

Mr. Smith said on the stairs you said they are not going to be past the house.

Mr. Venezia said they are going to be integrated and either come out or back or straight out just to get down to that level.

Mr. Smith said it would be a pretty steep stairwell.

Mr. Kaiser said then that might affect your setback on the northside.

Mr. Venezia said we are going to keep it within the footprint. That is the goal. We have a nice large area of the patio that we can work with so we don't add lot coverage.

Mr. Bishop said so really the way you are bringing the lot coverage down is even though you are making the house bigger but you are getting rid of the garage.

Mr. Venezia said right and there are also some other walkways and stuff around the house that we are removing in general. We are leaving the main patio and stairs to get down to the dock.

****inaudible conversation****

Mr. Venezia said the way that the lot works in order to get an attached garage it's not going to work.

Mr. Bentley said alright, any further questions for the applicants or their representative?

Mr. Smith said can you just tell me the floor height on all three of them?

Mr. Venezia said they are all seven and eight. We aren't asking for anything crazy. If you were on a flat lot it would be twenty five and a half feet tall.

Mr. Bentley said so you are going to put a seven foot floor on a first or second floor?

Mr. Venezia said it's eight foot and seven on the top.

Mr. Bentley said it's nine, eight and eight which is 26.9. Anything else for the applicants? Ok, I am going to open up the public hearing. I am going to go to Zoom first, do you have any relevant comments? Hearing none, anyone here? Hearing none, I am going to close the public hearing. If these moves forward, for me, you are going to need to get rid of the .9 inches.

Mr. Bishop said the height variance.

Mr. Bentley said that is just as simple as I can put it.

Mr. Kaiser said I think there is room to do that.

Mr. Bentley said absolutely there is. Ok, discussion?

Mr. Kaiser said I agree with the height. I think it needs to be brought down. The fact that they are lowering their lot coverage, I applaud you for that.

Mr. Bentley said that garage is pretty dilapidated.

Mr. Kaiser said it is and it is very close to the road.

Mr. Bentley said who is the neighbor to the north of them?

Ms. Rae said Chuck. He's not here but we called him and explained everything.

Mr. Bentley said is the garage an eye sore for the neighborhood? Jeff?

Mr. Gambril said it was necessary for storage but it's fine the way it is. It's a 100+ years old so it's time to get rid of it because it's so close to the road and everything else plus it helps them with the build of their house.

Mr. Bentley said anything else?

Mr. Amato said you have a beautifully designed house here but it is a lot on a really small piece of property. I think there is room to reduce this and not have so much on a really small piece of property and not impact your neighbors. I think the covered porches are going to impact your neighbors view to the south.

Mr. Bentley said I don't know why we keep bringing up impacting your neighbors view when they live on the most expensive piece of property in the United States with water-frontage.

Mr. Venezia said for the most part we are moving it back to where the deck is now so we are within the setback. We are trying to make it better for the neighbors.

Mr. Bentley said I don't think it is too much house. I think what they have there now with the garage, I think, is what is in accordance to what we have always done. I do have some conversations on the five foot and the fifteen foot, I'd like to see that changed when we move forward with this. You are closer to the one property and you have ways to move it over and still be in the guidelines and minimize the variance you are requesting. The height variance is an absolute no for me and I would be shocked if anyone on this Board said yes.

Mr. Smith said I walked this property a few days ago and according to my measurements its about 2.8 feet to the shrubbery that is there now so I applaud them for moving it even though they aren't moving it to the center. They are giving it an extra two and a half feet on that side away from that property line.

Mr. Bentley said but I think they can go further.

Mr. Smith said the height I 100% agree with though.

Mr. Bentley said I think everyone on this Board will agree with what I am about to say, I would rather give you two variances and minimize the impact you are going to have on a neighbor. I would rather give you two variances then have you five feet from a house when you have the accessibility to move it. That's my opinion. I have always had that stance. Some agree and some disagree.

Mr. Bishop said so your suggestion would be to move it over.

Mr. Bentley said if we are going to vote that would be my suggestion. I would rather see you have a seven foot variance on the south side.

Ms. Rae said I would agree to move it a foot. That would be fine with me.

Mr. Venezia said we have the space to push it a little bit.

Mr. Kaiser said how wide are those front covered porches?

Ms. Rae said they are seven and five.

Mr. Venezia said that was another change that was made.

Mr. Kaiser said so the front side you shrunk a foot.

Mr. Venezia said we will get updated plans for that.

Mr. Bentley said based on the information you are giving me I am going to move this for adjournment until October 16, 2025 and new plans have to be submitted by October 6, 2025. The motion was seconded by Mr. Kaiser. The motion carried with everyone present voting aye.

5. MISCELLANEOUS

NONE

6. NEXT MEETING

The next regular meeting of the Zoning Board of Appeals will be held on Thursday, October 16, 2025 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

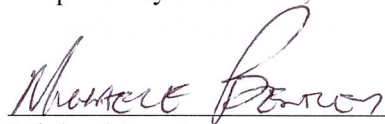
7. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 8:14 p.m.

Respectfully submitted,



Michael Bentley

Chairperson of the Zoning Board of Appeals