

Town of Gorham

4736 South Street
Gorham, New York 1461

ZONING BOARD OF APPEALS

Thursday, November 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
Ed Kaiser
Steve Coriddi
Mary Ellen Oliver
Alan Bishop
Charles Goodwin
Ben Smith, *Alternate*

Staff Present:

James Morse, Town of Gorham Code Enforcement Officer

Applicants Present:

Bill Grove, 8677 State Route 53
Richard & Maureen Kohler, 5028 County Road 11

Others Present:

Gail Kaiser
Todd & Pam Cummings

Via Zoom:

RJBSC

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 November 2025. 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, Tom Amato, Steve Coriddi, Mary Ellen Oliver, Alan Bishop and Charlie Goodwin.

2. APPROVAL OF MINUTES OF OCTOBER 16, 2025

■ A motion was made by MS. OLIVER, seconded by MR. GOODWIN, that the minutes of the OCTOBER 16, 2025 meeting be approved.

Motion carried by voice vote with all present voting aye.

APPROVAL OF MINUTES OF OCTOBER 30, 2025

■ A motion was made by MR. BISHOP, seconded by MS. OLIVER, that the minutes of the OCTOBER 30, 2025 meeting be approved.

Motion carried by voice vote with all present voting aye.

3. LEGAL NOTICE

The Town did not receive new applications for tonight's meeting therefore there was no legal notice published.

4. CONTINUED PUBLIC HEARING

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.

Mr. Grove said thank you for holding the special meeting last month. We appreciate the efforts in helping us achieve this. Since the last meeting what we ended up doing was reduced the size of the house and reduced the size of the garage. We brought our lot coverage as well as our building coverage more in line with the existing conditions. We went from I believe the last version was 42.5 foot long house by twenty eight and now we are at 40.5 by twenty seven with a twenty by eighteen garage. We added in the walkways that a few members were concerned with, figuring that they were going to be put in later on anyways. We showed them and calculated them into the lot coverage but we are still below existing lot coverage.

Mr. Kohler said we reduced the size of the garage to essentially the size of the one that is there now. We pulled it back from the right of way for the safety concerns that were mentioned. We improved on all the existing variances more so even.

Mr. Bentley said so in essence your lot coverage that is increasing with structure is because we are bringing in that garage that is not in the lot coverage today because it's not on the property, correct?

Mr. Kohler said yes for the portion that was out in the right of way.

Mr. Grove said I feel like I included that because if you look at the existing garage structure garage number at 329 square feet plus 105.8 which is the portion that is out in the roadway, existing, so that comes to the 434.8 plus the house and deck and stairs gives us that lot coverage. It is included in the building coverage calculations structure lot coverage.

Mr. Bentley said any questions from the Board?

Mr. Bishop said the house itself has not changed?

Mr. Grove said the house has changed.

Mr. Kohler said by maybe 100 square feet bigger than existing footprint. From the last proposal we took two feet off the length of the house. We went from 42.5 to 40.5.

Mr. Kaiser said it was very confusing last month because we verbally talked about trimming it to 40.5, which is where you are at right now, and we verbally talked about making the width twenty six feet, which is now twenty seven.

Mr. Grove said yes, it was twenty eight by 42.5 previously.

Mr. Bentley what are your eaves on this house?

Mr. Grove said they are shown at twelve inch overhangs all the way around.

Mr. Bentley said so that twenty seven is including the eaves?

Mr. Grove said no the twenty seven does not include the eaves but it is included in our lot coverage calculations and all our setback measurements are from the edge of the overhang.

Mr. Bentley said is it feasible, and this is splitting hairs, to go to eight inch overhangs or no for runoff it's probably not a good idea, right?

Mr. Grove said you can because we are collecting everything in the gutters anyways so the width of that we ran the calcs on that and it was something like thirty square feet.

Mr. Bentley said anything else from the Board?

Mr. Kaiser said it looks like you decreased the variance on the northside from 5.5 to 6.5.

Mr. Grove said we did yes that is the difference between the twenty eight foot that we were proposing previously and the twenty seven now.

Mr. Kohler said yes the overhang was minimal, Mike.

Mr. Grove said along those same lines we pulled it in from the north and we also pulled the garage in further and we kept the lakeside at the same point.

Mr. Bentley said am I reading this correctly, you are at 18.2 on the southeast corner?

Mr. Grove said no it's fifteen the 18.2 is existing. We are right at the fifteen foot minimum.

Mr. Kohler said we listened to everything everyone said and we tried to take into account as much of it as we could especially with the right of way and the garage size.

Mr. Amato said and we still have no elevations.

Mr. Grove said yes.

Mr. Kohler said I'm not sure how it works but I was under the impression that elevations were reviewed by the Planning Board. You can take something rough but it is not going to be exactly.

Mr. Kaiser said we basically like to see the height and an idea what it is going to look like.

Mr. Bentley said you are asking for a height of twenty five feet?

Mr. Grove said yes.

Mr. Kohler shared a sketch of the proposed house to review but it is not the exact house it's just an idea of what it will look like.

Mr. Kaiser said it looks like you added a walkway going out towards the lake now.

Mr. Kohler said yes based on the conversation from the last time.

Mr. Bentley said do you plan on putting a walkway there?

Mr. Kohler said the last plan didn't have them but there was some concern voiced about not having them but if I eliminated either I would eliminate that.

Mr. Bentley said that would probably make the most sense to me. How big is that?

Mr. Grove said it's thirty six square feet.

Mr. Kohler said maybe a percent of lot coverage.

Mr. Bentley said that is why we ask for them on there because of the minutia of what we deal with. People put them in and it's getting pretty in depth that you don't have that on your plan and there are several people in your neighborhood that are in the same situation that they have things on their property that they don't have on their plan. I appreciate you putting them on there.

Mr. Kohler said I think we have addressed most of the concerns that I recall.

Mr. Bentley said the 33.12 and the 18.72 do not equal 49.83.

Mr. Grove said correct because the 33.12 includes that 105 in the right of way.

Mr. Bentley said that was what I was asking you earlier, so the 105, in essence, is not in there?

Mr. Grove said it's not in the lot coverage but it is in the structure coverage.

Mr. Bentley said so in essence if that were on the property today, this was a big conversation the last time, you would be at 51.84%, right?

Mr. Grove said yes, I agree with that.

Mr. Bentley said anything else from the Board?

Mr. Corididi said I applaud you bringing the garage back, for sure.

Mr. Kohler said it was a safety concern.

Mr. Bentley said I am going to open up the public hearing, to zoom, RJBCS if you would like to speak you have the floor. Hearing none, is there anyone here in the public that would like to speak?

Mr. Cummings said I live on the north side of the Kohler's.

Mr. Cummings then distributed pictures he wanted to review with the Board. The pictures are attached to these minutes.

Mr. Cummings said I ran a level string from the road level and the road level is like 707.8 so I ran a level string out to there and the first floor level is going to be .8 below that. They were calling for 707 for the first floor level. What I am thinking is where that ladder is where the window is in front of the condenser is the existing place and that is about where the garage is going to meet the new house. Up there at that blue tape, that is going to be the floor of the garage, above my head. That is one concern. Then when you get to the end of the garage there will have to be a retaining wall from the driveway to the road because there will be a big drop. The floor is literally going to be over my head where the floor meets the house.

Mr. Bentley said so you are telling me that the garage floor is going to be seven feet off the ground?

Mr. Cummings said correct because when I am standing there you can see, that is an eight foot ladder, where that tape is at 707.8. I ran a level string across there.

Mr. Grove said at this corner it is about six feet above existing grade.

Mr. Kaiser said is the home behind that ladder your home?

Mr. Cummings said my house is behind me. I was taking a picture of that side of the house. That is one concern, so then there would have to be a retaining wall on that side of the driveway. Then what about coming off the side of the house, is that going to be the same ground level? I have one other concern on the other side of the garage. They shrunk the garage and there is a walkway going across there and I forget exactly how many stairs there are now but you are going down five or six stairs then are you going back up stairs to the door? Or are you just putting in fill all the way across and have another retaining wall with no access at all to the yard so you can't get to the lake from the road without going through the basement.

Mr. Bentley said I will say a lot of your concerns are for the Planning Board but I am going to give him the opportunity to answer that.

Mr. Grove said on the northside of the proposed house the existing grades shows that the existing topography pushes water onto the neighbors property so we are going to remedy that with grading to keep water on our property and follow parallel to the property line.

Mr. Kaiser said you are going to adjust for six feet higher?

Mr. Kohler said it won't be that much higher.

Mr. Grove said no not adjust, grade will continue to drop but we will be able to swale it in that six feet to get down there. He's not wrong that that corner of the garage, the west side of the garage, at that point is about six feet below garage elevation.

Mr. Bentley said the north side, right?

Mr. Grove said yes the northwest corner where the a/c unit is. Instead of that water continuing to travel over to the neighbors property we are going to capture it with the proposed grading on our property to convey it down to the front lawn. That should answer one concern. I don't believe that we will need a retaining wall along that side of the driveway we are going to be at 706 there and if anything it will be a very short section of wall maybe a foot tall. Grading in that area we can achieve that. The other question about the walkway, that area is going to be filled so that the walkway is at 706 there about so it will probably be a step down from the parking area to the walkway and a step up into the house. The existing grade there now is in the 702-704 range so 2-4 feet of fill in that area to bring that up.

Mr. Bentley said then you will come down and do a swale on the other side?

Mr. Grove said exactly.

Mr. Cummings said I noticed on the print that it showed on the south corner of the house it shows the grade as being higher. I am talking about the existing house ****inaudible**** but on the existing house it is the same level as my side because the vinyl siding is just off the ground and it is the same distance to the ground on both sides. The actual house there the grade is the same on both sides.

Mr. Bentley said it's not my purview I'm not a grade expert.

Mr. Cummings said right now at the back door, cause on the side it's above my head, around the corner it will be the same thing. You say you are going to fill but then how do you get access down to the lawn?

Mr. Bentley said again I am not a grade expert. I know there are many houses on the lakefront that the access is very very shallow on either side but again I am not a grade expert.

Mr. Kohler said that is the whole point of having a site engineer to figure that out.

Mr. Kaiser said ****inaudible**** how are going to transition right to there?

Mr. Grove said the grade will fall away from it. It will be exposed foundation wall.

Mr. Kaiser said if this is garage height, the house height is at the same elevation, so the grade is dropping off and your house is level, it is continuously getting worse as you go to the lake.

****inaudible conversations****

Mr. Kaiser said because you are starting up here because you are obviously going to have a driveway going into the garage unless you are going deep with your foundation for frost and leave it exposed.

Mr. Grove said yes and it will be filled under the garage floor area.

Mr. Amato said so there will be a wall there six feet high five feet from the property line?

Mr. Grove said yes.

Mr. Amato said plus the garage.

Mr. Grove said 6.5 feet.

Mr. Kohler said it's no different than any house with a walkout where the siding follows the contour down.

Mr. Kaiser said it is a little different because you are only six feet from the property line and if there was more room there is room to do it with a swale. It's difficult.

Mr. Morse said you guys need to be careful because you are getting away from lot coverage and setbacks and you are talking about engineer drawings and that is not your job.

Mr. Kohler said that is the whole idea of having a site engineer do this.

Mr. Bentley said right and I am no expert on this. Anything else Mr. Cummings?

Mr. Cummings said my only other concern was that it is still going to be eight further forward than everybody else's.

Mr. Bentley said I know that you have had a lot of concern with this house and you are 100% opposed to that and I respect that. I am also going to say this for the record, your house that you live in does not comply with your survey. Your survey that you have is not what you have on your property today. When I have people that come in that are as vocal as you, and I respect that, is that your survey from what I see is actually over 50% as well. Your patio in the back is showing as a partial patio and connected where it is

today. Your stairwell going down to your property is not on your survey, so I don't know if you are aware of that.

Mr. Cummings said the house meets all the setbacks.

Mr. Bentley said I don't know if it meets the setbacks or not, it was built in 1920 but the survey I looked at was from 1999. I looked at yours and two others and two of the three have variances that are larger than this and also ones that are not on the survey. I will show it to you and we can go over it together so we are on the same page. It has no bearing on this decision but I think it's fair for the record that it's said.

Mr. Cummings said I don't oppose their house. I feel terrible coming in every time and bashing it.

Mr. Bentley said anything else from the Board? Hearing none, I am going to close the public hearing and we will discuss this.

Mr. Bishop said as I said last time I think it will be better without the garage.

Mr. Kohler said my understanding is that we are not here to give an opinion on what we should have we are looking at what the rules are, right? The property has a garage.

Mr. Bishop said we are looking to minimize variances and you are asking for a pretty significant variance on lot coverage, correct?

Mr. Kohler said we are improving the preexisting nonconforming.

Mr. Bishop said I understand but that is not what the rules are.

Mr. Grove said but it is over twelve feet of improvement on a preexisting nonconformity.

Mr. Bentley said and I vary. Me personally, that is the same size garage that is there today and you are increasing by fifty feet overall of the size of the house and garage together. That's my opinion and you are decreasing the lot coverage. I personally, and I am no site engineer, would like to see the house moved to the south and have an extra variance for the water concern. I would rather see ten feet on both sides or eleven and a half or ten on one side because then you are going to center the house more, etc. I don't think the house is too big for the lot because that is what is on there now. If it weren't on there now I don't think it's an over kill and the garage is not bigger than it is today.

Mr. Amato said I have to question you on something. You said the house is the same as what is on there now.

Mr. Bentley said the house and garage.

Mr. Amato said yet this house is going to be the same size in footprint but a lot taller.

Ms. Oliver said but that is not our concern, however.

Mr. Bentley said you know what I am going to say, it meets the height requirement. If they were asking for a height variance you know where I stand on that.

Mr. Amato said so your definition of size is just square footage.

Mr. Oliver said footprint.

Mr. Bentley said here is what I will say it's the footprint. In my opinion, you can't put a smaller size house on here unless you put a hotel. Is this a fair reasonable request? What makes this property unique? That is what we have to ask ourselves. What is on there today is what will be on there within fifty feet if this is approved. They are not asking for a monstrosity and I think even you would agree that is has come down by 400 square feet from the first offering that we went through. If you take out the front walkway then you gain another percentage and then you are decreasing it by a 5% variance on the lot coverage. I don't think the height has anything to do with it because there is no height variance. If they were asking for a height variance I don't think we would be having this conversation.

Mr. Amato said the engineer here is saying that from the garage floor to grade plus the garage wall ****inaudible**** of a wall.

Mr. Bentley said again I am not an engineer.

Mr. Kaiser said for your grade change your peak to your slab is fifteen feet what is the height of the eave wall that they are going to be staring at?

Ms. Oliver said they live on the lake they are not going to be staring at it.

Mr. Kaiser said I understand but I am trying to explain.

Mr. Kohler said it's not going to be any higher than the existing residence.

Mr. Grove said it's a walkout house on a sloping lot you are going to have exposed wall there is no way around it. Unless we did a retaining wall on the property line and you could fill in between but that doesn't accomplish it either then that's a wall at the property line.

Mr. Kohler said we talked about moving it further to the south to even that distance out but that's another variance which seemed to be a challenge.

Mr. Bentley said as I said before our job is to minimize variances but if the variance is the right thing to do then that's what you do. You are nonconforming as it is today. If you wanted to put this house on this piece of property you would have to have an eighteen foot house by thirty feet. Every house on that roadway or 95% of them are not in

compliance. The neighbor to the north. The neighbor to the south. This is a cottage size house. You are not asking for a fifty by fifty size house. I would be more than happy to put out an alternate proposal where you get five feet on the south and three and a half on the north for a variance so you can center it up and address the engineering piece if possible. I have never done that before but me personally I would feel more comfortable giving an alternate variance and doing it that way. I think it's going to be a concern with the water runoff with just six and a half feet.

Mr. Grove said it would allow you to have a wider deeper swale and make it more mowable.

Mr. Kohler said I have a swale at my house that is less than six feet and believe me it takes a ton of water away with the way it was designed.

Mr. Bentley said and then you still have emergency access on both sides of the house verses the one side which is what you have today. I don't think you are going to get a fire truck down the north side of the house, which is one of my biggest concerns.

Ms. Oliver said I personally think you did a great job minimizing and making things smaller and really working with the Board to change things around.

Mr. Kohler said we are trying, thank you.

Mr. Goodwin said it's a big house for the lot but the lot is really challenging. I agree that you made a lot of effort to make it comply a little closer. I think the drainage is a problem. The square footage on the property is also pretty high but you aren't going to build anything on the lot without a variance. You have done a pretty good job for the challenging lot.

Ms. Oliver said and I think the garage is a huge selling point should you ever choose to sell the house.

Mr. Kohler said exactly and that is one of the reasons we chose that property.

Mr. Goodwin said are you going to live there year round?

Mr. Kohler said that is the plan because we are both retired.

Mr. Bentley said any further comments? Hearing none let's move on to our five questions starting with Tom and ending with Charlie.

Mr. Bentley read the following email into the record:

To: Town of Gorham Zoning Board of Appeals
From: Patrick Cunningham, 5032 County Road 11, adjacent homeowner
Date: November 20, 2025

I hereby request that the proposed zoning law variances on the property located at 5028 County Road 11 be denied. Please refer to the letter dated November 7, 2025 from Grove Engineering re: Kohler Project.

My objections are: 1. the proposed design creates an obstruction of my view and 2. on the general principle that zoning laws have been enacted for a reason and should be adhered to.

Thank you for your attention to this matter.

Patrick Cunningham

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

RESOLUTION FORMAT FOR VARIANCES:

WHEREAS, application ZBA #4-2025 was received by the Secretary to Planning and Zoning Department from Richard Kohler owner of the property located at 5028 County Road 11 with tax map #154.08-1-5.000, on August 11, 2025, requesting a lot coverage variance, side setback variance, front setback variance, and rear setback variance to tear down and 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 lot coverage and the side, front, and rear 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 September 11, 2025 and October 23, 2025; and,

WHEREAS, a Public Hearing was held on September 18, 2025, October 16, 2025, October 30, 2025 and November 20, 2025 at which time all those who desired to be heard were heard; and,

WHEREAS, on November 20, 2025 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 cannot be achieved by some feasible method other than a variance.

That the requested variance is 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 a northside setback of 11.5 feet with a 3.5 foot variance, the southside with a 10 foot setback with a 5 foot variance, the frontside (the lakeside) will move over with the high water line so no variance will be needed for the southside of the deck and the setback cannot go below 20 feet, on the back the variance will be a 25 foot variance for a 5 foot setback on the southeast corner of the house and in conjunction with that as you move the house south that will increase the variance which Jim, the Zoning Officer, will determine with the final plans and to allow a lot coverage of 49.47%. The motion was seconded by Mr. Coriddi. The following roll call vote was recorded:

Mr. Amato	Nay
Mr. Kaiser	Nay
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 be held on Thursday, December 18, 2025 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

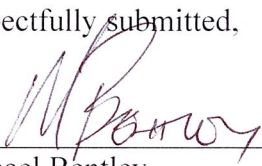
7. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:52 p.m.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "M. Bentley", is written over a horizontal line.

Michael Bentley
Chairperson of the Zoning Board of Appeals





