

Town of Gorham

4736 South Street
Gorham, New York 1461

ZONING BOARD OF APPEALS

Thursday, December 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*
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:

Debbi & Bob Jacob, 4918 County Road

Others Present:

Gail Kaiser
Rosemary Graham

Via Zoom:

Daniel Graham

1. MEETING OPENING

The meeting was called to order at 7:10 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 December 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 Tom Amato, Ed Kaiser, Steve Coriddi, Mary Ellen Oliver, Alan Bishop, Charlie Goodwin and Ben Smith.

2. APPROVAL OF MINUTES OF NOVEMBER 20, 2025

■ A motion was made by MS. OLIVER, seconded by MR. BISHOP, that the minutes of the NOVEMBER 20, 2025 meeting be approved.

Motion carried by voice vote with all present voting aye.

3. LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by and before the Zoning Board of Appeals of the Town of Gorham on the 18th day of December 2025 commencing at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, in the Town of Gorham, Ontario County, New York 14461 to consider the following application:

ZBA #7-2025: ROBERT JACOB 36 WOODRIDGE DRIVE, MENDON, NEW YORK, 14506: Requests an area variance 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 37.1%. The applicant also requests a variance for side setback of thirteen (13) feet to the southwest corner of the porch where fifteen (15) feet is required. The property is located at 4918 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 HEARING

ZBA #7-2025: ROBERT JACOB 36 WOODRIDGE DRIVE, MENDON, NEW YORK, 14506: Requests an area variance 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 37.1%. The applicant also requests a variance for side setback of thirteen (13) feet to the southwest corner of the porch where fifteen (15) feet is required. The property is located at 4918 County Road 11 and is zoned LFO Lake Front Overlay and R-1 Residential.

Mr. Morse said one thing that I did want to add, that might save you a long discussion on it, the rip wrap swale that goes from the County culvert is really being held against them. I don't agree with it but unfortunately our code doesn't discriminate. That 12.1% lot coverage is a rip wrap swale that is necessary to be there.

Mr. Jacob said that is what I was trying to demonstrate with the photos.

Mr. Kaiser said so you would actually only be at 25%?

Mr. Jacob said if you count the rock wall we would only be about 2% over.

Mr. Morse said yes, I think they are pretty close to what their existing is. I just wanted to point that out.

Ms. Jacob said that's why we thought the pictures might help so you could see that. We weren't originally aware that would count against us. Our whole goal from day one was to be low level and not disturb. The comments we have received, and you guys have walked by our house, they say our yard is so beautiful. I want to keep my yard beautiful, so we did as small as we could do so we can age in place. We are both 70 and we only have one bedroom in the cottage and it's upstairs. We didn't put a garage on we just made good living space for us to age in place.

Mr. Morse said quite frankly had there been an exception in the code where the Zoning Officer could have discretion on lot coverage then I would have just made it on that and then it would only have been the two foot variance for the side setback.

Mr. Kaiser said what is the boundary line agreement on that south line?

Mr. Jacob said that kind of puzzles me because when we closed on the property the boundary line agreement was on the north side.

Mr. Kaiser said it says it's on the south line.

Ms. Jacob said no it's on the other one.

Mr. Kaiser said is there something in writing on either of them that it is the north not the south?

Ms. Jacob said from our understanding where the drainage was the lots were in confusion so it was extended over.

Mr. Jacob said when the previous owner bought the property before us she was the one who developed the drainage ditch. When she had it surveyed the lake front marker went about six feet into the break wall of the property on the north side. There was an old wire fence that ran right down that ditch that they claimed made that property theirs.

Mr. Kaiser said the Insalaco's did?

Ms. Jacob said yes.

Mr. Jacob said so they came to an agreement to give up, Mary Kay Hayes did for our property, to move that to the end of their breaker wall to give up six feet. Then they gave Mary Kay Hayes, the previous owner, six feet at the roadside so she could do the rock work around the culvert. That is all written and I have a copy of that and all of our deeds. I have never seen anything on Gene's side.

Mr. Bentley said how long have you owned this?

Mr. Jacob said since 2022.

Mr. Kaiser said the storm swale was done ten years ago maybe.

Mr. Jacob said 2017, I think.

Mr. Bentley said just a question, how big is this shed?

Mr. Jacob said I think, 10x16, maybe.

Mr. Bishop said 200 square feet.

Mr. Kaiser said it's decent size.

Mr. Bentley said you can't park in it?

Ms. Jacob said no.

Mr. Bentley said so in my opinion, you wouldn't want to take that down and put a one car garage on the back of the house?

Mr. Jacob said we tried to put in a garage but what we would have to do for the turn-around and the amount of driveway we would have to put in we would just go way over. We are planning on turning this into a year round. We have a house in Florida so we want to be here until maybe November and come back for a week for holidays. Right now we don't have a washer and dryer in there. We don't have a stove in there and we are sleeping on the loft.

Ms. Jacob said and we love it and we love it enough to want to live there.

Mr. Kaiser said and if you take that stone swale out of the equation you aren't really asking for anything except the preexisting two feet that you already have.

Mr. Jacob said it will be 2.1% over, I think.

Mr. Bentley said does anybody else have anything?

Mr. Amato said I am assuming these numbers that we have on here ****inaudible****.

Mr. Jacob said they do.

Mr. Amato said ****inaudible**** the stairs on the deck ****inaudible**** so they are not in here anywhere.

Mr. Jacob said my plan is to recess it in because we are moving close to that edge so I am going to bring them into the deck.

Mr. Kaiser said this is still one story, correct?

Ms. Jacob said correct.

Mr. Jacob said what you see right here in this picture is what you will continue to see.

Ms. Jacob said we really wanted to maintain the cottage look. Everybody says why don't you just start all over and I said why would I do that. I love my cottage.

Mr. Jacob said if we ever saw what the previous owner did in here, it's absolutely gorgeous.

Mr. Amato said yeah, she did a lot of work in there.

Ms. Jacob said she did and unfortunately she didn't live long enough to enjoy it.

Mr. Amato said it looks like your crawl space is almost five feet tall under the addition.

Mr. Jacob said it's 5.4.

Mr. Amato said it seems high. Is there a reason?

Mr. Jacob said it's for storage and utilities.

Mr. Bentley said any other questions? I am going to open the public hearing and I will open it to you first Mr. Graham. If you wish to speak please say your name and

relevance to the property. Hearing none, is there anyone here that would like to speak? Hearing none, I will close the public hearing.

Mr. Bishop said it seems like a reasonable request.

Ms. Oliver said I think they have done a good job. It's definitely far enough from the road to have a good yard.

Ms. Jacob said that was my concern. If we put a garage on it would really destroy it because I love the way my house looks right now. I love watching people walk by the gardens and the trees up there. The comments that they say is "I love what you've done to the place". I didn't want to lose that. I can rough it but not year round, not to live there. We really tried to squeeze the most juice out of an orange without changing what we love about our lake and our yard. This still gives us a yard for the dogs. Yeah we don't have a garage but oh well. This give us what we needed to live there comfortably. We are hoping everybody sees it as that.

The following emails were read into the record:

From: **Jeanne DelSignore**

Date: Wed, Dec 17, 2025 at 9:55 AM

Subject: my permission for allowing the building variance

To:

To whom it may concern:

It has come to my attention that my neighbors, Bob and Debbi Jacob, who have applied for a permit to renovate their existing property at 4918 County Rd 11, Rushville, NY 14544, have received communication that a long-time pre-existing 2 ft southwest corner of their sun porch has been declared as encroaching into the 15ft setback from my property line.

The structure at 4918 County Rd 11, has not changed since far before I bought my property at 4924 County Rd 11, in 1997. There was no mention of any encroachment, at that time, when the property in question was owned by the McGowen family, nor when it was sold to Ms. Mary Kay Hayes, and subsequently sold to the Jacob's family.

I have no concerns regarding the recently described 2 ft encroachment of one corner of the sun porch at 4918 County Rd 11 and give my full permission to allow the property to remain as it has been for well over 100 years.

Best regards,

Jeanne L. DelSignore, MD

Email from Greg Trass:

Thank you Sarah, looks great. No objections as drawn up here on this rendering. Hope you have a nice Christmas and New Year!

Greg Trass

Mr. Bentley said any further comments? Hearing none let's move on to our five questions starting with Tom 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 #7-2025 was received by the Secretary to Planning and Zoning Department from Robert Jacob the owner of the property at 4918 County Road 11 with tax map #141.17-1-2.000, on November 10, 2025, requesting a side setback variance and a lot coverage variance to construct an addition to the existing cottage; and,

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

WHEREAS, the Town of Gorham Zoning Board of Appeals has determined this application to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and as a Type II Action, no further review under SEQOR 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 December 11, 2025; and,

WHEREAS, a Public Hearing was held on December 18, 2025 at which time all those who desired to be heard were heard; and,

WHEREAS, on December 18, 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 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 not self-created.

DECISION/CONDITIONS

NOW, THEREFORE BE IT RESOLVED that Mr. Amato made a motion to approve the application as submitted for a lot coverage variance of 12.1% to allow a lot coverage of 37.1% and a south side setback to the corner of the porch of two feet for a south side setback to the corner of the porch of thirteen feet. That motion was seconded by Mr. Kaiser and Mr. Bentley requested a roll call vote:

Mr. Amato	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 be held tentatively on Thursday, February 19, 2026 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

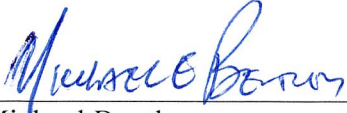
7. ADJOURNMENT

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

Motion carried by voice vote.

The meeting was adjourned at 7:28 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Bentley", written over a horizontal line.

Michael Bentley
Chairperson of the Zoning Board of Appeals