

Town of Gorham

4736 South Street
Gorham, New York 1461

ZONING BOARD OF APPEALS

Thursday, March 19, 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: Steve Coriddi
Mary Ellen Oliver
Alan Bishop
Charles Goodwin
Ben Smith, *Alternate*

Board Members via Zoom: Mike Bentley, *Chairperson*

Board Members Excused: Ed Kaiser

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

Applicants Present:
Dale Stell
Victoria Tillack
Rocco Pietropaolo

Others Present:
Lynn Klotz
Ron Tillack
Rebecca Parshall

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 March 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, Steve Coriddi, Mary Ellen Oliver, Alan Bishop, and Charlie Goodwin.

2. APPROVAL OF MINUTES OF DECEMBER 18, 2025

■ A motion was made by MS. OLIVER, seconded by MR. BISHOP, that the minutes of the DECEMBER 18, 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 19th day of March 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 application:

ZBA #1-2026: VICTORIA TILLACK 36 WOODRIDGE DRIVE, MENDON, NEW YORK, 14506: Requests area variance in accordance to Article IV Section 31.4.3 of the Town of Gorham Zoning Local Law. The applicant is requesting a variance for a rear setback of nineteen (19) feet where twenty five (25) feet is required. The property is located at the corner of Summit Parkway and Wildflower Drive and is zoned HR Hamlet Residential.

ZBA #2-2026: DALE STELL 4395 COUNTY ROAD 1, CANANDAIGUA, NEW YORK, 14424: Requests area variances in accordance to Article IV Section 31.4.3 of the Town of Gorham Zoning Local Law. The applicant is requesting relief to the maximum allowable lot coverage of 30% with a variance to allow a lot coverage of 41.6%. The applicant also requests a variance for a front setback of 19.4 feet where 25 feet is required, a northside setback of 12 feet where 15 feet is required, a rear setback of 12.5 feet where 25 feet is required and a southside setback of 14 feet where 15 feet is required. The property is located at 4422 County Road 1 and is zoned HR Hamlet Residential.

ZBA #3-2026: ROCCO PIETROPAOLO 45 HIGHLAND TERRACE, 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 requests two north side setback variances from the corners of the detached garage for a setback of 11.1 feet and 14 feet where 15 feet is required and a northside setback of 13.1 feet to the corner of the house where 15 feet is required. The property is located at 4590 Lake Drive and is zoned R1 Residential and LFO Lakefront Overlay District.

ZBA #4 -2026: ROCCO PIETROPAOLO 45 HIGHLAND TERRACE, 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 relief to the maximum allowable lot coverage of 25% with a variance to allow a lot coverage of 35%. The applicant also requests two south side setback variances for a setback of 7.4 feet and 14.4 feet where 15 feet is required. The property is located at 4588 Lake Drive 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 #1-2026: VICTORIA TILLACK 36 WOODRIDGE DRIVE, MENDON, NEW YORK, 14506: Requests area variance in accordance to Article IV Section 31.4.3 of the Town of Gorham Zoning Local Law. The applicant is requesting a variance for a rear setback of nineteen (19) feet where twenty five (25) feet is required. The property is located at the corner of Summit Parkway and Wildflower Drive and is zoned HR Hamlet Residential.

Mr. Bentley said what are you looking to do?

Ms. Tillack said build a house on the lot and get an approval with the variance today.

Mr. Bishop said is this the lot that is empty or is it the one with the foundation?

Ms. Tillack said the one that is empty.

Ms. Oliver said do you know offhand how the setback you are looking for lines up with the property next to you?

Mr. Tillack said the back setback is supposed to be twenty five feet.

Ms. Oliver said right, there is currently a basement on the property next to you, do you know what the clearance is to their lot line in relation to what you are hoping to do?

Mr. Tillack said there is supposed to be a twenty five foot setback on the back and we want to go to a nineteen foot setback.

Ms. Oliver said I was just wondering if you knew what the setback was to the other property because I didn't get out a measure things. I feel funny being on other people's property when they aren't there.

Mr. Tillack said from their foundation to mine, I don't know.

Mr. Morse said we aren't sure if that foundation is going to stay there or not. That project has been put on hold for a while.

Mr. Oliver said then it could be moved.

Mr. Bishop said the back will be going west?

Mr. Tillack said yes west. The front of the house would be east and the back of the house would be west.

Mr. Bishop said towards where that foundation is?

Mr. Tillack said yes.

Mr. Coriddi said so the setback that we are talking about would be to that property where the foundation is sitting now.

Mr. Tillack said yes.

Mr. Coriddi said Jim, is that a new foundation?

Mr. Tillack said yes because they tore down the old trailer that was there and apparently are building a house.

Mr. Morse said they had come in to get approvals to build a house there but it looked like they had difficulty when they poured it. It looks like they had blowouts and that's why it waves. We basically told them until he gets an engineer to sign off on it that I am not going to approve it.

Mr. Coriddi said I am kind of happy that is not the one we are talking about.

Mr. Smith said how many square feet are you looking to build?

Mr. Tillack said it is going to be 1040 square feet footprint.

Mr. Smith said and is that including the garage underneath? That will be the total square footage?

Mr. Tillack said the garage will be underneath. It is 26x40 and it is basically a raised ranch. It's an old Ryan plan that I used to build back years ago.

Mr. Smith said what are the dimensions?

Mr. Tillack said it is 26x40.

Mr. Smith said do you know what the total height would be?

Ms. Oliver said this says twenty four foot.

Mr. Morse said it says twenty four and they are allowed thirty five so they are good.

Mr. Coriddi said so the front of the house will be facing the top of the hill then? Facing Summit?

Mr. Tillack said yes.

Mr. Coriddi said and the back would be facing that foundation that is there?

Mr. Morse said yes. They are good the only thing that is being requested is that in Hamlet Residential it is fifteen to the side and fifteen to the front and twenty five to the rear. The footprint of this house, I believe, is 1040 square feet and in order for them to do that 1040 they need six feet for the rear.

Mr. Bentley said and Jim, that includes the overhangs?

Mr. Morse said that is part of it, yes.

Mr. Bentley said are there more questions from the Board? Hearing none, at this time I am going to open the public hearing. If you would like to speak on behalf of this application please state your name, your relevant location and address. Hearing none, I will close the public hearing at this time.

Mr. Bishop said from my view this is not major.

Mr. Goodwin said I think it is a reasonable request.

Mr. Bentley said any further comments? Hearing none 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 #1-2026 was received by the Secretary to Planning and Zoning Department from Victoria Tillack the owner of the property on the corner of Summit Parkway and Wildflower Drive with tax map #127.82-1-16.000, on January 30, 2026, requesting a rear setback variance to construct a new 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 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 not 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 March 12, 2026; and,

WHEREAS, a Public Hearing was held on March 19, 2026 at which time all those who desired to be heard were heard; and,

WHEREAS, on March 19, 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 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. Bishop made a motion to approve the application as submitted for variance of six (6) feet to allow for a rear setback of nineteen (19) feet. That motion was seconded by Ms. Oliver and the following roll call vote was recorded:

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

The motion carried.

ZBA #2-2026: DALE STELL 4395 COUNTY ROAD 1, CANANDAIGUA, NEW YORK, 14424: Requests area variances in accordance to Article IV Section 31.4.3 of the Town of Gorham Zoning Local Law. The applicant is requesting relief to the maximum allowable lot coverage of 30% with a variance to allow a lot coverage of 41.6%. The applicant also requests a variance for a front setback of 19.4 feet where 25 feet is required, a northside setback of 12 feet where 15 feet is required, a rear setback of 12.5 feet where 25 feet is required and a southside setback of 14 feet where 15 feet is required. The property is located at 4422 County Road 1 and is zoned HR Hamlet Residential.

Mr. Bentley said Mr. Stell could you share with the Board what your plans are for this property.

Mr. Stell said previously this lot, which is only 60x90, was recently subdivided out of several chunks of ground in the Crystal Beach area. It was a mobile home lot. There was a 1962 mobile home on it that was in complete disrepair and full of junk. There was another existing dwelling that looked like it should have been a garage but there was no garage entry that looked like it was a living space of some type at one time. We have removed all of that and the lot is currently bare. We would like to build this home for sale and we hope that it will be an affordable home. We hope that it will be under \$400,000 and keep it in the \$300,000 is our goal. It is a two story with a main living area. It is two 900 square foots stacked on top of each other with a smaller than normal garage. We have made some effort to get the square footage down on this lot but as you can see we are requesting five variances. Whenever I see these variance requests coming to the Board for four, five and six variances I cringe and now here I am in front of you and not happy about being here for this request.

Mr. Bentley said how wide is your garage?

Mr. Stell said Mike, the garage door is sixteen feet so I am thinking that the garage is about eighteen feet wide.

Mr. Bentley said anyone from the Board have any questions?

Mr. Smith said I will be the bad guy here and say I don't like that many variances all at one property.

Mr. Bentley said first of all I am going to applaud you for getting rid of undesirable non-inhabitable dwelling in an attempt to improve the neighborhood. I do feel that we can bring the lot size down. It's a sixteen foot garage and it is a very small home with the 900 square feet. Have you thought about making it a one car garage verses a two?

Mr. Stell said there was thought given to that, yes.

Mr. Bentley said for me, and I am speaking for me, the variance that is for twelve feet where twenty five feet is required I would like to see that one reduced but I don't think the other ones are egregious. I do think that we can minimize the amount of variances that are being requested and that is just my opinion. By going to a one car garage what do you get for lot coverage, etc.

Ms. Oliver said would you consider instead of the one foot variance on the one side moving it one foot the other way so there is a four foot variance on the one side and no variance on the other side?

Mr. Stell said would that result in that affect?

Ms. Oliver said I think so, you would just move the whole thing a foot.

Mr. Morse said are you talking the west or the east?

Ms. Oliver said to the south and the north so then variance #2 would disappear and variance #3 would become four feet if I am reading that correct.

Mr. Morse said yes I see what you are saying. I would be ok with that because that would give more space to 4426 too.

Ms. Oliver said and that would take that entire variance away from the request.

Mr. Stell said I see so there would not be a northside variance.

Mr. Bishop said how elevated is the deck?

Mr. Stell said it is eight feet, so there is a possibility for a walkout there.

Mr. Bishop said so obviously there would be an opportunity to solve the problem on the rear if there was no deck is where my thought process was. If there was some sort of gravel down below because obviously people want to go outside to a firepit etc.. as opposed to a deck that might solve the problem on that.

Ms. Oliver said I think in that location though a deck would be key because they would see the lake from the deck but they can't see the lake from gravel. That is just my opinion.

Mr. Bentley said a patio would be considered lot coverage but you wouldn't have to be away from the lot line so you would eliminate that variance which I think, Alan, that was your point all together if I am understanding you correctly.

Mr. Bishop said that is correct.

Mr. Stell said but we would still need a setback variance of, it looks like, seven feet.

Mr. Morse said you would still need one just not as much.

Mr. Bentley said what would the setback variance be if it was to the house instead of the deck.

Ms. Oliver said five and a half feet.

Mr. Bentley said Dale, how would that patio fit in verses a deck on the back?

Mr. Stell said I probably would not install a patio whatsoever and I probably wouldn't do a walkout door out of the basement and get rid of the deck. I could live with that if I need to.

Mr. Bentley said ok. I would feel more comfortable and it sounds like Alan would too with that. You have minimized that variance from twelve and a half to five and a half. You eliminated the variance on the southside. I don't know what the garage would do, so now you are asking for three variances verses five. I'm sorry four variances instead of five.

Ms. Oliver said you eliminated one and you minimized one.

Mr. Morse said and if he is not going to do pavers he lowered his lot coverage too.

Mr. Bentley said then you are going to minimize the, from what you just said he wouldn't put a patio if he did a walkout back there, so I guess you are going to minimize by 160 square feet or 120 square feet of lot coverage by eliminating the deck, right?

Mr. Stell said yes.

Mr. Bentley said Jim, this is a 5400 square foot lot?

Mr. Stell said yes.

Mr. Morse said that is what it says, yes.

Mr. Stell said 33x7 would be the size of the deck coverage plus some steps.

Mr. Bentley said if we did that and got below 40% I personally wouldn't have an issue, me personally, I mean nobody wants a one car garage so me personally wouldn't have an issue with a two car garage being the width that it's at with eliminating the back deck and the side variance that you are requesting.

Mr. Stell said I can live with that.

Mr. Morse said so without the steps he is eliminating 231 square feet so I am pretty certain it is under 40%.

Mr. Bentley said what is it 38.9%.

Mr. Morse said you could still approve it at 40% because he still might have to put a step out the back.

Ms. Oliver said I would definitely want a two car garage on a lot that small because you are not going to have a place to store anything.

Mr. Stell said and previous people parked on the street too.

Mr. Morse said which is not a good idea at all.

Mr. Smith said that is a fair compromise move the house and get rid of that variance. Remove the deck and that should put you at 39% give or take. If we give you up to 40% then you can put the stairs into the backyard.

Mr. Coriddi said and this walkway is included in the lot coverage.

Mr. Stell said yes it is.

Mr. Bentley said if you put an 8x10 patio off the back you would be under 40 as well. Anything else from the Board? Hearing none, I will open the public hearing. Is there anyone who would like to make a comment on this application? Hearing none, I will close the public hearing. I can't vote or make a motion but I am going to ask you all to entertain the idea to table this because I do not like approving something without it in front of us. As you all know that has really backfired on us before, so I would like to table it until the new drawings are presented so we can get the accurates of what we actually have but you guys decide on that. You can still vote on it however you want to do it if you want to do that but the new drawings would have to be presented before anything can move forward.

Mr. Smith said instead of tabling it can we put in our motion that it doesn't get approved until Jim sees the new drawings?

Mr. Morse said it has to go to the Planning Board anyways and it has to be based on what you guys approve. If he agrees to it when he submits it to the Planning Board then we are going to have to have what you approved in front of the Planning Board as far as that is concerned. If you guys vote on it with the changes he said he is comfortable with then I would be fine handing that to the Planning Board after I review it.

Mr. Bentley said so whoever makes the motion you have to be very specific with removing the side variance and adding it to the other side because you are eliminating a variance. Then the variance on the back and then it would be to not exceed 40% which means they could put an 8x10 patio out back or whatever the case may be.

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

RESOLUTION FORMAT FOR VARIANCES:

WHEREAS, application ZBA #2-2026 was received by the Secretary to Planning and Zoning Department from Dale Stell the owner of the property located at 4422 County Road 1 with tax map #127.15-2-29.000, on February 6, 2026, requesting a rear setback variance, a front setback variance, two side setback variances and a lot coverage variance to construct a new 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 setback and lot coverage requirements ; and,

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

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

WHEREAS, a Public Hearing was duly called for and was published in the official newspaper of the Town on March 12, 2026; and,

WHEREAS, a Public Hearing was held on March 19, 2026 at which time all those who desired to be heard were heard; and,

WHEREAS, on March 19, 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 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 Ms. Oliver made a motion to approve a northwest side setback of 11 feet with a 4 foot variance, a front setback of 19.4 feet with a variance of 5.6 feet, a rear setback of 19.5 feet with a variance of 5.5 feet and to allow a lot coverage of 40% and we do allow stairs to be added to the home. The motion was seconded by Mr. Smith. The following roll call vote was recorded:

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

The motion carried.

ZBA #3-2026: ROCCO PIETROPAOLO 45 HIGHLAND TERRACE, 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 requests two north side setback variances from the corners of the detached garage for a setback of 11.1 feet and 14 feet where 15 feet is required and a northside setback of 13.1 feet to the corner of the house where 15 feet is required. The property is located at 4590 Lake Drive and is zoned R1 Residential and LFO Lakefront Overlay District.

ZBA #4 -2026: ROCCO PIETROPAOLO 45 HIGHLAND TERRACE, 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 relief to the maximum allowable lot coverage of 25% with a variance to allow a lot coverage of 35%. The applicant also requests two south side setback variances for a setback

of 7.4 feet and 14.4 feet where 15 feet is required. The property is located at 4588 Lake Drive and is zoned R1 Residential and LFO Lakefront Overlay District.

Mr. Bentley said these coincide with one another even though they are two different applications. I ask that you keep this in mind because if you deny one they will both be a denial because you can't split the property the way it's asking to be split. Just for the record it would be a denial for both or an approval for both in my opinion because you can't approve one and then leave a lot that is nonconforming without an approval. Just for the record it is both for an approval or both for a denial or you can decipher with lot coverage lines. Rocco, just a question for you, you are asking for the detached garage in the back and the variances on the second application what is that from?

Mr. Pietropaolo said I think I need a little help understanding that question.

Mr. Bentley said the first variances are from the detached garage to the proposed lot line, correct?

Mr. Pietropaolo said yes.

Mr. Bentley said and the variances on the second application, what are they from to the proposed lot line?

Mr. Pietropaolo said from the home. The lot line right now eight inches off of the door of the house at 4588. As the owner of both properties, I just want to move that lot line south seven feet so I can have a little more room on 4588 and 4590 gives that up. I don't know if that helps you clarify your question.

Mr. Bentley said it does because they are currently two different properties, correct?

Mr. Pietropaolo said that is correct and our intent is to keep it that way.

Mr. Bentley said so how far is 4588 from 4590? What is the gap in between those two houses?

Mr. Morse said the houses or the house and the garage?

Mr. Bentley said what was that, Jim?

Mr. Morse said between the houses there is plenty because they are not lined up. The wood framed garage and the house to the north are more lined up than anything.

Mr. Bentley said so because there is nothing beside the detached garage could we move that line out to ten feet for 4588 versus the seven and a half proposed and then reduce that or is that a bad idea Jim?

Mr. Morse said it is approximately eighteen feet at the closest point that I can see there at the wood framed garage then it grows to about twenty at the house.

Mr. Bentley said actually you could probably jog the line I would say and the only thing is I am thinking for the future is if that garage was to go away then there is enough for access for an emergency vehicle to get between the house because the house will always be there regardless of the lot line. Maybe not the best idea so I will recant that.

Mr. Pietropaolo said so are you talking ten feet?

Mr. Bentley said yes that is what I was thinking but I don't know if it is the best idea or not. I know what you are trying to do making a nonconforming lot less nonconforming however it is going to make your conforming lot nonconforming, right?

Mr. Pietropaolo said would moving it eight feet verses seven be of any help or no?

Mr. Bentley said just leave it as it is, Rocco, I don't want to dilute the water.

Mr. Bishop said the question I have is I don't see calculations on here for lot coverage.

Mr. Morse said yes, they would have to recalculate all of that. Mike, to be honest with you, they didn't meet code for setbacks either way so really jogging it over a foot or two isn't really going to change much. I understand what you are saying if someone tore the garage down but it really isn't going to change much.

Mr. Bishop said but for 4588 are there calculations somewhere of the actual lot coverage?

Mr. Morse said they were on the plan.

Ms. Oliver said lot coverage on parcel #1 is 35% and parcel #2 is 22%.

Mr. Bishop said I see that but typically we get a listing of everything and the lot coverage associated.

Ms. Mitchell said everything is existing so he gave us an overall total lot coverage. He is asking for a lot coverage variance for the one lot.

Mr. Bishop said I understand that I am just trying to figure out how it was calculated. You feel confident that this is correct?

Mr. Morse said yes, it says right on there parcel #1 after lot line adjustment is 35% and parcel #2 after lot line adjustment 22%.

Ms. Oliver said I have a question, do they shoot from the pin, Jim, and then it pivots or do they move the pin over "x" amount of feet and shoot straight to resurvey this?

Mr. Morse said I don't know how they surveyed it but if I was the surveyor I probably wouldn't have gone onsite. All they are doing is taking a line and sliding it over a few feet.

Mr. Oliver said so the whole line?

Mr. Morse said yes from pin to pin.

Mr. Bentley said anything else from the Board? Hearing none, at this time I will open the public hearing.

Ms. Klotz said I just wondered why?

Mr. Pietropaolo said because the lot line on 4588 is eight inches off the building. If I open up the door and walk out the door I am immediately, technically, on the neighbor's property.

Ms. Klotz said are you representing both parcels?

Mr. Pietropaolo said yes we own both but they are separate parcels.

Ms. Klotz said are you planning to sell or rebuild or is there another plan in the works that is not in front of us.

Mr. Pietropaolo said as of right now no.

Mr. Bentley said for the record those questions do not pertain to what the Board makes their decision on. It's like asking somebody if this is going to be their year round residence, it should have no bearing on the decision made for a property applicant or if they are intending to sell. The thing with this application in particular we can put in if the lot is ****inaudible**** over the course of time because variances typically go with the lot we can put a stipulation, which I would put a stipulation on something like this, that the lot has to go back to conforming if the lot is sold or rebuilt. That is just something to be aware of.

Ms. Klotz said so parcel two would go back to conforming?

Mr. Morse said no you can't do that. Once a variance is granted it's granted for life.

Mr. Bentley said Jim, can we not put that if it changes it has to go back to conforming?

Mr. Morse said when a variance is granted it is granted for life no matter what.

Mr. Bentley said anything further?

Ms. Oliver said would that preclude him from knocking both things down, marrying those two properties and building?

Mr. Morse said he could always do that at a later date.

Ms. Oliver said but it doesn't change anything.

Mr. Morse said it changes the deed. If he gets these variances and he files it with the County everything is done. Ten years from now he says I want to put these lots together to tear down and build one then it's a lot line combination and then the variances go away because that property doesn't exist.

Mr. Bentley said having heard nothing else I will close the public hearing at this time.

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

RESOLUTION FORMAT FOR VARIANCES:

WHEREAS, application ZBA #3-2026 was received by the Secretary to Planning and Zoning Department from Rocco Pietropaolo the owner of the property at 4590 Lake Drive with tax map #141.07-1-27.000, on February 5, 2026, requesting three side setback variances to do a lot line adjustment; and,

WHEREAS, said application was denied by the Code Enforcement Officer for the Town of Gorham on the basis that the existing structures do 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 SEQRA 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 March 12, 2026; and,

WHEREAS, a Public Hearing was held on March 19, 2026 at which time all those who desired to be heard were heard; and,

WHEREAS, on March 19, 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 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. Bishop made a motion to approve the application as proposed. That motion was seconded by Mr. Coriddi and the following roll call vote was recorded:

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

The motion carried.

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

RESOLUTION FORMAT FOR VARIANCES:

WHEREAS, application ZBA #4-2026 was received by the Secretary to Planning and Zoning Department from Rocco Pietropaolo the owner of the property at 4588 Lake Drive with tax map #141.07-1-28.100, on February 5, 2026, requesting two side setback variances and a lot coverage variance to do a lot line adjustment; and,

WHEREAS, said application was denied by the Code Enforcement Officer for the Town of Gorham on the basis that the existing structures do not meet the side setback requirements or the lot coverage allowed; 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 March 12, 2026; and,

WHEREAS, a Public Hearing was held on March 19, 2026 at which time all those who desired to be heard were heard; and,

WHEREAS, on March 19, 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 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. Bishop made a motion to approve the application as proposed. That motion was seconded by Mr. Coriddi and the following roll call vote was recorded:

Mr. Smith	Aye
Mr. Coriddi	Aye
Ms. Oliver	Aye

Mr. Bishop Aye
Mr. Goodwin 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, April 16, 2026 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

7. ADJOURNMENT

■ A motion was made by MR. SMITH, seconded by MR. BISHOP that the meeting be adjourned.

Motion carried by voice vote.

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

Respectfully submitted,



Michael Bentley
Chairperson of the Zoning Board of Appeals