

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

March 8, 2006

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Wednesday, March 8<sup>th</sup>, 2006 at 7 pm by Chairman Jim Jameson.

Roll Call:	Jim Jameson	Present
	Robert Worden	Excused
	Neil Simmons	Present
	Ron Rubin	Present
Alternate	Robert Fox	Present
	Glen Herbert	Present

Others present included: Ray Stewart/Town Bd., Loretta Hopkins/Town Bd., John F. Phillips/CEO, Mr. & Mrs. Wayne Peworchik, Tom Pearson, Francis Bercume, Bob Evans/Planning Bd., Jim Bird/ZBA Alternate.

A motion was made by J. Jameson and seconded by G. Herbert to approve the February Zoning Board minutes as written. Motion was carried unanimously.

COMMUNICATIONS

Town Board Member R. Stewart had asked to be on the agenda to discuss training of newly appointed members to the Zoning Board and Planning Board. New members would be required to receive three hours of training sometime during their first year on the board. The Genesee Finger Lakes Regional Planning Council offers Spring and Fall Training Sessions, usually held in Genesee, where the training requirements could be filled. An additional three hours would be required sometime over the appointed term of the board member. More information on the Spring Training Session will be provided as it becomes available. R. Stewart stated that the Town Board has not yet passed a local law for this training requirement, but that it would be coming up and he wanted the Zoning Board Members aware of it. The cost for members attending the training sessions would be reimbursed by the Town.

J. Jameson stated that a letter of resignation from the Zoning Board has been received by N. Simmons to take effect April 30<sup>th</sup>, 2006. He will become a member of the Planning Board effective May 1<sup>st</sup>, 2006.

OLD BUSINESS

Application #856 for Gerard and Frances Christian owning property at 1188 East Bluff Dr. to request an area variance to remove an existing deck, build an addition to existing cottage then replace the deck with less setback from the high water mark than zoning

requires. It is also noted that with existing structures the lot coverage is at approximately 19% and would increase to 23% with the proposed addition.

Mr. Tom Pearson was present representing the Christians to answer questions for board members regarding this proposed application.

Board members asked questions regarding what the actual distance from the high water mark would be, they also asked what the overall height of the building would be as measured from front finished grade.

Lot coverage was discussed and it was noted that a wooden shed and some of the stairs would be eliminated that would bring the lot coverage percentage back to the allowed 20%.

The area variance test questions were reviewed with a majority answer of yes to questions 1,2,3,& 5, and the majority answer of no to question 4.

All mailings were completed and affidavit of mailing is on file with application.

This application is a SEQR Type II.

A motion was made by G.Herbert and seconded by R.Rubin to grant the application with the following conditions: 1) The site is to be reviewed by Rick Ayers of Yates County Soil and Water Department before any work starts and all recommendations by YCSW Dept. are to be followed. 2) The new deck is never to be enclosed. 3) The lot coverage is not to exceed 20% 4) The overall height of the structure is not to exceed 35 ft. as measured from front finished grade. 5) The distance of the nearest point of the structure is to be no closer to the high water mark than 11 ft.

Motion carried with poll of the board as follows: B.Fox-grant, N.Simmons-grant, J.Jameson-grant, G.Herbert-grant, R.Rubin-grant.

In granting this area variance the board finds that the strict application of this chapter would deprive the applicant of reasonable use of the land and is the minimum variance that will accomplish this purpose. This variance will not be injurious to the neighborhood nor alter the essential character of this locality.

#### NEW BUSINESS

Application #858 for Francis Bercume of 3556 Rte 54A, Branchport, requesting an area variance to build an addition onto both the north and south side of an existing pole barn/garage structure with less side yard setback than zoning requires.

Mr. Bercume was present to answer questions for board members, noting that the existing building sets back approximately 400 ft. from State Rte 54A.

This property is located in both the R-1 Zone and the Ag-Residential Zone, however, the location of the building is well into the Ag-Residential Zone.

The addition on each side of the existing structure would be 12' x 40' and would be located 30 ft. from the side yard property lines. The additions will be built the same as the existing structure.

The area variance test questions were reviewed with the majority answer of yes to questions 1 & 5 and the majority answer of no to questions 2,3 & 4.

This application is a SEQR Type II action.

A motion was made by N.Simmons and seconded by R.Rubin to grant this application. The motion was carried with a poll of the board as follows: B.Fox-grant, G.Herbert-grant, J.Jameson-grant, R.Rubin-grant, N.Simmons-grant.

Application #859 for Wayne and Lisa Peworchik owning property at 403 West Bluff Dr. to request an Area Variance to build a deck on the front of existing structure with less setback from the front yard property line than zoning requires.

The Peworchiks were present to answer questions for board members. It was noted that the only alteration to the existing structure would be a new doorway added near the center of the side of the cottage facing the road. This would allow for more privacy for both this cottage and the adjacent cottage to the south. The deck itself would be free-standing with stairs at both ends.

The area variance test questions were reviewed with the majority answer of yes to questions 1,3,&5 and the majority answer of no to questions 2 & 4.

One board member had concerns about the continual granting of variances allowing structures to come closer to the road and road right-of-way when there might be reason in the future to need this area if water and sewer were to be made available. It was noted that if that happened there would be a lot of buildings that would have to be moved or taken down on West Bluff Dr.

This application is a SEQR Type II action.

A motion was made by J.Jameson and seconded by G.Herbert to grant the area variance as applied for with the deck or any portion of it to come no closer to the center of West Bluff Dr. than 45 ft. and the deck is never to be enclosed. The motion was carried with a

poll of the board as follows: B.Fox-deny, N.Simmons-grant, R.Rubin-grant, J.Jameson-grant, G.Herbert-grant.

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In granting this area variance the board finds that the strict application of this chapter would deprive the applicant of reasonable use of the land and is the minimum variance that will accomplish this purpose. This variance will not be injurious to the neighborhood or alter the essential character of this locality.

#### OTHER BUSINESS

Board members discussed holding a special meeting for the Verizon Wireless application. It was noted that the Independent RF Engineer has been to both the Skyline Dr. proposed site and the Simmons site. The board members are now waiting for a report from L.R.Kimball & Associates.

It was noted that with scheduling conflicts and board members away on vacation the end of March that a tentative date of Wednesday, April 5<sup>th</sup> should be set for the special meeting. ZBA Secretary will check on the availability of the Firehouse for this meeting. Public Notice will be in the Chronicle Express as soon as a date is confirmed.

There being no further business, a motion was made by J.Jameson and seconded by B.Fox to adjourn the meeting. The motion was carried unanimously and the meeting adjourned at 8:20 pm.

Respectfully submitted,

Elaine Nesbit/Secretary