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To: <doug@dougamey.com>

Doug:
Here are my approved ZBA minutes from April 2006 for the website.
Thanks
Elaine

Approved (5/11/06)

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

April 13, 2006

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, April 13th, 2006 at 7 pm by Vice-Chairman Bob Worden

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

Others present included: John F. Phillips/CEO, Dan Long/Architect, Mr.& Mrs. Michael Morton, Attorney Gary Madigan, Mr.& Mrs. James Wilson, and other interested citizens.

A motion was made by R.Rubin and seconded by N.Simmons to accept the March Zoning Board minutes as written. The motion was carried unanimously.

A motion was made by R.Rubin and seconded by N.Simmons to accept the minutes of the Special Public Meeting held by the Zoning Board of Appeals on April 4th, 2006 as written. The motion was carried unanimously.

COMMUNICATIONS

Zoning Board Members received a letter from Ms. Carruthers regarding application #860 (copy on file with application). Copies were made and distributed prior to the Zoning Board Meeting.

A letter from Mr.& Mrs. John Mosser was also received by Zoning Board Members requesting that their application for Special Use Permit #862 be tabled until May.

NEW BUSINESS

A motion was made by N.Simmons and seconded by R.Rubin to table application #862 for Mr.& Mrs. John Mosser until the May meeting at the applicant's request. The motion

was carried unanimously.

Application #860 for Michael Morton owning property at 472 East Bluff Dr. to request an Area Variance to remove existing boathouse and replace with a two story addition on the south side of the existing residence. Variances required for side, front and rear yard setbacks as well as lot coverage in excess of 20%.

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Vice-Chairman R. Worden stated that he would recuse himself from taking any action on this application due to a personal relationship with the applicant. Alternate Jim Bird would sit with the board to take action on this application.

Mr. & Mrs. Morton were present to answer questions for board members. Present with them was their architect, Dan Long, and attorney Gary Madigan.

The application proposal was to remove the existing boathouse and to add a 2 story addition to the existing cottage. The proposed sq. footage would be slightly less than previously proposed, and would have a net gain of 350 sq. ft. per story with the bottom portion being used for non-habitable space (storage) and the top portion for additional living space.

A question was asked with regards to lot coverage overall that was being requested. It was stated by architect Dan Long that the overall lot coverage would be at approximately 25.6% with the new addition. Mrs. Morton stated that Assessor Comstock, in the previous calculation (copy on file with application) of lot coverage had forgotten to subtract the sq. footage of the old boathouse and had calculated their proposed lot coverage to be at 29%.

The high water mark determination was made from information taken from a survey of the property by Dave Andersen.

It was noted by Architect Dan Long that even though this property was in request of four variances, that it did not set a precedence with regards to other future variance requests. He stated that while he was not an attorney, he had staff members that were members of different zoning boards. He stated that each variance request for each property was unique to that particular property.

There was a question as to whether each of the four area variance requests would require individual review of the area variance test questions. Vice-chairman R. Worden indicated that since the board had looked at this before that it sort of fits together better as one package for the review of the area variance test questions.

There was a question regarding the setback from the highwater mark and Mrs. Morton stated that they were actually moving the east side of the proposed boathouse back farther from the highwater than where the old boathouse was located. She also stated that the existing boathouse was a non-conforming structure and they would actually become more conforming with the new proposed addition by this moving back from the highwater mark and farther from the south side yard property line.

Architect D. Long stated that they would be looking at protecting the area where the stream on the south side of the property would continue to be able to drain to the lake.

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Erosion control measures were also of concern and had been addressed and would be addressed by plantings of vegetation to protect the bank.

N.Simmons asked if the certified mailings had been sent and it was noted that the mailings were sent out in March.

Both R.Worden and N.Simmons asked CEO John F. Phillips if he had any comments and he stated that he did not.

Board Members briefly discussed the appeal of the Morton application first heard in June of 05 and the decision appealed in August of 05. Attorney Madigan stated that a unanimous decision was required at the appeal process to overturn the earlier decision by the zoning board.

Vice-Chairman R.Worden asked if there were any other questions or comments. Mrs. Morton stated that she had a comment to make about the letter from Ms. Carruthers and the fact that there was information in the letter that she (Ms. Carruthers) could not have known about unless someone had repeated to her what had gone on at the meetings.

Ms. Morton stated that if anyone on the board was a close personal friend or related that they should not vote on this application. Board member R.Rubin stated that the meetings are all public and that Ms. Carruthers had a right to any information from any of the meetings. When asked if he knew her or was related to her he stated that he was not related to her and did not even know her.

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

Board members were in unanimous agreement that this was a SEQR Type II action.

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

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

Application #861 for James Wilson owning property at 708 East Bluff Dr. and requesting an area variance to construct a deck on the front (lake) side of the existing structure to tie into an existing deck on the north side of the structure.

Mr. Wilson and his wife were present to answer questions for board members.

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It was noted by Mr. Wilson that they were requesting a deck because they were unable to get to the second and third levels of the home for window washing and cleaning the gutters of the house roof.

He stated that they have also requested a permit from DEC (which is being processed) to build a new

retaining wall that will be put approximately one foot in front of the existing stonewall. They will not be removing the existing stone wall.

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

The question was asked if there were any neighbor concerns or letters. There were none.

The board was in unanimous agreement that this would be a SEQR Type II action.

A motion was made by N.Simmons and seconded by R.Worden to grant the application.

The motion was carried with a poll of the board as follows: B.Fox-grant, G.Herbert-grant, R.Rubin-grant, R.Worden-grant, N.Simmons-grant.

In granting the 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.

OTHER BUSINESS

Vice-Chairman R.Worden made a motion on behalf of the Zoning Board to wish Neil Simmons well as he moves to the Planning Board and to thank him for his hard work and diligence while serving as a member of the Zoning Board. The motion was seconded by R.Rubin and all members were in agreement with this motion.

There being no further business for discussion, a motion was made by B.Fox and seconded by G.Herbert to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned at 8:35 pm.

Respectfully submitted,

Elaine Nesbit/Secretary