

**TOWN OF JERUSALEM
ZONING BOARD OF APPEALS**

February 8, 2007

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order by Chairman Ron Rubin on Thursday, February 8th, 2007 at 7 pm.

Roll Call:	Ron Rubin	Present
	Glen Herbert	Present
	Jim Bird	Present
	Bob Fox	Present
Alternate	Jim Crevelling	Present
	Jim Jameson	Excused

Others present included: Loretta Hopkins/Town Bd., John Mosser, Reggie O’Hearn, Mr. & Mrs. Jeffrey Housel, Mr.& Mrs. Paul Middlebrook and Dave Ferry.

A motion was made by R.Rubin and seconded by J.Crevelling to approve the January Zoning Board minutes as written. Motion carried unanimously (5-aye, 0-no).

AREA VARIANCE/SPECIAL USE

Application #887 for John & Jane Mosser owning property at 306R West Lake Rd., Penn Yan, NY requesting a Special Use permit to operate a Bed and Breakfast facility at this location.

Mr. Mosser was present along with his representative, Mr. Reggie O’Hearn to answer questions for board members. Questions were asked about who owns the adjacent property to the north and if it has been legally split. The property is legally subdivided and a deed has been filed at the Yates County Clerk’s office for the new parcel. A copy of an updated survey showing the separation of the lots is on file with the special use application. A copy of the permit (from Yates County Highway Dept.) for the new driveway at 306R WLR, PY is also on file with the special use application.

Mr. & Mrs. Mosser are currently in residence at 306R West Lake Rd., PY. This is the property for which the Bed and Breakfast Facility is being applied for.

Mr. Mosser stated that while he does in fact own the adjacent parcel to the north, it is not his intention to use it as part of the Bed and Breakfast facility. The driveway of the adjacent north property goes up to the 2-story structure near the western portion of the lot. The lake access also belongs with this property, but it is not the intension of the owner to allow guests of the Bed and Breakfast facility to use the

lake access.

Zoning Board of Appeals

February 8, 2007

Chairman R.Rubin noted the letter with concerns written by an adjacent neighbor, Mr. Dockerty, (copy on file) that had been received by both the Planning and Zoning Board members. The concerns listed were taken into consideration and addressed by the Planning Board at their meeting. The stipulations placed on the site plan approval for this property were in response to many of the issues raised.

There were questions regarding signage and it was noted that there would be a sign on the property but that it would conform to the sign regulations of the zoning code.

An adjacent neighbor, Paul Middlebrook, was present and spoke to the fact that he himself had in the past owned all three parcels of property. He noted that there were many concerns by neighbors, but it was his understanding that these concerns had been addressed by the restrictions that were placed on the site plan which has been approved by the Planning Board.

It was noted by the Zoning Board that the Planning Board has determined a negative declaration as a result of their review of the short EAF (environmental assessment form).

The Yates County Planning Board has reviewed this application and has recommended approval of the action.

The board members were reminded that this is a single family residence that will also be used as a Bed and Breakfast facility. The special use if granted would go with the property if it were to be sold, but all of the stipulations and regulations would be passed on to the new owners if the use as a Bed and Breakfast were to be continued.

There being no further discussion, a motion was made by R.Rubin and seconded by J.Bird to approve the special use request allowing four bedrooms to be used for this Bed & Breakfast Facility based on the negative seqr declaration and the property owners' compliance with the stipulations as given by the Planning Board in approving the site plan for this location.

The motion was carried unanimously with a poll of the board as follows: G.Herbert-approve, Bob Fox-approve, J.Crevelling-approve, J.Bird-approve, R.Rubin-approve.

Board Member B.Fox asked to be excused from the review of application #888, being a personal friend of the applicant.

Application #888 for Jeffrey Housel owning property at 2892 County House Rd., PY.
requesting an area variance for a horse shelter which was built and placed to close to the rear yard property line.

Zoning Board of Appeals

February 8, 2007

Mr. & Mrs. Housel were present to answer questions for board members. It was noted that this property is located on a corner lot (County House and Barnes Rd.) and that it is a pre-existing non-conforming lot.

Board members have an older survey of the property, which dates back to 1983, long before the Housel's owned the property. The survey shows an accessory building which encroaches the west property line. It was noted by one of the board members that there is a storage trailer between this building and the north property line indicating that the setback of the existing horse shed is only approximately 2 ft. from the property line since the trailer body is approximately 8 ft. wide. There is not another very good place to put the shed for the horses as the property is quite wet as one moves towards the center of the property.

The Housels indicated that the horses were obtained as part of a rescue operation for animals that have not been properly cared for. It was noted that some of the other animals that they have; goats and rabbits were part of their children's 4-H projects. Mrs. Housel stated that the children are grown and gone but they still have a few of the projects left over.

Board members had concerns about the closeness of the horse shed to the adjacent neighbor even though there are only orchards in close proximity on the north side of the property line.

The board members reviewed the area variance test questions with the following results:

#1 (4-no, 0-yes) #2(4-yes, 0-no) #3(4-yes, 0-no) #4(3-no, 1-yes) #5(4-yes, 0-no).

Secretary indicated that all the neighbors had been notified well ahead of the Public Hearing and had not had any phone calls or correspondence from anyone. Mr. Housel indicated that one neighbor had talked to him stating he had no problem with the proposed request.

There was further discussion about what the Housel's planned to do with the horses and it was noted that if they could get the horses fed so that there are in better shape, they would be finding a new home for them. Mrs. Housel stated that the one horse can be ridden. They built the horse shelter for a windbreak and protection for the horses.

The property owners stated that they would remove the shelter once the horses are gone.

A motion was made by J.Bird and seconded by G.Herbert to grant the variance allowing the shelter structure for the horses to remain two feet from the property line, noting that there are orchards on the north side of the property line and also to the west of the property. That the shelter will be removed upon the sale of either the horses or the property, whichever comes first.

Zoning Board of Appeals

February 8, 2007

Board Members were in agreement that this would be a SEQR Type II action.

The motion was carried with a poll of the board as follows: J.Crevelling-grant, R.Rubin-grant, J.Bird-grant, G.Herbert-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.

OTHER BUSINESS

There will be a training for both Planning and Zoning Board Members on Tuesday, February 20th, 2007 at the Town Offices on the newly adopted Keuka Lake Uniform Docking and Mooring Law. The meeting will start at 7 pm.

There being no further new business, a motion was made by J.Crevelling and seconded by B.Fox to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned at 8:30 pm.

Respectfully submitted,

Elaine Nesbit/Secretary