

**TOWN OF JERUSALEM
ZONING BOARD OF APPEALS**

August 9, 2007

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, August 9th, 2007 at 7 pm by chairman Ron Rubin.

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

Others present included: Jim Creveling/Alternate ZBA Member, Mike Folts/Town Bd., William Sutherland, Jerry Hiller, Bill Pringle, Bob Case, Michael & Mary Griffiths, Patricia and Bill Orcutt, Mr. & Mrs. Gary Molyneaux, Dan Collins, and other citizens from the community.

A motion was made by J.Bird and seconded by R.Rubin to accept the July Zoning Board minutes as written. Motion carried unanimously (5-yes, 0-no).

COMMUNICATIONS

Two letters were received and distributed to Zoning Board Members regarding Applications #907 and #909 respectively (copies on file with applications).

OLD BUSINESS

Review of Application #905 tabled from the July meeting. Mr. Jerry Hiller, representative for Keuka College, was present to speak regarding the proposal to convert the structure at 132 Central Avenue from office space into student housing. This multiple dwelling unit is a special permitted use in the R2 zone.

Mr. Hiller stated that a revised site plan had been mailed out to neighboring property owners after hearing the concerns and comments of neighbors at the July Planning and Zoning Board meetings. Zoning Board members had also received this revised site plan.

The following items were addressed:

1. The parking lot will be restricted for the 10 occupant students.

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2. The parking lot will be reduced in size and the driveway entrance reduced to a 20 ft. width. Grass/plantings will be placed where the parking lot is removed.
3. The edges of the parking lot and the former areas where the office trailer was located will be landscaped and the edges defined.
4. Evergreen trees will be planted at the northern edge of the property along Birch Street and one or two deciduous trees will be planted in the northeast section of the front lawn.
5. The wall mounted security lighting will be removed and new directional lighting will be installed, avoiding over-illumination and glare.
6. A speed bump will be installed in the entrance driveway.

The Yates County Planning Board recommended approval of this proposed action at their June 28th board meeting.

The Jerusalem Planning Board recommended that this application be passed on to the Zoning Board with no concerns listed.

A negative SEQR was declared by the Planning Board regarding this application.

The revised site plan received on July 23rd, was approved as the final site plan.

Board members discussed having a resident advisor living on premise. Mr. Hiller suggested that the board would need to define what they are expecting from this resident.

He stated that they have a Resident Director who is responsible for student housing whether it's a dorm like Ball Hall or the North Duplex, etc. and there are resident advisors that answer directly to him that are assigned to different areas of the student housing facilities.

A motion was made by R.Rubin and seconded by J.Bird to recommend that the special use permit be granted with the conditions that it would be used for housing of students (10 to 12 people) as long as the College owns the property. If the property is sold then this special use is removed. In addition, a student advisor is to be in residence at this facility.

A question was asked as to how this particular condition might be enforced, particularly if the students living at this north duplex are graduate students and the one who is resident advisor is a junior or senior. In addition, the resident advisor is not responsible for objectionable outside activities.

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It was noted that loud parties, someone's noisy muffler, or other causes of disturbance are normally reported to campus security. They will then follow-up on the complaint.

It was also noted that in the language of the special use permits a provision is made that if violations occur, it is reported to Code Enforcement who then investigates these issues. If the alleged complaints prove to be, in fact, violations of the conditions of the special use permit, then upon a hearing by the Zoning Board of Appeals, the special use permit can be revoked.

Neighbors were asked if they understood the procedure of filing a complaint.

R.Rubin then amended his motion to remove the condition of having a resident advisor living on the premises at the north duplex.

The motion was carried as follows: G.Herbert-grant, B.Fox-grant, J.Jameson-abstain, J.Bird-grant, R.Rubin-deny.

R.Rubin then stated that as a matter of record, the motion should be redone with someone else making the motion to approve, since his vote was to deny. J.Bird agreed to remake the same motion and it was seconded by G.Herbert with the poll of the board remaining the same as the roll call vote above.

NEW BUSINESS

Application #907 for William Sutherland owning property at the corner of Pear St. and Assembly Ave. requesting a Special Use Permit to build a 5 unit Townhouse for rental purposes with parking provided on site and hookups to public water, sewer and gas.

Mr. Sutherland stated that they are looking to provide housing for employees of the college, or other community members who may no longer want to deal with property upkeep. He gave a brief description of what the proposed townhouse would be like and provided a picture of what it would look like on the outside.

R.Rubin stated that for the record, this is a Public Hearing on this application, so anyone wishing to speak would be heard, but no decision would be made by the

Zoning Board tonight, as the Planning Board has not acted on this application.

A question was asked as to how much room for each unit. Mr. Sutherland stated that each living unit is approximately 1000 sq. ft. and each unit has two bedrooms, a small kitchenette, bathroom, etc.

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Michael and Mary Griffith had submitted a letter along with a signed petition having 16 signatures, including their own, of immediate neighbors who are opposed to this proposed project (copy on file with application). Mr. Griffith read the letter, noting the concerns of themselves and the neighbors. The current proposal for renting to college professors or college employees is not so much of a problem but if the building is sold, there is no control over who may be allowed be rented one of these units.

A second, unsigned letter was submitted to the board (copy on file) with concerns.

It was also noted that all of the zoning requirements can be met for this property with this proposed townhouse structure.

There was concern expressed with regards to the driveway entry off from Pear St. in that the street doesn't seem to be very wide. It was noted that this is a Town road and the property owner stated that the driveway entrance was configured this way because it is not as busy a street as Assembly Avenue. Mr. Sutherland stated that the entrance could be changed to Assembly Ave. if there was consensus that this would be better.

Mr. Sutherland noted for the record that it was not the intention of his firm to offer these units to college students. A question came up with regards to who can properties be rented to, and Mr. Sutherland stated that there is a program in which you can be designated as senior housing. There are also restrictions that can be placed on residential leases regarding pets. Leases are for one year with option for renewal.

There being no further questions, a motion was made by G.Herbert and seconded by B.Fox to table this application until the September Board meeting.

The motion was carried with a poll of the board as follows: J.Bird-table, J.Jameson-table, R.Rubin-table, B.Fox-table, G.Herbert-table.

Application #908 for Daniel Collins owning a vacant piece of property on West Bluff

Dr. adjacent to the south of 410 West Bluff Dr. requesting area variances to place a storage shed on a portion of the lot between the road and the lake with less minimum lot depth than zoning requires and with less rear yard setback than zoning requires.

Mr. Collins was present to answer questions for board members. There was a brief discussion about the language of the zoning with regards to lots located between the road and the lake. Mr. Collins stated that he did own property on the upper side of the road.

The area variance test questions were reviewed with the answers as follows: #1(1-yes, 4-no), #2(2-yes, 3-no), #3(1-yes, 4-no), #4(0-yes, 5-no), #5(5-yes, 0-no).

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The storage building will be more than 10 ft. from the side yard property line.

There being no further discussion, a motion was made by R.Rubin and seconded by G.Herbert to grant this application as presented for this accessory building with regards to the minimum width of the lot being less than 100 ft. and with the storage building to be located no closer to the rear yard lot line than 5 ft. or 40 ft. as measured to the center of West Bluff Dr.

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

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

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.

Application #909 for Gary Molyneaux owning property at 462 East Bluff Dr. requesting Area Variances to build a boat house structure with less than the 100 minimum ft. lot width between the road and the lake, and with less front and rear yard setbacks than zoning requires.

Mr. & Mrs. Molyneaux described their proposed building and what they wanted to do for the board members and interested neighbors.

It was noted that the boathouse would be used for the storage of their boats and beach furniture, etc. The existing boat hoist that is presently used would be removed.

The application requires three variances, one for lot depth (less than 100 ft. minimum between the road and the lake), less than 15 ft. from the highwater mark and less than 20 ft. rear yard setback. The proposed boathouse will be 29 ft. as measured from the center of East Bluff Dr. or 4 ft. from the rear yard property line which makes a rear yard variance of 16 ft.

An adjacent neighbor, who had already submitted a letter of concern to board members, asked about the boat house having open sides especially the side facing them to the north. There were other concerns about the size of the boathouse and what it is going to be used for. Mr. Molyneaux, who had received a copy of the letter, addressed the listed concerns.

He stated that the rail system will become part of the new proposed boathouse. He also stated that he had intended to have roll down canvas sides but he did not have a problem with enclosing the sides of the boat house especially towards the neighbors adjacent on the north side. The size of the main part of the boathouse is to accommodate the rail system, etc.

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The other smaller storage part of the boathouse will be to store the other beach furniture and things used down by the water. There is no intent to have plumbing in and out of the building. There will be electricity to operate the boat hoist.

One neighbor to the north stated that the construction of this building would make the beach area near their property a lot better.

There was a concern about a lack of parking down in this locality. Mr. Molyneaux stated that he had sold a piece of property, a fifty foot right-of-way to the lake, to an individual.

The parking issue has to do with the lot sold. This issue is different than the proposed area variance request that is before the Zoning Board. It was noted, however, that the owner of the lot was not on the list to be notified for this August 9th public hearing. It was noted that it is the responsibility of the applicant to be sure that all neighbors within 200 ft. of the property owned by the applicant for the area variance are notified.

This being the case tonight, that one adjacent neighbor, while maybe being aware of the public hearing, was not notified by certified mail, leaves the applicant open to a legal technicality for invalidating an area variance (if granted) should it be challenged, because one neighbor was not notified.

It was then discussed by board members and it was agreeable to the applicant to

table any decision on this application until the September meeting, and applicant will notify the adjoining neighbor about the September 13 th meeting.

As a matter of discussion it was noted that this building will be of pole type construction and will be no higher than 15 ft.

A motion was made by J.Bird and seconded by B.Fox to table this application until the September Zoning Board meeting.

The motion was carried with a poll of the board as follows: G.Herbert-table, R.Rubin-table, J.Jameson-table, J.Bird-table, B.Fox-table.

There being no further business, a motion was made by R.Rubin and seconded by J.Bird to adjourn the meeting. The motion was carried unanimously (5-yes, 0-no). Meeting adjourned at 8:25 pm.

Respectfully submitted,
Elaine Nesbit/Secretary