

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

Approved as
Amended
11/13/08

October 9, 2008

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, October 9th, 2008 at 7 pm by Chairman Ron Rubin.

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| Roll Call: | Ron Rubin | Present |
| | Glen Herbert | Present |
| | Jim Crevelling | Present |
| | Jim Bird | Present |
| | Mike Steppe | Present |
| Alternate | Ed Seus | Present |

Others present included: Norm and Cheryl Pierce, Steven Trobe, Sandra Parker, Bruce Condemni, and David Healy.

A motion was made by J.Bird and seconded by R.Rubin to approve the September 11th, 2008 minutes as written. Motion carried (5-yes, 0-no).

COMMUNICATIONS

Chairman R.Rubin asked Zoning Board Members to mark their calendars for Thursday, November 20th, 2008 as there will be a joint Planning, Zoning, and Town Board meeting along with staff. The meeting will be at the Town Offices at 7 pm.

There were letters of communication regarding the applications up for review which had been copied and distributed to the board members. Copies on file with applications.

AREA VARIANCE REVIEW

Application #942 for Norman Pierce owning property at 430 West Bluff Dr. requesting area variances to remove the existing home and replace with a slightly larger home at this location. The variances needed are for side yard and rear yard setbacks as well as an increase in lot coverage.

Mr.& Mrs. Pierce were present with their architect, Mr. David Healy to answer questions for board members.

It was noted by Mr. Healy for the board that the existing house already has a pre-existing lot coverage of 23.5%. The additional square footage that the applicant wishes to have will increase the footprint in such a way as to bring the structure within 6 ft. of the north side yard property line at its closest point. The proposed house will increase the lot coverage to 27.8%.

Mr. Healy presented the house plans to board members. Mrs. Pierce stated that their existing home is very small and there is not very much room inside the kitchen or in the area that is the bedroom. It was also noted by Mr. Pierce that they are having problems with the foundation wall and have to do something within the next year anyway.

A neighbor, Bruce Condemni, was present asking that the board not consider approving this application until he and his family have a chance to review the architectural plans. It was noted that a set of these plans were available at the Zoning Office with the Zoning Secretary for review by any of the neighbors or other interested citizens.

Mrs. Pierce stated that their proposed new home would not be directly in front of their neighbor's homes that are across the road from them.

Board members asked how high the proposed structure would be. Mr. Healy stated that the main house would be approximately 28 ft. high and then with the proposed roof pitch of the house it would be about 34 ± ft. in height but would not exceed the 35 ft. height allowed by zoning.

The height of the roof peak above the road is approximately 15 ft. Mr. Healy pointed out that the existing retaining wall between the road and the existing house is where the cars are parked.

It was also noted by Chairman R.Rubin that the two letters of correspondence (copies on file) concerning this variance application have questions for the proposed height of the new home as well as recommending a referral to the Yates County Soil and Water Conservation Office for existing water problems that might be changed or re-directed when the new home is built.

Mr. Pierce stated that the water issue may be caused by a spring which also has an affect on the Town road.

The area variance questions were read with the following results: #1(5-yes, 0-no); #2(5-yes, 0-no); #3(5-yes, 0-no), #4(3-no, 2-yes); #5(5-yes, 0-no).

A motion was made by R.Rubin and seconded by J.Bird to deny this application as applied for based on the request to increase the building size on a pre-existing, non-conforming lot, and the fact that the requested increase of lot coverage is excessive. He noted that the Zoning Board has been very consistent in not allowing excessive lot coverage.

In discussion, prior to the voting on the motion, it was noted by Mr. Pierce that there are many homes along the lake on either side of them that are very large and cover almost the whole lot.

It was noted that if a property owner has land on both sides of the road then the current zoning would allow someone to build and cover their lot between the road and the lake because all of the land is included in calculating the percent of lot coverage allowed.

Mr. Pierce stated that he had understood that there was a committee working on changing the zoning as to how lot coverage is considered based on land owned on just one side of the road or on both sides.

Chairman R.Rubin stated that Mr. Pierce was accurate in describing how zoning changes happen. He noted, however, that while there is a committee working on zoning regulation changes, they cannot be considered until they have been to a public hearing, and adopted by the Town Board.

The board is in agreement that this is SEQR type II action.

With no further discussion, the motion was carried with a poll of the board as follows: J.Crevelling-deny, M.Steppe-deny, J.Bird-deny, G.Herbert-deny, R.Rubin-deny.

Board member G.Herbert stated that he would make another motion to grant a variance * (see **ZBA minutes 11/13/08 for amendment**)

for this application as follows: to allow a 28.7 ft. rear yard setback as measured to the center of West Bluff Dr. to the roof overhang, that the side yard set-back of 10 ft. will be maintained on both sides of the new structure, and finally that the lot coverage of the existing house footprint would remain the same at 23.5% and not increase with the new home. In addition, it is suggested that the plan for the retaining wall be an engineered plan and that Yates County Soil and Water Office be contacted to review the site and okay the drainage plans for the new structure. The motion was seconded by J.Crevelling and the motion was carried as follows: J.Bird-grant, R.Rubin-deny, M.Steppe-grant, J.Crevelling-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 the locality.

Application #943 for Doreen Inzalaco owning property at 638 East Bluff Dr. to request an Area and a Use Variance for a building to be allowed to remain and be used for sleeping and living purposes in the R1 zone.

Per request of Applicant's Attorney, the review of this application has been rescheduled for November 13th, 2008 at 7 pm.

Application #944 for Sandra Parker owning property at 681 East Bluff Dr. to request an area variance to remove the existing home and replace with a new structure asking for a rear yard variance allowing the new home to follow the existing setback of the current structure along the rear yard property line.

Sandra Parker was present with her architect Steven Trobe to answer questions for board members. Mr. Trobe presented the plans to the board showing the proposed structure.

There was a question from one of the board members asking if the property owner has any idea of how to deal with runoff from the roof. Mr. Trobe stated that he had not done much with that part of the plan as he wanted to find out if the board would grant this variance. He stated that he and his client would take this into consideration. Ms. Parker stated that she was very much interested in doing her part to protect Keuka Lake as much as possible. It was noted by J.Crevelling that this is not an actual requirement, but that whatever environmental impacts that might be caused by the building of this home that can be mitigated would be very good to do and would be helpful in preserving the quality of the lake.

Board Members had inquired about the distance from the property boundary stakes to where the proposed new structure would be and that it didn't appear to be 10 ft. It looked to be more like an 8 ft. distance.

It was noted by Mr. Trobe that the plans for the new structure are that the side yard setbacks will be 10 ft. from the property lines as measured to the roof eaves on the new home and he assured the board that the 10 ft. setbacks would be met.

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

Board member, G.Herbert suggested to the applicant and her architect to consider ways to prevent the water runoff of the road from getting to the new home. He stated that he had built on a very similar lot and had spent much time in consideration of how to keep the water away from his house. It was suggested that they contact Yates County Soil and Water or their own engineer to take a look at how to do the drainage around the new home.

Ms. Parker stated that this was done when the existing home was built. That in fact there is a provision for drainage around the existing home. The architect was in agreement that this would be a good suggestion to take into consideration. It was also noted by the architect that they might use the existing house wall as a retaining wall.

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

A motion was made by J.Bird and seconded by R.Rubin to grant this area variance ***(see ZBA minutes 11/13/08 for amendment)** application as requested. In addition, the site plans for the new construction are to be reviewed by Yates County Soil and Water Department along with review and sign off by the Town Highway Superintendent prior to building the new home.

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

There being no further business, a motion was made by J.Bird and seconded by J.Crevelling to adjourn the meeting. Motion was carried unanimously (5-yes, 0-no). The meeting was adjourned at 8:05 pm.

Respectfully submitted,

Elaine Nesbit/ZAP Secretary