

Approved

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

December 8, 2011

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, December 8<sup>th</sup>, 2011 at 7 pm by Chairman Glenn Herbert.

Roll Call:	Glenn Herbert	Present
	Jim Crevelling	Present
	Mike Steppe	Present
	Ed Seus	Present
	Dwight Simpson	Present

Others present included: Ray Stewart/Town Bd., Max Parson/Town Bd., Scott Spencer, Mr. & Mrs. William Sutherland, and Mark Lipa.

A motion was made by E.Seus and seconded by J.Crevelling to approve the November zoning board minutes as written. The motion was carried unanimously (5-yes, 0-no).

COMMUNICATIONS:

Board members received copy of a letter from an adjacent neighbor regarding Application for Area Variance #992, copy on file with application.

AREA VARIANCE/SPECIAL USE:

Area Variance #992 for Scott Spencer owning property at 2867 Italy Friend Rd. Branchport requesting an Area Variance to place a 21 ft. by 22 ft. carport on his property with less setback front and side yard setback than zoning requires for an accessory structure in the Ag-Residential Zone.

Mr. Spencer was present to answer questions for the board members. It was noted that he had received a copy of the letter from his adjacent neighbor with the concerns that had been mentioned about property lines and trees being cut.

Mr. Spencer stated that he knows where his property boundary markers are and they are the pins that have the ribbons on them. Mr. Spencer explained that the area where the carport would be placed is a graveled area. The carport is a metal structure that would be placed on six by six timbers laid horizontally around the periphery of the building outline. These timbers will be pegged into the ground with re-rod.

The proposed location of the carport at the southwest corner of this lot is because this location makes it the easiest access to the road and is the most level area without a lot of tree removal. In addition, it is not a permanent building and it could be moved.

The required front yard setback is 30 ft. or 55 ft. as measured to the center line of Italy Friend Rd. The requested front yard variance for this application is 3 ft. and the carport will be setback 28 ft. as measured to the center line of the road.

The required side yard setback is 40 ft. and the requested side yard variance for this application is 25 ft. in that the carport will be 15 ft. from the south side yard property line.

Mr. Spencer stated that in reply to his neighbors concerns, he has not cut down any trees, and in fact, he has one car without a license, which he is allowed to have. He stated that his neighbors are not year round residents, but has only seen them twice in the years that he has lived at his residence and since they have owned their property.

The area variance test questions were reviewed as follows:

1) Could granting of the Area Variance change the character of the neighborhood? (4-no, 1-yes) G.Herbert-no, J.Crevelling-yes, M.Steppe-no, E.Seus-no, D.Simpson-no. James Crevelling stated that there are no similar structures so near the road in this area.

2) Are there alternatives that would not require an area variance? (3-no, 2-yes) G.Herbert-yes, J.Crevelling-yes, M.Steppe-no, E.Seus-no, D.Simpson-no.

3) Is the request substantial? (3-yes, 2-no) G.Herbert-no, J.Crevelling-yes, M.Steppe- no, E.Seus-yes, D.Simpson-yes & no. D.Simpson stated that he felt that the front yard requested variance was not substantial but the side yard variance could be considered substantial. E.Seus stated that while the side yard variance could be considered substantial he felt that with the sides being kept open this lessens the visual impact.

4) Would the granting of this variance have potential adverse impacts on physical or environmental conditions in the neighborhood? (5-no, 0-yes).

5) Is the alleged difficulty self-created? (5-yes, 0-no).

A motion was made by E.Seus seconded by G.Herbert to grant this area variance application as requested having a front yard setback of 28 ft. as measured from the center line of Italy Friend Rd. to the closest point on the carport and a south side yard setback of 15 ft. as measured from the side yard property line to the closest point on the carport. The sides of the carport are to remain open.

The applicant is to verify his property lot lines with the Code Enforcement Officer to insure proper setbacks.

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

The motion was carried with a poll of the board as follows: M.Steppe-grant, D.Simpson-grant, J.Crevelling-grant, G.Herbert-grant, E.Seus-grant.

Application #993 for the Bluff Pt. Methodist Church owning property at 3044 Kinneys' Corners Rd. requesting an Area Variance to place a 10 ft. by 12 ft. wood-tex storage building on the property with less setback to the rear yard property lines than zoning allows for an accessory structure located on a corner lot in the Ag-Residential Zone.

Mr. Bill Sutherland, a Trustee for the Bluff Pt. Church, was present to answer questions for the board. Mr. Sutherland stated that there was a need to have a storage building to put some things, such as the Church lawnmower, gas, other small tools, etc. things that are taking up space in the Church basement that should really be in a different building.

The best location for the wood-tex building is back in this northeast corner of the lot out of the way of everyone with a proposed setback of 20 ft. from the north rear yard lot line and a proposed setback of 25 ft. from the east rear yard lot line. The Church lot is a corner lot and this proposed area for the wood-tex storage building is about the only area where it can be placed without being in the middle of the parking lot.

The area variance test questions were reviewed as follows:

- 1) Could granting the Area Variance change the character of the neighborhood? (0=yes, 5=no).
- 2) Are there alternatives that would not require an area variance? (5=no, 0=yes).
- 3) Is the request substantial? (0=yes, 5=no).
- 4) Would the granting of this variance have potential adverse impacts on physical or environmental conditions in the neighborhood? (0=yes, 5=no).
- 5) Is the alleged difficulty self-created? (4=yes, 1=no). G.Herbert=yes, E.Seus-no, J.Crevelling=yes, D.Simpson=yes, M.Steppe=yes. E.Seus stated that the Church is in need of storage space.

G. Herbert made a motion seconded by E.Seus to grant this application as requested to place a 10 ft. by 12 ft. storage building to be no closer than 20 ft. to the north property line a variance of 25 ft. and no closer than 25 ft. to the east property line a variance of 20 ft.

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

The motion was carried with a poll of the board as follows: D.Simpson-grant, J.Crevelling-grant, M.Steppe-grant, E.Seus-grant, G.Herbert-grant.

OTHER BUSINESS:

Town Board Member, Ray Stewart was present to speak to the Zoning Board Members. He mentioned that he was Zoning Board liaison for six years when he first came on the Town Board. He has a lot of memories of those years and the different meetings that he attended. As he leaves the Town Board after twelve years, he feels that the present Zoning Board is doing a great job and wanted to stop in to thank them for the good job they are doing. The Zoning Board Members thanked him in return and appreciated his taking the time to stop in at their meeting.

There being no further business, a motion was made by E.Seus and seconded by J.Crevelling to adjourn the meeting. The motion was carried unanimously 5-yes, 0-no. The meeting was adjourned at 7:30 pm.

Respectfully submitted,  
Elaine Nesbit/Secretary