

Town of Jerusalem
Zoning Board of Appeals

October 10, 2013

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order by Chairman Glenn Herbert on Thursday, October 11, 2013 at 7 pm.

Roll Call:	Glenn Herbert	Present
	Jim Crevelling	Excused
	Ed Seus	Present
	Dwight Simpson	Excused
	Earl Makatura	Present
Alternate	Rodgers Williams	Present
Alternate	Joe Chiaverini	Excused

Others present included: Joe Micari, and Gerald Kernahan.

A motion was made by E. Seus seconded by E. Makatura to approve the September Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

Board members were given a link to the DEC website and reminded that the new SEQR forms are now in effect and they should go on the website and have a look at them.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1022 for Joe Micari owning property at 6425 East Bluff Dr. requesting an Area Variance to build a garage on his lot between the road and the lake with a height greater than what zoning allows for an accessory building in this location.

Mr. Micari was present to discuss his application with the board members and answer questions that they had. He stated that one of the reasons for the requested height was because he wanted to have a scissors trust type of roof which would allow him to have enough height so that when his boat is inside the building he could stand up in it while he is working on the boat.

When asked if he intended to have any storage area up above, he stated that there would be a small area for items to be stored but that most of the area of use is down below.

The location of this building off to the north side of the lot will be in a location that will not block the view of his neighbors across the road. In addition, this building will be set down somewhat lower than the road level which will also make a difference making with respect to the height of the garage not being an issue for surrounding neighbors.

There has been no correspondence that has come back in response to this area variance application.

The existing electric will be re-directed into the garage, through the garage then come back out and go on to the existing cottage. This eliminates any concerns for power lines going over top of the garage.

The water, sewer, and gas lines will need to be re-located. It was noted that the Water & Sewer Department will need to be contacted prior to any construction starting at this location.

The area variance test questions were read with the following results:

1)Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby property owners will be created by the granting of the area variance: (4-no, 0-yes).

2)Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (1-no, 3-yes). G.Herbert-yes, E.Seus-yes, E.Makatura-no, R.Williams-yes.

3)Whether the area variance is substantial: (0-no, 4-yes).

4)Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district: (4-no, 0-yes).

5)Whether the alleged difficulty is self-created: (0-no, 4-yes).

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

A motion was made by E.Seus to grant this application as requested for a 20 ft. 6in. high garage giving a variance of 5ft. 6in. with the building to be no taller than 20 ft. 6 in. when measured from the average elevation of the proposed finished grade at the building's lowest side elevation to the highest point of the rooftop.

The motion was seconded by G.Herbert and carried with a poll of the board as follows:
R.Williams-grant, E.Makatura-grant, G.Herbert-grant, E.Seus-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.

Application #1023 for John Steeves owning property at 4442 West Bluff Dr. requesting an Area Variance to build additions to an existing home with less setback from the rear yard property line than zoning allows.

Mr. Gerald Kernahan, P.E. representing Mr. Steeves was present to answer questions for board members.

It was noted that there will be an addition added on both the north and south sides of the existing cottage. The additions will have roof overhangs and perhaps a small part of the wall of the new addition that will extend beyond the required rear yard setback and therefore a variance of 16.63 ft. is needed since it will bring the building a distance of 28 ft. 4 ½ inches from the center of the traveled way. The other side of the dwelling which is also having an addition added will also not meet the required set back from the center of the traveled way but will come closer to meeting the required rear yard setback than the other side.

Mr. Kernahan stated that the septic system would be located on the east side of the road. It was noted that it would be way back up on the hill. Mr. Kernahan stated that septic systems through KWIC are exempted from the Steep Slopes review however they must provide engineer drawings with all of the required plans for erosion control to be put in place in order to get an approval and a permit for construction & installation.

The area variance test questions were reviewed with the following results:

1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby property owners will be created by the granting of the area variance: (yes-0; no-4).

2) Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (yes-0, no-4).

3) Whether the area variance is substantial: (yes-4; no-0).

4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district: (yes-4, no-0) The reason for the board's answer of yes, is that not enough information was given as to whether or not the existing retaining wall is going to have to come down in order to build the additions to the existing dwelling.

5) Whether the alleged difficulty is self-created: (yes-4; no-0).

There was more discussion about the retaining wall and if it had to be removed what would happen. Mr. Kernahan stated that there would probably be a requirement by the Code Enforcement Officer to have a set of stamped engineered drawings for a replacement wall, particularly if it has to do with any part of the new additions or to the integrity of the existing home.

Board members were in unanimous agreement that this would be a SEQR Type II Action.

A motion was made by G. Herbert and seconded by E. Seus to approve this application for area variance with the garage to come no closer to the center of the traveled way than 28 ft. 4 1/2 in. or a variance of 16.63 ft. as measured from the closest point of the building (including roof overhang) to the center line of the traveled way. In addition the applicant shall supply the Code Enforcement Officer with a stamped set of engineered plans for the replacement retaining wall.

The motion was carried with a poll of the board as follows: E.Makatura-grant, R.Williams-grant, E.Seus-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 not alter the essential character of this locality.

OTHER BUSINESS:

There was no other business, a motion was made by E.Makatura and seconded by R.Williams to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 8 pm.

Respectfully submitted,
Elaine Nesbit/Secretary

