

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

March 13th, 2014

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, March 13th, 2014 at 7 pm by Vice-Chairman Jim Crevelling.

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

Others present included: John F. Phillips/CEO, Brian Gruschow, David & Marcia English, Robert Erdle, and Christopher Todd.

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

COMMUNICATIONS:

The Planning Board had sent through the determination of SEQR Review and their recommendation regarding Special Use Application #1029.

AREA VARIANCE/SPECIAL USE REVIEW

OLD BUSINESS:

Both applications #1028 and #1029 were tabled from the February Zoning Board meeting and the Public Hearing for both applications is still open for comment from anyone wishing to be heard.

Application #1028 for Robert Erdle owning property at 7675 East Bluff Dr. Penn Yan, NY requesting Area Variances for front and rear yard setbacks. Taking two pre-existing, non-conforming structures removing the existing walkway, nonconforming deck, and entryway to the third floor of the existing boathouse then removing the existing 'single wide' cabin in its entirety, and replacing the cabin with an addition to the boathouse, resulting in a more conforming structure and livable space.

Requesting a new walkway on the roadside from the edge of the road right-of-way to the structure which is closer than zoning allows. Requesting a screened in porch area on the northeast side of the new addition and a deck with stairs on the southeast side of the new addition, both coming closer to the high water mark at the edge of the existing seawall than zoning allows.

Since the February Zoning Board meeting, Mr. Erdle had sent drawings (dated 2/26/2014) revised by his architect, Mr. Todd, to the Zoning Secretary, which were distributed to Zoning Board Members.

Mr. Erdle noted for the board members that he had discussed the concerns of the board with his architect and as a result the board now had the revised drawings.

Vice-Chairman J.Crevelling stated that he had been down to the site and he was appreciative of the effort that had been made by Mr. Erdle to scale back on the porch addition on the north east side of the proposed structure. This will leave some open area between the structure and the lake for run-off to allow absorption into the ground rather than having the structure so close to the seawall and lake that everything runs directly off the structure and into the lake.

Other board members had also taken opportunity to go out to the site and with the revised drawings, felt that previous concerns expressed by the neighbors to the north were taken care of by the change in the downsized porch on the northeast side and the small deck with stairs on the south east side of the new proposed structure.

E.Seus did express a concern for the existing retaining wall and the fact of its current state of repair. Mr. Erdle stated that this was also one of his concerns as well and it was going to be addressed as one of the first things to be done prior to the rebuilding of the structure at this location.

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: (5-no, 0-yes).

2) Whether the benefit to the applicant could be achieved by some other feasible method than an area variance: (3-no, 2-yes) J.Crevelling-yes, E.Makatura-yes, E.Seus-no, R.Williams-no, J.Chiaverini-no. A smaller structure could be built.

3) Whether the area variance is substantial : (5-yes, 0-no).

4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district: (1-yes, 4-no) J.Crevelling-no, E.Makatura-no, E.Seus-no, R.Williams-no, J.Chiaverini-yes.

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

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

A motion was made by J.Crevelling , seconded by E.Seus to grant this Area Variance Application #1028 as written based on the revised drawings dated (2/26/2014) with the closest part of the screened in porch on the north side will approach the seawall will be 5 ft. 4 in. to the water side of the seawall while the new porch on the east side will be no closer than 10 ft. 3 in. to the water side of the seawall.

Porches are not to be enclosed other than being screened in. The rear yard setback for the new bridge to be no closer than 26 ft. 6 in. to the center of the traveled way.

The motion was carried with a poll of the board as follows: E.Makatura-grant, J.Chiaverini-grant, R.Williams-grant, E.Seus-grant, J.Crevelling-grant.

In granting this 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 #1029 for Brian & Jennifer Gruschow owning property at 1029 Italy Friend Rd., Branchport, NY 14418 to request a Special Use Permit to operate Gruschow Grinding LLC a tool sharpening business out of their home shop on a full time basis. An attachment of hours of business operation, location of business with regards to the Community, as well as other information regarding the operation of the business was attached to the application (copy on file).

This application had been before the Jerusalem Planning Board for SEQR review as requested by a motion of the Zoning Board of Appeals from their February Meeting. In addition, the Jerusalem Planning Board had also recommended approval of the Special Use Permit to the Zoning Board as part of their review process. The Planning Board also reviewed and approved this application for Site Plan Review at their March 6th meeting.

Vice-Chairman J.Crevelling read the motion from the Jerusalem Planning Board that based on the information provided and supporting documentation that this proposal will not result in any significant adverse environmental impact. The motion was made by A.Carcone and seconded by J.Wheeler to approve the motion. Carried unanimously (copy of motion and approval on file with application).

It was also noted by Vice-Chairman J.Crevelling that as part of the SEQR under Part 3 and as noted in the February Zoning Board Minutes that the use of mineral based fluid for the sharpening process which is continuously filtered and only has to be added to, reduces any type of potential harm from hazardous waste material from the tool sharpening business.

Also, any scrap metal waste is kept in a barrel and recycled to B&B recycling. The scrap metal is mostly limited to one barrel per year.

Board members had visited the site, there was no one present with any concerns regarding this application.

A motion was made by R.Williams seconded by E.Seus to approve Application #1029 for a Special Use Permit to operate a Tool Sharpening Business at this location on a full-time basis. The motion was carried with a poll of the board as follows: E.Makatura-grant, J.Chiaverini-grant, J.Crevelling-grant, E.Seus-grant, R.Williams-grant.

NEW BUSINESS:

Application #1030 for David & Marcia English owning property at 8565 East Bluff Dr. Penn Yan, requesting an Area Variance to build a set of stairs from the top of the driveway down to the dwelling level with less setback from the south side yard property line than zoning requires.

Mr. & Mrs. English were present to answer questions for board members regarding their plans for the new stairs.

Vice-Chairman J.Crevelling stated that the board had received a copy of a letter from Highway Superintendent Robert Martin as part of the application paperwork. He had no problem with the area where the stairs were to start (copy on file) with application, but did mention that the Town is not responsible for any damage due to the performance of routine highway maintenance within the Town's highway right-of-way (including snow and ice removal).

Mr. & Mrs. English explained that they have a propane tank located in the area where they would have started the stairs that prohibits the required 10 ft. side yard setback. The stairs will be located on moveable pads. The stairs themselves have holes which will allow for moisture to get through. The stairs will be in sections so they can come out if they have to be moved.

The railings will have five posts on each side with handrails attached. There was a question of lights on at least two of the posts and it was asked if the lighting could be directed downward onto the steps and Mr. & Mrs. English stated that this was the purpose of the lights.

The stairs cannot be located on the north side of the lot because there is a creek over there and not enough room.

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: (0=yes, 5=no).

2)Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (1=yes, 4=no). J.Crevelling-no, E.Makatura=yes, E.Seus-no, R.Williams-no, J.Chiaverini-no.

3)Whether the area variance is substantial: (2=no, 3=yes). J.Crevelling=yes, E.Makatura-no, E.Seus=yes, R.Williams=yes, J.Chiaverini-no. In this location while it is not obtrusive, it is a substantial variance.

4)Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district: (5=no, 0=yes).

5)Whether the alleged difficulty was self-created: (1=no, 4=yes). J.Crevelling=yes, E.Makatura=yes, E.Seus=yes, R.Williams=yes, J.Chiaverini-no.

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

A motion was made by E.Seus seconded by J.Crevelling to grant Application #1030 for Area Variance as requested to build a set of stairs from the top of the driveway to the level of the dwelling for access with the stairs to come no closer than 5 ft. to the south side yard property line.

The motion was carried with a poll of the board as follows: R.Williams-grant, J.Chiaverini-grant, E.Makatura-grant, J.Crevelling-grant, E.Seus-grant.

In granting this 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:

A brochure was passed out to board members for a ZBA Training in Canandaigua on Saturday the 29th of March from 8:30 until 12:05 PM at Ontario County Training Facility. This is free and education training credits are available for attending.

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

Respectfully submitted,

Elaine Nesbit/Secretary