

**TOWN OF JERUSALEM
Zoning Board of Appeals**

January 8, 2015

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, January 8th, 2015 at 7 p.m. by Vice-Chairman Jim Crevelling.

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

Others present included: John Phillips/CEO, Gary Dinehart/Town Bd., and Kurt Nagle.

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

COMMUNICATIONS

There were no communications.

AREA VARIANCE/SPECIAL USE REVIEW

Application #1039 for Kenneth Lee owning property at 5555 East Bluff Dr. Penn Yan, NY requesting an Area Variance to repair foundation on existing home, allow lot coverage for existing structure at 23% and request an increase of 1% lot coverage for addition per submitted drawing.

Kurt Nagle, contractor for Mr. Lee, was present as his representative and to answer any questions for board members.

It was noted that there was a building permit back in 1988 for the deck that was enclosed and that had a foundation put underneath it was within the 20% allowed lot coverage. The decks that were expanded at this time, increased the lot coverage to 3% over the allowed 20% lot coverage and should have required an area variance.

Mr. Nagle stated that the house foundation needed some repair work and then according to the plans submitted, the main portion of the house would become a 2 story home.

The small one story portion that faces the east would stay the same with the front deck facing the lake and a shortened deck wrapping around to the south side with stairs for access which would all together increase the lot coverage by 1% making a lot coverage at 24%.

Board members had visited the site and noted that the location of the house was such that even with a second story addition, it would not disrupt anyone's view of the lake.

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: (0-yes, 5-no).

3)Whether the area variance is substantial: (1-yes, 4-no). J.Crevelling-yes, the lot coverage is substantial just for the fact of it being 24%, but on this site and given the location of the house, it is acceptable. E.Seus-no, D.Simpson-no, R.Williams-no, J.Chiaverini-no.

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

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

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

There being no further discussion, a motion was made by J. Crevelling and seconded by D. Simpson to grant the Area Variance as requested to allow the existing 23% coverage of the lot as it currently exists as of this date 1/8/2015 to remain and to allow the increase of 1% lot coverage for a total of 24% lot coverage to include the existing structure and decks and any proposed addition with the condition that the decks that will remain as decks are not in the future to have a roof over them or to be enclosed.

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

Other Business:

Zoning Board Secretary passed out Special Use Application #1040 for Java-Gourmet which is owned by Brian and Susan Friguliette requesting an expansion of their existing coffee business at 2808 State Rte 54A Penn Yan, NY 14527.

Board Members will review this application at a Public Hearing scheduled for February 12th, 2015. Part of this review requires SEQR which a short form Part 1 was submitted with this application.

A motion was made by J.Crevelling, seconded by E.Seus to send this Part 1 SEQR on to the Jerusalem Planning Board to request their review along with their review of the Java-Gourmet Special Use Expansion and Site Plan Application #1040. The motion was carried unanimously. This request will be sent to the Jerusalem Planning Board for their February 5th, 2015 Planning Board meeting.

There being no further business for discussion, a motion was made by J.Crevelling seconded by J.Chiaverini to adjourn the meeting. The motion was carried unanimously. The meeting was adjourned.

Respectfully Submitted,

Elaine Nesbit/Secretary