

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

August 13th, 2015

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, August 13th, 2015 at 7 pm by Chairman Glenn Herbert.

Roll Call:	Glenn Herbert	Present
	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, Ed Supple, Steven Marchionda, Tim Cutler/Planning Bd., Lynn Barry, John Manley, Dave Sweet/Keuka College, Janet Russell, and other individuals not signed in.

A motion was made by J.Crevelling seconded by G.Herbert to approve the July 2015 Zoning Board minutes as written. Motion was carried unanimously.

COMMUNICATIONS:

The Zoning Board was in receipt of a letter from an adjacent neighbor with respect to Area Variance Application #1053 (copy on file).

AREA VARIANCE/SPECIAL USE REVIEW

Application #1053 for Steve McMichael owning property at 4762 West Bluff Dr., Keuka Park, NY requesting an Area Variance to build a 30 ft. by 42 ft. garage with less setback from the center of the traveled way than zoning requires for a lot located on the east side of West Bluff Dr. The setback requirement at this location is 65 ft. and the requested setback is 30 ft. This property is located in the Lake-Residential (R-1) Zone.

Mr. McMichael was unable to be at the meeting and had requested an adjacent neighbor, Steve Marchionda to represent him at the meeting. Mr. Marchionda noted that he could have Mr. McMichael on cell phone or by text messaging if there were any questions that he could not answer. Mr. Marchionda had previously sent a letter of communication in support of this area variance to the Zoning Board (copy on file with application).

Mr. Marchionda stated that he had built a similar garage at his property several years ago and had similar issues with the narrowness of the road and the rise of the property on the east side of West Bluff Dr.

The main reason for the requested area variance is due to the fact that the property on the east side of West Bluff Dr. does not have a lot of room between the road right-of-way and the area where building can begin before the slope starts to rise and if anyone were to try and meet the required setback they would have to do a lot of excavation into the bank and cause a lot of disturbance and could be a much larger problem for future maintenance of the embankment.

It was noted that the road along this part of West Bluff Dr. is fairly straight although there is a slight curve in the road about 700 ft. to the south of this property which could be a problem, however, with a clearing away of some of the vegetation along the edge of the property it should make for better vision down the road.

There being no more questions the area variance test questions were read and 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: (4-yes, 1-no); G.Herbert-no, J.Crevelling-yes, E.Seus-yes, E.Makatura-yes, R.Williams-yes.
3. Whether the requested 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: (0-yes, 5-no).
5. Whether the alleged difficulty was self-created: (5-yes, 0-no).

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

A motion was made by J.Crevelling seconded by E.Seus to grant request #1053 for the 30 ft. by 42 ft. garage on the east side of West Bluff Dr. to come no closer than 30 ft. the center line of West Bluff Dr. as measured from the closest point of the building to the center line of the traveled way. This is a 35 ft. area variance that is being granted. The motion was carried with a poll of the board as follows: E.Makatura-grant, E.Seus-grant, R.Williams-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.

Application #1054 for Kathleen Supple owning property at 10 Northview Dr., Penn Yan, NY 14527 requesting an Area Variance to place an 8 ft. by 10 ft. shed on the property for lawnmower storage with less setback from the west rear yard and south side yard property lines.

Mr. Ed Supple was present to answer questions for board members. He stated that the survey stakes that were located on his property had orange flags and he wanted to have the storage building five feet from the west and south property lines. If the building were placed where zoning required, it would put the building almost on top of their deck.

Board members discussed the fact that while this property is located in the agricultural-residential zone, and accessory buildings require setbacks of 40 ft. for side yard and 45 ft. for rear yard setbacks, that this particular area has been developed as mostly residential with lots that are approximately 1 acre in size and therefore should be looked at differently than larger parcels of land for setback purposes.

The area variance test questions were read and 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: (5-yes, 0-no).
3. Whether the requested area variance is substantial: (5-yes, 0-no). Yes, but given the location and the way the properties have been developed as residential with smaller lot sizes, it is a reasonable request.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood of district: (5-yes, 0-no).
5. Whether the alleged difficulty was self-created: (5-yes, 0-no).

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

A motion was made by G.Herbert and seconded by J.Crevelling to approve application #1054 for the placement of a 10 ft. by 8 ft. storage shed no closer than 5 ft. from the west rear yard property line and no closer than 5 ft. from the south side yard property line as measured from the closest point on the building including the roof overhangs. The motion was carried with a poll of the board as follows: E.Seus-grant, E.Makatura-grant, R.Williams-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 this locality.

Application #1055 for Keuka College for property located at 577 Assembly Ave., Keuka Park, NY requesting area variances for two existing signs/scoreboards, at the Keuka College Athletic Complex. One sign located at the softball field with greater height than what zoning allows and the other scoreboard located at the baseball field having greater height and area than what is allowed for signs/scoreboards.

Mr. Dave Sweet, Athletic Director, was present to represent the College and answer questions for board members. It was noted that the signs have been in their present location for approximately 13 years. The one sign is located on the softball field. This sign/scoreboard has greater height than zoning allows. The other sign/scoreboard which is located on the baseball field has greater height and area than zoning allows.

An adjacent neighbor to the north had concerns about the placement of the sign/scoreboard which had been placed at the north end of the baseball field and was located at the top of the berm behind the fence. The college had planted some trees which are growing but do not cover the back side of the sign. The north side of the baseball field is adjacent to this neighbor's property.

There was some controversy with regards to the placement of this particular sign/scoreboard and its placement on the raised mound behind her property. The objection was not to the height of the scoreboard itself, more having to do with the placement/location of it. The neighbor felt that there was a place to the east of the present sign location in front of the woods where the sign/scoreboard could be placed that would not be objectionable to anyone and could be easily seen by those in the playing field, in the dugout and in the bleachers.

D. Sweet's response to the moving of the sign/scoreboard had to do mostly with the electric lines that bring electricity to the sign and that it would be costly to re-locate the electric for the sign/scoreboard relocation.

Chairman G. Herbert noted that the Area Variance request is for the height of the signs and square footage of one of the signs. The Zoning Code regarding signs references height and area measurements, lighting and moving parts.

There was a consensus of the board members that the public hearing on this application would remain open and that no decision would be made at this meeting, but that it would be tabled until the September Zoning Board meeting.

Chairman G. Herbert asked D. Sweet, Keuka College representative for some additional information, and as Chairman of the Zoning Board, he stated that he would be seeking some advice from the Town Attorney.

There being no more discussion, a motion was made by G. Herbert seconded by J. Crevelling to table this application until the September Zoning Board meeting and the Public Hearing on this application will remain open. The motion was carried with a poll of the board as follows: E. Makatura-table, R. Williams-table, E. Seus-table, J. Crevelling-table, G. Herbert-table.

OTHER BUSINESS:

There were other Keuka Park Residents in the audience who addressed the board with some concerns regarding issues in Keuka Park. Chairman G. Herbert stated that some of their issues are County related issues and some are issues which might need to be worked out with the Town and Keuka College.

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It was noted that Application for the Keuka Commons Building would be coming before the Zoning Board for Area Variances in September.

There being no further business, a motion was made by J.Crevelling and seconded by E. Makatura to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned.

Respectfully submitted,
Elaine Nesbit/Secretary