

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

July 14, 2016

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, July 14th, 2016 at 7 pm by Chairman Glenn Herbert.

Chairman G.Herbert asked all present to stand as we repeated the Pledge of Allegiance.

Roll Call:	Glenn Herbert	Present
	Ed Seus	Present
	Earl Makatura	Present
	Rodgers Williams	Excused
	Joe Chiaverini	Present
Alternate	Kerry Hanley	Present
Alternate	Ken Smith	Present

Others present included: Zac DeVoe/CEO, Gary Dinehart/Town Bd., Annette & Keith Toaspern, Cathy Fisher, Wendy Meagher/Meagher Engineering, Steve & Jane Smith, Denise & Jim Toomey, Joi McMurtry, Sue Christiano, Steve Cosley, and others.

A motion was made by K.Smith and seconded by G.Herbert to approve the June Zoning Board minutes as written. The motion was carried unanimously.

Communications:

There was only one written letter of communication in favor of Area Variance Application #1073 (copy on file with application).

AREA VARIANCE /SPECIAL USE REVIEW

Application #1071 for Todd & Cathy Fisher for property at 6637 East Bluff Dr. requesting an Area Variance to build a new single family home replacing an existing home on a pre-existing, non-conforming lot. An existing detached garage will be removed but a new attached garage is being proposed as part of the new construction. The new home with the decks and garage will have a lot coverage of 22.1%. which exceeds the allowed 20% lot coverage by 2.1%.

This application had been tabled for two meetings to allow the applicant's engineering firm to reduce the lot coverage being requested and to make some adjustments to the roof pitch in order that the measurement from the average grade of the lowest side for measuring the height of the proposed new home would not exceed the allowed 35 ft.

Wendy from Meaghering Engineering was present with Mrs. Fisher to answer questions for the board and to present the latest drawings for the new proposed home that showed the changes that had been made to accommodate the height keeping it under the 35 ft. and also the drawing that showed the height of the proposed home that would be seen at road level as compared to the existing garage.

Board members had been out and visited the site and had checked out the visual siting from across the road to try and make a determination as to whether the roofline of the new home was going to be worse than that of the existing garage. Board members who were on site felt that the roof line of the proposed new home would be no worse than that of the existing garage which is there now.

The area variance test questions were read and reviewed with the following results: #1(5-no, 0-yes); #2(5-yes, 0-no); #3(5-no, 0-yes); #4(5-no, 0-yes); #5(5-yes, 0-no).

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

There being no further discussion, a motion was made by G.Herbert to grant the area variance to allow for 22.75% lot coverage for the proposed new home and attached garage. The motion was carried with a poll of the board as follows: J.Chiaverini-grant, E.Seus-grant, E.Makatura-grant, K.Smith-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 #1073 for Annette Toaspern for property at 2409 West Lake Rd., PY, NY requesting an Area Variance to replace an 8 ft. by 8 ft. storage shed with a 10 ft. by 16 ft. storage shed placing the new storage shed in the same location with less setback from the side yard property line than zoning requires for an accessory building in the Lake-Residential (R1) Zone.

Mr. & Mrs. Toaspern were present to answer questions for board members.

Board members had been out to visit the site and to see the location of where the new storage building would be located.

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 properties will be created by the granting of the area variance: (5-no, 0-yes).

2)Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (5-no, 0-yes).

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

4)Whether the proposed area 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: (5-yes, 0-no).

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

A motion was made by G.Herbert and seconded by K.Smith to grant the Area Variance to allow the placement of the 10 ft. by 16 ft. storage shed in place of the other storage shed with the condition that it come no closer to the north side yard property line than 6 ft. as measured from the closest part of the building including the roof overhang.

The motion was carried with a poll of the board as follows: J.Chiaverini-grant, E.Seus-grant, E.Makatura-grant, K.Smith-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 #1075 for H. Taylor Fitch for property at 2902 Williams Hill Rd., Keuka Park, NY 14478 requesting an Area Variance to place a storage shed closer to the north side yard property line than zoning allows for an accessory building in the Ag-Residential (AGR) Zone.

Board members had been out to visit the site and noted that this is a small residential site and seemed to be one of the many repeated area variances that has been requested where the required 40 ft. side yard setback is excessive for small storage buildings on lots that are 2 and 3 acres and in some cases are not wide lots but are long and narrow.

Mr. Fitch did note that his property is a rather long and narrow lot and the owner of the property surrounding his that has the vineyards had actually suggested that he apply to move the building 20 ft. from the lot line since the closest things around him are the vineyards.

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 properties will be created by the granting of the area variance: (5-no, 0-yes).

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

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

4)Whether the proposed area 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: (5-yes, 0-no).

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

There being no further questions, a motion was made by G.Herbert and seconded by K.Smith to approve the area variance for application #1075 to allow the placement of the 14 ft. by 24 ft. storage shed to be placed no closer than 20 ft. to the north side yard property line.

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

OTHER BUSINESS:

A motion was made by G.Herbert seconded by E.Seus to send a request to the Planning Board asking them to be the lead agency for the SEQR review for Application #1076 for Special Use and Site Plan for Matthew & Ann Cramer that will be on the August Agenda. The motion was carried unanimously.

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

Respectfully submitted,
Elaine Nesbit/Secretary