

Approved

Town of Jerusalem  
Zoning Board of Appeals

December 14th, 2017

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, December 14th, 2017 at 7 pm by Chairman Glenn Herbert.

Chairman G. Herbert asked all to stand for the pledge to the Flag.

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

Others present included: Pete Agliata, Curvin Stauffer, Joe and Norma Lewis.

A motion was made by R.Williams and seconded by G.Herbert to approve the November Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

Zoning Board members had received communication regarding Special Use Application #1110. Copy of communication on file with application.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1109 for Peter Agliata for property at 3020 Coates Rd., PY requesting an Area Variance to place a 12 ft. by 24 ft. shed structure 12 ft. from the (east) front yard property line and 12 ft. from the (north) side yard property line. This property is located in the Agricultural-Residential Zone.

Mr. Agliata was present to answer questions for board members and it was noted that survey pins had been placed in the ground since the last board meeting and some board members had been to the property to see them before they were covered by snow. Mr. Agliata noted however, that the stakes/rods in the ground on the other side of the creek that were visible above the snow also were an indication of where the survey pins were located.

It was noted that the proposed location of the storage building would 12 ft. from the front (east) lot line or an 18 ft. variance and from the north (side) boundary it would be 28 ft. from the property line or a 12 ft. variance.

Mr. Agliata noted that the reason for placing the building in the proposed location was because it was the most level ground area.

The farther the proposed location of the building is moved to the west the more incline there is. In addition, the barn that is located to the west of this proposed building is in very bad shape and Mr. Agliata stated that if he does not take it down it will be falling down.

He also noted that when the water comes down through that area it is very wet.

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 properties will be created by the granting of the area variance: (3-no, 2-yes) G.Herbert-no, R.Williams-yes, E.Seus-yes, E.Makatura-no, K.Hanley-no.

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

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

4)Whether the proposed area variance will have an adverse effect or impact on the physical or environmental condition of the neighborhood or district: (4-no, 1-yes) G.Herbert-no, R.Williams-no, E.Makatura-no, E.Seus-yes, K.Hanley-no

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

A couple of board members expressed their concerns about the placement of the building closer to the road and stated that they felt it was out of character with the neighborhood since they hadn't seen any other buildings located that close to the road.

G.Herbert stated that this is in the Agricultural Residential Zone and this is on a smaller residential lot.

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

A motion was made by E.Makatura and seconded by G.Herbert to grant the area variance for a setback of 12 ft. on the east (front) side or an 18 ft. variance and 28 ft. from the north (side) yard or a 12 ft. variance. The motion was carried with a poll of the board as follows: R.Williams-deny, K.Hanley-grant, E.Seus-deny, G.Herbert-grant, E.Makatura-grant.

Application #1111 for Curvin Stauffer for property at 4827 Italy Hill Rd., Branchport requesting an area variance to build a 30 ft. by 50 ft. pole barn to be located 28 ft. from the west side yard property line. The property which is located in the Agricultural Residential Zone requires a 40 ft. side yard setback for accessory buildings.

Mr. Stauffer was present to answer questions for board members. Mr. Stauffer explained that part of the barn would be used for a place to keep his one horse and buggy and the other part of the barn would be used for the storage of a car, and other items.

An adjacent neighbor was present with some concerns about his well which was in line with the Mr. Stauffer's well and in line with the proposed barn. He was concerned about any affect that the barn might have on his well. He stated that he might have cows and calves in his barn. Mr. Stauffer stated that he would only be having his horse in the barn and the cow was at his father's place.

Chairman G.Herbert stated that by granting the area variance the building would be farther away from the neighbor's lot line than if the building were built in a location where it would meet the required setback for an accessory structure.

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 properties will be created by the granting of the area variance: (4-no, 1-yes) G.Herbert-no, R.Williams-yes, E.Seus-no, E.Makatura-no, K.Hanley-no.

2)Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (2-no, 3-yes) G.Herbert-no, R.Williams-yes, E. Makatura-yes, E.Seus-no, K.Hanley-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 condition of the neighborhood or district: (5-no, 0-yes)

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

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

A motion was made by R.Williams and seconded by G.Herbert to grant the 12 ft. Area Variance and allow the pole barn to be 28 ft. from the west side yard lot line as measured from the closest part of the building including the roof overhang. In addition the only animal to be housed inside this pole barn is one horse. The motion was carried unanimously with a poll of the board as follows: K.Hanley-grant, E.Makatura-grant, E.Seus-grant, G.Herbert-grant, R.Williams-grant.

#### OTHER BUSINESS:

A motion was made by G.Herbert and seconded by K.Hanley to table Area Variance application #1110 at the request of the applicant until the January 11<sup>th</sup> meeting. The motion was carried unanimously.

A motion was made by G.Herbert and seconded by E.Makatura to table Area Variance application #1112 at the request of the applicant until the January 11<sup>th</sup> meeting. The motion was carried unanimously.

Board members had received a copy of the email regarding CEO letter attached to the Notice-of-Decision for the Lanpher Garage at 685 Beechnut Rd., Branchport. Copy on file with application.

Zoning Board Minutes  
12/14/2017

In an update for the Zoning Board, Crispin Hill LLC is a business located at 2732 Wager Hill Rd., Penn Yan, NY. Owners of business are under contract with property owner for buyout.

Application #1112 for Area Variance to be heard at the January 11<sup>th</sup>, meeting has two building permits for decks given by former code enforcement officers which need to be reviewed. Zoning Secretary has given board members copies of documentation regarding original footprint of property prior to zoning and a current survey map. Copies of all paperwork attached to application.

Under reorganization for 2018, it was agreed unanimously by all board members present that Glenn Herbert would continue as Chairman and Rodgers Williams would continue as Deputy Chairman.

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

Respectfully submitted,  
Elaine Nesbit/Secretary