

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

May 11th, 2017

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, May 11th, 2017 at 7 pm by Chairman Glenn Herbert.

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

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

Others present included: Kevin Bailey, Carol Rhoades, Gary French, Todd Stone and Tracey Winters.

A motion was made by E. Seus seconded by J.Chiaverini to approve the April minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

The only communications to the Zoning Board Members was from the Code Enforcement Officer which would be discussed under Other Business.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1087 for Kevin Bailey for property at 5044 East Bluff Dr. requesting an Area Variance to build a set of stairs with landings for lake access and to attach an 8 ft. by 10 ft. deck to the stairs and landings at the west side with less setback from the rear yard lot line than zoning requires for an accessory structure.

Mr. Bailey was present to answer questions for the board. It was noted that he had previously owned the property to the south and had built the stairs and landings on that piece of property but had since sold it and bought the property he currently owns. Mr. Bailey also noted that his parents are quite elderly and that is one of the reasons that he wanted the deck area was for them to have a place to sit and enjoy the lake as they would not likely be able to get down the stairs to the beach area.

Board members were reminded of the changes to the zoning ordinance a few years back which allowed the permitting of stairs (for lake access) that could have small landings which were to be no greater than 16 sq. ft. with the only requirement that side yard setbacks of 10 ft. be maintained. Requesting a larger landing and/or deck area is the reason for the requested area variance.

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: (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: (4-no, 1-yes) G.Herbert-no, R.Williams-yes, E.Seus-no, J.Chiaverini-no, K.Smith-no.

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: (0-no, 5-yes).

There being no further discussion, a motion was made by E.Seus and seconded by G.Herbert to grant application #1087 for the Area Variance, to allow the stairs and landings with the accessory 8 ft. by 10 ft. deck with all parts of the stairs, landings and deck to be out of the road right-of-way.

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

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

Application #1088 for Bill Peck for property located at 6602 West Bluff Dr., Keuka Park, NY requesting an Area Variance to build a 16 ft. by 16 ft. deck attached to existing house going west towards the lake with the setback of the proposed deck being 10 ft. from the high-water mark, instead of the required 15 ft.

Todd Stone, contractor for Mr. Peck, was present to answer questions for board members. Mr. Stone noted that one of the reasons for the deck extension was due to the presence of two oak trees that Mr. Peck wanted to keep and was trying to fit the deck around the trees without too much disturbance to their root systems.

Board Member E. Seus recused himself from taking part in this review since he is a neighbor of Mr. Pecks and within 200 ft. of the subject property.

Questions were asked about bringing the posts/piers under the deck back farther from the 10 ft. line closer to the required 15 ft. setback mark by cantilevering the deck. Mr. Stone stated that he could come back some, but was concerned that if he were to come back more than 4 ft. then he would be into the root system of the trees. It was noted that the deck, itself would be some 18 to 20 ft. in the air above the beach area although it would be only 10 ft. from the high-water mark.

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, 0-yes).

2)Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (1-no, 3-yes); G.Herbert-yes, R.Williams-yes, J.Chiaverini-no, K.Smith-yes.

3)Whether the requested area variance is substantial : (4-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: (4-no, 0-yes).

5)Whether the alleged difficulty was self-created: (4-yes, 0-no).

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

There being no further discussion, a motion was made by R. Williams and seconded by G.Herbert to grant the area variance as applied for to allow the deck to be built 10 ft. from the high water mark as measured from the closest part of the deck including the support posts/piers. This is a 5 ft. variance.

The motion was carried with a poll of the board as follows: K.Smith-grant, J.Chiaverini-grant, G. Herbert-grant, R.Williams-grant.

Application #1089 for Gary French for property at 1076 Old Pines Trail, Penn Yan, NY requesting an Area Variance to replace a former existing house at this location with a proposed setback of 5 ft. from the north side yard property line.

Mr. French was present to answer questions for the board members along with Tracey Winters, the contractor. It was noted, by Mr. French, that the existing home had already been demolished and that the prior home may have been approximately 10 ft. from the north side yard property line.

The adjacent neighbor to the south was present to ask some questions and to clarify in which direction the new proposed home would be moving to. The contractor pointed out that the new home would actually be moving away from the neighbor to the south. There is a 15 ft. sanitary sewer easement that goes across Mr. French's property that must be maintained, i.e. not encroached or built upon by any buildings.

Ms. Winters pointed out the front yard setback and proposed placement of the home on the survey map that was part of the application submitted for review for the area variance.

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: (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).

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3)Whether the requested area variance is substantial: (4-no, 1-yes); G.Herbert-no, R.Williams-yes, E.Seus-no, J.Chiaverini-no, K.Smith-no.

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).

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

A motion was made by J.Chiaverini and seconded by G.Herbert to grant application #1089 for the area variance to build the proposed new home having the house come no closer to the north side yard property line than 5 ft. as measured from the closest part of the home including the roof overhang.

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

OTHER BUSINESS:

Board members were copied in on the sketch drawing of the new home at 6637 East Bluff Dr. with measurements from CEO DeVoe as requested by the Zoning Board at their April Meeting. An attached narrative of his work was also provided.

Zoning Secretary asked if all members had received copies and had opportunity for review. K. Smith had one question as to whether the numbers included all the decks and stairs as part of the total lot coverage calculation. ZAP secretary thought the decks were included but could not answer with regards to the stairs. Discussion followed and it was decided to follow-up with CEO DeVoe regarding the question of decks and stairs and re-visit the document at the June meeting. Board members were all in agreement.

There being no further business for discussion, a motion was made by E. Seus and seconded by R. Williams to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned.

Respectfully submitted,
Elaine Nesbit/Secretary

