

Approved

ZONING BOARD OF APPEALS  
TOWN OF JERUSALEM

June 8<sup>th</sup>, 2017

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, June 8<sup>th</sup>, 2017 at 7 pm by Chairman Glenn Herbert.

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

Others present included: Daryl Jones and Matthew Sinasky.

A motion was made by E.Seus and seconded by G.Herbert to approve the May minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

The Zoning Board had received the Yates County Planning Board report for their review and approval of Application #1091 for Area Variance.

SPECIAL USE/AREA VARIANCE REVIEW:

Application #1091 for Daryl Jones for property at 2498 Rte 54A, Penn Yan, NY requesting to place a 12 ft. by 16 ft. wood tex storage shed on this property with less front yard setback from Old Pines Trail and greater lot coverage than what zoning allows for property located in the General Business Zone.

He stated that he was requesting his front yard setback from Old Pines Trail to be at 28 ½ ft. from the property line to the closest part of the proposed building. The required setback would be 40 ft. and the lot coverage allowed is 20% and Mr. Jones said that he is asking for 22.5%. Board member K.Smith stated that the calculation of existing buildings along with the proposed additional building would actually bring the lot coverage to 22.6% lot coverage.

Mr. Jones was present to answer questions for board members. He stated that he has two front yards and two rear yard lot lines. Mr. Jones noted that this reduces the useable portion of his property because it is a corner lot. He wasn't sure where this was stated in the Zoning Code.

It was noted that under definitions, corner lot is defined and Article IV, Provisions Applicable to All Use Districts, Section §160-13, it talks about accessory buildings on corner lots and through lots.

There were other questions asked about different locations on the lot but it was noted that one area would not work because of the location of the existing leach field and any other area would still require an 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: (4-no, 1-yes). G.Herbert-no, E.Seus-no, E. Makatura-no, J.Chiaverini-yes, K.Hanley-no.

3)Whether the requested area variance is substantial: (4-no, 1-yes) G.Herbert-no, E.Makatura-no, E.Seus-no, J.Chiaverini-no, K.Hanley-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: (0-no, 5-yes).

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

There being no further discussion, a motion was made by G.Herbert to grant application #1091 for an area variance for a front yard setback of 28 ½ ft. to the proposed location of the storage building as requested and to allow for the lot coverage of 22.6%. The motion was seconded by E.Seus and carried with a poll of the board as follows: E.Makatura-grant, K.Hanley-grant, J.Chiaverini-grant, E.Seus-grant, G.Herbert-grant.

Application #1092 for Matthew Sinasky for property at 5579 East Bluff Dr., Penn Yan, requesting an Area Variance to build a 24 ft. by 26 ft. garage to be 17 ft. 8 in. height which is 2 ft. 8 in. higher than what is allowed for an accessory building located on a portion of the lot that is located between the road and the lake.

Mr. Sinasky stated that while on his application he was asking for 17 ft. 8 in. he would potentially like to go up to 20 ft. if the board would possibly consider it because the extra 2 ft. 4 in. would allow for head room at the top of the landing where they will build an interior set of stairs to allow for storage in the upper part of the garage.

Mr. Sinasky also noted that the garage was going to be built in an area that would be surrounded by some taller trees and he owns a smaller piece of property across the road that while it is not buildable it goes with his property.

It was noted by board members that by the small piece of property across the road being owned by Mr. Sinasky would prevent another property owner from developing or building directly across the road from where this garage would be built and therefore the garage would not block anyone's view.

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: (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: (0-no, 5-yes).

There was discussion among board members about accessory structures on the lots between the road and the lake being restricted to a minimum height of 15 ft. so as not to obstruct views of property owners on the opposite side of the road. In addition, each application is reviewed with regards to the proposed building requested with regards to location and its effect on surrounding properties.

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

There being no further discussion, a motion was made by K. Hanley and seconded by G.Herbert to grant an area variance for this garage to allow the height to not exceed 20 ft. and to note that this height is being allowed to increase the head height inside the garage for more room for storage. In addition, due to the proposed location of the garage being among some taller trees and due to the fact that Mr. Sinasky owns a small portion of land directly across the road from where the proposed garage is to be built, the garage will not be obstructing anyone's view now or in the future.

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

#### OTHER BUSINESS:

A motion was made by G.Herbert and seconded by K.Hanley to request the Planning Board to be the Lead Agency for the SEQR review for Special Use Application #1093 to be reviewed at the July 13<sup>th</sup>, Zoning Board Meeting. The motion was carried unanimously.

A motion was made by G.Herbert and seconded by K.Hanley to request the Planning Board to be the Lead Agency for the SEQR review for Special Use Application #1094 to be reviewed at the July 13<sup>th</sup>, Zoning Board Meeting. The motion was carried unanimously.

The Planning Board will be reviewing SEQR for Final Site Plans for both Applications 1093 & 1094 as well, at their July Planning Board meeting.

In regards to the tabled matter of the May meeting regarding the lot coverage of the new home at 6637 East Bluff Dr. under application #1071, which was granted to be 22.75% and the email from CEO DeVoe dated May 1, 2017 along with the drawings and calculations submitted at the May meeting are now accepted and approved. The question of whether the decks and steps were accounted for in the lot coverage calculations has been answered in that the decks were calculated and the steps down by the lakeside are going to be constructed out of stone and therefore will be exempt from lot coverage. This was explained in the email from CEO DeVoe, dated 6/6/2017. Both the May & June emails, calculations and sketch drawing are on file with Area Variance #1071.0

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

Respectfully submitted,

Elaine Nesbit/Secretary