

Town of Jerusalem
Zoning Board of Appeals

July 13, 2017

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, July 13th, 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	Excused
	Earl Makatura	Present
	Joe Chiaverini	Present
Alternate	Kerry Hanley	Present
Alternate	Ken Smith	Present

Others present included: Laurie Tappel, Julie & Christopher Hawk, Larry Barnes, Roy Sensenig, Titus Hoover, Harry & Eileen Erway.

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

COMMUNICATIONS:

The Yates County Planning Board reviewed and approved Application #1094 for Site Plan and Special Use Permit at their meeting on June 22nd, 2017.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1090 for Laurie Tappel for property at 12471 East Bluff Dr. requesting an Area Variance to build a second story addition onto an existing cottage which is located on a lot having two principal dwellings on the same lot. This lot having two principal dwellings is pre-existing, non-conforming, as the two cottages were built approximately in the 1930's.

The property is located in the Lake-Residential (R1) Zone and while the lot has approximately one acre of land, the cottages are located fairly close together and the northern most cottage is the one that Ms. Tappel is requesting an area variance for adding a second story. The northern cottage is also located very close to the north side yard property line.

Ms. Tappel was present to answer questions for board members and she passed out a letter with pictures of the property to explain why she was requesting the proposed second story addition along with an attached survey showing the property.

Board members were given a few minutes to read the letter and review the pictures.

Article XIII Nonconforming uses § 160-56 Continuance (B) No non-conforming building shall be enlarged, extended or increased unless such enlargement would tend to reduce the degree of nonconformance. Zoning Board members had questions about the meaning of the terms used in the ordinance with regards to this area variance application that they were being asked to review.

Chairman G. Herbert made a motion to table this application until the August Zoning Board meeting so that the zoning board could refer this matter to the Attorney for the Town for some guidance regarding the above referenced portion of the Zoning Code. The motion was seconded by E. Seus and the motion was carried unanimously.

Application #1093 for Titus Hoover for property at 3792 Prosser Rd., Branchport requesting a Special Use permit to sell, service, repair, and sell parts as available for outdoor power equipment to local customers.

Mr. Hoover was present to answer questions for board members. He stated that he had started out working out of his garage as a 'Home Occupation' and his business had grown very fast to the point that he was now planning to build a 40 ft. by 80 ft. to 100 ft. building for his business and the reason for his application for the special use permit.

Mr. Hoover noted that his business would be somewhat seasonal, although he would be working on snowblowers, chainsaws, etc. and that there is other service and repair work that would need to be done in the off-season. His hours of business would be from 7 am to 7 pm. Monday through Friday and from 7 am to 5 pm on Saturday. The scrap steel would be re-cycled and the used oil would either be used to heat the shop or he would find a company that would take the waste oil for heat or had another way of disposing or re-cycling it.

He stated that he would be selling some refurbished equipment and maybe eventually some new equipment.

Parking for his business would be out in front (east side) of his proposed new building.

This application was reviewed by the Jerusalem Planning Board at their July 6th, meeting and a negative determination was made for the SEQR review. The Site Plan approval was also given at this meeting.

There being no other questions from board members, a motion was made by G. Herbert and seconded by E. Seus to approve the Special Use Permit application as requested. The motion was carried with a poll of the board as follows: E. Makatura-grant, J. Chiaverini-grant, K. Hanley-grant, E. Seus-approve, and G. Herbert-grant.

Application #1094 for Roy Sensenig for property at 1978 Sutton Rd., Penn Yan, NY requesting a Special Use Permit to operate a low-impact whole sale business of buying large quantities of wood finishing supplies from out-of-state wholesale producers then re-packaging these products into smaller quantities to sell to local wood working shops in the area that use these supplies as a component of the furniture and cabinets that they build.

It was noted that Mr. Sensenig had started out with his own furniture producing business, Roy's Woodcraft, LLC, as a home occupation. He makes custom furniture and cabinets by taking orders from customers. He would now like to go in a different direction as stated above and move into the business of selling supplies to local wood working shops.

Mr. Sensenig has applied for a building permit to add an 8 ft. by 50 ft. porch/lean-to along the south side of the shop building. The new area would have a truck unloading dock for the supplies that would come in, there would be a porch in the middle and towards the west end there will be an entry room to shop and also a bathroom at the far west end.

The Yates County Planning Board approved the Site Plan and Special Use Permit at their meeting which was held on June 22nd, 2017. The one suggestion that was given was for Mr. Sensenig to have some means of disposal for his waste products. Mr. Sensenig stated that he has a contract with Safety-Kleen out of Avon. They will come and pick up the waste products on a regular basis.

The Jerusalem Planning Board reviewed the SEQR for this application for both Site Plan and for the Special Use Permit and determined a negative declaration for both applications at its Planning Board meeting on June 6th, 2017.

The Planning Board approved Mr. Sensenig's Site Plan at the June 6th, Planning Board meeting. Chairman T. Cutler also commented that Mr. Sensenig had presented a very well-detailed site plan for the board's review.

There being no further questions, a motion was made by G.Herbert and seconded by K.Hanley to grant application #1094 for a Special Use Permit for Roy Sensenig as applied for a low-impact whole sale business. The motion was carried with a poll of the board as follows: E.Makatura-grant, J.Chiaverini-grant, E.Seus-grant, K.Hanley-grant, G.Herbert-grant.

Application #1095 for Harry Erway III for property at 3321 James Rd., Bluff Pt. requesting an Area Variance to place a wood-text shed on his property for storage purposes with less setback from the east side yard property line than zoning allows.

It was noted that this building would be a moveable building and would not be placed on a permanent foundation.

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: (3-no, 2-yes) G.Herbert-no, E.Seus-no, E.Makatura-yes, J.Chiaverini-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).

There was a brief discussion of what the area variance request was going to be. Mr. Erway stated that he was not exactly sure where the lot line was due to the pin being in the woods and the east property line is at an angle. He stated that knew where the pin was on the southeast corner.

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

After further discussion, a motion was made by G.Herbert and seconded by E.Seus to grant the area variance for the storage building to be placed no closer than 30 ft. to the east side yard property line. The motion was carried with a poll of the board as follows: E.Makatura-grant, J.Chiaverini-grant, K.Hanley-grant, E.Seus-grant, G.Herbert-grant.

OTHER BUSINESS:

Board members briefly discussed the next upcoming August agenda that there would be four new applications and one that was tabled from tonight's meeting. K.Smith and E.Makatura asked to be * excused from the August meeting since both will be out of Town that night.

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

Respectfully submitted,
Elaine Nesbit/Secretary

*E. Makatura did attend the meeting of 8/10/2017, but recused himself for Application #1099 since he is the contractor on this project.