

Approved

Town of Jerusalem
Zoning Board of Appeals

January 11th, 2018

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, January 11th, 2018 at 7 pm by Deputy Chairman Rodgers Williams.

Deputy Chairman R.Williams asked all to stand for the pledge to the Flag.

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

Others present included: Leslie & Al Troisi, Ray & Celeste Lewis, Hendrik & Beth Keesom.

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

COMMUNICATIONS:

An email was sent to the Zoning Secretary and CEO from Lori Moore on behalf of herself and her husband, Ed Moore, requesting that their application, #1112 be tabled for one more month until the February Zoning Board meeting as Mr. Moore was, once again, going to be out of town.

AREA VARIANCE/SPECIAL USE REVIEW

Application #1110 for Al & Leslie Troisi for property at 3450 Esperanza Road, Keuka Park, requesting a Special Use Permit to rent the property for events such as weddings, meetings, banquets, etc., for up to 125 guests. The property will be rented under contract and will not be open to the general public. This property is located in the Agricultural Residential Zone and the Scenic Overlay District.

Mr. Troisi and his wife were present to answer questions for board members. Mr. Troisi also presented the board members a copy of the site plan for his project which he and his wife had put together for the Jerusalem Planning Board for the Final Site Plan at the February Planning Board meeting.

A copy of the plan is on file with the application.

Mr. Troisi went through the plan page by page and explained about the hours and time of year for their operation, the proposed additional land purchase for parking, the lighted area for the parking, the use of two attendants for parking when an event is taking place, as well as the fact that the events would be catered. The plan also had other information which Mr. Troisi discussed with board members regarding the portable restrooms, signs, plan of use, music, the time of events and the latest time for events would be 9 pm.

Board members asked about the serving of alcohol and Mr. & Mrs. Troisi stated that they had talked with the NYS Liquor Authority regarding this and the renters for the event would be responsible for obtaining the license for the serving of any alcoholic beverages on premise at the time of any events scheduled on the property. Mr. Troisi stated that they were going to require that a copy of the renter's permit to serve alcohol will be on display during their event.

One board member raised a question about the time of when an event would be shut down. It was noted that all events would be shut down by 9 pm if they were scheduled as late afternoon – evening events. The question was asked if it would be reasonable to have a clause in the paperwork for anyone renting the property to stop serving alcohol at least one half hour before the end of the event. Mr. & Mrs. Troisi were very agreeable to this suggestion and were willing to add this to their Rental Agreement.

Another question was brought up about handi-cap accessibility and Mr. Troisi stated that he did have an area that was served by a ramp that could be used for that purpose. It was also noted that there was a bathroom over by the summer kitchen area that could be used by a disabled person since it is on one level. This bathroom would also be made available to the wedding party.

Building and fire codes for this property have to be met according to Mr. Troisi.

The neighbors, Mr. & Mrs. Lewis who live west of the Troisi property were present to let the board members know that they had talked with Mr. & Mrs. Troisi about their plans and while they had questions which had been answered they were supportive of the project.

The one condition that they were concerned about was if the property were ever to be sold and someone else moved in and wanted to continue with this type of activity would there be some time of review as to what would take place. The board discussed the fact that while a special use is allowed in accordance with the zoning code with conditions as set by the Zoning Board and the Site Plan as approved by the Planning Board, it was not an unreasonable request to add a condition that if the property were to be sold to someone else that the new owners, if they wished to continue with this type of activity, would come back to the Zoning & Planning Boards for a review and update of their plan.

There being no further discussion, a motion was made by R. Williams and seconded by E. Seus to approve the Special Use Permit as requested and in accordance with the Site Plan as passed out subject to Final Site Plan approval and SEQR declaration by the Planning Board. In addition, approval is also subject to Mr. & Mrs. Troisi acquiring the additional property for parking; the condition that the serving of any alcoholic beverages will be discontinued one half hour prior to the closing time of any event;

and if the property is sold, the new owners, if they want to continue with this type of activity, would come back before the Zoning and Planning Boards for an update and review of their plan.

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

Application #1112 for Ed & Lori Moore for property at 9457 East Bluff Dr. requesting an Area Variance to allow 2 existing decks to remain as built. Lot coverage exceeds what is allowed by zoning.

An email to the Zoning Board was read requesting that their application for Area Variance be tabled until the February Zoning Board meeting as Mr. Moore was out of Town again on business.

A motion was made by R.Williams and seconded by K. Hanley to table application #1112 until the February Zoning Board meeting.

Application #1113 for Hendrik Keesom for property at 3457 Brandy Bay, Penn Yan, requesting an Area Variance to add an addition to the west side of the existing cottage with less setback from the west side yard property line than zoning requires for a lot located in the Lake-Residential Zone.

Mr. & Mrs. Keesom were present to answer questions for the board. It was noted by Mr. Keesom that the building would be widened by 4.5 ft. with a 1.5 ft. overhang. Mr. Keesom noted that by the time they added the building width and the overhang, it would narrow the setback to 8 ft. from the west side yard property line. Mr. Keesom wanted to add 2 more ft. to the area variance request so that the setback would be 6 ft. from the west side yard property line since they have not finalized all of the building plans yet and Mr. Keesom wanted to make sure there was enough room in case a little more was needed.

It was noted that the Zoning Board is into granting the minimum variance that is needed to accomplish the purpose of giving relief to the property owner.

The suggestion was made that a condition of the area variance could be that the wall of the building come no closer than 8 ft. the west side yard property line and that depending on the roof overhang the maximum distance of its distance would be no closer than 6 ft. to the west side yard property line.

Mr. & Mrs. Keesom were in agreement with this and felt that they could work with those setbacks.

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). R.Williams-no, E.Seus-no, J.Chiaverini-no, E.Makatura-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 E.Seus and seconded by K.Hanley to grant the area variance to allow the building addition to come no closer to the west side yard property line than 8 ft. as measured from the wall of the proposed addition to the west side yard property line and the maximum distance for the roof overhang to come no closer to the west side yard property line than 6 ft.

The motion was carried with a poll of the board as follows: E.Makatura-grant, J.Chiaverini-grant, R.Williams-grant, K.Hanley-grant, E.Seus-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 minimal variance that will accomplish this purpose. This variance will not be injurious to the neighborhood not alter the essential character of this locality.

OTHER BUSINESS:

K. Smith stated that he would not be at the February board meeting as he had plans to be out of Town. ZBA Secretary stated that there were five applications up for review for February and hoped that the rest of the board members would be available for the meeting.

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

Respectfully submitted,
Elaine Nesbit/Secretary