

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

November 14, 2019

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

The meeting opened with everyone standing for the pledge to the flag.

Roll Call:	Glenn Herbert	Present
	Rodgers Williams	Present
	Earl Makatura	Present
	Joe Chiaverini	Present
	Lynn Overgaard	Present
Alternate	Jim Bird	Present
Alternate	Steve Schmidt	Present

Others present included: Mr. & Mrs. LaRock, Mr. & Mrs. Beavers, Scott Paquette, and Adele Middaugh.

A motion was made by R.Williams and seconded by E.Makatura to approve the September Zoning Board minutes as written. The motion was carried unanimously. There were no Area Variance applications for the month of October and therefore the Zoning Board meeting for the month of October was cancelled.

COMMUNICATIONS: There were no communications.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1162 for William & Dawn Beavers for property located at 4919 East Bluff Dr., Penn Yan, to remove the existing home and replace it with a new single-family home.

Mr. Beavers was present to discuss his requested Area Variance application with the board.

The existing home is located closer to the rear yard property line than zoning allows and does not meet the required 10 ft. side yard setbacks on either the north or south side of the property. Mr. Beavers stated that the new house would meet the 10 ft. side yard setbacks on both the north and south sides.

He was requesting, however, an area variance of 9.3 ft., the same distance as the former house, for the rear yard variance. The new house would be a minimum of 35.6 ft. at the rear yard lot line as measured from the center line of the road to the closest part of the house including the roof overhang. He also noted that there would be more than 15 ft. setback at the front yard lot line.

In noting the reasons for the location of the new lake house was to avoid obstruction of the neighbor's lakeview; minimize soil disruption by making street entry level to the new house by grading and retaining walls. It was also noted that even with the slight increase in height of the house due to the grading, that it would still be under the 35 ft. allowed for height.

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 sought by the applicant can be achieved by some other feasible method than area variance: (5-yes, 0-no). Yes, could move the house closer to the lake, but would probably have a greater impact on the neighbors' view.

3)Whether the requested area variance is substantial: (5-no, 0-yes). No, it seems to be pretty much in line with the houses along this part of the road.

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).

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

There being no further discussion, a motion was made by L.Overgaard and seconded by R.Williams to grant Area Variance #1162 as requested to allow the new home to come no closer to the center of the road than 35.6 ft. as measured from the closest part of the house including the roof overhang.

Mr. Beavers had a question about what area (square footage they are allowed to build on) and Chairman G. Herbert noted that the road right-of-way could not be used in the calculation of the area of the buildable portion of the lot.

There being no further questions, the motion was carried with a poll of the board as follows:
E.Makatura-grant, J.Chiaverini-grant, G.Herbert-grant, R.Williams-grant, L. Overgaard-grant.

Chairman G.Herbert noted for everyone the new alternate board members, Jim Bird is the first alternate and Steve Schmidt is the second alternate.

Application #1163 for Bill LaRock for property at 2748 Wager Hill Rd., Penn Yan requesting an Area Variance to remove and replace an existing deck adding an additional 8 ft. more to the new replacement deck with the new deck being 14 ft. from the property line where 30 ft. is required. The property is located in the Agricultural Residential Zone.

Mr. LaRock was present as was his contractor Mr. Paquette to answer questions for board members.

Board Member, E.Makatura recused himself from this application as he is an adjacent neighbor. Alternate Jim Bird will sit in for the review of this application.

Mr. Paquette, contractor for Mr. LaRock presented the application, noting that the new replacement deck which would extend out from the house towards the road 12 ft. will have a roof over it and the deck which extends out 12 ft on the east side towards the lake will be left open.

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 sought by the applicant can be achieved by some other feasible method than an area variance: (0-yes, 5-no).

3)Whether the requested area variance is substantial: (5-no, 0-yes). No, it seems to be pretty much in line with the houses along this part of the road.

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: (4-no, 1-yes). J.Bird-no, L.Overgaard-no, R.Williams-no, G.Herbert-no, J.Chiaverini-yes.

The board was in unanimous agreement that this would be a SEQR Type II action

There being no further questions or discussion, a motion was made by R.Williams and seconded by G.Herbert to grant the Area Variance application as requested with the deck to be no closer than 14 ft. to the property line as measured from the closest part of the deck.

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

OTHER BUSINESS:

A motion was made by G.Herbert and seconded by L.Overgaard to request the Planning Board to be the lead agency for the SEQR review for the Bringley Steep Slopes Application #09-2019 and the Area Variance application #1164. The motion was carried unanimously.

A motion was made by G.Herbert and seconded by E.Makatura to request the Planning Board to be the lead agency for the SEQR review for the Lorenzetti Steep Slopes Application #10-2019 and for Area Variance Review should they apply to build their garage on the east side of West Bluff Dr. without the required front yard setback. The motion was carried unanimously.

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Next month's Zoning Board meeting will be December 12th.

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

Respectfully submitted,

Elaine Nesbit/Secretary