

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS
July 11th, 2019

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, July 11th, 2019 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
	Ed Seus	Excused
	Earl Makatura	Present
	Joe Chiaverini	Present
Alternate	Ken Smith	Present
Alternate	Lynn Overgaard	Present

Others present included: Scott Hall, Brennan Marks (Mark's Engineering, P.C), Tammara LeClair, Michelle Labossiere-Hall, David Willson, Daryl Jones/Town Bd., and Jamie Sisson/Town Bd.

A motion was made by E. Makatura and seconded by K. Smith to approve the June Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

There were three emails from neighbors located near 5299 East Bluff Dr., PY that were in favor of the proposed application #1158 (copies on file with application) and a set of the emails was passed around for board members to review.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1158 for Scott Hall for property located at 5299 East Bluff Dr., Penn Yan, NY requesting Area Variances for the removal of an existing cottage to be replaced with a new one story home on a full basement with the location of the proposed new home to be 8 ft. from the high-water mark where 15 ft. is required.

There will also be one retaining wall on the north side of the proposed new home which is 10 ft. in height therefore requiring an area variance from the north side yard property line of 7 ft. since the retaining wall will only be 3 ft. from the side yard lot line.

A pre-existing storage shed which is currently 2 ft. from the property line is to be replaced but still requires an area variance of 4 ft. since it will be 6 ft. from the north side yard property line but will be in a more conforming location than the pre-existing shed was.

Mr. Hall was present as was his engineer, Mr. Brennan Marks, to answer questions for the board members.

Mr. Hall passed out copies of what his proposed new home would look like. Mr. Marks had a large copy of the site plan that showed the proposed location of the new home with respect to the requested area variance from the high-water mark. It also showed the proposed location of the retaining wall and the replacement storage building.

Mr. Hall explained the differences between the original site plan that was sent out with the area variance application and the revised site plan that was sent to the board members at a later date.

It was noted that the setback from the high-water mark would be 8 ft. at its closest point which is a deck/patio that is to remain open not to be enclosed. There is a 2nd story level deck that has a portion on the north end that is part of the proposed new home/living space that is enclosed that would also be 8 ft. from the high-water mark at its closest point.

Mr. Marks noted that the ground level patio would be approximately 2 ft. above mean high water and the patio would be about 3 ft. above the water. The new proposed structure has the finished floor of the basement to be at 723 ft.

Chairman G. Herbert noted that if the area variance is granted for the patio/deck there would be a clause added that the Town would not be responsible for any damage to the patio/deck due to flood waters and Mr. Hall stated that he had absolutely no problem with that.

Each board member had opportunity to ask questions with regards to any concerns that they had. There was a question by a board member as to how tall the proposed new home would be and how tall does 35 ft. look with respect to the surrounding homes.

It was noted by Mr. Hall that their proposed home's living space was going to be at road level with a roof on top so that in later years they would have all of this living space on one floor. The approximate height of the proposed home would be 26 ft. and would be comparable to other homes in the area, some of which are currently two story homes. Mrs. Labossiere-Hall stated that it would be like looking at a ranch style home from the road.

Mr. Hall noted that they currently have a shared driveway with their neighbors to the south and they would be moving their driveway from this location to the north side of their property.

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

2)Whether the benefit sought by the applicant can be achieved by some other feasible method than area variances: (3-no, 2-yes), G.Herbert-no, R.Williams-no, J.Chiaverini-no, E.Makatura-yes, K.Smith-yes.

3)Whether the requested area variances are substantial: (4-no, 1-yes), G.Herbert-no, R.Williams-no, J.Chiaverini-no, E.Makatura-yes, because of the 7 ft. requested variance from the high-water mark for the patio/deck , the 4 ft. requested variance for the storage building and the 7 ft. variance from the side yard lot line for the 10 ft. retaining wall; K.Smith-no.

4)Whether the proposed area variances 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 was a SEQR Type II action.

Chairman G. Herbert asked if there were any other questions. There being no more questions, G. Herbert made a motion to grant Application #1158 as follows: an area variance of 7 ft. for the proposed new home to come no closer than 8 ft. to the high-water as measured from the closest part of the dwelling including the deck/porch area. That the 10 ft. retaining wall on the north side of the proposed new structure to be no closer than 3 ft. to the property line (a variance of 7 ft.). That the proposed new 8 ft. x 12 ft. storage building be no closer than 6 ft. to the north side yard property line or a variance of 4 ft. making it more conforming in location than the pre-existing storage building. Additionally the Town would not be held responsible for any water damage based on the setbacks that were requested by this application. The deck/portion of this part of the home at the ground level or at the upper level except what is already shown as part of the proposed new home is not to be enclosed, screened in or used for living space. The motion was seconded by K. Smith and carried with a poll of the board as follows: J.Chiaverini-grant, R.Williams-grant, E.Makatura-grant, K.Smith-grant, G.Herbert-grant.

OTHER BUSINESS:

Next month's board meeting will be August 8th, 2019.

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

Respectfully submitted,
Elaine Nesbit/Secretary