

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS
September 12th, 2019

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, September 12th, 2019 at 7 pm by Vice-Chairman Rodgers Williams.

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

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

Others present included: Steve Coole, Bill Grove of Grove Engineering, Joe DeGeorge, Jim Bird, Daryl Jones/Town Bd. , Jamie Sisson/Town Bd., and Peter Choroshyliv.

A motion was made by K.Smith and seconded by J. Chiaverini to approve the August Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

There were two letters written to the Zoning Board members from adjacent property owners regarding Area Variance Application #1161. Board members saw the letters and copies are on file with the application.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1161 for Stephen Coole at 2219 West Lake Rd. Penn Yan, NY requesting an Area Variance to replace existing stairs and deck providing access to the lake. The new deck and stairs will be part of a new retaining wall structure that is being proposed at this location to stabilize the area that has had many washouts during heavy storms and causing some erosion and flood damage at this location. The new retaining walls that were designed by Grove Engineering are of a height that require an area variance. Two side yard variances and a rear yard variance from the rear yard lot line are being requested.. This property is located in the (R1) Lake-Residential Zone.

Engineer Bill Grove was present along with his client/the applicant Mr. Coole to talk about the plans for the retaining walls, the deck and stairs.

It was noted that lot coverage is not an issue. Mr. Coole owns property on the west side of West Lake Rd. where his home is and has approximately 3 acres all together. The lot on the east side of West Lake Rd. is approximately 57 ft. wide at the road and narrows down to approximately 47 ft. at the lake.

There was a discussion regarding whether the 35 ft. deck could be narrowed down so that the side yard setbacks could be met. Mr. Coole noted that the primary issue here is the building of the retaining wall to minimize any further erosion and washouts to this portion of the property. In addition Mr. Coole noted there is an existing retaining wall that is not being removed, and that the new proposed retaining wall would also help to ensure and stabilize the road in this particular area as well and to be a permanent fix to prevent future washouts and erosion issues with this property. The deck is requested as part of the wall that is also being applied for as part of this application. There are no plans to put a roof over the deck.

It was noted that this application has already been to the Jerusalem Planning Board for Steep Slopes Review and the Steep Slopes plan for this site was approved.

The area variance test questions were read by alternate board member K. Smith 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). E.Seus-no, R.Williams-yes, J.Chiaverini-yes, E. Makatura-no, L.Overgaard-no.

3)Whether the requested area variances are substantial: (5-no, 0-yes).

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.

Vice-Chairman R.Williams made a motion which was seconded by K.Smith to grant application #1161 as requested with the retaining wall and deck to be no closer to the south side yard lot line than 8.9 ft., no closer to the north side yard lot line than 7.8 ft. and no closer than 38.7 ft. as measured from the center line of West Lake Rd. to the closest part of the deck on the west side. In addition, there is not to be a roof over the deck.

The motion was carried with a poll of the board as follows: J.Chiaverini-grant, E.Seus-grant, E.Makatura-grant, R.Williams-grant, K.Smith-grant, L-Overgaard. All four board members and the two alternate members were polled since all participated in the review of this application

It was noted that this was alternate board member Ken Smith's last meeting as he is moving and his letter of resignation takes effect after tonight's September meeting. Also, it was the last meeting for board member Ed Seus as he is also moving and his resignation also takes effect after tonight's meeting.

A word of thanks and appreciation was given to both Ed and Ken for their service and time given to the Zoning Board of Appeals.

OTHER BUSINESS:

Copies of a survey from the Yates County Planning Board were distributed to Zoning Board members.

The County is updating their comprehensive plan and has asked for residents of Yates County to fill out these surveys and give input for this update. Copies may be obtained online from the Yates County website and either filled out online or printed off, filled out and dropped off at the Yates County Planning Office.

Joe DeGeorge was present on behalf of the Yates County Humane Society, to speak about the proposed Dog Kennel Law for the Town of Jerusalem. He noted that he has been talking to the different boards of the Town and wants to encourage them to get the Dog Kennel Law passed as the Town of Jerusalem is a very "weak spot" in Yates County for allowing these Kennel facilities to come in. He noted that while there are some disagreements over the law that had been proposed that there could be some compromises to at least get a law passed that would help the present problem. He noted the huge amount of money and time that the Humane Society Volunteers spend just to take care of the dogs and cats that they take in. He stated that he would continue to push for the Town to adopt a law regarding this matter.

Next month's board meeting will be October 10th, 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