

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

February 11, 2021

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, February 11th, 2021 at 7 pm by Chairman Rodgers Williams.

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

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

Others present included: Mahlon Esh, Daryl Jones/Town Bd., Thomas Sudek, and Michael Monahan.

A motion was made by J. Bird and seconded by S. Schmidt to approve the January Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

Chairman R. Williams gave a brief explanation about the legal notice for the February Zoning Board public hearings not being in the local paper correctly or for the proper amount of time and therefore the public hearings are all rescheduled for the March 11th, 2021 Zoning Board meeting.

All discussion at tonight's meeting regarding the applications will be noted in the minutes but the actual public hearings and decisions will be at the March 11th meeting as stated above.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1188 for Special Use was discussed with Mahlon Esh – owner of Keystone Custom Decks being present to answer any questions for board members. The location for this proposed 2-story office building is on vacant land that lies adjacent to 2875 Rte 54A (which is just to the west of this vacant lot).

The Jerusalem Planning Board has approved the Site Plan for this proposed project and upon review of the material submitted for the SEQR has determined that the proposed action will not result in any significant adverse environmental impacts.

This application has also been reviewed by the Yates County Planning Board and they have determined, based on materials submitted that there is no significant county-wide or inter-municipal impact.

Mr. Esh explained that his company builds custom decks/porches and the plan is for office space in the front of the building with some shop space in the back of the building with two large overhead doors to provide for storage space. Mr. Esh stated that he does not store building materials for the decks/porches.

He has a small bobcat walk-behind and trucks for carrying tools and getting lumber which are used by his employees and these will be parked on the back side of the building so as not to be visible from Rte 54A at the end of the day.

He noted that he has approximately ten employees who come in the morning, get the equipment and leave, then return with trucks at the end of the day.

Regarding lighting, Mr. Esh stated that there would be some on the building itself but no lights out by the road, and there would be some type of overhead lighting on the parking lot which will be behind the building itself.

Signage will be on the building itself.

It was also noted on the applicant's site plan that stormwater from gutters and downspouts was to be directed into public sewer. This cannot be allowed and the applicant would need to find another method to disperse the water runoff from the roof.

There being no more questions for Mr. Esh it was noted that he would be back for the public hearing in March.

Application #1189 for an Area Variance was discussed with Thomas Sudek for replacement of a small 6 ft. by 6 ft. deteriorating shed on his property at 7480 West Bluff Dr. A shed which is located 2 ft. from the north side yard property line and which has been in place many years prior to zoning.

Mr. Sudek would like to replace this shed with a slightly longer shed staying 2 ft. from the property line but have the shed 6 ft. by 12 ft.

Mr. Sudek had provided a picture showing the existing shed which also showed its proximity to three existing rather large trees which he does not want to remove as they are helping to stabilize the area with respect to erosion and holding the soil near the lake. He also noted that the building is right up next to his set of stairs that he uses to access the beach area.

Board members were concerned that even though the building was pre-existing, if it were to be replaced as requested it would be extending the non-conformity another 6 ft. even though it would not be coming any closer to the north side yard property line. It was noted by one board member that they do not normally grant area variances to come closer to side yard property lines than 5 ft.

The suggestion was made to Mr. Sudek that he could reduce or eliminate the need for a variance by moving his stairs and placing the shed further from the side yard. However, the applicant stated that he didn't want to move the stairs and that he was putting in a seawall.

Mr. Sudek stated that he would be away for the March meeting but stated that he could get something in writing from his neighbor to the north who had no objections to this area variance request.

Application #1190 for an Area Variance was discussed with Michael Monahan who would like to build a small single car garage with no set back from the rear yard property line. Mr. Monahan lives at 318 Ritchey Blvd. in Penn Yan and as he noted for board members who had not been to his property, it is down near the ball field next to Indian Pines park.

Mr. Monahan's request to build a single car garage with proposed location to be just out of the road right-of-way with no rear yard setback is not really where he wants to build the garage because it is on the wrong side of the lot. The partial survey that he submitted with his application shows a gravel drive which is in the town highway right-of-way. Mr. Monahan would really like to put a carport over the gravel drive area that would be a better solution for him. He stated that he would be willing to pay the legal costs to have the Town Attorney take a look at the situation to see if an easement would be possible so that he would be able to have a carport placed on the gravel drive. Board members stated that they were not in a position to be able to deal with giving permission for anything in the Town Highway right-of-way.

Chairman R. Williams stated that when the public hearing is held in March the board will review and discuss the Area Variance for the requested single car garage and its proposed location.

OTHER BUSINESS:

There was a brief discussion among the board members about special use permits that are allowed in the scenic overlay district and what authority the zoning board has to add conditions when granting a special use in this District. It was noted that while not required that a public hearing might be a good option for the Planning Board when reviewing a Site Plan application that is in the Scenic Overlay District. This would give neighbors an opportunity to give input to the Site Plan application part of the review before it goes to the Zoning Board for the Public Hearing on the Special Use part of the application.

There was a brief discussion about the Zoning Applications and whether they should be re-designed requiring more information and/or to make the applications individual i.e. a separate application for each item being asked for such as one for site plan, one for special use, one for area variance, etc. It was suggested to check with other Towns to see how applications are handled.

Next Zoning Board meeting will be on March 11th, 2021.

A motion was made by J. Chiaverini and seconded by J. Bird to adjourn the meeting. The motion was carried unanimously.

Respectfully submitted,
Elaine Nesbit/Zoning Secretary