

Approved

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

July 8<sup>th</sup>, 2021

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on July 8<sup>th</sup>, 2021 at 7 pm by Chairman Rogers Williams.

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

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

Others present included: Dave & Sue Brooks, Wendy Meagher, Ellen Horbachewski, and Daryl Jones/Town Bd.

A motion was made by J. Bird and seconded by R. Williams to approve the June Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS: Board members had received two email communication from neighbors in support of Area Variance Application #1199 (copies on file with application).

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1199 for David and Susan Brooks for property at 11661 East Bluff Dr., Penn Yan, requesting Area Variances to tear down the existing cottage and boathouse and replace it with a new home with an attached boathouse and garage. They will also be replacing a portion of the shoreline retaining wall and have already reviewed this with the DEC and have received the necessary permit from them to proceed with this work. The new structure will be 2.46 ft. from the highwater mark which is slightly farther from the highwater mark as measured from the proposed new boathouse whereas the existing boathouse is 1.42 ft. from the highwater mark. The lot coverage will exceed the allowed 20% coverage by 3.4% to be at 23.4%. This property is located in the (R1) Lake Residential Zone.

A Board member who had visited the site noted that while there was a lot going on at this site, there are some positive things going on there. The replacement of the retaining wall down by the lake is a good thing along with the removal of a tree that is going bad and that is being replaced as part of the retaining wall area. The two sheds that are on the property are being removed as this will become the area for the new wastewater system. In addition, the contractor that will be building the new home is a good, reputable contractor. It was noted that the driveway has a fairly steep grade especially in the winter months, so the attached garage is of importance to the homeowners to have a level place to park their vehicles.

The fact was also noted that there is a design in place for storm drains behind proposed retaining walls and catch basins for the driveway to help with stormwater flow and to keep water off from the neighbors' properties.

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). The proper methods of drainage that are proposed to be put in place will be a benefit to the applicant and to the neighboring properties.

2)Whether the benefit sought by the applicant can be achieved by some other feasible method than an area variance: (2-no, 3-yes) R. Williams-yes, J. Chiaverini-no, J. Bird-yes. L. Overgaard-no, E. Makatura-yes ; because they could make the house smaller, however, the garage is a large part of the proposed sq. footage.

3)Whether the requested area variance is substantial: (4-no, 1-yes); R. Williams-no, E. Makatura-no, J. Chiaverini-no, L. Overgaard-yes, because of the lot coverage, J. Bird-no.

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). It will actually be better because of the proposed drainage plans and proposed retaining walls.

5)Whether the alleged difficulty was self-created: (0-no, 5-yes).

Board members were in agreement that this was a SEQR Type II action.

Based on the proposed improvement to the drainage system for this property, the replacement of the retaining wall near the lake and the tree replacement in the same area with retaining wall and the proposed new structure being moved back slightly farther away from the highwater mark than the existing boathouse, a motion was made by J. Bird to grant the area variances as requested. The new structure to be no closer to the highwater mark than 2.46 ft. as measured from the closest part of the structure including the roof overhang. In addition, the lot coverage shall not exceed 23.4 %. The deck and porch may have a roof over them but are not be enclosed.

The motion was seconded by E. Makatura and carried with a poll of the board as follows: J. Chiaverini-grant, L. Overgaard-grant, R. Williams-grant, J. Bird-grant, E. Makatura-grant.

#### OTHER BUSINESS:

Board members welcomed new alternate board member Randy Rhoads.

It was noted that there are no applications for August at this time, however, the deadline is not up yet.

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If no applications are received by next week, the August zoning board meeting will be cancelled.

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

Respectfully submitted,  
Elaine Nesbit/Zoning Secretary