

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

January 12<sup>th</sup>, 2023

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, January 12<sup>th</sup>, 2023 at 7 pm by Chairman Rodgers Williams.

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

Roll Call:	Rodgers Williams	Present
	Earl Makatura	Present
	Lynn Overgaard	Present
	Steve Schmidt	Present
	Randy Rhoads	Excused

Alternate	David English	Excused
	Donald Wright	Excused

Others present included: Daryl Jones, town board liaison.

A motion was made by **L. Overgaard** seconded by **S. Schmidt** to approve the December Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

Gary Smith, Application #**29-2022** to be tabled until February meeting. Application requires further review including revised legal notices.

Board member **E. Makatura** says that it looks like the survey map shows that the property may be subject to restriction, he inquired about the numbers on the survey map, the board will need clarification on what they mean. He continues saying that it is in a utility easement, where they are requesting to build.

Board Chairman **R. Williams** says that applicant must stay out of the utility right of way. Town board liaison **D. Jones** recalled that a previous applicant located on 54a had a similar request years ago. **R Williams** stated that the Zoning Board had made him move it.

**E. Makatura** stated the house is currently in the easement, board member **L. Overgaard** agreed. **D. Jones** asked if it is the house or the garage that already is in the easement adding that there is a garage there now.

Board member **S. Schmidt** says that applicants want to add 11 feet. **R. Williams** adds that the addition already encroaches on the easement. **L.Overgaard** explains that the back part including the garage was an addition done years ago.

**R. Williams** asks secretary **Laura Swarthout** to look into if there was an area variance for the addition. **E. Makatura** says that it wouldn't have been a variance, but a building permit.

We need to check to see if they met all the setback. It will depend on when they put it in, it is possible that nobody had looked at that.

Applicant William Fletcher has requested **Application #25-2022** be tabled until further notice pending a revised site plan by registered PE.

#### AREA VARIANCE/SPECIAL USE PERMITS:

**R. Williams** states there is one application to review this evening. **App #24-2022** – Area Variance for David and Jeanne Phillips. 4771 East Bluff Dr. (Tax map: 84.44-1-14.1)

They applicants are not present at the meeting.

Chair **R. Williams** says in his opinion there isn't really anything to vote on, they should have submitted a plan.

**E. Makatura** states they had previously requested 5 feet on each side at last month's meeting. **L. Overgaard** says they are asking for a shed. **E. Makatura** reiterates they are requesting for a building of 15 feet wide. **R. Williams** inquires if the request is for a building or shed. **E. Makatura** reviews the application answering shed.

**R. Williams** states that the Zoning Board had said no for a building of 15 feet wide. He continues stating that he thinks the applicant was hoping the board would tell them what to do. However, the board only approves plans does not come up with the plans.

**E. Makautra** states they are asking for a 15' x 30' building. **L. Overgaard** says they are calling it a "shed." **E. Makatura** adds he would not allow anything over 1 story if that is what they want. Five feet does not give you enough room for maintenance, to get up on the roof. Board member **S.Schmidt** agrees.

**L.Overrgaard** reads the project narrative. "After ZB meeting we were under the impression that the board was okay with us building a garage shed with 5-foot clearance on either side."

**E. Makatura**, stated the Zoning Board had relayed that it must be a portable/temporary shed, it must be movable. **R. Williams** add it would have to be within 64 sq. ft, they want '15 x 30'/450 sq. ft. **E. Makatura** if it is a permeant structure wouldn't work that way.

**S. Schmidt** reads the project narrative sent to the Zoning Board on behalf of applicants. They have three options:

1. Zoning board approval to build garage shed.
2. Buy land from neighbors, neither neighbor has shown interest in parting with any land.
3. Build a garage 400' up from the Bluff where property widens.

**S.Schmidt** states that the applicant is already aware of their options.

At this point the only one we can approve is the third one, says **R.Williams** that is 400' up.

**E. Makatura** states they do not need a variance for that, just a building permit. He says the board can either table it until next month or vote on what they are asking for.

**R. Williams** says if the board turns it down, they will have to reapply and start all over.

**E. Makatura** suggests the board could have the applicant they come back with another option, being present at next month's meeting.

**R. Williams** states the board should table it. They can make a modification for the 400' up the road, where there is enough land to build it. **R. Williams** say he is trying to visualize how far up 400' would be. **L. Overgaard** answers saying it would totally be up in the trees. It would be a lot of distance agrees **S. Schmidt**.

**E. Makatura** states they knew what it was when they bought it, knowing they didn't have land on that side of the street to build a garage where they are currently requesting to build. They knew how wide it was.

**L. Overgaard** confirms with the board that a shed that is 15' is still too wide. **E. Makatura** states yes, he calls that if its portable **R. Williams** had said its okay, because it would have to be small. However, if it's a permeant structure 5' is not enough of a setback. **L. Overgaard** asked if we say if your shed is portable, not on foundation and movable can they, do it?

**R. Williams** answers that in the case he would like to see more detail. **E. Makatura** says they wouldn't need a variance if your allowed 15' wide. **R. Williams** replies that if it were a temporary shed, we'd have to check the code regarding a 64 foot shed. It would still need a variance even if it is temporary.

Five feet is not enough on the setback for a sideline's states **E. Makatura**.

A shed you can move says **R. Williams**. **L. Overgaard** asks if 15 feet enough to put a car in?

**E. Makatura** says 12 feet would be enough. **R. Williams** adds that a van can fit in with 10 feet. Even with 8 feet you can put a car in, says **E. Makatura**.

**L. Overgaard** – asks if the applicants are requesting for a for a garage or just a shed? **E. Makautra** stated they originally asked for two story. For both storage, and working on their cars.

**R. Williams** says that for the minimum that we have here I don't think we can vote on it. Is it one or two story? It does not say, **E. Makatura** adds if they did vote it would need to be just one story. They should be here to answer the board's questions.

**R. Williams** states the board should table it, and get them back here to answer questions. **E. Makatura** states that a 24' garage on a 25' wide lot is not going to work.

A motion was made to table the application by **R. Williams** seconded by **E. Makatura**. The motion was carried unanimously.

**L. Overgaard** states the distillery application will be reviewed in March. The Phillips and Gary Smith application have been tabled as well. The Treetops application had been pushed.

OTHER BUSINESS:

Finger Lakes Council is hosting a zoom training for Zoning Board members. Training is January 18<sup>th</sup>. An email was sent to members via Town Clerk Sheila McMichael.

Town board liaison **D. Jones** recommends that board gets legal opinion regarding a utility easement.

**R. Williams** states next meeting is February 9<sup>th</sup>.

There being no further business, a motion was made by **R. Williams** and seconded by **E. Makatura** to adjourn. The motion was carried unanimously and the meeting was adjourned at 7:22 pm.

Laura Swarthout/Zoning Secretary