

**TOWN OF JERUSALEM
ZONING BOARD OF APPEALS**

October 12, 2006

The regular monthly meeting of the Town of Jerusalem Zoning Board was called to order by Chairman Jim Jameson on Thursday, October 12th, 2006 at 7 pm.

Roll Call:	Jim Jameson	Present
	Robert Worden	Present
	Glen Herbert	Present
	Bob Fox	Present
	Ron Rubin	Present

Others present included: Jim Creveling/ZBA alternate, Warren & Marion Houston, Bill McLoud, Toni Peterson, Rob Stoe, Jim Coots, Roger Ribble and Bob Evans/Pl.Bd.

A motion was made by R.Rubin and seconded by J.Jameson to approve the September Zoning Board Meeting as written. Motion carried unanimously (5-ayes, 0 nays).

COMMUNICATIONS

Board members received a proposed itinerary for the trip November 1st regarding Wind Farms and were requested to let the Town Supervisor or Clerk know if they would be attending.

An email was sent and distributed to Zoning Bd. members in support of Application #884.

OLD BUSINESS

Application #881 for Scott Dawson requesting an area variance for a "Flag Lot" on property located off from Italy Friend Rd., on a private road.

A letter has been sent to Mr. Dawson that due to no one coming in for the scheduled meetings of the Planning and Zoning Boards for the months of September and October, that his application is considered withdrawn (copy of letter on file with application).

NEW BUSINESS

Application #882 for Sarah Fischer owning property on East Bluff Dr. across the road from 1073 East Bluff Dr. requesting an area variance to build a structure with less front yard setback on the west side of East Bluff Dr. than zoning allows. The structure to consist of a two-bay garage on the bottom with a two-bedroom apartment on top. This structure will be built into the bank with excavation of the bank to be minimal depending on the variance that may be granted.

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Mr. Jim Coots, contractor for the Fischers was present to answer questions for board members and to discuss the proposed plans.

Board members had visited the site. There was some question regarding the staking out of the property and Mr. Coots stated that he had only staked the front side of where they would like to begin building the structure since there is a fairly high bank that will need to be excavated out prior to building.

Questions were asked about a site map and if there was a topo map for this site. Mr. Coots stated that he had a survey of the property. ZBA Secretary indicated that there was no site map or survey with the application paperwork.

Mr. Ribble was present along with Mr. Coots as contractor for the Fischers, with regards to future septic system that will be needed at this location if a variance is approved. He stated that the area variance for this structure is the first step in a list of many steps that will need to be taken in order for this project to be completed and each step is a progression, one depending on the other.

Board members had concerns of knowing exactly where the road right-of-way ends and the property owners front yard begins.

A motion was made by J.Jameson and seconded by R.Worden to table this application until the November meeting to give the contractor time to prepare and submit a site map showing the requested setback as measured from the center of the road, and to provide elevations for this site.

The motion was carried with a poll of the board as follows: G.Herbert-table, B.Fox-table, J.Jameson-table, R.Rubin-table, B.Worden-table.

Application #883 for Toni Peterson & Robert Rumphrey owning property at 657B West Bluff Dr. to request an Area Variance to build a deck addition to the existing deck on the lakeside of the beachhouse with less front yard setback than zoning requires.

Ms. Peterson was present with Bill McCloud/Contractor to answer questions for board members.

Chairman J.Jameson stated that there seemed to be some discrepancies with regards to a variance issued to a previous owner of this property and to the location of the beachhouse from the high water mark. The previous variance (number 603) granted in June of 1997 with conditions was for a 12 ft. wide building instead of 14 ft. and to be a minimum of 14 ft. from the highwater mark along with some other listed conditions.

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Discussion continued with regards to the work which has recently been done to the existing stone patio area. Ms. Peterson stated that she has already been in touch with DEC and sent

them pictures of the work that has been done. It appears that a permit from DEC would have been required, however, the work will probably be allowed to remain and a small penalty paid for work completed without a permit.

Board members were also inquiring as to the actual setback distance being requested from the 715.15 high water mark.

It was suggested that research needed to be done as to what the previous variance that was granted, actually allowed. In addition, a request that the actual highwater mark be established and certified, so that a drawing can be provided to the board members showing exactly how much of a front yard variance is being asked for.

A motion was made by J.Jameson and seconded by B.Fox to table this application until the November Zoning Board.

The motion was carried with a poll of the board as follows: G.Herbert-do not table, R.Rubin-table, B.Fox-table, R.Worden-table, J.Jameson-table.

Application #884 for Warren and Marion Houston owning property at 740 East Bluff Dr. to request an area variance to have a service/freight elevator put in to allow the Houstons to have a way of getting groceries and other heavy objects down to their home which is located down over a bank near the lake.

Mr. Rob Stoe, contractor for the Houstons was present with them to answer questions for the board members as to how this would be built, its location with respect to the road and the bank, and safety issues.

Mr. Stoe indicated that landscaping type of material (to build a retaining wall) would be used to get from the road right of way down to the area over the bank to where the rear property line starts and where construction of the elevator would begin.

It was noted that the only neighbor response regarding this application was the email distributed earlier to board members in support of the request.

The area variance test questions were reviewed with the answer to #1 (5-no, 0-yes), #2 (5-no, 0-yes), #3 (5-no, 0-yes), #4 (5-no, 0-yes), #5 (5-yes, 0-no).

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

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A motion was made by R.Rubin and seconded by J.Jameson to grant this area variance application as applied for with the condition that the Highway Superintendent Bob Payne review this project and okay the positioning of the retaining wall down to where the elevator construction will start. A sign is to be placed on the elevator indicating that it is freight/service elevator and not for use by humans.

The motion was carried with a poll of the board as follows: R.Worden-grant, B.Fox-grant, G.Herbert-grant, R.Rubin-grant, J.Jameson-grant.

OTHER BUSINESS

Board members spent some time reviewing the zoning requirements of the R1 zone, discussing the different types of area variance applications that typically area requested.

It was also suggested that as the current zoning manual is reviewed and updated in accordance with the updated Comprehensive Plan, that a brief statement be given in the zoning manual as to why the change is being made. This would be helpful to new members coming on the board as well as in the future, to give understanding behind the logic of the changes that are being made.

There being no further business, a motion was made by B.Fox and seconded by R.Rubin to adjourn the meeting. The motion was carried unanimously (5-yes, 0-no). Meeting adjourned 9:25 pm.

Respectfully submitted,

Elaine Nesbit/ZAP Secretary