

Approved

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

July 12<sup>th</sup>, 2007

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, July 12<sup>th</sup>, 2007 at 7 p.m. by Chairman Ron Rubin.

Roll Call:	Ron Rubin	Present
	Glen Herbert	Present
	Jim Bird	Present
	Jim Jameson	Absent
	Bob Fox	Present
Alternate	Jim Crevelling	Present

Others present included: Bob & Sharon Case, Mark & Cathy Foerster, Dan Long/Architect, Jerry Hiller/Keuka College, Dwight James, Mike Folts/Town Bd., Robert Catlin, John F. Phillips/CEO, and other interested citizens.

A motion was made by J.Creveling and seconded by J.Bird to approve the June 2007 minutes as written. The motion was carried unanimously (5-yes, 0-no).

#### COMMUNICATIONS

A letter written by Douglas Bugner to CEO John F. Phillips was copied and distributed to ZBA members regarding property at 444 East Bluff Dr.

#### AREA VARIANCE/SPECIAL USE REVIEW

Application #905 for Keuka College owning property at 132 Central Ave., Keuka Park to request a Special Use Permit to make the structure at this location and referred to as the North Duplex, into student housing for 10 to 12 students. This is a special permitted use in the R2 zone.

Mr. Jerry Hiller, Vice-Pres. of Finance and Administration for the College, was present to briefly summarize the special use request and to answer any questions for board members.

Chairman R.Rubin stated that the Zoning Board would not be making any decision on this application tonight, since the Jerusalem Planning Board had tabled making any recommendation until their next meeting in July. He stated that since the Public Hearing was scheduled for tonight that they would hear all interested parties on this application.

Mr. Hiller began by saying that they have more students attending Keuka College than have attended in the past. The dorms are filling up and the flexibility to offer alternative housing has come about as a result of this. The College is also offering Masters' programs for graduate students. This is an additional reason for the need of more student housing. The college has relocated some of their offices down at the YC IDA building and then has been working with the CEO to find out what changes need to be made to turn the North Duplex, which was office space, into a student housing facility.

The proposal for this structure as a duplex would be to have 2 sides with 3 bedrooms or five beds per side with a total of 10 beds for the duplex unit. Each side would have a two-bedroom area, a one-bedroom area, a common bathroom area with some division areas within the bathroom, allowing for use by more than one person at a time, a kitchenette, and living room area.

Mr. Hiller stated that students would still go to the College cafeteria in Dahlstrom for their main meals. He stated that students with health or special needs issues, may need to be in a room by themselves or there are sometimes compatibility issues among roommates that may deem it necessary for other living arrangements to be found.

Mr. Hiller stated that the student housing that is provided in addition to the dorm areas, is generally considered to be an Honor Dorm. The students that normally live in these housing facilities are usually juniors or seniors or even possible graduate students. It was noted by Mr. Hiller that in the event that enrollment dropped, and the Duplex was not needed for student housing, it could be used for year around housing for a staff member or as an efficiency type of apartment for staff.

At the Planning Board meeting, Mr. Hiller stated that there were concerns voiced by some neighbors that the College had listened to and had tried to take into consideration. He offered an updated site plan sketch (copy on file with application) to board members as well as concerned neighbors in the audience.

The sketch shows a provision for some proposed new evergreen screening, a designated area for parking which would be striped to show the location of the parking spaces. The sketch also offers a handicap parking space and this area is setback from Birch Street where the driveway entrance is located. In addition, the driveway entrance would be narrowed down to a more normal driveway entrance (20 to 25 ft.).

There is a large night light which would be replaced with a night light that has a downward direction for the lighting. The college has a masterplan, whereas they are looking to replace the old style lighting around the college campus with more downward directional lighting.

It was noted that on the corner of Chestnut St. and Central Ave. is a structure known as Ball Cottage and it is a two-story older Victorian house that is presently used as storage on the first floor but the second floor provides housing for a college professor who will be moving out in August but another professor will be moving in.

A question was asked if there is anyone that would be supervising the students in the proposed facility. Mr. Hiller noted that there would probably not be anyone living there in the capacity of assistant to the Resident Director, however, there would probably be someone from Ball, Space, Saunders or Blyley Hall who would be assigned as overseer of this living facility.

Mr. Hiller explained that the Resident Director is a paid professional staff member. He noted that there are students, usually seniors, who are selected as assistants to the Resident Director and help with the overseeing of the student dorms and student living facilities.

A question was asked about changing the entrance of the North Duplex lot from the Birch Street entrance to a Chestnut Street entrance. This was suggested because of smaller children living and playing in the yards of their homes that are adjacent to Birch Street.

When asked if there were other similar types of student housing, Mr. Hiller noted that there is a similar "sister" duplex, known as the South Duplex, which is at the corner of Prospect and Central Ave. that houses eight students, four on each side. There is another Honor's dorm known as Allen House on North Street. This particular dorm houses female students.

With respect to the driveway entrance to the North Duplex, it was suggested that a speed bump could be put in at the driveway entrance. It was noted by Mr. Hiller that the parking area will be designed in such a way so that as the students leave the parking area they would drive out of the lot rather than backing onto Birch Street.

An adjacent neighbor, Mr. Case, spoke to the fact of having lived in the Keuka Park area for more than 20 years, and while initially looking forward to living in the academic atmosphere, has found the college to not be particularly neighborhood friendly. This is his first experience of the college actually asking/getting approval for something that they want to do. From his prospective, the college has more or less done what they want to do. Having heard tonight about Honor's Dorm, health needs, Masters' Programs, etc. and he is concerned as to what will be coming next.

Mr. Case, spoke with regards to a water problem that he has had since the college has removed existing buildings and turned building lots into student parking areas. He noted that the Town and County Highway Departments had put in some berms that had helped but had not alleviated all of the water problems. Mr. Case lives at 126 Central Ave.

Mr. Hiller noted that there are no plans to blacktop the driveway at the 132 Central Ave. site. The parking lot will be left as a gravel area (permeable surface to absorb rain/stormwater).

In reference to special needs occupant, Mr. Hiller was referencing someone who might be in a wheelchair or that might have need for a handicap parking space. There are elevators in the dorms for someone with these needs, but this facility would also offer the accessibility of accommodations

Copies of a letter (on file with application) from Mr. Dockerty had been distributed to board members. Mr. Dockerty does not live adjacent to the college property at 132 Central Ave., but had concerns as a property owner, living on Lower West Lake Rd, PY. where some properties have typically been rented to Keuka College students. He had read the legal notice in the paper and had some questions regarding the policies of the College as they relate to students that live off campus.

Chairman R.Rubin asked if there were any other questions with regards to this proposed special use. He stated again that they (the Zoning Board) would not be able to make any decision tonight as we do not have the Jerusalem Planning Board's recommendation.

A motion was made by R.Rubin seconded by J.Bird to table any decision on this application until the August meeting. The motion was carried with a poll of the board as follows: G.Herbert-table, J.Crevelling-table, B.Fox-table, R.Rubin-table, J.Bird-table.

Application #906 for Mark & Catherine Foerster owning property at 577 West Bluff Dr. to request an area variance for a front yard setback for placement of a new home.

Mr. & Mrs. Foerster were present along with their Architect, Dan Long. Mr. Long had an enlargement of the proposal to remove the existing seasonal cottage and replace it with a new home.

Mr. Long stated that the new home would actually be placed farther back on the site location than the existing home. He noted that they are presented with a couple of issues, one of which is the NYSEG distribution line which is located on the same side of the road and crosses the proposed site in such a way that only allows the house to be moved back so far. There is an area of approximately 12 ft. from the trunk line on both sides that need to be left open for NYSEG's use.

The other problem is the area needed for the aerobic septic system and leach field area which requires a rather large area on the north portion of the lot and north side of the proposed new home.

The existing home is now approximately 35 ft. from the center of West Bluff Dr. The requested setback for the new home is to be 40 ft. from the center as measured from the center of West Bluff Dr. to the closest point on the new house. The request would be for a 25 ft. variance from the edge of the road right-of-way.

It was noted that the existing driveway would continue to be utilized. There are some spruce trees that will need to be removed. Mr. Long stated that he had been working with Dwight James, the builder for the Foersters, and they were looking at some grading and/or terracing at the front area of the lot with the possibility of one or two retaining walls if needed to help hold the bank and also to provide an area for any water to be kept from going directly onto West Bluff Dr.

The need for retaining walls would only become necessary if after final grade the slope became greater than two to one. Mr. Long also noted that there is an existing swale that provides an area for drainage that eventually goes into a culvert under the road and on down to the lake. He stated that the grading and sloping of the lot would be such that water runoff from the roof of the new home as well as some of the water runoff at the back side of the lot would be directed towards this swale area.

The area variance test questions were read with the answers to the questions as follows: #1(0-yes, 5-no), #2(0-yes, 5-no), #3(2-yes, 3-no), #4(0-yes, 5-no), #5(1-no, 4-yes).

A motion was made by J.Bird and seconded by R.Rubin to approve the area variance as requested with the front yard setback being 40 ft. as measured from the center of West Bluff Dr. to the closest point on the structure including roof overhangs.

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

The motion was carried as follows: J.Crevelling-grant, B.Fox-grant, G.Herbert-grant, J.Bird-grant, R.Rubin-grant.

In granting this area variance the board finds that the strict application of this chapter would deprive the applicant of reasonable use of the land and is the minimum variance that will accomplish this purpose. This variance will not be injurious to the neighborhood not alter the essential character of this locality.

## OTHER BUSINESS

Board members took a few minutes to review the letter regarding 444 East Bluff Dr. CEO Phillips stated that a temporary certificate of occupancy has been given, and the homeowner will probably be making an application to the Zoning Board to keep the three foot wide walkway that allows a second means of emergency egress from the loft area of the house. CEO Phillips stated that the second means of egress is a requirement of the NYS Building and Fire Code for this particular situation.

Zoning Board Members have been given notebooks with the complete zoning code including the latest updates. Alice Hunt had put these notebooks together so that when there are zoning code updates, new replacement sheets will be provided to keep the notebooks up-to-date. Each notebook has an assigned number and needs to be turned into the Clerk's office if a member leaves the board.

There being no further new business, a motion was made by B.Fox and seconded by J.Creveling to adjourn the meeting. The motion was carried unanimously (5-yes, 0-no) and meeting adjourned at 8:20 pm.

Respectfully submitted,  
Elaine Nesbit/Secretary