

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

March 13, 2008

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, March 13th, 2008 at 7 pm by Chairman Ron Rubin.

Roll Call:	Ron Rubin	Present
	Glen Herbert	Excused
	Jim Bird	Present
	Jim Crevelling	Present
	Mike Steppe	Present
Alternate	Ed Seus	Present
Alternate	John Hoffer	Present

Others present included: Mike Folts/Town Bd., Edward, Steven, Kyle, and Casey Schnepf, Joanne Lockwood, and Pete Agliata.

Chairman R.Rubin stated that regarding the February 14th Zoning Board minutes and application #923 for Larry and Beverly Orr that he had made the motion to approve the area variance requests and for that reason he wished to change his vote from abstain to approve. This does not change the end result of Area Variance #923 in that it was approved with a vote of 3 in favor, 1 opposed and 1 abstain.

J.Bird requested that on page 2 paragraph 7 the sentence be expanded as follows: It was noted by Board Member J.Bird that the tower law is very clear about there being enough land for the tower to fall on its own property. The tower should be located with a minimum setback equal to the height of the tower. This requirement may have been for aesthetic reasons as well as safety reasons when the law was written and reviewed at a public hearing. J.Bird felt that an area variance was also needed for the tower setback.

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

OLD BUSINESS

Application #924 for Ed & JoAnne Lockwood owning property at 936 West Bluff Dr. to request an Area Variance to build a small addition to existing cottage with less rear yard setback than zoning allows and to increase lot coverage from approximately 23% to 24%. This application was tabled from the February meeting so that the contractor could provide the exact setback measurement that is needed to determine what the exact variance request would be.

Mr. Agliata, the contractor stated that he had located the surveyor pins on each end of the retaining wall. These pins at the retaining wall are located 10 ft. from the edge of the road right-of-way. Mr. Agliata stated that he had run a string line between the pins as best he could as there was a tree in the way. Measuring from the string line to the edge of the existing cottage was determined to be 55 ft. It was noted by Mr. Agliata that the proposed addition would be at 45 ft. An area variance will still be needed for the one foot roof overhang as this would encroach into the required rear yard setback. The other variance needed is for the lot coverage which is currently at 23 % ± and would increase to 24% ±.

A question came up regarding the grinder pump and if it were going to be moved. The homeowner stated that it was in fact going to be moved.

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

The board was in agreement that this is a SEQR Type II action.

A motion was made by J.Crevelling and seconded by E.Seus to grant this area variance application on the conditions that the new addition shall come no closer to the center line of the road than 44 ft. as measured to the roof overhang or whatever is the closest point of the building. The lot coverage shall not exceed 24%. The grinder pump will be relocated from its present location.

The motion was carried with a poll of the board as follows: M.Steppe-grant, J.Bird-grant, R.Rubin-grant, E.Seus-grant, J.Crevelling-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 nor alter the essential character of the locality.

Application #925 for Greg & Janice Fox owning property at 439 West Bluff Dr. to request an Area Variance to increase the deck on the front of the cottage and to put in new stairs and walkway for access with less front and rear yard setbacks than zoning requires. This application was tabled from the February Meeting. A request was received by ZAP Secretary from Mrs. Fox asking that this application be tabled again until the April Meeting.

A motion was made by J.Bird and seconded by J.Crevelling to table review of this application until the April Zoning Board Meeting. If the applicant is not ready by the April meeting, then their application shall be considered withdrawn. The motion was carried unanimously (5-yes, 0-no).

NEW BUSINESS

Application #926 for Edward and Steven Schnepf owning property at 3790 Rte 54A, Branchport, (also known as 120 WLR, Branchport), to request an area variance to remove existing porch and rebuild a newer porch moving the porch portion closest to the north lot line to the other south side away from the property line. There is also a request to increase the sq. footage of the porch to be greater than what is pre-existing which is expanding a non-conforming situation. Mobile homes are not allowed in the R1 zone so if the trailer left today, it could not be replaced. There is more than one dwelling on this property which is not allowed. Once again, this non-conformance pre-dates zoning.

Ed and Steven Schnepf were present to answer questions for board members and to describe what they were attempting to do. They are looking to add a trussed roof system over the trailer and reside the trailer with wood siding. The overhang from the proposed roof will also require an area variance of approximately 1 ft. with the trailer itself being approximately 5 ft. 6 in. to 6 ft. from the north side yard property line.

E.Schnepf and S.Schnepf both gave reasons for their requests. They want to make things look better for the neighborhood by keeping the improvements low impact but become more aesthetically pleasing. The requested change would be the removal of 266 sq. ft. replacing with 484 sq. ft. They both noted for the record that if they were to sell out, then someone could come in and build a very large home which seems to be the way things are currently going around the lake at the present time. A very large home would not be in keeping with the neighborhood. They felt that by not having a home with larger sq. footage but improving what is already there with a small increase to the porch area was a fair trade-off for making the area look better and would move the porch area away from the side yard property line.

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

Board members continued discussion of the proposed application and whether or not they should allow an increase to the porch space. It was noted that if the additional space is allowed, that it would not count as part of the original footprint should the mobile home ever leave and someone wish to remove and replace. Only the original sq. footage of the mobile home and smaller porch area could be used for that purpose.

A motion was made by J.Bird and seconded by M.Steppe to approve the application as applied for (copy of submitted sketch on file) with the condition that the additional sq. footage that is allowed above and beyond the original porch (266 sq. ft.) shall not be considered as living space or counted as part of the original sq. footage for any future purposes of removal and replacement. The variance allows the structure to be no closer to the north side yard property line than 4 ½ ft. as measured from the roof overhang.

This board was in agreement that this is a SEQR Type II action.

The motion was carried with a poll of the board as follows: R.Rubin-deny, J.Crevelling-grant, E.Seus-deny, M.Steppe-grant, J.Bird-grant.

In granting this Area Variance the board finds that the strict application of this chapter would deprive 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 nor alter the essential character of the locality.

OTHER BUSINESS

There was a brief discussion by board members about the area variance test questions which are asked and answered by the board members. It was noted that while the applicant needs to be aware of these questions it is a tool of the board members to use as part of the weighing of the application and request for variance that is being made. It was stated that perhaps it would be helpful to the applicant for the board members to give reasons for the way in which they are answering the questions, yes or no. More general discussion followed with respect to each application/situation being different and if the board grants a variance they are to grant the minimum variance that will give the applicant reasonable use of the land.

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

Respectfully submitted,

Elaine Nesbit/Secretary