

Approved

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

March 12, 2009

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, March 12<sup>th</sup>, 2009 at 7 pm by Chairman Ron Rubin.

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

Others present included: Ray Stewart/Town Bd., Stewart and Victoria Van Buren.

A motion was made by R.Rubin and seconded by J.Bird to approve the February minutes as modified. The motion was carried (3-Yes, 0-No, 1-Abstain). M.Steppe wished to abstain as he was not present for the February Board meeting.

The amendments to the February Zoning Board minutes to read as follows: Page 4, paragraph 3, in the motion of approval for Part A of Special Use Application #946, that the applicant shall provide three separate deeds of his property (as divided) prior to the issuance of a building permit for the new storage building. That applicant shall provide a site map of the three separate lots indicating on which lot the new storage building shall be located as well as the proposed location for the building on the lot including setbacks from the property lot lines. Page 5, Paragraph 3 in the motion to approve Part B for Area Variance for Application #946, that applicant shall meet all required zoning setbacks including 10% lot coverage as well as other conditions (not excepted by the special use or area variance) per Article V, Section 160-17 to 27. That the area variance granted for the proposed new boat storage building is a variance of 20 ft. in length, allowing the proposed building to be 6000 sq. ft. which is 1000 sq. ft. larger than what zoning allows.

COMMUNICATIONS:

There were no communications for the Zoning Board.

NEW BUSINESS:

Application #947 for Stewart VanBuren owning property at 59 Crescent Beach, Branchport requesting an Area Variance to build a storage garage with less front yard setback with a height greater than what zoning allows.

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It was noted by ZAP Secretary that the legal notice in the Chronicle for the public hearing to review this application was not done properly. It was noted by the ZAP Secretary that it was entirely her fault and that the Van Burens had properly notified all of the neighbors well in advance of the scheduled public hearing in March.

Mr. & Mrs. VanBuren have applied to the DEC for a permit to build the proposed storage garage within the 100 ft. buffer zone of the designated wetlands area.

Mr. & Mrs. Van Buren were present to answer questions for board members. Mrs. Van Buren stated that she and her husband were in the process of purchasing additional land across the road and beyond what they presently own. This additional land is approximately .39 of an acre. Mrs. Van Buren stated that several of the neighbors were in the process of purchasing additional land as well. The property that is being sold has been surveyed and the neighbors that are planning on purchasing this property are collectively using the same attorney to complete the paperwork.

The Van Burens stated that they had already gotten rid of one smaller storage building and they would be removing the existing metal building. They wished to keep the smaller wood-tex storage shed and are planning on re-positioning it along with placing it so that it meets the required side yard setback. They are then proposing that the new garage/storage building would be placed a minimum of 5 ft. from this wood-tex building in accordance with the NYS Building and Fire Code separation requirements. This would leave approximately 30 ft. to the east side yard property line. This would give the Van Burens a little room to maneuver the shed, if required by DEC, and still meet the required 10 ft. side yard setback.

There was a discussion about what the building would look like. Chairman R.Rubin asked if there was any reason they could not have the building built to the allowed 15 ft. height without going over. Mrs. Van Buren stated that the roof would be an A-frame type roof which would not allow for a lot of room on the second floor, but at least there could have a little more storage space. They have a lot of "stuff" to store. It was noted that there will be just one big door in the front of the building facing the road because they would like to put their pontoon boat in there during the winter months. There will be a smaller side door with two small windows in the upper part of the building and two windows in the lower part for ventilation/air circulation.

The Van Burens are still waiting for word to come back from DEC. They filled out, and submitted an application to DEC. Mr. Van Buren has recently spoken with the DEC and the Van Burens have been taking pictures of the staked area where they wish to locate the proposed building, then sending them to DEC. Mr.& Mrs. Van Buren noted that even if the Zoning Board approved the area variance requests, they must still have approval from the DEC or they will not be able to have the garage built.

The Van Burens have been talking with DJ Builders as possible contractors to build the storage garage, thinking that they will probably be doing the work.

Chairman R.Rubin was ready to review the area variance test questions. Two of the Board members had concerns what the building would look like, where the existing building would be repositioned to and the staked out area for the proposed building showing the setbacks to property lines. It was also requested that there be a calculation of existing and proposed building sq. footage to insure that lot coverage is not an issue.

Two other concerns of board members were the completion of the property purchase, and DEC approval.

After additional discussion among the board members, a motion was made by J.Bird and seconded by M.Steppe to table further review of this application until the monthly meeting in April to provide time for the Van Burens to bring in some additional information. The motion was carried with a poll of the board as follows: J.Crevelling-table, R.Rubin-table, M.Steppe-table, J.Bird-table.

#### OTHER BUSINESS:

Zap Secretary gave Board members a brief review of a prior area variance application and the property owner's compliance with the zoning board decision. There was additional review of another zoning board decision and the steps being taken by Code Enforcement for compliance.

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 (4-Yes, 0-No) and the meeting adjourned at 8:05 pm.

Respectfully submitted,

Elaine Nesbit/Secretary