

Approved

Town of Jerusalem
Zoning Board of Appeals

September 14th, 2017

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, September 14th, 2017 at 7 pm by Chairman Glenn Herbert.

Chairman G. Herbert asked all to stand for the pledge to the Flag.

Roll Call:	Glenn Herbert	Present
	Ed Seus	Present
	Rodgers Williams	Present
	Earl Makatura	Excused
	Joe Chiaverini	Present
Alternate	Kerry Hanley	Present
Alternate	Ken Smith	Present

Others present included: Clark Wackerman, James & Kimberly Ecker, Richard Schieck, Dwight James, and Kevin Zimmerman.

A motion was made by G.Herbert seconded by J.Chiaverini to approve the August Zoning Board minutes written.

COMMUNICATIONS:

Zoning Board members had received a narrative from Kevin Zimmerman requesting an amendment for The Special Use Permit #1072 which he had received over a year ago in June of 2016.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1100 for Frank Guerrieri owning property at 1064 Esperanza Dr., Keuka Park requesting an Area Variance to build a boathouse with less distance from the high-water mark than zoning allows and in removing and replacing an existing cottage the replacement of buildings will exceed the allowed 20% lot coverage by 79 sq. ft. for a lot located in the (R1) Lake-Residential Zone.

Application #1100 will be held over until the October meeting due to the fact that the neighbors had not received certified notification of the September 14th public hearing.

Application #1101 for James & Kimberly Ecker owning property at 5389 East Bluff Dr., Penn Yan, NY requesting an Area Variance to build a 10 ft. by 20 ft. 2 story addition on to an existing cottage on the east side (rear) of the home which cause the lot coverage to exceed the allowed 20% by 1.8% making the total lot coverage 21.8%. This lot is located in the (R1) Lake-Residential Zone.

The Eckers were present along with their contractor Dwight James of DJ Builders and Remodelers to answer questions for board members.

It was noted that the cottage sits down below the road (East Bluff Dr.) such that even with a second story addition, it will not block the view of neighbors. The contractor stated that when he had first made his calculations for the proposed addition he had not taken into consideration the road right-of-way and then realized this had to be deducted out of the lot size before determining allowable lot coverage.

Board members had been out to the site and did not see any problem with this proposed addition as requested.

The area variance test questions were read and reviewed with the following results:

1)Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance: (5-no, 0-yes).

2)Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (3-no, 2-yes) G.Herbert-no, R.Williams-yes, E.Seus-no, J.Chiaverini-yes, K.Smith-no.

3)Whether the requested area variance is substantial: (5-no, 0-yes).

4)Whether the proposed area variance will have an adverse effect or impact on the physical or environmental condition of the neighborhood or district: (5-no, 0-yes).

5)Whether the alleged difficulty was self-created: (5yes, 0-no).

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

There being no further discussion, a motion was made by G. Herbert and seconded by K.Smith to grant the Area Variance application as applied for to allow the construction of the proposed 2 story addition with lot coverage not to exceed the 21.88%.

The motion was carried with a poll of the board as follows: J.Chiaverini-grant, R. Williams-grant, E.Seus-grant, K.Smith-grant, G.Herbert-grant.

Application #1102 for Richard Schieck owning property at 4484 West Bluff Dr. requesting an Area Variance to add a screened porch to the existing cottage the size to be 18 ft. by 17 ft. plus the overhanging roof to be approximately 27 in. The proposed porch will be 27 ft. from the center of West Bluff Dr. as measured from the roof overhang of the porch, however this will be no closer to the center of the road than the existing home. This property is located in the Lake-Residential Zone. The required setback for this location is 45 ft.

Mr. Schieck was present to answer questions for board members. He noted that a revised sketch drawing had been sent in to the board for the length of the screened porch which would not affect the area variance request since the extended length of the porch was towards the west (lake) side of the property and there was lots of room to extend the porch approximately 2 more ft. (18 to 20 ft.) in this direction.

The area variance test questions were read and reviewed with the following results:

1)Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance: (5-no, 0-yes).

2)Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (0-yes, 5-no).

3)Whether the requested area variance is substantial: (4-no, 1-yes) G.Herbert-no, R.Williams-yes, E. Seus-no, J.Chiaverini-no, K.Smith-no.

4)Whether the proposed area variance will have an adverse effect or impact on the physical or environmental condition of the neighborhood or district: (5-no, 0-yes).

5)Whether the alleged difficulty was self-created: (5-yes, 0-no).

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

A motion was made by G.Herbert and seconded by R.Williams to grant the Area Variance application to allow the screened porch addition to the home to come no closer to the center of West Bluff Dr. than 27 ft. with the condition that the screen porch not become enclosed to become part of the house to be considered as square footage for living space for remove and replacement purposes.

The motion was carried with a poll of the board as follows: J. Chiaverini-grant, K.Smith-grant, E.Seus-grant, R.Williams-grant, G.Herbert-grant.

Application #1103 for Clark Wackerman owning property at 6084 West Bluff Dr., Keuka Park, NY requesting an Area Variance to allow for a 10 ft. by 14 ft. woodtex to remain as replacement for a smaller shed that had been removed where the prior shed and the new shed do not meet the front yard setback from the center of West Bluff Dr. as required for a lot located on the east side of West Bluff Dr.. This property is located in the Lake Residential Zone.

Mr. Wackerman was present to explain that he had sold his home in Rochester and had to move a lot of his things to West Bluff Dr. and needed a place for storage.

The requested setback is 26 ft. from the center of West Bluff Dr. which is a 39 ft. area variance. The property does sit up away from the road and the new storage building is no closer to the road right of way than the former building was.

Board members had been to the site and did not see a problem with the location of the storage building.

The area variance test questions were read and reviewed with the following results:

1)Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance: (5-no, 0-yes).

2)Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (2-no, 3-yes) G.Herbert-yes, R.Williams-yes, J.Chiaverini-no, K.Smith-yes, E.Seus-no.

3)Whether the requested area variance is substantial: (5-no, 0-yes).

4)Whether the proposed area variance will have an adverse effect or impact on the physical or environmental condition of the neighborhood or district: (5-no, 0-yes).

5)Whether the alleged difficulty was self-created: (5yes, 0-no).

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

There being no further questions, a motion was made by G. Herbert and seconded by K. Smith to approve the application for the new storage shed 10 ft. by 14 ft. with the placement to be no closer than 26 ft. to the center of West Bluff Dr.

The motion was carried with a poll of the board as follows: J.Chiaverini-grant, E.Seus-grant, R.Williams-grant, K.Smith-grant, G.Herbert-grant.

OTHER BUSINESS:

Kevin Zimmerman was present to ask the Zoning Board to amend his Special Use Permit which he had obtained in June of 2016. Mr. Zimmerman had provided a narrative (copy on file with original Special Use Permit #1072) which requests the board to allow him to increase the number of breeding females on his premises from 10 to 18. This request is based on language in the original Special Use application and the granting of that Special Use, that if after a year of having his dog kennel he wanted to come back to the board and make a request to increase the number, he could do so.

Mr. Zimmerman was present at the September 6th 2017 Planning Board meeting and presented his narrative to the Planning Board, and in addition, several of the Planning Board members had been out to visit the site at 3506 Adams Rd. and were in approval of the kennel site and how well kept it was. The Planning Board approved the motion requesting the Zoning Board to approve an amendment to Special Use Application #1072 to allow for the increase of breeding females from 10 to 18. This motion was made at their September 6th meeting. Copy on file with notice of original Special Use Decision #1072.

Board members having read the narrative and understanding that there have been at least 2 unannounced USDA inspections and all has gone well, a motion was made by G.Herbert and seconded by K. Smith to grant an amendment to Special Use #1072 to allow for an increase of the number of breeding female dogs on premises from ten to eighteen. The motion was carried with a poll of the board as follows: J.Chiaverini-grant, R.Williams-grant, E.Seus-grant, K.Smith-grant, G.Herbert-grant.

In other business, a motion was made by G.Herbert seconded by K. Smith to have the Planning Board act as lead agency for SEQR review for a Special Use and Site Plan Application for Ivan Martin that will be coming up in October for both the Planning Board and the Zoning Board. The motion was carried unanimously.

There being no more business, a motion was made by G.Herbert and seconded by K.Smith to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned.

Respectfully submitted,
Elaine Nesbit/Secretary