

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

December 12<sup>th</sup>, 2019

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called together on Thursday, December 12<sup>th</sup>, 2019 at 7 p.m. by Chairman Glenn Herbert.

The meeting opened with everyone standing to give pledge to the Flag.

Roll Call:	Glenn Herbert	Present
	Rodgers Williams	Present
	Earl Makatura	Present
	Joe Chiaverini	Present
	Lynn Overgaard	Present
Alternate	Jim Bird	Excused
Alternate	Steve Schmidt	Present

Others present included: Brian & Lisa Christopher, Lin Hough, Tom King, Joe Bringley, Bob Bringley, and Daryl Jones/Town Board.

A motion was made by E. Makatura and seconded by L. Overgaard to approve the November minutes as written. The motion was carried unanimously.

COMMUNICATIONS: There were no communications for the board.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1164 for Joseph and Cathleen Bringley owning property at 4588 West Bluff Dr. requesting Area Variances for front and rear yard setbacks to be exactly the same distance from the high-water mark and from the rear yard property line as the existing house is now.

Robert Bringley, PE for Marathon Engineering, was present along with contractor Tom King to answer questions for the board members, on behalf of Joe Bringley.

It was noted by Bob Bringley that a site plan and an application for Steep Slopes had been presented to the Jerusalem Planning Board on December 5<sup>th</sup>, and the application had been approved by the Planning Board at that meeting.

The proposed plan, as described by Bob Bringley, was to remove the old home along with the existing house foundation due to its age and to replace with a new foundation and house adding an addition of 728 sq. ft. on the south side of the new home with the setback from the highwater mark (front yard setback) being 7.6 ft. as measured from its closest point including roof overhang and the setback (rear yard) as measured from the center of West Bluff Dr. to the closest part of the new home to be 36.2 ft. also including roof overhang.

There are no issues with lot coverage and the old existing porch and deck foundation will remain to become part of the new home as it is built.

There was a question with regards to the adding on of more square feet at the south end of the replaced home and if this was increasing the degree of non-conformity.

It was noted, however, that by the removal of the existing home and foundation that it was like starting all over again and as it was stated before, the new home would be no closer to the front and rear yard setbacks than the older home had been. The addition actually moves farther away from the property lines as you move towards the south side of the property.

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 sought by the applicant can be achieved by some other feasible method than area variance: (2-yes, 3-no). G.Herbert-no, R.Williams-no, E.Makatura-yes, they could make the house smaller, J.Chiaverini-no, L.Overgaard-yes.

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: (1-no, 4-yes). G.Herbert-yes, R.Williams-yes, E.Makatura-yes, J.Chiaverini-no, L.Overgaard-yes.

In regards to SEQR, the review for this project was made by the Planning Board at the request of the Zoning Board since the project required Steep Slopes approval as well as Area Variance approval. The Planning Board determined at their December 5<sup>th</sup> meeting that based on the information given and supporting documentation, that the proposed action would not result in any significant adverse environmental impacts (copy of decision on file with Steep Slopes application).

A motion was made by E. Makatura and seconded by G.Herbert to accept application #1164 as written with the setback from the highwater mark (front yard) to be no closer than 7.6 ft. and the closest point to the center of West Bluff Dr. (rear yard setback) to be 36.2 ft. both to be measured from the closest part of the building including roof overhang.

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

Application #1165 for Brian and Lisa Christopher owning property at 6651 East Bluff Dr. requesting an Area Variance to add a 4 ft. wide by 24 ft. long ramp that would be 8.5 ft. from the south side yard property line and would increase lot coverage.

To add a roof over the second story deck which presently has no roof and the 1 ft. by 22 ft. roof overhang would increase lot coverage. To add a 16 ft. by 12 ft. lower deck on the north east side of the existing home which would be 9.8 ft. from the north side yard property line and would also increase the lot coverage.

Mr. & Mrs. Christopher were present to answer questions for board members and to briefly explain the reason for the requests. Mrs. Christopher stated that they moved down to the area permanently about 3 years ago to take care of her elderly father. In doing so, they became more aware of the need for a handicap accessible home. The Christopher's live across the street and their current home is not very well set up to be handicap accessible and therefore they are trying to make this home more accessible for someone who is in a wheelchair or has to use a walker. Mrs. Christopher also stated that she has multiple sclerosis and that is another reason for the work on this home to make it more handicap accessible.

One board member had concerns for the large increase in the lot coverage noting that the current lot coverage was already at 26%.

G.Herbert and E. Makatura noted that the proposed lower deck could be made out of concrete or pavers rather than to make a wooden deck. This would allow Mr. & Mrs. Christopher to have a deck that would not count against them for lot coverage.

Prior to reading the area variance test questions, the calculations for lot coverage were made for the 4 ft. by 24 ft. handicap ramp and the 1 ft. by 22 ft. roof overhang for the second story deck. It was noted that this would bring the lot coverage to 28% which the board members were okay with due to the fact that handicap accessibility for Mrs. Christopher was an issue that needed to be considered as part of this request.

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 sought by the applicant can be achieved by some other feasible method than area variance: (0-yes, 5-no).

3)Whether the requested area variance is substantial: (2-no, 3-yes). G.Herbert-no, R.Williams-yes, E.Makatura-yes, due to the increased lot coverage. J.Chiaverini-no, L.Overgaard-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: (1-no, 4-yes). G.Herbert-yes, R.Williams-yes, E.Makatura-no, because when they bought the property the house was already there. J.Chiaverini-yes, L.Overgaard-yes.

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

A motion was made by G.Herbert and seconded by R.Williams to accept application #1165 with the reduction of the sq. footage of the lower 12 ft. by 16 ft. deck by 192 sq. ft. which would lower the increased lot coverage to an increase of 2% making the total lot coverage 28%; the 4 ft. by 24 ft. ramp shall be no closer to the south side yard lot line than 8.5 ft. and the upper level deck with the roof over it shall not be enclosed, meaning it shall not be made into habitable living space. The lower deck may be made out of stone, cement or natural materials.

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

**OTHER BUSINESS:**

Regarding the positions of Chairman and Vice-Chairman for 2020, Glenn Herbert was nominated to remain as Chairman and Rodgers Williams was nominated to remain as Deputy Chairman. It was a unanimous vote to keep everything the same for 2020.

G.Herbert noted that he would be away for the first part of the New year and R.Williams would be presiding over the Zoning Board meetings.

There being no further business, a motion was made by R.Williams and seconded by E. Makatura to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned.

Respectfully submitted,  
Elaine Nesbit/Secretary