

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

March 12th, 2020

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called together on Thursday, March 12th, 2020 at 7 pm by Vice-Chairman, Rodgers Williams.

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

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

Others present included: Daryl Jones/Town Board and Sheila McMichael.

A motion was made by E. Makatura and seconded by L. Overgaard to approve the February minutes as written.

COMMUNICATIONS:

There were no communications.

AREA VARIANCE/SPECIAL USE REVIEW:

There were no applications for review.

OTHER BUSINESS:

Under other business, a motion was made by R.Williams and seconded by L.Overgaard to request the Planning Board to be the Lead Agency for SEQR review for an Area Variance application that will be coming before the Zoning Board in April as well as an application for Site Plan Review for the same project will be coming before the Planning Board at their April meeting. The motion was carried with a poll of the board as follows: E. Makatura-agree, S.Schmidt-agree, L.Overgaard-agree, R.Williams-agree.

Discussion followed with regards to SEQR review when both the Planning Board and Zoning Board are reviewing an application where two different determinations are being made by two different boards.

SEQR review is required for site plan review. Certain Area Variances are classified as Type II actions, meaning that there is no SEQRA review. Type II actions include granting of individual setback and lot line variances and granting of area variances for a single-family, two-family or three-family residence. All other area variances would either be classified as Type I or Unlisted actions.

When an application for Site Plan Review is submitted and an Area Variance is applied for in regards to the same project, then the Area Variance becomes part of the same action along with the Site Plan and the SEQRA review includes both.

The Zoning Board has pretty much always deferred the SEQR review process to the Planning Board to be the reviewing agency for these types of dual applications.

The discussion regarding which board should be first in reviewing the application was the point of discussion which both boards have had.

Under the General Rules of SEQR 617.3 (a) No agency involved in an action may undertake, fund or approve the action until it has complied with the provisions of SEQR.

An application for agency funding or approval of a Type I or Unlisted action will not be complete until: either a negative declaration has been issued; or a positive determination has been made subject to the proper review procedures being followed with a statement of findings being issued.

It therefore remains for both the Planning Board and the Zoning Board to discuss their reviewing procedures and decide whether a change should be made as to the reviewing process for SEQR when an application requires action to be taken by both of the boards.

The next Zoning Board meeting is April 9th.

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

Respectfully submitted,
Elaine Nesbit/Zoning Secretary