

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

October 14th, 2021

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, October 14th, 2021 at 7 pm by Chairman Rodgers Williams.

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

Roll Call:	Rodgers Williams	Present
	Earl Makatura	Excused
	Lynn Overgaard	Present
	Jim Bird	Present
Alternate	Steve Schmidt	Excused
Alternate	Randy Rhoads	Present

Others present included: Ken & Diane Frank, Bill Gerhardt/CEO, Jonathan T Long, Ellen Horbachewski/Meagher Engineering, Cortney Bills, and Bill Grove, PE.

A motion was made by J. Bird and seconded by R. Rhoads to approve the September 9th Zoning Board minutes as written. The motion was carried unanimously.

Communications: Board members received copies of emails from two neighbors with no concerns for Application #1202 (Copies on file with application).

Highway Superintendent has reviewed applications and had an email sent to zoning board members stating he had no concerns with the applications.

Area Variance/Special Use:

Application #1201 for Jim Lansbury for property at 5815 West Bluff Dr., Keuka Park, requesting an Area Variance to remove the existing house to construct a new residential house and to construct retaining walls and drainage structures to accommodate the new home and the new replacement septic system. The new home will not meet the required front yard setback of 64.75 ft. as measured from the center of the traveled way to the closest part of the proposed new home which is requesting to be at 46.18 ft. which is a variance of 18.57 ft. This property is located in the (R1) Lake-Residential Zone.

Ellen Horbachewski of Meagher Engineering was present to represent Mr. Lansbury and to go over the application with board members.

Ms. Horbachewski noted that she had attended the Planning Board meeting on September 2nd for this property which was for the review of a Steep Slope's plan for this same project. She stated that they had made some small changes to the steep slope's application based on recommendations from Rick Ayers, YCSW, and had received approval from the Planning Board for the Steep Slopes Plan.

Ms. Horbachewski stated that the reason they are asking for a setback of 46.18 as measured from the center of the traveled way to the closest part of the proposed home is because the slope is so steep, they would have to build higher retaining walls and remove more trees. She noted that they are keeping as many trees as possible to help retain the integrity of the embankment behind where the proposed home is to be built.

Ms. Horbachewski also explained about the drawing of the home and the proposed height of the home as measured from the lowest side elevation and proposed finished grade. The dark line on the drawing shows proposed finished grade and therefore when measured to the peak, the proposed height would be at 25.16 ft.

There was some discussion about cars being able to back out and around without being into the road traffic area. This has been taken into account and there is room for someone to back out maneuver without being on the road itself.

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: (4-No, 0-Yes).

2)Whether the benefit sought by the applicant can be achieved by some other feasible method than an area variance: (3-No, 1-Yes). J. Bird-yes, could move back farther, but would have to remove more trees; L. Overgaard-no, save the trees; R. Williams-no, would cause more damage by moving farther back; R. Rhoads-no, he is being practical in building in this location.

3)Whether the requested area variance is substantial: (4-no, 0-yes) R. Rhoads – staying almost in the same footprint.

4)Whether the proposed area variance will have an adverse effect or impact on the physical or environmental condition of the neighborhood or district: (4-no, 0-yes) R. Williams – he is actually making it somewhat better.

5)Whether the alleged difficulty was self-created: (4-yes, 0-no).

This was a SEQR Type II action.

Based on the review of the submitted material and the review of the area variance test questions, R. Williams made a motion to grant the area variance of 18.57 ft. for a setback of 46.18 ft. as measured from the center of the traveled way to the closest part of the proposed home. The motion was seconded by J. Bird and carried with a poll of the board as follows: L. Overgaard-grant, R. Rhoads-grant, J. Bird-grant, R. Williams-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 this location.

Application #1202 for Kenneth Frank for property at 985 Old Pines Trail, PY requesting an Area Variance to erect a ranch modular home on a full walkout basement with a set of stairs on the northwest side to be 7 ft. from the side yard property line where 10 ft. is required. This property is located in the (R3) Residential-Indian Pines Use District.

Mr. Frank was present to answer questions for board members and discuss his proposed building plan. He noted that the reason for the set of stairs to be located on the northwest side of the home was to provide a second means of egress from the basement area which is, in his opinion, also a safety factor.

Mr. Frank explained that when you come up the inside stairs from the basement then you come to the door that goes to the outside if you go to the right and if you go to the left you are at the main floor of the home.

Board member J. Bird noted that the proposed area for the home was not staked out and therefore it was rather difficult for him to know exactly where the placement of the home was going to be. Mr. Frank stated that if he knew that he was supposed to stake it out he would have, but the letter he got stated that he was supposed to stake out his garage. Zoning secretary noted that cutting and pasting of letters is not the best thing and the mistake was on her part in the letter that went out regarding the information for the certified mailings and the public hearing.

R. Rhoads asked if the stairs could be placed going in the opposite direction. Mr. Frank noted that he has windows on that side which has the lake view and if the stairs are put there, he would lose a window and part of the lake view.

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: (4-No, 0-Yes)

2)Whether the benefit sought by the applicant can be achieved by some other feasible method than an area variance: (4-Yes, 0-No) R. Rhoads – he could have located stairs in a different location; J. Bird & R. Williams – he could eliminate the egress at this location.

3)Whether the requested area variance is substantial: (4-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: (4-no, 0-yes) J. Bird – pretty consistent with other properties in the area. R. Williams – pretty standard for the area.

5)Whether the alleged difficulty was self-created: (4-yes, 0-no).

This is a SEQR Type II action.

A motion was made by J. Bird and seconded by R. Rhoads to grant this area variance application as applied for with the stairs on the northwest side to be no closer to the property line than 7 ft. as measured from the stairs to the property line, an area variance of 3 ft. The motion was carried with a poll of the board as follows: L. Overgaard-grant, R. Williams-grant, R. Rhoads-grant, J. Bird-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 this location

Application #1203 for David Bills for property located at 11363 East Bluff Dr., Keuka Park requesting an Area Variance to remove existing mobile home and construct a new cottage which is proposed to be 3.5 ft. from the high-water mark where 15 ft. is required and is proposed to be 8.2 ft. from the south side yard property line where 10 ft. is required. This property is located in the (R1) Lake-Residential Zone. It was determined that the proposed rear yard setback would be met since the proposed setback of 38.8 ft. was drawn to the right-of-way line which requires 20 ft. for the rear yard setback when located on a lot between the road and the lake.

This application was not opened up for public hearing since the Zoning Secretary noted that an affidavit of mailing had not been received by the Zoning Office verifying that the certified letters regarding the notification of the requested area variance application and public hearing to adjacent neighbors had been sent out.

Engineer Bill Grove, representing the applicant, noted that either he or the contractor, John Long would make sure the letters got sent out for the November Zoning Board meeting. It was also noted that the November Zoning Board meeting will be held on Wednesday, November 10th, instead of Thursday, November 11th, since that is Veteran's Day and is a legal holiday.

OTHER BUSINESS:

The resignation of zoning board member Joe Chiaverini was noted and the board was appreciative of Joe's input and time spent as a member of the zoning board.

Board members were again reminded that the zoning board meeting for November is being moved back one night to Wednesday, November the 10th. This is due to the 11th of November being Veteran's Day.

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

Respectfully submitted,
Elaine Nesbit/Zoning Secretary

