

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

December 9th, 2021

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, December 9th, 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	Present
	Lynn Overgaard	Present
	Jim Bird	Present
Alternate	Steve Schmidt	Present
Alternate	Randy Rhoads	Excused

Others present included: Dan Ludwig/General Contractor, Daryl Jones/Town Bd., and William Gerhardt/CEO.

A motion was made by S. Schmidt and seconded by J. Bird to approve the November Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS: There were no communications

AREA VARIANCE/SPECIAL USE:

Application #1205 for John Conway owning property at 8981 East Bluff Dr., Penn Yan, NY requesting an Area Variance to build a 21 ft. by 33 ft. attached garage where there is currently an asphalt driveway, additionally the project would include removing a rotted wood front porch and replacing it with a paver stone patio. The area variance request was for an increase in lot coverage that would exceed the allowed 20% coverage for the (R1) Lake-Residential Zone. Mr. Dan Ludwig, General Contractor, was present to represent Mr. Conway and answer questions for board members regarding this application.

Board member J. Bird had visited the site and had discussed the lot coverage numbers with CEO Gerhardt.

CEO Gerhardt was present to distribute the first page of the Area Variance application which was amended with regards to lot coverage. Initially the proposed lot coverage had been calculated to be at 23% with the new garage addition. Upon review of the survey and re-calculation of existing lot coverage it was determined that the existing lot coverage was already slightly over 21% and with the proposed garage addition the lot coverage would increase to approximately 25.9 % as shown on the amended application form distributed by the CEO.

The contractor noted that the owner had obtained a permit to convert the existing attached garage into living space a few years ago with the idea that another garage would be built in the future.

It was noted by board members, however, that back a few years ago, Mr. Conway had owned more property across the road which could have been merged with his lake property making it one tax map parcel and that would have given him enough property to build this new proposed garage without a lot coverage issue.

Board member J. Bird stated that while he could appreciate the removal of the asphalt driveway, he was not convinced that the garage addition was an improvement and there would still be run-off from the roof. He also pointed out that the existing home is already quite large for such a small lot and with the proposed garage addition it makes the lot coverage even greater.

The contractor also noted from the property owner's perspective that this proposed project had been discussed with the neighbors and there were no objections from any of them.

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: (0-No, 5-Yes). R. Williams & E. Makatura, the proposed addition and increased lot coverage is too great for the lot size.

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

3)Whether the requested area variance is substantial: (0-no, 5-yes) J. Bird by quite a bit.

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, 1-yes) J. Bird-yes, it still is a lot of coverage for water run-off; E. Makatura-no, does not make more area for run-off than the asphalt driveway already does; R. Williams-no, same reason; L. Overgaard-no, S. Schmidt-no.

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

There being no further discussion, a motion was made by J. Bird seconded by R. Williams to deny this application based on fact that the proposed garage addition is too much of a project for the lot size when it will increase the lot coverage to 26 plus percent.

The motion was carried with a poll of the board as follows: E. Makatura-deny, L. Overgaard-deny, S. Schmidt-deny, R. Williams-deny, J. Bird-deny.

The contractor asked if the property owner is notified of the Zoning Board decision and it was noted that he will receive a notice-of-decision in the mail.

OTHER BUSINESS:

Re-organization for 2022:

A motion was made by E. Makatura seconded by L. Overgaard that Rodgers Williams continue as Chairman for 2022 and Jim Bird be the Vice-Chairman for 2022.

The motion was carried unanimously.

Board members also recommended that Alternate Steve Schmidt be appointed as a regular member to the Zoning Board.

There was a brief discussion about the public hearing for the proposed Property Maintenance Law that is on the agenda for the upcoming December Town Board meeting, which was explained by CEO Gerhardt.

The next Zoning board meeting will be January 13th, 2022.

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

Respectfully submitted,
Elaine Nesbit/Zoning Secretary