

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

February 12, 2009

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, February 12<sup>th</sup>, 2009 at 7 pm by Chairman Ron Rubin.

Roll Call:	Ron Rubin	Present
	Glenn Herbert	Excused
	Jim Crevelling	Present
	Jim Bird	Present
	Mike Steppe	Excused
Alternate	Ed Seus	Present
Alternate	Jack Hoffer	Excused

Others present included: Ray Stewart/Town Bd., Bob Evans/Planning Bd., and Lynn Donaldson.

A motion was made by J.Bird and seconded by J.Crevelling to approve the December 2008 Zoning Board Minutes as written. The motion was carried unanimously,(4-yes, 0-no).

COMMUNICATIONS:

The only communications received were from the Jerusalem Planning Board with regards to Special Use/Area Variance Application #946 A&B.

NEW BUSINESS:

Application #946 (A& B) for Doug Nichols owning property off from Sid White Road requesting, Part A, a Special Use Permit to build two boat storage buildings on property owned by Mr. Nichols which has been surveyed as three separate parcels and is to be deeded separately to himself so that the existing building and the two proposed buildings will be located on their own deeded pieces of property. Part B of this application is to request an Area Variance to allow both of the new proposed buildings to be built 50 ft. wide and 120 ft. long which is 20 ft. longer than zoning allows for boat storage buildings.

Mr. Nichols was present to answer questions for board members.

Board Member Jim Bird stated that he would like to participate in the discussion but would not vote on this application, because he currently stores his boat with Mr. Nichols. He had not actually met Mr. Nichols until tonight, but felt that this disclosure needed to be on record for the meeting.

Chairman R.Rubin read the summary of motions from the Jerusalem Planning Board as follows:

1. The Planning Board reviewed and approved the SEQR short form for this special use application with a negative declaration.
2. The Planning Board reviewed and approved the Final Site Plan and Special Use with the stipulation that the cost of maintaining the private road be proportionately divided among all the property owners.
3. The Planning Board approved the additional length of 20 ft. to be added to each of the proposed buildings to be built.

Mr. Lynn Donaldson was present to represent his mother and two of his aunts who have homes located on the west side of Guyanoga Rd. and look out across the fields to the existing building as well as the area where the two proposed buildings are to be built.

Mr. Donaldson stated that for several prior years the area around the existing building has not been kept up very well having many boats located around outside the building, and has been quite an eyesore. He wished to inquire what the new proposed buildings were going to look like.

Mr. Nichols stated that the buildings would have a green roof with white sides. Mr. Nichols stated that he could paint the roof of the existing building to match the others.

Board member J.Crevelling stated that when he visited the site he noticed there was an existing hedgerow, or assortment of ash, willow and other types of trees that extended a considerable length along the edge of the property that should, in the summer time, help to improve the view. It was also noted by Mr. Donaldson that with the planting of corn in the fields, the area of the existing building and the proposed storage buildings is made more obscure, for a time, as the corn grows and gets taller until harvest time.

Mr. Nichols noted one area along the property line near the existing building does not have any potential coverage from any existing trees. He stated that he would be willing to plant some pine trees along this area that would eventually provide some screening for the existing building.

There was a brief discussion between board members, Mr. Donaldson, and Mr. Nichols, about what would be the best kind of trees to plant.

B.Evans, speaking from the standpoint of a private citizen, stated that he could attest to Mr. Donaldson's concerns about the visual of the existing building and the proposed buildings because he takes care of the lawn for Mr. Donaldson's mother, and looking across the fields at the proposed area has been an eyesore.

Chairman R.Rubin stated that for the record he wanted to point out the fact that in Article V, Section 160-27 (A) under the conditions for the granting of the special use permit for a boat storage building, it states that there shall be no more than one building per individual owner/applicant, successor, assignee, or corporation.

Chairman Rubin also noted that paragraph D states that boats shall be stored inside the walls of the building.

Board Member J.Bird stated that he had observed many boats around the lake being stored outside and it is his opinion that having some boat storage buildings in the Town are a good service for the community.

There was a question from Board Member E.Seus regarding the other boat storage building that Mr. Nichols owns on State Rt. 54A coming into Branchport from Penn Yan. It was noted that this building was built by Mr. Nichols under Special Use Permit #874, & Site Plan as well as an Area Variance. Mr. Nichols has cleaned up the area where his present building is located and the only thing he has left to do is to plant arborvitae at this location which will be done by May 30, 2009. A letter to this effect has been given to the Code Enforcement Officer.

Mr.Evans, as Chairman of the Planning Board, concurred that Mr. Nichols had in fact, made the statement at the last Planning Board meeting of his intentions to plant the arborvitae this spring.

Board Member J.Crevelling asked about the SEQR review. The Planning Board reviewed the short form with a negative declaration made at their February 5<sup>th</sup>, 2009 meeting (copy of the completed short form SEQR on file with application).

Board Member J.Crevelling then asked if the board had any direction as to how the zoning regulations should be applied when it talks about one building per applicant, and there are to be three pieces of land, but the same owner for each piece of property.

ZAP Secretary stated that when the conditions of the special use for boat storage were written up, there was more concern for not allowing a person or individual, to have more than one building for boat storage on any one piece of property.

Chairman R.Rubin had talked with Attorney Bailey and he concurred with Chairman Rubin as to one building per applicant.

ZAP Secretary stated that in discussing this issue with the CEO, it was his opinion that if the parcels were separated and meet the zoning requirements for the zone in which the property is located, then even if it were the same owner, each piece could have one boat storage building on it.

It was noted that there needed to be clarification for paragraph A as to whether it is referencing individuals having more than one building or if it means individuals being allowed to have only one existing building or one new building on each conforming lot which they own.

It was also noted that since this property is located in the Agricultural District, that if the property was owned by a farmer wishing to build a barn for Agricultural purposes, it could be built, by obtaining a building permit and meeting the same setback requirements as the boat storage building but having the ability to build a building or building(s) much greater in size than what is allowed for a boat storage building.

Chairman R.Rubin made a motion for Part A of Application #946, which was seconded by E.Seus to grant a special use permit to build one building for boat storage provided that all the conditions of the Final Site Plan by the Planning Board are met, except that there shall be no storage of boats outside the walls of the new building. There shall be sufficient landscaping to minimize the negative impact of the existing building and the new proposed boat storage building. Plantings to be in place prior to the issuance of the building permit. A copy of the three separate deeds to be on file as well as where and which lot will have the new boat storage building. \* (See modifications to Feb.min. (3/12/09) minutes.

The motion was carried with a poll of the board as follows: J.Crevelling-grant, E.Seus-grant, R.Rubin-grant.

Mr. Nichols asked who would be checking to insure that the plantings, as part of the conditions of the special use permit, are done. It was noted that it would be the responsibility of the Code Enforcement Officer to make sure that the conditions of the special use, as granted, are met. Mr. Nichols stated that upon the CEO's inspection of the plantings, he would like to have a letter of compliance that he has met the conditions as required.

Chairman R.Rubin stated that the next part of the application (Part B) was for the board to consider the area variance request to build the new boat storage building 20 ft. longer than zoning allows.

Mr. Nichols stated that from an economic standpoint, it is much more feasible and cost effective to make the building 120 ft. long versus the 100 ft. length that zoning allows. When asked how many boats could be stored in a building that is 50 ft. by 120 ft. Mr. Nichols stated that 72 boats can be stored, 3 tiers high. Mr. Nichols stated that around other lakes, such as Canandaigua, there are huge boat storage buildings

The area variance test questions for Part B were reviewed as follows: #1(1-yes, 2-no); #2(0-yes, 3-no); #3(2-yes, 1-no); #4(0-yes, 3-no); #5(3-yes, 0-no).

Mr. Donaldson stated that in his opinion, the slight increase in the building size would not make any greater eyesore than if the building were built according to the allowed size per the zoning. In the spirit of cooperation with Mr. Nichols, with his willingness to do what he can with additional plantings to screen the buildings as much as possible from the view shed from Guyanoga Rd., Mr. Donaldson did not object to the increased building size.

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

There being no further discussion, a motion was made by J.Crevelling and seconded by R.Rubin to grant the Area Variance, Part B for an extra 20 ft. of length for one new boat storage building to be built per the conditions of the special use permit and final site plan review as stated earlier and the plantings to take place as soon as possible to minimize as much as possible the view of the existing and the newly proposed building. \* See modifications to Feb. min per (3/12/09) min.

The motion was carried with a poll of the board as follows: E.Seus-approve, R.Rubin-approve, J.Crevelling-approve.

Mr. Nichols asked about the clarification of the Zoning for Article V, Section 160-27 (A) and what would be the procedure for having this looked at. There was a brief discussion by board members and participants from the audience. B.Evans of the Planning Board thought that it would be proper for the ZAP Secretary to prepare a letter with the Zoning Board Chairman's signature and send it to B.Evans as Chairman of the Planning Board to review this Section of Article V and he could then direct it to the Zoning Review Committee to be worked on for clarification.

There being no further business, a motion was made by J. Crevelling and seconded by E.Seus to adjourn the meeting. Motion carried unanimously (4-yes, 0-no). The meeting was adjourned at 8 pm.

Respectfully submitted,  
Elaine Nesbit/Secretary