

Approved

Town of Jerusalem
Zoning Board of Appeals

June 9, 2011

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, June 9th, 2011 at 7 pm by Chairman Glenn Herbert.

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

Others present included: Lawrence Muscarella, Vincent White, Max Parson/Town Bd. and others.

A motion was made by E.Seus and seconded by J.Crevelling to approve the May minutes as written. The motion was carried unanimously (5-yes, 0-no).

COMMUNICATIONS:

There were no communications

AREA VARIANCE REVIEW:

Application #981 for Lawrence Muscarella owning property at 4616 East Bluff Dr. to request area variances to build a set of stairs for beach access replacing old stairs that are in disrepair and unsafe. In addition to building new stairs, applicant would like to add a deck landing that would be larger than zoning allows, attached to the stairs located mid-way down to the beach area, and with less set-back from the rear yard property line than zoning requires.

The structure will meet side yard setbacks. The deck area as requested by the applicant is to be 168 sq. ft. and would be located 30 ft. from the center line of East Bluff Dr. This will require a 15 ft. variance from the required rear yard setback.

There were several neighbors present in support of this project.

Chairman G. Herbert noted and read from the Zoning Code R1 Zone, Article VI, Section 160-30, A(4)(b) regarding stairs and landings allowed for access from the road to the beach area.

The area variance test questions were reviewed as follows:

- 1) Could granting of the area variance change the neighborhood character: (no-5, yes-0).
- 2) Are there alternatives that would not require an area variance: (5-no, yes-0).
- 3) Is the request substantial: (4-no; G.Herbert, J.Crevelling, E.Seus, J.Hoffer) and (1-yes, D.Simpson) it is a substantial variance request due to the setback, however it will blend in with other surrounding properties which also have similar means of access.
- 4) Would the granting of this variance have potential adverse impacts on physical or environmental conditions in the neighborhood: (5-no, 0-yes) the topography in this particular area is very similar and this new structure will be a safer means of access to the beach. The stairs and deck will be built in such a way so as not to have an adverse impact on the physical or environmental conditions of the neighborhood.
- 5) Is the alleged difficulty self-created: (no-5, yes-0).

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

A motion was made by G.Herbert and seconded by J.Hoffer to grant this application as applied for. The motion is as follows: to grant a 15 ft. rear yard variance for the deck and it is to come no closer to the center of East Bluff Dr. than 30 ft. and deck size, which is part of the stair access, is to be no larger than 168 sq. ft., with the added condition that the deck is to remain open, never to be enclosed, and no roof.

The motion was to be carried with a poll of the board as follows: J.Crevelling-grant, D.Simpson-grant, E.Seus-grant, J.Hoffer-grant, G.Herbert-grant.

OTHER BUSINESS;

M. Parson talked briefly with Zoning Board members about mileage and that it would soon be time to start budget workshops again for next year.

There being no further business to discuss, a motion was made by E.Seus and seconded by J.Crevelling to adjourn the meeting. The motion was carried unanimously 5-yes, 0-no. The meeting was adjourned at 7:20 pm.

Respectfully submitted,
Elaine Nesbit/Secretary