

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

August 14th, 2014

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, August 14th, 2014 at 7 pm, by Chairman Glenn Herbert.

Roll Call:	Glenn Herbert	Present
	Jim Crevelling	Present
	Dwight Simpson	Excused
	Ed Seus	Present
	Earl Makatura	Present
Alternate	Joe Chiaverini	Present
Alternate	Rodgers Williams	Present

Others present included: Gary Dinehart/Town Bd. and Mr. & Mrs. Todd Rank.

A motion was made by J.Crevelling and seconded by G.Herbert to accept the July Zoning Board minutes as written. The motion was carried unanimously with J.Crevelling and E.Makatura abstaining from voting because they were not present at the July meeting.

COMMUNICATIONS: There were no communications for the board.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1035 for William Halbert owning property at 116 Central Ave., Keuka Park, NY requesting Area Variances for side and rear yard setbacks for a storage shed to be placed on his property. This application was tabled from the July Zoning Board meeting. A letter, dated July 15th, 2014, was sent to Mr. Halbert (copy on file with application) advising him that the Zoning Board would table his application for one month, to give him time to complete notification to neighbors for the August meeting and to pay the application fee. The letter requested notification to the Zoning office if he wished to withdraw his application.

Mr. Halbert was not present for the August meeting. The Zoning Board Secretary had not received any letter of communication from Mr. Halbert. Chairman G. Herbert made a motion seconded by E.Seus to consider this application withdrawn and if Mr. Halbert comes into the Zoning Office he will need to start the paperwork all over again. The motion was carried with 4 votes yes and J.Crevelling abstained because of being related to the Halberts.

Application #1036 for Jill and Todd Rank owning property at 3150 Fingar Rd. requesting an Area Variance to construct a pole barn 30ft. by 38ft. with proposed location of the pole barn to be set 20ft. from the west side yard property line. The required setback for an accessory structure in the Ag-Res zone is 40ft.

Mr. & Mrs. Todd were present to answer questions for board members and presented pictures of their property. Mr. Todd stated their existing wastewater absorption field is located to the west and south of their home. They have future plans of adding an addition at this end of their home. This would not allow them to do so and still leave enough room to get through between the house and the pole barn to access the wastewater absorption field, if needed, if they have to place the pole barn at the required 40 ft. side yard setback.

There was further discussion about the use of the pole barn. Mr. & Mrs. Rank stated that they would be using the building for storage, such as their boat, and lawnmower, etc. The small storage building that is currently on the property is going to be removed. The pole barn will have a concrete floor.

It was discussed among board members that this being a two acre lot was more like a residential property versus an agricultural piece of property. The discussion was based on the use of the building for its primary use whether for animals or for storage. Some board members were concerned that if this building were to be used by a future owner for animals then the side yard setback should not be half as much unless a condition could be put on the granting of the Area Variance that stated that no animals could be kept in the building if an Area Variance of 50% or 20ft. from the property line were granted. The question of putting this kind of a condition on an Area Variance is one to ask the Town Attorney.

It was pointed out by one board member that an Area Variance of 25ft. ***(or a 37% Variance)** from the side yard property line had been granted just recently, for a pole barn for horses in the Ag-Res. Zone.

* See 9/11/2014 minutes

The Area Variance Test Questions were read with the following results:

- 1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby property owners will be created by the granting of the area variance: (0-yes, 5-no).
- 2) Whether the benefit to the applicant could be achieved by some other feasible method than an area variance: (5-yes, 0-no).
- 3) Whether the area variance is substantial: (4-yes, 1-no). G. Herbert-yes, J. Crevelling-yes, E. Makatura-yes, E. Seus-yes, R. Williams-no.
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district: (0-yes, 5-no).
- 5) Whether the alleged difficulty was self-created: (5-yes, 0-no).

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

There being no further discussion, a motion was made by G.Herbert seconded by J.Crevelling to grant an Area Variance to allow the pole barn to come no closer to the west side yard lot line than 25ft. as measured from the closest point of the building including the roof overhang.

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

In granting this 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 locality.

Application #1037 for John Gettings owning property at 2918 Coated Rd. requesting an Area Variance to build a 24ft. x 24ft. garage with less setback from the south side yard property line than zoning requires in the Ag-Res. Zone.

Mr. Gettings applied for and received a building permit to build a detached garage on July 8^h, 2014. Upon staking out the proposed area of garage placement he realized he could not meet the required zoning setbacks and made application for an Area Variance. On July 28^h, 2014, Mr. Gettings came in to the Zoning Office and turned in his building permit and stated that he no longer wished to build the garage or proceed with the Area Variance Application. (Returned building permit is on file in the office with Area Variance Application paperwork).

A motion was made by J.Crevelling seconded by E.Seus to accept Area Variance Application #1037 as withdrawn. The motion was carried unanimously (5-yes, 0-no).

OTHER BUSINESS:

Board Members were made aware of the upcoming Subdivision Training that will be presented at the October 2nd Planning Board meeting, by Attorney Phil Bailey. An email sent out by Chairman Ron Rubin will be forwarded to ZBA members regarding this Training. The question brought up regarding continuing education credits for this training will be forwarded to the Town Board.

There being no further business, a motion was made by G.Herbert seconded by E.Makatura to adjourn the meeting. The motion was carried unanimously (5-yes, 0-no).

Respectfully submitted,

Elaine Nesbit/Secretary