

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

December 10th, 2015

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, December 10th, 2015 at 7 pm by Chairman Glenn Herbert.

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

Others present included: John F. Phillips/CEO, Duane Weldon, Tim Cutler/Planning Bd., Rob Martin/Town Highway Superintendent, Gary Dinehart/Town Bd., Andrew Sensenig, Ken Smith, and Jeffrey Arnold.

A motion was made by J. Crevelling and seconded by G. Herbert to approve the November Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS: Board members received the determination of Yates County Planning Board's review of Application #1060 approving the Special Use request.

NEW BUSINESS:

Highway Superintendent Rob Martin was present to talk with board members about Area Variances which are given to Property Owners dealing with setbacks to Town of Jerusalem Roads with less setbacks than the Zoning Ordinance requires.

R. Martin noted that he does not see the plans for these applications and he would like to be part of this process so that if there are concerns from a Town road standpoint, he would have an opportunity to address them either prior to the review by the board or at the time of the review by the board.

It was noted, that when applications are requested for Area Variances with regards to setbacks from Town highways, that the Jerusalem Highway Superintendent would be copied in on these applications.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1059 for Guyanoga LLC at 2885 Guyanoga Rd., Branchport, NY requesting a Special Use Permit has been withdrawn. Applicant, Jesse Worden, had sent an email stating that he was not ready to go forward with the project at this time.

A motion was made by G.Herbert and seconded by J.Crevelling to accept this application as withdrawn. The motion was carried unanimously.

Application #1060 for Andrew Sensenig for property at 3307 East Sherman Hollow Rd., Penn Yan, NY requesting a Special Use Permit to build a new 48 ft. by 68 ft. single story building to house a one-man business of custom furniture making. Includes a 24 ft. by 28 ft. showroom with examples of his work for retail sale and display.

Mr. Sensenig was present to answer questions for board members. He stated that he had purchased the property from Mr. Northrup. It was noted that when he originally filled out the application paperwork, he did not own the property and that is why Mr. Northrup's signature as owner was on the application.

The Yates County Planning Board reviewed and approved this application for Special Use and the Site Plan.

The Jerusalem Planning Board reviewed this application for SEQR at their December 3rd, meeting and determined a negative declaration for both the Site Plan and the Special Use. The Planning Board approved the Final Site Plan subject to the Zoning Board's approval of the Special Use permit.

Board members had been given copies of information that Mr. Sensenig had faxed into the Zoning Office with regards to how he would be setting up his building for putting a finish on the furniture he makes. He also provided information from Colby Petersen regarding the current wastewater system and what could be done in the future subject to review by Jerusalem's wastewater inspectors. Copies on file with application.

Board members had visited the site and noted that there was plenty of room for his building. Mr. Sensenig stated that he would have maybe one outside light "Dusk to Dawn" and it was pointed out to him by board members that while he did not have close neighbors, his outside lighting should be directed downward.

Mr. Sensenig noted that he has been building furniture for many years, but that is why he wants a small area for display for a showroom so that people coming in can see his work. Most of what he will do is take orders and build specific pieces of furniture as requested.

There being no further questions, a motion was made by G. Herbert and seconded by E. Seus to grant this application for Special Use as requested. The motion was carried with a poll of the board as follows: J.Crevelling-grant, D.Simpson-grant, R.Williams-grant, E.Seus-grant, G.Herbert-grant.

Application #1061 for Duane Weldon for property at 7891 East Bluff Dr., PY requesting an Area Variance to build a pole barn type building 20 ft. by 16 ft. with height no greater than 20 ft. This building will be perpendicular to the existing 2 ½ car garage that is located on the west side of East Bluff Dr. The requested setback from the center of the traveled is to be the same as the existing garage.

Alternate J.Chiaverini was asked to take part in the review of this application as board member D.Simpson recused himself, as a friend and near neighbor of Mr. Weldon.

Board members received a letter from adjacent neighbor Jim Bird stating his support for this requested area variance. Copy on file with application.

Mr. Weldon was present to answer questions for board members and noted that when he requested the first area variance back several years ago, he was only allowed a 15 height for the garage.

Since then, the zoning law has been amended to allow accessory structures on the opposite sides of the road away from the lake in the R1 zone to be 20 ft. high.

Mr. Weldon stated that he would be using the extra space for storage. Since he and his wife had moved here permanently from Rochester, they are always needing extra storage space.

G. Herbert noted that when the area variance was granted back in 2001 the area variance granted was for 38 ft. from the closest point of the building to the center of East Bluff Dr.

Mr. Weldon noted that his building sets about 12 ft. above the road and where his driveway accesses this part of his property it is not even useable in the winter time, once the snow comes, because it is so hard to get up there. When asked if the building was going to be enclosed, he stated that the upper storage part would be but he had not decided about the lower part because he wants to be able to get a car under cover.

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 property owners will be created by the granting of the area variance: (5-no, 0-yes).
2. Whether the benefit to 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: (5-no, 0-yes).
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district: (5-no, 0-yes).
5. Whether the alleged difficulty was self-created: (4-yes, 1-no), G.Herbert-yes, E.Seus-yes, J.Crevelling-yes, R.Williams-yes, J.Chiaverini-no.

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

There being no further discussion, a motion was made by G. Herbert and seconded by J.Crevelling to grant the Area Variance application as applied for with the building to come no closer to the center of the traveled way than 38 ft. as measured from the closest part of the building.

The motion was carried with a poll of the board as follows: E.Seus-grant, R.Williams-grant, J.Chiaverini-grant, J.Crevelling-grant, G.Herbert-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 minimal variance that will accomplish this purpose. This variance will not be injurious to the neighborhood nor alter the essential character of this locality.

Application #1062 for Jeffrey Arnold for property at 5388 West Bluff Dr. requesting an Area Variance to build a 40 ft. by 30 ft. by 20 ft. high garage with less front yard setback from the center of the traveled way than zoning requires for an accessory structure on the east side of West Bluff Dr.

Mr. Arnold was present to answer questions for board members. Chairman G.Herbert noted that the variance that the board mostly gives in these cases is a setback of 30 ft. from the center of the traveled way, which is five ft. beyond the highway right-of-way area. Mr. Arnold was fine with the 30 ft. setback distance.

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 property owners will be created by the granting of the area variance: (0=yes, 5=no).
- 2.Whether the benefit to 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: (5=no, 0=yes).
- 4.Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district: (5=no, 0=yes).
- 5.Whether the alleged difficulty was self-created: (5=yes, 0=no).

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

There being no further discussion, a motion was made by G.Herbert and seconded by D.Simpson to grant this area variance application that the garage be built no closer to the center of the traveled way than 30 ft. and this is measured from the closest part of the building including roof overhang.

The motion was carried with a poll of the board as follows: J.Crevelling-grant, E.Seus-grant, R.Williams-grant, D.Simpson-grant, G.Herbert-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 minimal variance that will accomplish this purpose. This variance will not be injurious to the neighborhood nor alter the essential character of this locality.

OTHER BUSINESS:

Chairman G. Herbert announced that Town officials would be holding interviews with potential applicants for the alternate position on the Zoning Board sometime soon in the near future. Chairman G. Herbert announced that this was Vice-Chairman Jim Crevelling's last meeting as he was resigning effective the end of the year. G. Herbert stated that he wanted to express his appreciation to Jim on behalf of the Zoning Board for the wealth of knowledge and expertise that he has brought to the board as well as all of the time he has given to the board as well as to the various committees he has served and been a part of for the Town. Jim, as Vice-Chairman, has acted as Vice-Chairman for several years, presiding over the Zoning Board meetings when Chairman G. Herbert has been away. The board gave a big round of applause to Jim.

Chairman G. Herbert announced that this would be his last meeting until May, and that he had asked Dwight Simpson and Rodgers Williams to act as Co-Vice –Chairmen for the coming year. They will be in charge of the meetings from January through April according to who-ever is available to Chair the meeting.

Board members spoke of their concern for Zoning Board member Earl Makatura wishing him a speedy recovery and looking forward to his return to the Zoning Board, hopefully for the January meeting.

CEO John F. Phillips stated that he wished to thank both Jim Crevelling and Glenn Herbert for working together with him as this would be his last meeting with both of them.

ZAP Secretary stated that Jim Crevelling has been great to work with. Always there when a Zoning issue comes up and available to check it out or come in to go over the concerns of an application coming up for review. His insight and experience has been a valuable resource for the Town of Jerusalem Zoning Board. Thanks was also given to Glenn Herbert as well for his work as Zoning Board Chairman. ZAP Secretary stated that the Zoning Board has been a good board to work with, and the willingness to work together and keeping the lines of communication open has played a large part in making our departments work well together.

In other business, ZAP Secretary stated that the Zoning Board would be receiving an application for an Area Variance to review two lots that were being formed by a new division of property proposal. This application would probably be coming in time for the February Zoning Board meeting.

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

Respectfully submitted,
Elaine Nesbit/Secretary