

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

May 14th, 2015

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, May 14th, 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
Alternate	Rodgers Williams	Present
Alternate	Joe Chiaverini	Present

Others present included: John F. Phillips/CEO, Gary Dinehart/Town Bd., Tom Reynolds, Jim & Gloria Long, and several neighbors from Crescent Beach.

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

COMMUNICATIONS:

Zoning Secretary stated that the only communications she had for the Zoning Board would be discussed under Other Business.

SPECIAL USE/AREA VARIANCE REVIEW:

Application #1045 for Jim & Gloria Long owning property at 926 Old Pines Trail requesting area variances to build a single family home with a one car garage at this location with less front and rear yard set-back than Zoning allows.

Mr. & Mrs. Long were present to answer questions for board members regarding their proposed application. It was noted by the Longs that there had been a house and garage on this lot at one time but that it was in very bad shape and had been demolished. The new home would be more conforming in its placement on the lot than the other house had been.

There were some trees that had been removed from this lot and while this was done the stakes were taken up for the location of the proposed house then put back after the work was done. This property is located in the R-3 zone. The proposed location of the new house sits parallel with the back property line and parallel with the side-walk.

The proposed location for the new house will meet the side yard setbacks. The two variances being requested are for a rear yard setback of 5.8 ft. from the rear yard property line or a variance of 23.2 ft. and a setback of 24.4 ft. from the front property line or a variance of 15.6 ft.

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 an 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: (0=yes, 5=no).

3. Whether the area variance is substantial: (2=yes, 3=no); G.Herbert=yes, J.Crevelling=no, E.Seus=no, D.Simpson=no, R.Williams=yes.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood: (0=yes, 5=no).

5. Whether the alleged difficulty was self-created: (2=yes, 3=no); G.Herbert=yes, J.Crevelling=no, E.Seus=yes, D.Simpson=no, R.Williams=no.

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

A motion was made by G.Herbert and seconded by J.Crevelling to grant this application as applied for allowing a front yard variance of 15.6 ft. and a rear yard variance of 23.2. Therefore the house shall come no closer than 6.8 ft. as measured to the rear yard property line and no closer than 24.4 ft. to the front yard property line as measured from the closest point on the house including roof overhang. These area variances are being given in recognition of the fact that the proposed house is more conforming than the previous house that was demolished.

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

In granting these area variances 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 #1046 for Mr. Thomas Reynolds and Mr. Ted Befell for property at 328 Crescent Beach, Branchport, NY requesting an Area Variance to build a deck on the south side of the recently replaced cottage at this location, which was severely damaged by flood waters last May.

The requested area variance is for lot coverage, with the replacement cottage being more conforming than the pre-existing cottage and the replacement deck being smaller than the former deck that was a concrete (patio type) deck. The proposed deck on this cottage will be located farther away from the lake than most of the decks on the neighboring cottages.

It was noted that the present situation of the two cottages on one lot was a pre-existing, non-conforming situation. The two cottages were there prior to the adoption of the zoning ordinance.

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: (1-yes, 4-no); G.Herbert-no, J.Crevelling-no, E.Seus-yes, if allowed the lot coverage is unprecedented and not totally innocuous, D.Simpson-no, R.Williams-no.

2. Whether the benefit to the applicant could be achieved by some other feasible method than an area variance: (2-yes, 3-no); G.Herbert-no, J.Crevelling-no, E.Seus-yes, D.Simpson-no, R.Williams-yes.

3. Whether the requested area variance is substantial: (5-yes, 0-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: (3-yes, 2-no); G.Herbert-yes, J.Crevelling-yes, E.Seus-yes, D.Simpson-no, R.Williams-no.

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

It was noted by the Board that there was an area variance given for a garage in 1984 for a front yard setback, but lot coverage was not taken into consideration at that time and it should have been. This was when the property was under prior ownership.

A motion was made by J.Crevelling and seconded by G.Herbert to grant the area variance for 36.7% lot coverage as requested by adding a 15 ft. by 30 ft. deck on the lake side of the new replacement cottage which the board recognizes that the replacement cottage has less sq. footage than the pre-existing cottage which was damaged in the flood and that the new deck is smaller than the concrete deck which was in place prior to the flood. The lot coverage is excessive, but the board recognizes the uniqueness of this lot, its pre-existing situation and the failure of the Town to take into consideration the issue of lot coverage back in 1984 when the area variance for the garage was given.

The motion was granted with a poll of the board as follows: D.Simpson-grant, R.Williams-grant, E.Seus-abstain, G.Herbert-grant, J.Crevelling-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 minimum 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:

Zoning Secretary passed out Application #1047 from Upstate Cellular Network d/b/a Verizon Wireless requesting Site Plan and Special Use for a 125 monopole cell tower with an additional 4 ft. lightning rod on top of the monopole tower. Requested placement for this tower is at 3338 County House Rd. , Penn Yan, NY.

This application for Site Plan Review will be on the June 4th Planning Board agenda and for the Special Use Permit will be on the June 11th Zoning Board Agenda.

The Zoning Board discussed the fact that there will be a SEQR review for both the Site Plan and the Special Use for this application that can be done as one review. A motion was made by G.Herbert and seconded by J.Crevelling to send a request to the Jerusalem Planning Board asking them to act as the reviewing agency for the SEQR on this application. The motion was carried with a poll of the board as follows: E. Seus-agree, D. Simpson-agree, R.Williams-agree, J.Crevelling-agree, G.Herbert-agree.

A request for SEQR Review will be sent to the Planning Board by the Zoning Board Secretary.

There being no further business, a motion was made by D.Simpson seconded by R.Williams to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned.

Respectfully submitted,

Elaine Nesbit/Secretary