

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

February 11, 2016

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, February 11, 2016 at 7 p.m. by Co-Chairman Rodgers Williams.

Roll Call	Glen Herbert	Excused
	Rodgers Williams	Present
	Dwight Simpson	Present
	Ed Seus	Present
	Earl Makatura	Present
Alternate	Joe Chiaverini	Present
Alternate	Kerry Hanley	Present

Others present included: Richard Willson, Tim Cutler/Planning Board, Dan Oglesby, Paul Andersen/Town Board, and Richard Curbeau.

There was a typo for Mr. Hendrik Keesom's first name in one place in the January Zoning Board minutes which the Zoning Board Secretary has corrected. A motion was made by E.Seus and seconded by E.Makatura to approve the January Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

The Yates County Planning Board reviewed Application #1063 for Area Variance at their meeting on January 28th, 2016 and made a determination to approve the Area Variance as requested.

AREA VARIANCE/SPECIAL USE REVIEW

Application #1063 for Richard Willson owning property at 2447 State Rte. 54A, Penn Yan, NY 14527 requesting an area variance to create a lot with less than an acre of land and less frontage at the road than zoning requires for a lot located in the (B1) General Business Zone.

Mr. Willson was present to present his application. He noted that he currently has a lease arrangement with Mr. Tom Metarko for the building which houses the "Jiffy Lube" which has been in its present location since approximately 2004. The present business is pretty much self-contained and has been working out very well at this location.

Mr. Willson noted that he could probably come up with the required acreage for this lot but would not be able to meet the required 150 ft. road frontage. He noted that the acreage that might be given to this lot would not be useable property since it is pretty much located in a wetlands area down behind his cinder-block building.

Dan Oglesby, an adjacent property owner of the "Go-Kart Track" was present and stated that he had purchased his property from Mr. Willson in 1998. He and Mr. Metarko use the same driveway for their customers and since their hours of operation for their businesses are different, it has always worked out very well. Mr. Oglesby stated that he has talked to Mr. Metarko and if he were to purchase the property that his building sits on, that he would have no problem with their shared use of this driveway continuing. Mr. Oglesby stated that he has an agreement that Mr. Metarko is willing to sign that states that Mr. Oglesby's customers would still have the use of the driveway and parking along the chain-link fence.

Co-Chairman R. Williams stated that this was one of the conditions of the Site Plan approval for the "Jiffy Lube" that this driveway would be shared since the State DOT did not want to make another curb cut at this location.

In referencing the make-up of the property, Co-Chairman D. Simpson stated that while he was not opposed to a separate lot, he is having a hard time with approving the creation of a lot that is as much out of conformance as this lot will be.

Mr. Willson stated that he had talked about turning this "Wetlands" property over to the Town or the Village of Penn Yan for public use of some sort. He noted, however, that to give enough of the land to make the lot an acre would be for logistics only, it would not be useable land, only from the standpoint of saying it meets the zoning criteria. D. Simpson pointed out, that there have been other properties that have lands associated with them, that this does make a difference, one being, lot coverage. Another area that was mentioned was Crescent Beach and the increased lot sizes from the wetlands area behind them.

A question was raised as to the possibility of Mr. Willson making the lot conform to an acre of land and then give an easement over the property for the public use. It was noted that since this area is in the Wetlands anyways, there is very little that anyone can do with it since it is protected by Wetland regulations. It was suggested that perhaps Mr. Willson could speak with Mr. Metarko about re-negotiating the purchase of the property and he would be willing to have an easement over this portion of property that is in the "Wetlands" area that could be used by the public in some way.

Mr. Willson talked about a walk bridge through the "Wetlands" that would connect the Indian Pines Park to the Outlet Trail.

There was more discussion among the board members regarding this lot and it was the consensus of the board members that they would like to see Mr. Willson try to re-survey the lot and see if he could come up with an acre of land so that there would only be one area variance to grant for the road frontage.

Mr. Willson stated that he would be willing to re-do the survey and come back with an amended lot request. He asked board members what type of lot configuration would be acceptable for meeting the one acre requirement. There was some discussion about this, again surrounding the fact that it is in the "Wetlands" area and there is not much to be done with this area of land anyways.

Zoning Board Minutes
February 11, 2016

A motion was made by R.Williams and seconded by D.Simpson to table this application until the March 10th meeting. The motion was carried with a poll of the board as follows: E.Seus-table, E.Makatura-table, J.Chiaverini-table, R.Williams-table, and D.Simpson-table.

OTHER BUSINESS:

There was no other business for discussion for the board. The zoning secretary stated that there were 3 new applications coming up for the March Zoning Board meeting.

A motion was made by K.Hanley seconded by D.Simpson to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned.

Respectfully submitted,
Elaine Nesbit/Secretary