

Approved

Town of Jerusalem
Zoning Board of Appeals

June 9, 2016

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, June 9th, 2016 by Chairman Glenn Herbert at 7 p.m.

Roll Call:	Glenn Herbert	Present
	Ed Seus	Present
	Earl Makatura	Present
	Rodgers Williams	Present
	Joe Chiaverini	Present
Alternate	Kerry Hanley	Present
Alternate	Ken Smith	Present

Others present included: Wendy Meagher, Cathy Fisher, Jim & Denise Toomey, Steve & Jane Smith, Tim Cutler/Planning Bd., William Hanley, Ron Rubin/Town & County Pl. Bd., Mr. & Mrs. Joe DeGeorge, Joi McMurtry, Kevin Zimmerman, Calvin Zimmerman, Aaron Martin, Zac DeVoe/Code Enforcement, and others.

A motion was made by E.Seus seconded by R.Williams to approve the May Zoning Board minutes as written. The motion was carried unanimously.

Chairman G.Herbert took a moment to welcome new alternate board member Ken Smith to the Zoning Board of Appeals.

COMMUNICATIONS:

There were communications for Application #1072 from the Jerusalem Planning Board which would be noted later in the meeting.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1071 for Todd and Cathy Fisher owning property at 6637 East Bluff Dr., Penn Yan, NY and represented by Meagher Engineering, requesting an area variance to replace an existing home at this location with a home that is larger in size than the existing one. This application was tabled from the May meeting.

Wendy Meagher, P.E. of Meagher Engineering was present to explain about the requested area variance and answer questions for board members.

Ms. Meagher had sent a revised set of plans to the Zoning Board members prior to the meeting which had down scaled the size of this project. The current project proposal was to still remove the existing non-conforming garage but to add a two-car garage in place of the previous plans of a three-car garage to the new proposed house replacement and to remove some of the proposed decks so that overall the additional lot coverage would only be increasing by 2.1% for an overall lot coverage of 22.1%.

The plans to re-locate the driveway and to add a trench drain and bring all of the downspouts into a stormwater management system that will bring all of the storm water into an area at the side of the property that will be treated before going into the lake are still part of the new proposed plan. The idea being that although they are adding slightly more impervious surface, the runoff is being collected into the area for treatment as explained earlier before being released into the lake. This is all remaining as it was before.

Ms. Meagher had sent pictures of the proposed home to the board members and stated that when they (the engineers) had first met with the building department they were of the understanding that height of the home was determined by taking an average of the grades on all sides and then making a determination of height from that number.

It was noted by Code Officer/Z.DeVoe, when asked by Chairman G.Herbert about determining average grade, that the average grade is determined by taking the highest and lowest side elevation of the proposed building and averaging the two for the average grade from which to determine the proposed height. Based on this calculation, the proposed height as shown on the plans was not correct by their method of determination. A question was asked if the engineer knew what the roof pitch was going to be. This information was not on the drawing. Questions regarding what impact this height would have for neighbors living on the other side of East Bluff Dr. were next.

Several property owners were present with concerns as to how their property would be affected if this home were to be built as presently applied for without knowing for sure about the height. Questions were asked as to what level the basement was going to be built at. Would it be started at a lower level than the existing home. There were questions with respect to the existing garage and how the proposed new house would compare from a height perspective from across the road. Property owners living on the west side of East Bluff Dr. described their view with respect to the existing garage and an existing electric line that is above this garage. They noted that right now they had a clear view of the lake over top of the existing garage from their homes. The question was asked about the proposed roof pitch of the new proposed home. The engineer did not have this information, but stated that she could get the information from the architects.

G.Herbert asked board members what concerns they had with regards to this application. The consensus of the board members was that the lot coverage having been scaled down to 22.1% was more acceptable as a revised area variance request. The concerns, as raised by adjacent neighbors, was what the actual height of this proposed dwelling is going to be and whether or not it will be within the allowed 35 ft. or if it is needing an area variance to go over the allowed height of 35 ft.

Chairman G. Herbert along with the other board members felt there were still unanswered questions with regards to the proposed height of the new house. Without additional information as to the roof pitch and without knowing the exact grade from which the height is being measured, the board is not in a position to make a determination at this time. G.Herbert noted that as a board they also needed to take into consideration the existing neighborhood and the existing surrounding homes with respect to the zoning district in which the proposed home is located and what area variances are being asked for.

The engineer spoke of her concern with regards to the driveway and not having to make it any steeper in order to access the house if they have to build lower on the property. It was noted by one of the board members that with today's technology there are creative ways to deal with these types of situations where needed.

Rather than make a decision regarding the lot coverage for this application and until the board could get more information with regards to the actual proposed height, it was decided to table this application one more time until the July Zoning Board meeting and Chairman G.Herbert requested that the engineer give the board a drawing that would show the proposed height of the new dwelling and the average grade from which they were making this determination based on the discussion of this meeting by taking the elevation on the side at the highest point of the building and the elevation on the side at the lowest point of the building and coming up with an average grade elevation from which to start measuring from to determine the building height.

He also asked that the roof pitch be shown for the building as well as giving some kind of an indication as to what the height will be as seen from road level.

Since the board members felt that there was some missing information with regards to this application, it was decided not to make any decision with regards to lot coverage (although they, as a board, are comfortable with the requested lot coverage as shown by the revised drawing), however it was decided to wait for the applicant to come back to the July meeting with more information regarding the height of the building before a final review and determination can be made.

A motion was made by E.Seus seconded by E.Makatura to table this application one more time until the July meeting so that the applicant could give the board additional information. The motion was carried unanimously.

Application #1072 for Kevin Zimmerman owning property at 3506 Adams Rd., Penn Yan, NY requesting a Special Use Permit to operate a Dog Kennel. The purpose of the dog kennel is to breed dogs to have puppies to sell to Pet Shops. The size and type of dogs that Mr. Zimmerman plans to raise are smaller type dogs.

G.Herbert stated that since 1990 five special use permits for dog kennels had been applied for. It was noted that another Mr. Zimmerman had applied for and received a special use permit for a dog kennel in 1995. Kevin Zimmerman stated that it was his dad.

The applicant, Mr. Zimmerman, went on to present his building plans and to describe his business plan to the board members. He owns approximately 6 acres so there will be plenty of room out behind the barn that he plans to build for an exercise area for the dogs to run in. The barn will be 26 ft. by 46 ft. with a one foot gable overhang and one foot eave overhang. Inside the barn he will have pens for the dogs 3 ft. by 5 ft. that will allow for two dogs in each pen and they will have a 5 x 10 area in front of each pen that they can go in and out of any time they want to.

Mr. Zimmerman stated that he would be under the regulations of USDA and would be inspected at least once if not twice a year. These inspections are unannounced so everything needs to be kept up and in accordance with their regulations in order to stay open and not be shut down.

In addition to the smaller exercise area, there would be a larger fenced in area outside of the barn that would be used in the better weather months for the dogs to be outside and have a larger area to get more exercise.

Mr. Zimmerman stated that part of his plan was to put up a privacy fence around the dog runs to minimize the noise.

It was noted by Mr. Zimmerman that he had been around dogs most of his life. His brother raises dogs and there are others that have raised dogs that he has been around. He likes dogs and right now he has a full-time job working for his brother, but would like to be able to start up his own business of raising puppies for Pet Shops.

There were concerns from interested citizens who work with the local Yates County Humane Society that have concerns about more dogs being breed and once these dogs have served their usefulness they become abandoned and then end up at the Humane Society. In some cases, in fact, fairly recently, an abandoned female dog with puppies was found and taken into the Humane Society and it was a kennel dog because the dog's feet were curled under from having been on a wire cage floor. A limit on the number of dogs that are allowed is something to be considered. Also, perhaps the Town needs to take a look at its dog kennel regulations to see if they are adequate as permitted by a special use.

In response to this, Mr. Zimmerman stated that in order to be able to sell his puppies they would have to be checked by a Veterinary and given a clean bill of health before they could leave the premises. Keeping his dogs healthy would be the only way he could start, grow and keep his business going.

A question came up about the plan for the dog waste and how it would be disposed of. Mr. Zimmerman stated that it would be placed in a compost pile and spread on the field during the spring and then plowed under.

Noting the Planning Board's recommendation, a motion was made by G.Herbert seconded by E.Seus to grant the special use application with a condition that there be a limit of 10 breeding females on the property to begin with. In the future, Mr. Zimmerman can come back to the Zoning Board to expand on this number, once his business gets underway and all goes well.

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

OTHER BUSINESS:

There was no other new business, Zoning Secretary stated that there are already two applications for the July meeting, with possibly more to come.

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

Respectfully submitted,
Elaine Nesbit/ZBA Secretary