

Approved

Town of Jerusalem  
Zoning Board of Appeals

September 8<sup>th</sup>, 2016

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, September 8<sup>th</sup> at 7 pm by Chairman Glenn Herbert.

Chairman G.Herbert asked all present to stand for the Pledge to the Flag.

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: Gary Dinehart/Town Bd., John & Jeanne Allen, Jim Coots, Don Miller, Darlene Brezinsky, Zac DeVoe/CEO, and other interested citizens.

A motion was made by R.Williams seconded by G.Herbert to approve the August Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

Yates County Planning Board notice of approval of Site Plan for Application #1078 for 410 Chestnut St.

Jerusalem Planning Board notice of negative declaration for SEQR for Site Plan and Special Use for Application #1078 and Notice of approval for Site Plan for Application #1078.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1077 for John & Jeanne Allen for property at 9311 East Bluff Dr., Penn Yan requesting an Area Variance to add a bedroom, bathroom and porch addition to an existing home which will increase the area lot coverage such that it will exceed the allowable 20% that zoning allows for a lot that is located in the (R1) Lake Residential Zone by 5.4%.

Mr. & Mrs. Allen were present to present their plan of what they wanted to do as well as their contractor Jim Coots. It was noted by the Allens that they have owned this property for about ten years and their family has grown up and they are in need of more room for when they all get together at the cottage. In addition, the Allens stated that this will eventually be their year round home and they will be living here full time.

Mr. Allen stated that they had been back to the drawing board several times with their contractor to reduce the size of the additions and decks and had come up with the revised lot coverage of 25%.

Mr. Coots, their contractor stated that each lot is different and the Allens had taken into consideration their neighbors so as not to affect their view of the lake. By building outward rather than upward, so as not to affect the view of the neighbors across the road on the north and south side.

E. Seus stated that the request of 25% lot coverage was excessive and is not in line with the comprehensive plan. This was the consensus of the other board members as well.

There were questions from other board members about the decks and if they were constructed out of concrete or pavers or some type of material that would not contribute to lot coverage.

The area variance test questions were reviewed with the following results:

1)Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties 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-yes, 0-no).

3)Whether the requested area variance is substantial: (5-yes, 0-no).

4)Whether the proposed area 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 discussed what would be an agreeable lot coverage to grant for this area variance. 22% and 23% was discussed and board members agreed to compromise at 22 ½%.

A motion was made by G.Herbert and seconded by E.Seus to grant the Area Variance to allow the lot coverage to be no greater than 22 ½%.

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.

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

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.

Application #1078 for Don Miller for property located at 410 Chestnut St, Keuka Park requesting a Special Use Permit to change a single family home into a two family home.

Mr. Miller had the Code Enforcement Officer out to visit the site and look at the home and stated that the house with the walkout basement could be converted into a two-family home with some additional changes that would be needed to meet code.

Mr. Miller stated that he had some future plans to possibly make an additional parking area on the east side of the house but he does have enough parking at the present time with the existing driveway and attached garage to meet code for a two-family home.

Mr. Miller noted for board members that he had drawings for what he planned to do inside if any of the board members wanted to see what his inside plans were. He stated that the house is on public water and sewer.

Mr. Miller noted that he owns one other rental property in Keuka Park which is a one family dwelling.

A board member asked and an adjacent neighbor had some questions and concerns about whether this property would be used for student housing and would there be enough parking.

Chairman G. Herbert stated that while the Site Application for this project was approved at the County level in August but due to an over-site, the Special Use Application didn't get to the County Planning Board in August, therefore, it will be in front of the Yates County Planning Board at their October meeting since they are not having any meeting in September.

The Jerusalem Planning Board approved this application for the Site Plan and gave a negative declaration for the SEQR review for both the Site Plan and the Special Use Application.

A motion was made by G.Herbert and a second by R.Williams to approve the Special Use Permit for the conversion of the single family home into a two-family home per the special use request conditioned on the review by the Yates County Planning Board at their October Planning Board meeting.

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

#### OTHER BUSINESS:

There was a discussion regarding an up-coming application #1080 for Skyline Trading Post which is currently operating under a Special Use permit that was granted in 2004. The owner wishes to do some changes within the facility which would be considered as a phase 2 update as noted in the granting of the original special use decision. The applicant has made an application for a phase 2 upgrade with an attached floor plan for interior design changes.

A motion was made by G.Herbert and seconded by R.Williams to have the Planning Board be the lead agency for the SEQR review for this application. The motion was carried unanimously.

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

Respectfully submitted,  
Elaine Nesbit/ZAP Secretary