

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

February 9<sup>th</sup>, 2017

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, February 9<sup>th</sup>, 2017 at 7 pm by Vice-Chairman Rodgers Williams.

Vice-Chairman Rodgers Williams asked all present to stand for the pledge to the Flag.

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

Others present included: Gerald Kernahan, P.E., Jennifer Clancy, Michael Donovan, Kevin Smith, Ian Sanrra, and Conor Clancy.

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

COMMUNICATIONS:

Yates County Planning Board reviewed Application #1085 for Area Variance at their January 26<sup>th</sup>, 2017 meeting and a motion was made to approve this application.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1085 for Douglas Potter owning property at 834 Esperanza Dr., Keuka Park, NY and being represented by Gerald Kernahan, P.E. requesting an Area Variance to build a garage/barn at this location for vehicle and property storage with the height of the barn/garage to be 24 ft. high, which is a height greater than what is allowed in the (R1) Lake Residential Zone for a lot that is located between the road and the lake.

There were some boy scouts present to learn about Zoning and how the application process works and Mr. Kernahan took the time to have them come to the table as he presented Mr. Potter's application to the Zoning Board.

Mr. Kernahan explained that a Steep Slopes application had already been presented to the Jerusalem Planning Board and had received approval for a driveway to be put in that would go down to the lake from the upper part of Mr. Potter's lot and, if approved, from the barn/garage.

Mr. Kernahan went on to explain why an Area Variance was being applied for and the fact that the neighbors had to be notified and were notified and no one had responded to the letters. No one was present at the meeting to speak for or against the barn.

The height of the garage is determined by going to the lowest side of the building and taking the average of the two measurements which are 761 at the low end and 769 at the high end which is a difference of 8 ft. divided by 2 which is 4 ft. and he explained to the boys that is how it is determined that the height being asked for is 24 ft. high from the mid-point.

Mr. Kernahan also noted for the boys that the main reason for asking for the Area Variance is because the Zoning only allows for a fifteen ft. allowance for an accessory building in this particular area due to the fact that if there are other cottages or homes behind a property, it could impact the view of another property owner. In this case, however, there are no homes directly behind this property and, in fact, there are some fairly tall trees where this barn/garage will be built that will have it quite well hidden from view. It will be located well below the road and will not impact anyone's view.

Board members were asked if they had concerns and no one had any real concerns with this application based mostly on the fact of the property location and the proposed location for this barn/garage. It is to be placed in such a way so as not to impact neighbors views or their properties.

It was noted for the boy scouts that we have zoning rules and regulations to protect properties around our lake and to keep the lake and our community as great as it is.

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: (0-yes, 5-no).
- 2)Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (2-yes, 3-no). R.Williams-no, E.Maktura-yes, E.Seus-no, J.Chiaverini-yes, K.Hanley-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 condition of the neighborhood or district: (0-yes, 5-no).
- 5) Whether the alleged difficulty was self-created: (5-yes, 0-no).

There being no further discussion, and the board members being in unanimous agreement that this is a SEQR Type II action, a motion was made by R.Williams to grant this application to allow the construction of the proposed barn/garage according to the plans to be built at a height no greater than 20 ft. as measured from the finished floor of the garage. The motion was seconded by E. Makatura and carried with a poll of the board as follows: J.Chiaverini-grant, K.Hanley-grant, E.Seus-grant, R.Williams-grant, E.Makatura-grant.

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**OTHER BUSINESS:**

The board members thanked the boys for coming to the board meeting to learn about zoning and how the application process works.

There being no other business before the board, a motion was made by R.Williams and seconded by K.Hanley to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned.

Respectfully submitted,  
Elaine Nesbit/Secretary