

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

December 13th, 2018

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, December 13th, 2018 at 7 P.M. by Chairman Glenn Herbert. Chairman G.Herbert opened the meeting by welcoming everyone and asking all to stand for the pledge to the flag.

Roll Call:	Glenn Herbert – present
	Rodgers Williams – present
	Ed Seus - present
	Earl Makatura – present
	Joe Chiaverini – excused
Alternate	Ken Smith – present
Alternate	Lynn Overgaard – present

Others present included: Gary Miller, Scott Hall, and an adjacent neighbor.

A motion was made by R.Williams and seconded by K.Smith to approve the November Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

There were no communications.

G. Herbert took a moment to introduce our new alternate, Lynn Overgaard, and welcomed her to the Zoning Board.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1146 for Gary Miller for property at 3276 H. Davis Road, Keuka Park, requesting an Area Variance to place a 10 ft. by 14 ft. storage shed closer to the north west corner of the property line at 20 ft. where 40 ft. is required and 25 ft. from a proposed new rear yard property line where 45 ft. is required.

Mr. Miller was present with a site plan to show the board members the proposed placement of the shed on his property and to show the area of land that he is proposing to deed to his children which is the reason why he is asking for the area variance.

It was noted that the building would not be on a permanent foundation. It was also noted that the lot that they would be retaining would be a conforming one. It was stated by Mr. Miller that he was trying to keep the proposed new rear yard lot line consistent with an existing fence line that is currently on the property.

One board member asked if Mr. Miller intended to house any animals in this building and he stated that the building was not going to be used to house any animals.

The area variance test questions were read and 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: (4-yes, 1-no) G.Herbert-yes, R.Williams-no, E.Seus-yes, E.Makatura-yes, K.Smith-yes.
3. Whether the requested area variance is substantial: (1-yes, 4-no) G.Herbert-no, R.Williams-no, E.Seus-no, due to the surrounding area and location, E. Makatura-yes, K.Smith-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: (5-no, 0-yes).
5. Whether the alleged difficulty was self-created: (5-yes, 0-no).

The board members were in unanimous agreement that this is a SEQRA Type II action.

G.Herbert noted that the Town is currently working on some code changes and in particular, a change to the setbacks for accessory structures in the Agricultural Residential Zone when they are located on smaller lots, such as the area variance application that the board is currently reviewing this evening.

G.Herbert made a motion to grant this application as requested at 20 ft. from the side yard lot line and 25 ft. from the proposed rear yard lot line. This distance is based on the measurement from the closest part of the building to the property lines including the roof overhang. A condition that was added to the granting of this area variance is that there would be no animals housed in this shed.

The motion was seconded by K.Smith and carried with a poll of the board as follows: E.Makatura-grant, R.Williams-grant, E.Seus-grant, K.Smith-grant, G.Herbert-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 minimal variance that will accomplish this purpose. This variance will not be injurious to the neighborhood nor alter the essential character of this location.

OTHER BUSINESS:

G.Herbert gave a brief update regarding pre-existing, non-conforming buildings and the proposed changes that have been worked on by the CEO and two Town Board members. These proposed changes are being reviewed by the Town Attorney for the appropriate legal purposes and then they will at some future date be brought to the Town Board and a public hearing will be set for their review. G.Herbert noted that these changes take time, but progress is being made.

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Mr. Hall, who was present, and had attended the November meeting. He thanked Mr. Hebert for the update and stated that he would be coming to the board in the future, possibly needing an area variance, however, he appreciated the Town's efforts in reviewing these changes.

In a discussion for deciding who would be the Officers for the Zoning Board for 2019, a motion was made by K. Smith and seconded by E. Makatura to have Glenn Herbert continue as the Zoning Board Chairman and Rodgers Williams continue as the Deputy Chairman for 2019. The motion was carried unanimously.

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

Respectfully submitted,
Elaine Nesbit/Secretary