

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, April 11th, 2019 at 7 pm by Chairman Glenn Herbert.

Chairman Herbert welcomed all to the meeting and asked 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	Present
Alternate	Ken Smith	Present
Alternate	Lynn Overgaard	Present

Others present included: Ronald & Cheryl Page, Gordon & Maureen Valentine, Cheryl Pierce, David Blaisdell, Donald & Barbara Corbett, Daryl Jones/Town Bd., and Jamie Sisson/Town Bd.

He then turned the meeting over to Vice-Chairman R. Williams for the approval of the March minutes and to continue the review for Application #1153 for Ronald and Cheryl Page which was tabled from the March meeting.

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

COMMUNICATIONS:

There was one letter of communication regarding Application #1154 (copies distributed to board members) with one on file with application.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1153 for Ronald and Cheryl Page for property they own giving them lake access which is located on the east side of East Bluff Dr. across the road from 4500 East Bluff Dr. The requested area variance is to provide a 10 ft. by 12 ft. deck along with a set of stairs which will give them lake access with the deck being larger than the allowed landing size of 16 sq. ft. and the deck being closer to the rear lot line and the north side yard lot line than zoning allows. This property is located in the (R1) Lake-Residential Zone.

Mr. & Mrs. Page were present to discuss with the board members their reason for wanting the larger deck area built in with the stairs to the beach area.

At the previous month's meeting Mr. & Mrs. Page had agreed to move their deck away from the north side yard lot line to meet the required 10 ft. setback. In doing so, however, it had changed the distance of the setback of the deck from the highwater mark since the lot becomes narrower towards the south end.

Not knowing exactly what the measurement from the closest corner of the proposed deck to the high-water mark would be, the board had asked for the property owner to have her surveyor mark both the northeast corner and the southeast corner of the proposed deck to the highwater mark and to have these measurements for this board meeting.

This had been done and Mrs. Page had submitted paper work from her surveyor, Dave Andersen, showing these distances. Board members had received copies, one on file with the application.

The SEQR test questions had been reviewed at the March meeting.

A motion was made by R.Williams and seconded by E.Makatura to approve the area variance for the proposed deck with the southeast corner to be no closer to the high-water mark than 7.2 ft. and the northeast corner to be no closer than 9.8 ft. In addition, the northwest corner of the deck shall be 24.7 ft. from the center line of the road and the southwest corner shall be 25.2 ft. from the center line of the road. These are the measurements taken from the submitted Andersen survey (on file).

It was also noted that the deck could not be enclosed or have a roof over it as a condition of the variance.

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

The board members were in unanimous agreement that this was 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 minimal variance that will accomplish this purpose. This variance will not be injurious to the neighborhood nor alter the essential character of this location.

Application #1154 for Gordon Scott Valentine for property at 4265 West Bluff Dr., Bluff Pt., NY, requesting an Area Variance to install an elevator lift onto a pre-existing permanent dock to support a boat. The location of the lift would reside on the southwest corner of the dock. The requested area variance would allow for the lift arms to extend 2 ft. into the 10 ft. setback area of the property lot lines extended outward from the shoreline. This property is located in the (R1) Lake-Residential Zone.

Mr. Valentine was present to review his submitted paperwork and to explain why there wasn't another very good place for this lift to be placed that would work. He noted that he did not have a pontoon boat, which was shown in the pictures. He had submitted this photo to help show the lift arms in comparison to the boat size and he did hope someday to have a larger boat that would require this type of lift.

One board member thought the applicant could move the boat lift to the opposite side of the permanent dock, i. e. the northeast side, however Mr. Valentine noted that it was quite shallow in the one area for a boat and if moved farther to the east he would still need an area variance for at least one of the lift arms.

Board members had received a letter from the adjacent neighbor most affected by this area variance who had no concerns regarding this request. (Copy on file with application).

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 sought by the applicant can be achieved by some other feasible method than an area variance: (0-no, 5-yes).

3)Whether the requested area variance is substantial: (4-no, 1-yes). G.Herbert-no, R.Williams-yes, E. Seus-no, E.Makatura-no, J.Chiaverini-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: (0-no, 5-yes).

Board members were in agreement that this would be a SEQR Type II action.

A motion was made by E. Makatura and seconded by E. Seus to grant this Area Variance application as proposed with the distance of the lift arm at point "D" perpendicular from the permanent dock to be no longer than 7 ft. 9 ¼ in. and the distance of the lift arm at point "C" perpendicular from the permanent dock to be no longer than 9 ft. 1 in. as per the submitted materials and drawings on file with this application.

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

Application #1155 for David Blaisdell for property at 8609 East Bluff Dr., Penn Yan, to request an Area Variance to add a new deck and walkway to an existing boathouse. There was an original deck which has been removed that went from the boathouse all the way to the highwater mark. This property is located in the (R1) Lake-Residential Zone.

Mr. Blaisdell stated that this property has been in his family since 1985 and they would like to keep it but there is quite bit of work that needs to be done since it has fallen into somewhat of a state of disrepair. He has been slowly working at this with his contractor Chuck Champlin and some of the work has been done.

After Mr. Blaisdell had sent out the letters, he received some concerns from his neighbor to the south who would be most affected by this new proposed deck walkway addition. He and his contractor got together to come up with a plan to remove a small portion of the proposed new deck so as to not obstruct the neighbor's view.

The proposed walkway portion of this project will be expanding towards the north and slightly to the east which would be in a conforming direction. The proposed deck addition while it will be expanding towards a conforming direction, will not start out that way since it will be attached to the boathouse which is pre-existing, non-conforming building because it does not meet the 10 ft. side yard setback from the south side-yard property line. An area variance of 8 ft. is needed for the proposed deck since it will be 2 ft. from the south side yard property line. The new proposed deck, while not entirely more conforming, is more conforming than the pre-existing deck that was built out over the high-water mark.

The old non-conforming deck was approximately 244 sq. ft. and the new deck is 120 sq. ft.. In addition, the revised paper work submitted by the applicant shows the removal of a small corner of the deck on the southeast corner so that the view of the neighbor to the south would not be impeded.

A Certificate of pre-existing, non-conformance had been issued for this property by the Code Enforcement Officer.

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: (2-no, 3-yes); G. Herbert-no, E.Seus-yes, R.Williams-no, J.Chiaverini-no, E.Makatura-yes (because the addition is closer to the side yard property line).

2)Whether the benefit sought by the applicant can be achieved by some other feasible method than an area variance: (1-no, 4-yes); G.Herbert-yes, E.Seus-yes, R.Williams-yes, J.Chiaverini-no, E.Makatura-yes.

3)Whether the requested area variance is substantial: (1-no, 4-yes). G.Herbert-yes, R.Williams-yes, (the proposed deck walk request is substantial given its location E. Seus-yes, (for the same reason) E.Makatura-no, (that's why the Area Variance was asked for), J.Chiaverini-no (proposed deck walk-way is less non-conforming than the old deck that was removed).

4)Whether the proposed area variance will have an adverse effect or impact on the physical or environmental condition of the neighborhood or district: (3-no, 2-yes): G.Herbert-no, E.Seus-yes, R.Williams-no, J.Chiaverini-no, E.Makatura-yes.

5)Whether the alleged difficulty was self-created: (0-no, 5-yes).

A motion was made by R.Williams and seconded by G.Herbert to grant the Area Variance application for a 120 sq. ft. deck which is replacing a pre-existing, non-conforming 244 sq. ft. deck which was located with no front yard setback from the high-water mark.

The new deck requiring an Area Variance of 8 ft. or requesting to be 2 ft. from the south side yard property line is less non-conforming than the old 244 sq. ft. deck by 124 sq. ft. The deck is not to have a roof over it. This motion is per the revised submitted drawing provided at the Zoning Board meeting, copy on file with application.

The motion was denied with a poll of the board as follows: E.Seus-deny, while decreasing the degree of non-conformity, the proposal also increases the degree of non-conformance; E. Makatura-deny, because even though the request is less non-conforming than the deck that was previously there, it is only two feet off from the south side yard property line; J. Chiaverini-grant; R.Williams-deny, needs to look for an alternative place to build that would be in conformance; G.Herbert-deny.

OTHER BUSINESS:

Board members had been given an update regarding the Crispin Hill Site Plan/Special Permit. Copy on file with original Site Plan & Special Use Application. The Planning Board had reviewed these amendments and had no issues with any of them.

A copy of a letter (one on file with update paperwork) from Highway Superintendent Rob Martin was also part of this review for the main purpose of allowing for a sign in the Town right-of-way to help better direct traffic during the events that have been booked for the 2019 Season.

The Zoning Board had for the most part reviewed these issues before and had no problems with any of the items listed.

Special Use #1133 for Matthew Sensenig for his Dog Kennel located at 2203 Italy Friend Rd. G. Herbert stated that Code Officer Zac DeVoe have been working together with Mr. Sensenig to try to come with some alternative ways to help with the dogs barking. A couple of suggestions have been to try the use of "white noise" (pitched so that wild animals don't come around real close), large barn fans, etc. G.Herbert suggested that if any of the board members had any other ideas, that they should get with Zac for possible help for this problem.

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

Respectfully submitted,
Elaine Nesbit/Secretary