

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

June 10th, 2021

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, June 10th, 2021 at 7 pm.

The meeting opened with everyone standing for the pledge to the Flag.

Roll Call:	Rodgers Williams	Present
	Earl Makatura	Excused
	Joe Chiaverini	Present
	Lynn Overgaard	Excused
Alternate	Jim Bird	Present
Alternate	Steve Schmidt	Present

Others present included: Michael Klein, Larry Barnes, Bill Grove of Grove Engineering, Kris Jensen, Robert Plummer, Tim Driscoll, Jeff Arnold, and Daryl Jones/Town Board.

A motion was made by J. Bird and seconded by S. Schmidt to approve the May Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS: No communications had been received.

AREA VARIANCE/SPECIAL USE

Application #1195 for Judith Mraz for property at 7266 East Bluff Dr. PY requesting Area Variances to construct a new 6 ft. tall by 62 ft. long retaining wall on the portion of the lot located between the road and the lake. The setback as measured from the center of the traveled way to the proposed wall at its closest point is 42 ft. where 44.75 ft. is required. The proposed setback to the side yard property lines are 3.8 ft. and 2.7 ft. respectively where 10 ft. on the sides is required. The proposed setback to the highwater mark is 7 ft. 8 in. where 15 ft. is required. This property is located in the (R1) Lake Residential Zone.

Bill Grove, Engineer for Ms. Marz, was present to discuss this application and represent Ms. Marz. Mr. Grove stated that the purpose of the retaining wall was to provide slightly more useable beach area as well as to help stabilize the bank at this location.

The proposed large concrete block retaining wall is similar to other ones that have been put in along East Bluff Dr. and have helped to stabilize the road bank where they have been put in.

It was noted by Mr. Grove that this application had been in front of the Planning Board for Steep Slopes review and the plan had been approved.

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: (4-no, 0-yes).

2)Whether the benefit sought by the applicant can be achieved by some other feasible method than an area variance: (3-no, 1-yes) R. Williams-no, J. Chiaverini-yes, J. Bird-no, S. Schmidt-no. R. Williams-no because if the wall were pushed back farther towards the road it would create more problems.

3)Whether the requested area variance is substantial: (0-no, 4-yes); Yes, because there are four variances being requested.

4)Whether the proposed area variance will have an adverse effect or impact on the physical or environmental condition of the neighborhood or district: (4-no, 0-yes).

5)Whether the alleged difficulty was self-created: (0-no, 4-yes).

While there are four area variances being requested, it is noted that this proposed retaining wall is being put in at the cost of the property owner and will be a good stabilizer along the road in this area.

There being no further questions, a motion was made by R. Williams and seconded by J. Bird to grant these variances as requested with the proposed wall to be no closer than 42 ft. as measured to the center line of the road, to be no closer than 7.8 ft. to the high-water mark, and to be no closer than 2.7 ft. to the north side yard property line and no closer than 3.8 ft. to the south side yard property line.

The motion was granted with a poll of the board as follows: J. Chiaverini-grant, S. Schmidt-grant, J. Bird-grant, R. Williams-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 #1196 for Tim Driscoll for property at 4166 West Bluff Dr., Keuka Park, requesting an Area Variance to build a 30 ft. by 46 ft. garage on the east side of West Bluff Dr. with the front yard setback to be 35 ft. as measured from the center of the traveled way to the closest part of the garage including the roof overhang where 64.75 ft. is required. This property is located in the (R1) Lake Residential Zone.

Mr. Driscoll was present along with his engineer, Bill Grove of Grove Engineering to discuss the application.

It was noted by Mr. Grove that this application had been presented to the Planning Board for Steep Slopes review and the plan had been approved.

Mr. Driscoll noted that they had built their new home on the west side of the road and they needed to have the garage basically for storage, perhaps a wood shop in the upper part and also a place to leave their vehicles in the winter time since the driveway coming up to West Bluff Dr. isn't very good when there is snow and ice.

It was also noted that the existing leach bed area is also located on the east side of West Bluff Dr. and there is a set-back distance required of 20 ft. from the leach field to the proposed garage.

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: (4-no, 0-yes).

2)Whether the benefit sought by the applicant can be achieved by some other feasible method than an area variance: (1-no, 3-yes) R. Williams-no, J. Chiaverini-yes, J. Bird-Yes, S. Schmidt-yes. R. Williams – do not think it would be feasible to try and move the location back farther.

3)Whether the requested area variance is substantial: (0-no, 4-yes).

4)Whether the proposed area variance will have an adverse effect or impact on the physical or environmental condition of the neighborhood or district: (4-no, 0-yes).

5)Whether the alleged difficulty was self-created: (0-no, 4-yes).

A motion was made by J. Bird and seconded by S. Schmidt to approve the application as applied for with the garage to be no closer than 35 ft. to the center of the traveled way as measured from the closest part of the garage including the roof overhang to the center of the traveled way. The garage is to be used as a storage garage not for living purposes.

The motion was carried with a poll of the board as follows: J. Chiaverini-grant, R. Williams-grant, S. Schmidt-grant, J. Bird-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 #1197 for Michael Klein for property at 6549 West Bluff Dr., Keuka Park, NY requesting an Area Variance to replace an existing set of stairs that are in disrepair with a new set of stairs adding a 10 ft. by 12 ft. landing, which is proposed to be 35 ft. as measured to the center of the traveled way where 44.75 ft. is required. The stairs provide lake access for this property. This property is located in the (R1) Lake Residential Zone.

Mr. Klein was present to discuss his area variance request, noting that the existing set of stairs are not in very good shape. He also noted that he has elderly family members and the larger deck area would allow them to have a place to stop and rest or stay rather than go all the way down to the beach area.

Mr. Klein noted that there would be an additional 4 ft. by 4 ft. landing where the stairs have a twelve ft. run and this would break up the long stretch going from the beach area up to the top of the bank. The proposed deck would meet the setback from the highwater mark but would be 35 ft. as measured to the center line of the traveled way where 44.75 ft. is required.

Board members who had visited the site recognized the need for the stair replacement.

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: (4-no, 0-yes).

2) Whether the benefit sought by the applicant can be achieved by some other feasible method than an area variance: (3-no, 1-yes) R. Williams-yes, J. Chiaverini-no, J. Bird-no, S. Schmidt-no. R. Williams – the deck could be made smaller.

3) Whether the requested area variance is substantial: (4-no, 0-yes). J. Bird – he is proposed to be 35 ft. from the center of the road and is well back away from the road.

4) Whether the proposed area variance will have an adverse effect or impact on the physical or environmental condition of the neighborhood or district: (4-no, 0-yes).

5) Whether the alleged difficulty was self-created: (3-no, 1-yes). The stairs that are there are in disrepair and unsafe.

A motion was made by R. Williams and seconded by J. Bird to grant the Area Variance as requested for a 10 ft. by 12 ft. deck as part of the stair replacement and the deck is to be no closer than 35 ft. as measured to the center of the traveled way.

The motion was carried with a poll of the board as follows: J. Chiaverini-grant, S. Schmidt-grant, J. Bird-grant, R. Williams-grant.

The board was 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 #1198 for Robert Plummer for property at 6092 West Bluff Dr., Keuka Park, NY requesting Area Variances to tear down existing A-frame cottage and replace it with a single-family lakeside residence and to build a detached garage on the east side of West Bluff Dr. which would be right across the road from the proposed new home. This property is located in the (R1) Lake Residential Zone.

Mr. Plummer was present along with Bill Grove, Engineer for Mr. Plummer, to discuss this application with the board.

It was noted by Engineer Grove that a Steep Slopes application for this project had been reviewed and approved by the Planning Board at their June Planning Board meeting subject to the granting of the area variances.

Zoning board members had reviewed the submitted proposed site layout for the new home and garage.

Mr. Plummer had brought in a letter from an adjacent neighbor in support of his proposed project that he shared with board members (copy on file with application).

Board members felt that the removal of the old A-frame home was an improvement since that structure was 16.3 ft. into the road right-of-way. While the proposed new home would be 30.2 ft. from the center of the traveled way, is out of the road right-of-way and the home sets down below the road area. The front yard setback for the new cottage is proposed to be 7.8 ft. from the highwater mark where 15 ft. is required. It was noted, however, that this measurement is from a proposed deck on the front of the home which is a second story deck not down on the beach area.

In reviewing the proposed garage location, it was noted by the board that they have been trying to keep the area variances at 35 ft. from the center of the traveled way. The board felt that the 30 ft. front yard setback for this proposed garage could be increased to 35 ft. as there appeared to be enough room behind the proposed garage on the site map to accommodate the additional 5 ft.

Board members were in agreement that they would be more agreeable to granting a 35 ft. front yard setback versus the 30 ft. setback.

There was a brief discussion by Mr. Plummer and Engineer Grove who seemed to think they could accommodate this extra 5 ft. without having to do a great deal of alteration to the steep slopes plan.

The area variance test questions were read and reviewed separately for the proposed new home and for the proposed garage.

The area variance test questions were read and reviewed for the proposed new home 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: (4-no, 0-yes). It will be an improvement.

2)Whether the benefit sought by the applicant can be achieved by some other feasible method than an area variance: (4-no, 0-yes) Even if the house were made smaller, the applicant would still need a variance.

3)Whether the requested area variance is substantial: (1-no, 3-yes). R. Williams-yes, J. Chiaverini-no, J. Bird-yes, S. Schmidt-yes.

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, 1-yes). R. Williams-no, J. Chiaverini-no, J. Bird-no, S. Schmidt-yes.

5)Whether the alleged difficulty was self-created: (0-no, 4-yes).

There being no further discussion a motion was made by R. Williams to grant the area variances as requested for the new single-family home on the west side of West Bluff Dr. with the rear yard setback being 30.2 as measured from the center of the traveled way to the closest part of the new home. And the front yard setback at 7.8 ft. from the highwater mark. The motion was seconded by J. Bird noting that the front yard setback is granted at 7.8 ft. from the highwater mark since the deck is up in the air as a second level deck, not down on the beach area. In addition, the deck can have a roof over it, but is not to be enclosed. As noted above, the new home will be out of the road right-of-way whereas the A-frame was 16 ft. into the road right-of-way area.

The motion was carried with a poll of the board as follows: J. Chiaverini-grant, S. Schmidt-grant, J. Bird-grant, R. Williams-grant.

The area variance test questions were read and reviewed for the proposed new garage at 35 ft. from the center of the traveled way 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: (4-no, 0-yes).
- 2)Whether the benefit sought by the applicant can be achieved by some other feasible method than an area variance: (4-no, 0-yes). Applicant would still need a variance even if pushed back farther and would create more issues with steep slopes.
- 3)Whether the requested area variance is substantial: (2-no, 2-yes). R. Williams-yes, J. Chiaverini-no, J. Bird-yes, S. Schmidt-no. R. Williams – three requested variances are substantial.
- 4)Whether the proposed area variance will have an adverse effect or impact on the physical or environmental condition of the neighborhood or district: (4-no, 0-yes). Pushing back the garage could create more adverse environmental issues for the neighborhood.
- 5)Whether the alleged difficulty was self-created: (0-no, 4-yes).

There being no further discussion, a motion was made by J. Bird and seconded by R. Williams to grant an Area Variance for the new garage to be no closer than 35 ft. as measured to the center of the traveled way from the closest part of the garage including the roof overhang.

The motion was carried with a poll of the board as follows: S. Schmidt-grant, J. Chiaverini-grant, R. Williams-grant, J. Bird-grant.

OTHER BUSINESS:

Chairman R. Williams in discussion of the applications reviewed at this meeting, stated that the required setback of 64.75 ft. from the center of the traveled way is very unlikely to be met by any applicant and there was a consensus of the board members that the front yard setback, on both East and West Bluff Dr. on the portion of the lake that is away from the lake should maybe be reviewed and possibly changed.

Zoning Board Minutes
June 10th, 2021

The next zoning board meeting will be July 8th, 2021.

There being no further business, a motion was made by J. Chiaverini and seconded by S. Schmidt to adjourn the meeting. The motion was carried unanimously.

Respectfully submitted,
Elaine Nesbit/Zoning Secretary