

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

October 13, 2022

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, October 13, at 7:00 pm by Chairman Rodgers Williams.

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

Roll Call:	Rodgers Williams	Present
	Earl Makatura	Present
	Randy Rhoads	Present
	Steve Schmidt	Present
	Lynn Overgaard	Excused
	Donald Wright	Alternate
	David English	Alternate

Others present included:

Daryl Jones- Town Liasson      William Beavers  
CEO- Bill Gerhardt

Motion on was made by board member **R.Williams** to approve September minutes, seconded by **S.Schmidt**.

**COMMUNICATIONS:**

No new communications

**AREA VARIANCE REVIEW:**

**Application #21-2022** (Tax Map: 84.52-1-13) William Beavers, 4919 E. Bluff Dr. Penn Yan, NY 14527. Located in R1 Lakeshore.

(Board member **L.Overgaard** was not present, alternate **D. English** sits in.)

Owner **W.Beavers** presents application to board. He is requesting a front yard setback of 37' where 44.75' is requested for new home construction. **W. Beavers** application was approved by board in 2019, however expired, requiring an updated application be submitted.

Chairman **R. Williams** inquired about the yellow gas line at property. **W. Beavers** said the property is staked out for demo, and that will not interfere with any work.

The applicant is keeping with the current layout of home, staying close to road, and with little obstruction of views to neighbors.

**R. Williams** asked if any board members had any additional questions or comments for applicant.

**R.Williams** makes a motion to approve. **D. English** seconds.

The board answered the 5 area variances questions:

**1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance?**

D. English- no, does not change footprint.

R. Rhoads- no, footprint is the same, and will likely be safer.

R. Williams-no, it is improving current situation.

E. Makatura-no.

S.Schimdt-no, will look nicer.

**2. Can the benefit sought by the applicant by some method, feasible for the applicant to pursue, other than an area variance?**

D. English-no, it could be closer to the road.

R. Rhoads- no.

R. Williams-yes, it could be closer to the lake.

E. Makatura-yes.

S.Schimdt-yes.

**3. Is the requested Area Variance substantial?**

D. English-no, it is a little more then 10% of setback, similar to that of others in neighborhood.

R. Rhoads- no, it is a small change, does not affect residents or roadway in winter.

R. Williams-no, it is an improvement of current setbacks.

E. Makatura-no, it is a little more conforming.

S.Schimdt-no.

**4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?**

D. English-no, this will not create impact to lake, maintaining height for sea level.

R. Rhoads- no, it is the responsible choice by owner.

R. Williams-no.

E. Makatura-no.

S.Schimdt-no, it is improving everything.

**5. In the alleged difficulty self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the Area Variance?**

D. English-no, it is just replacing what is there.

R. Rhoads- yes, could repair the existing home.

R. Williams-yes, the applicant wants to do it.

E. Makatura-yes.

S.Schimdt-yes.

The motion was carried with a poll of the board as follows: **D.English**-grant, **R.Rhoads**-grant, **R.Williams**-grant,**E.Makatura**-grant, **S.Schmidt**-grant.

**Other business:**

Chair **R. Williams** notified the board that the CEO received Tree Top Cidery interpretation application on September 26, 2022. D. English moved to tabled review until after November 1<sup>st</sup> court, **R. Williams** seconded.

Zoning Board secretary **Laura Swarthout** relayed to board that Bill Beavers legal notice was published eight days prior to meeting due to the ownership change of the Chronicle Express Newspaper.

A motion was made to by **R.Williams** seconded by **R.Rhoads** to adjourn the meeting at 7:22 pm. The motion was carried unanimously, and meeting was adjourned.

Zoning Board Secretary,

Laura Swarthout