

ZONING BOARD AGENDA
Thursday June 13, 2024

OPEN MEETING / PLEDGE TO THE FLAG

ROLL CALL:

	Rodgers Williams	Present
	Randy Rhoads	Present
	Earl Makatura	Present
	Lynn Overgaard	Present
	Steve Schmidt	Present
Alternates	Donald Wright	Absent
	Dave Hostutler	Present

Others present included: Jim Bird, Daryl Jones, Town Board Liaison, CEO James McKinley, Steve Vandyke, Bailey and John Linehan, Kris Colonna, Larry Watts, Wendy Meagher, Kari Ayers, Sarah Purdy, Kim and John D'Amore, Mary Schlermacher, Joan Magmusen.

Approval of minutes for May Meeting. Motion by **R.Rhoads**. Seconded by **E. Makatura**.

COMMUNICATIONS – Email from Bill Grove regarding App #8-2024 to be tabled until further notice. CEO communication regarding App #12-2024.

AREA VARIANCE/PUBLIC HEARINGS:

App#8-2024 tabled until further notice via Engineer Bill Grove.

App #12-2024 -9021 East Bluff Dr. (Tax map: 110.25-1-1-5) Application tabled from last month. Tabled it due to concerns of the front setback distance. CEO **James McKinley** confirms to Zoning board the measurement for front setback 6 feet, requesting 9-foot variance where 15 feet is required.

Area Variance questions were reviewed previous meeting, **R. Williams** asked if board has any further questions.

With no further questions **R. Williams** motions to approve a 9-foot setback, **R. Rhoads** seconds.

The Area Variance test questions were read and reviewed regarding the requested 6' front setback from the mean high water where 15' is required with the following results: 5 majority yes.

The board was polled as follows:

L. Overgard- Deny
E.Makatura- Deny
R. Rhoads- Deny
R.Williams- Deny

S.Schmidt-Deny

App #13-2024 & App #18-2024 -2101 West Lake Rd. (Tax map: 61.53-1-6)

Application was tabled previous meeting. Two variances for application **#13-2024** were presented last month. An additional variance for lot coverage was submitted, **#18-2024**.

Wendy Meagher presents both applications to Zoning Board. They are requesting three variances. Front and rear setback as well as lot coverage. The front and rear setbacks were for several reasons as stated last month. The hardship for the project is both the size of the lot it is less than half the size for this zoning, and the shape as well due to the way the shore line slopes.

The current boathouse does sit beyond the mean high water, and it was permitted. The house also has a side setback of .4 feet and they are bringing side setbacks into compliance. In addition, they are bringing boat house to be embedded into proposed home. They are proposing retaining walls at the road side which are similar to what is existing today. Both retaining walls existing and proposed are needed for the challenges due to the slope of the lot. It is needed due to access to the home and waterfront. A majority is behind the setback, there is just a small storage area. It was proposed as a garage. It will be used for boat toys and lawn equipment.

She continues stating that the boathouse cannot go back any further due to the land and the challenge of excavating. They want to push it back to safely excavate.

The lot coverage does include boathouse lot coverage, this was a concern of Zoning Board last meeting. The town had permitted the boathouse.

W.Meagher requesting a 6.3% variance from the existing lot coverage. She reiterates that the slope and size of the nonconforming lot will now become conforming also allowing for safe access to home and parking.

Owner **Larry Watts** presents to board. He has lived on the lake for 35 years, raised his kids and now grandkids. He is not asking for a mansion, just a home big enough for his family. The proposed home will look like a ranch from the road. He wants it to be road level due to his knees, and he plans to retire in this home. The home was built in 1920 and is very nonconforming but he is trying to fix it. He is not a rule breaker, what he submits is how he will build. They have taken huge consideration into a storm water system as well as sizing down the home.

R.Rhoads asks if the home will include an elevator. **L. Watts** answer yes and they currently have a tram as well that takes them down to waterway.

L.Overgaard inquiries about the square footage.

W. Meagher answers lower level is 1,100 sq ft and upper is 1300, totally 2400 sq ft.

R.Rhoads asks if the parking area will be the same, will cars be further off the road.

W. Meagher states it will be close to the same, one will be the same and the other retaining wall calls for the car to be further from the road.

She adds that the current existing lot coverage does not include the stormwater management.

R.Rhoads asks if the lowest of the three levels is developed at the water. **L. Watts** answers no.

R. Williams asks what the current front setback is. **W. Meagher** answers the house is 9 feet from the water, that does not include the deck it is beyond that. The deck is a few feet back from mean highwater.

R.Rhoads asks if they are moving it back. Homeowner and **W.Meagher** review the site plan with Zoning board.

R.Rhoads ask if there is any public comment, no public comment.

R. Williams proposes to grant 17' variance for the rear setback and a 15' variance front setback for the boathouse, 9.7' variance. The rest of the house will be 12', that is a 3-foot variance.

R.Rhoads seconds.

The board was polled as follows:

L. Overgard- Grant

E.Makatura- Grant

R. Rhoads- Grant

R.Williams- Grant

S.Schmidt-Grant

R. Williams motions to grant 26.3% lot coverage variance at a 6.3% variance. **R. Rhoads** seconds.

The Area Variance test questions were read and reviewed regarding the requested 26.3% lot coverage where 20% is required with the following results: 4 majority no, 1 majority yes.

The board was polled as follows:

L. Overgard- Grant

E.Makatura- Grant

R. Rhoads- Grant

R.Williams- Grant

S.Schmidt-Grant

App #14-2024 (Parcel A-1) 4870 East Bluff Dr. (Tax map: 84.52-1-2)

Homeowner **Kris Colona** and engineer **Kari Ayers** present to board. They are requesting a 0.0' setback from property line to retaining wall where 10' is required.

The owners have a subdivided lot, and are building a home on the lower lot. In doing so the driveway becomes a private road. They are requesting to build a retaining wall for parking, allowing emergency vehicles to have access to home and a turn around. It will cross property lines, therefore they need a 0 foot variance on both properties.

R.Rhoads confirms they are asking for a variance for the lower lot, just to support the soil. He asks if there is any public comment.

Unidentified neighbor asks if the retaining is for the existing property and the new one.

R.Rhoads answers that they already variances for the new lot, this is just for the lower lot. There is no design change.

Neighbor inquires if the lower parcel is A-1 and the new parcel will be A-2. **K. Ayers** answers yes.

L.Overgaard asks if new property has no lake access, correct off setback. **K. Ayers**, answer yes.

E. Makatura confirms there is a property maintenance agreement with other property owner, since they will be digging into other parcel. **K.Colona** answers yes.

R.Rhoads motions to grant 0.0' setback from property line to retaining wall. **E. Makatura** seconds.

The Area Variance test questions were read and reviewed regarding the requested 0.0' setback from property line to retaining wall where 10' is required with the following results: 3 majority no, 2 majority yes.

The board was polled as follows:

L. Overgard- Grant

E.Makatura- Grant

R. Rhoads- Grant

R.Williams- Grant

S.Schmidt-Grant

App #15-2024 (Parcel A-2) 4870 East Bluff Dr. (Tax map: 84.52-1-2)

Applicants **Bailey and John Linehan** along with engineer **Kari Ayers** present to board. **R. Williams** explains with the definition of Ag-Res the new lot will be in the Ag-Res district. Their portion of it. In the Ag-res district you need an acre and a 100 feet or property.

The applicants are requesting a lot size of 20,000 sq. ft where 1 acre is required and lot width of 81.25' where 100' is required.

R. Rhoads reiterates the house is in Ag-res, if it were to be in R-1 the applicants it would be acceptable.

R.Rhoads states one of the concerns is that the lakefront property is so expensive, houses are being built behind other, what he calls the second tier. This application is sort of like this. The board is cautious about this sort of thing.

He added that although already approved by planning board and town board the Zoning board is not obligated to be in agreeance with other boards. He knows a lot of money and thought has gone into this specific property.

R. Williams ask if the public has any questions or concerns.

Unidentified neighbor asks if the height is still the same or will change the location of the home.

R.Rhoads explains that variance was already granted.

The Area Variance test questions were read and reviewed regarding the requested lot size of 20,000 sq ft where 1 acre is required and the lot width of 81.25' where 100' is required with the following results: 4 majority no, 1 majority yes.

The board was polled as follows:

L. Overgard- Grant
E.Makatura- Grant
R. Rhoads- Grant
R.Williams- Grant
S.Schmidt-Grant

App #17-2024 -3935 West Bluff Dr. (Tax map: 102.43-1-4)

Homeowners **John and Kim D'Amore** are present along with engineer **Kari Ayers**. They are requesting a 39.3' setback where 64.75' is required for a 24.45' variance to build a new home, replacing existing cottage on up side of property.

Currently there is just a boathouse on the lake side and an existing cottage and 2 sheds on uphill portion.

The existing house is 39.1' from centerline, the new home would be 39.3' from centerline. The reason is to create a driveway and parking safely.

Rhoads asks if there will be a garage, **K. Ayers**, states yes. He asks if the measurement is being taken from the corner to the porch not the home. Yes from the corner answer **K.Ayers**.

R. Rhoads adds that generally there is a hardship, asking what it is for this project. **K. D'Amore** answers to have safe parking and the architect adds with the slope of the hill.

R. Rhoads adds that he is concerned with the site lines from the north and south being obscured when backing out of driveway. There is a turn around space, answer **J. D'Amore**.

R. Williams asks how long will the driveway be, that will help to drive out not back out. **J. D'Amore** answers it will be wide enough to turn around. **K. D'Amore** confirms they will not be backing out.

E. Makatura motions to accept the variance as written. 39.3' setback where 64.75' is required. **R.Rhoads** seconds.

With no further questions the Area Variance test questions were read and reviewed regarding the requested a 39.3' setback where 64.75' is required for a 24.45' variance with the following results: 4 majority no, 1 majority yes.

The board was polled as follows:

L. Overgard- Grant

E.Makatura- Grant

R. Rhoads- Grant

R.Williams- Grant

S.Schmidt-Grant

Town board **J. Bird** relays to zoning board Tree Tops cidery will be granted an operating permit. Town board **S. Purdy** states she has been elected to represent the town of Jerusalem for Yates County planning board.

With no further business **R. Rhoads** motions to close the meeting at 8:11 pm. **E.Makatura** seconds.

