

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

February 9, 2006

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order by Chairman Jim Jameson on Thursday, February 9<sup>th</sup>, 2006 at 7 pm.

Roll Call:	Jim Jameson	Present
	Robert Worden	Present
	Ron Rubin	Present
	Neil Simmons	Present
	Glen Herbert	Present

Others present included: Mike Folts/Town Bd., John F. Phillips/CEO, Ed Williamson, Mary Sutherland, and other interested and concerned citizens.

A motion was made by J. Jameson and seconded by R. Rubin to approve the January Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS

Copies of new design plans for property at 1188 East Bluff Dr. were distributed to board members.

OLD BUSINESS

Application #853 for Special Use Permit for Upstate Cellular Network (d/b/a) “Verizon Wireless” for a cellular tower on Skyline Dr. This application was noticed in the paper for tonight’s ZBA meeting but will not be heard tonight and is tabled until further notice pending the report from the independent RF Engineer of L.R. Kimball & Associates.

NEW BUSINESS

Application #866 for Gerard Christian having property at 1188 East Bluff Dr. requesting area variances to build an addition to existing cottage, remove existing deck and replacing it on to the front of proposed addition adding additional deck sq. footage to the south side.

There was no one present to represent Mr. Christian. The proposed addition had not been staked out at the property site. CEO John F. Phillips and ZAP Secretary had spoken with the contractor for Mr. Christian earlier in the day about the property not being properly staked out for board members when they visited the site. The contractor, Mr. Pearson, stated that he would come down next week to get this done.

Board members discussed the fact that it isn't the first time that this has happened. ZAP Secretary stated that this particular information is highlighted in red and underlined when the information goes out to the homeowner for their required mailings of notice to the neighbors. CEO Phillips stated that when he talks to applicants about their properties and a variance is going to be required, it is one of the first things that he tells them, about the staking out of the proposed building, or addition, etc.

One board member noted that perhaps denial of an application would get the message across better than tabling the review.

A motion was then made by J. Jameson and seconded by N. Simmons to table this application until the March meeting. The motion was carried unanimously.

A neighbor was present to ask questions regarding this application. Chairman J. Jameson gave the date and time of the next scheduled Public Hearing to review this application and urged anyone with concerns or questions to attend that meeting.

Application #857 for David Owens owning property at 465 West Bluff Dr. requesting an Area Variance for front yard setbacks for proposed new home and new garage. Ed Williamson, Contractor for Mr. Owens, was present to answer questions and go over the proposed requests with board members.

The board members had been to visit the site and Mr. Williamson also had pictures for the board members to look at. Mr. Williamson stated that he had a correction to the sketch that was provided with the application. The house will be 38 ft. wide and he had not included the steps coming off from the deck so that the overall width including the stairs would be 42 ft. wide and the length of the house would be 40 ft.

There were questions about high power electric lines that cross this property and where the new proposed buildings will be located with respect to these lines. There is also a stream that goes through this property that has plugged up and washed out at least two different times.

The board discussed giving front yard variances for both the garage and the house that would be a minimum 40 ft. setback as measured from the center of West Bluff Dr. Mr. Williamson thought that this could be done without having the power lines directly over the buildings or too close to the buildings. It was also noted that there is a bank right in front of the area where the new proposed home is to be located and this is another reason for the board wanting greater setback than applied for, e.g. if the Town Highway were ever thinking of widening West Bluff Dr, the bank could be cut back to within five ft. of the front of the home. Mr. Williamson stated that another reason for not meeting the required setback is because of a need to be able to get equipment to the backside of the property for maintenance of the area where the septic system will probably be located.

Board members discussed with the contractor why the need for a garage 20 ft. high. Mr. Williamson stated that the main reason for the height was the need for a higher clearance through the door of the garage and to be able to have a steeper pitched roof.

The area variance test questions were read for each variance requested and a motion voted on for each request. Board members were in unanimous agreement that these are Seqr Type II variance requests.

The answers to the test questions for #1 regarding the setback of the house at 40 ft. as measured from the center of West Bluff Dr. were a majority answer yes to questions 1,3 & 5 and the majority answer of no to questions 2 & 4.

A motion was made by R.Worden and seconded by N.Simmons to grant a variance for the setback of the proposed new home to be at a minimum of 40 ft. as measured from the center of West Bluff Dr. and measured to the closest portion of the structure including overhang. The motion was carried with a poll of the board as follows: G.Herbert-grant, R.Rubin-grant, J.Jameson-grant, N.Simmons-grant, R. Worden-grant.

The answers to the test questions for #2 regarding the garage setback of 40 ft. as measured from the center of West Bluff Dr. were a majority answer of yes to questions 3 & 5 and the majority answer of no to questions 1,2 & 4.

A motion was made by R.Worden and seconded by N.Simmons to grant this variance for the proposed new garage to be a minimum of 40 ft. as measured from the center of West Bluff Dr. and measured to the closest portion of the garage including overhang. The motion was carried with a poll of the board as follows: R.Rubin-grant, G.Herbert-grant, J.Jameson-grant, R. Worden-grant, N.Simmons-grant.

The answers to the test questions for #3 regarding the height of the garage to be built at 20 ft. high were a majority answer of yes to 2,3 & 5 and the majority answer of no to questions 1 & 4.

A motion was made by J.Jameson and seconded by R.Worden to grant the variance for the garage height to be no higher than 17 ft. as measured to the peak of the roof. The motion was carried with a poll of the board as follows: R.Rubin-deney, G.Herbert-grant, N.Simmons-grant, R. Worden-grant, J.Jameson-deney.

In granting these area variances the board finds that the strict application of this chapter would deprive the applicant of reasonable use of the land and are the minimum variances that will accomplish this purpose. They will not be injurious to the neighborhood nor alter the essential character of this locality.

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There being no further new business, a motion was made by J.Jameson and seconded by R.Rubin to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned at 8:20 pm.

Respectfully submitted,

Elaine Nesbit/ZAP Secretary