

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

April 9, 2009

The regular monthly meeting of the Town of Jerusalem Zoning Board was called to order on Thursday, April 9th, 2009 at 7 pm by Board Member Jim Bird, the Vice-Chairman was excused and Chairman R.Rubin has unofficially resigned from the Zoning Board as he has been selected as a member at-large for the Yates County Planning Board. He will be sending in his official resignation.

Roll Call:	Glenn Herbert	Excused
	Jim Bird	Present
	Jim Crevelling	Present
	Ed Seus	Present
	Mike Steppe	Present
Alternate	Jack Hoffer	Excused

Others present included: Ray Stewart/Town Board and Mr. & Mrs. Carl Stone.

A motion was made by M. Steppe and seconded by J.Crevelling to approve the March Zoning Board Meeting minutes as written. The motion was carried unanimously (4-yes, 0-no).

COMMUNICATIONS:

Board members have been copied on a letter from the Finger Lakes Economic Development Center with regards to Yates County Industrial Development Agency Proposed TLM Excavating and Associates Project.

OLD BUSINESS:

Application #947 for Stewart VanBuren owning property at 59 Crescent Beach to have a 2-story gambrel style garage (28 ft. x 36 ft. by 17 ft. high) built on his property with less setback from the front yard property line and 2 ft. higher than zoning allows. This application also requires approval from the DEC to build within the wetlands buffer zone. This application was tabled from the March Zoning Board meeting.

Mr. & Mrs. VanBuren are in the process of purchasing additional land to have a conforming lot which will be deeded and become part of what they already own.

Mr. Carl Stone was present on behalf of Mr. VanBuren. Mr. Stone is a contractor that has been able to give Mr. VanBuren a proposed drawing of the gambrel roof building (roof truss design having been copied and given to board members) that could be built and that would allow some upstairs storage space based on the roof design.

Mr. Stone explained for board members that the lower portion of the building will have a door taller than 8 ft. in order to store a boat in one side of the building. Due to the needed door height on the front of the building, and the truss design for the gambrel roof, there would be a potential storage area, approximately 5 ft. 2" high by 12 ft. wide by 36 ft. long. Mr. VanBuren would like to have some windows upstairs in the front and the back for natural light, a small side door on the lower portion of the building.

Mr. & Mrs. VanBuren had asked for this additional storage space as part of the reason for the height variance, because they have so many things that are presently stored outdoors and they have no inside room to store them. The VanBurens live at 59 Crescent Beach all year round.

There was discussion among board members about which of the smaller buildings, that exist at this location, are going to be removed. It was noted from the previous March meeting that the VanBurens wished to keep the 10 ft. x 14 ft. building, but re-position it on the lot keeping a 10 ft. side yard setback. The building would be kept even with the new proposed building, which would make it 30 ft. from the center of the road (zoning requires 55 ft. from the center) and there would be at least a 5 ft. distance between the two buildings.

Board members discussed the conditions of the area variance and whether the removal of the 10' x 14' building could be a condition of the area variance. It was noted that the 10' x 14' building is pre-existing zoning and by re-positioning this building, it actually becomes more conforming on the lot than in its present location. It was also noted that by the purchase of additional land, meeting the requirements of lot coverage would not be an issue.

The area variance test questions were reviewed and answered as follows: #1(2-Yes, 2-No); #2(0-Yes, 4-No); #3(4-Yes, 0-No); #4(1-Yes, 3-No); #5(4-Yes, 0-No).

A motion was made by M.Steppe and seconded by J.Crevelling to accept the variance application for a 30 ft. front yard setback and to allow a height of 17 ft. for the proposed accessory building. This request is also conditioned upon the following: that applicant have DEC approval for building in the buffer zone; that both the deed of the additional land purchase and what the VanBurens presently own, be combined to meet the lot coverage requirements; that a survey of the property purchased be provided; removal of the 4 ft. x 8 ft. shed and the 10 ft. x 14 ft. shed.

There was a discussion of the motion. Board members wanted to be clear on the fact that if they voted to grant the motion, it would be with the condition that all storage buildings would be removed allowing only the new proposed storage building to be built per the remaining conditions of the motion as stated.

The motion was defeated with a poll of the board as follows: E.Seus-deny, J.Bird-deny, J.Crevelling-deny, M.Steppe-grant.

A motion was then made by J.Crevelling and seconded by E.Seus to grant the area variance as it is requested with a 2 ft. height variance and a 30 ft. front yard setback as measured to the center of the road. This motion is also conditioned on DEC permit approval, the purchase of the additional land and the combining of the two deeds along with a survey of the property to be provided. The 10 ft. x 14 ft. building shall be re-positioned with a 10 ft. side yard setback; 5 ft. between the buildings, and placed with a minimum front yard setback as the proposed new building.

The motion was carried with a poll of the board as follows: M.Steppe-grant, * J.Bird-grant, J.Crevelling-grant, E.Seus-grant.

Board members were in agreement that this application is a SEQR Type II action.

OTHER BUSINESS

Ray Stewart told Zoning Board members that after Supervisor Jones has received Ron Rubin's letter of resignation, the Town Board would appoint Alternate Zoning Board Member Ed Seus to fill out the remaining term of Ron Rubin. Vice-Chairman Glenn Herbert will Chair the May meeting and then the Zoning Board can make a decision with regards to filling the position of Chairman of the Zoning Board. This will leave one alternate member for the Zoning Board. The Town Board can then advertise for a second alternate member for the Zoning Board.

There being no further business, a motion was made by M.Steppe and seconded by E.Seus to adjourn the meeting. The motion was carried unanimously (4-Yes, 0-No) and the meeting was adjourned at 8 pm.

Respectfully submitted,
Elaine Nesbit/Secretary