

Approved

Town of Jerusalem
Zoning Board of Appeals

March 14, 2013

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called To order on Thursday, March 14th, 2013 at 7 pm by Vice-Chairman Jim Crevelling.

Roll Call:	Glenn Herbert	Excused
	Jim Crevelling	Present
	Dwight Simpson	Excused
	Ed Seus	Present
	Jim Bird	Excused
Alternate	Earl Makatura	Present
Alternate	Rodgers Williams	Present

Others present included: Jim & Gloria Long, Mike Folts/Town Bd., Donald & Peter Griner.

A motion was made by R.Williams, seconded by J.Crevelling to approve the February Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

There were no communications for board members

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1013 for Gloria Long owning property at 857 Old Pines Trail, Penn Yan, requesting an Area Variance to replace an 8 ft. by 8 ft. shed with an 8 ft. by 20 ft. longer shed but the new shed would be placed completely on the applicant's property. The shed will not meet the required side yard setback and will not meet the required setback from the rear yard lot line.

Mr. & Mrs. Long were present to review their application and area variance requests with board members. It was noted by the Longs that until recently, when their neighbors to the east were putting up a fence did they realize that their old shed was actually on the neighbor's property. All the neighbors have gotten along very well over the years and still do, however, when the Longs decided to replace their shed, they definitely wanted to have it placed completely on their own property. The neighboring properties on both sides of them have their existing homes fairly close to their property line. Both neighbors have had their permission to set up ladders, etc, in order to get to the sides of their respective homes for routine house and roof maintenance.

Board members who had visited the site were complementary of the neighborhood and how well kept the homes are in this area.

The Longs were wanting to stay as close to the property line as possible, to keep as much of their open yard space as possible. It was also noted by the Longs that the neighbors have a wood pile that is right behind the area where their shed would be placed.

While board members were sympathetic to what Mr. & Mrs. Long wanted, it was stated that when an Area Variance is granted, it goes with the property, and property owners can change.

The area variance test questions were reviewed with the following results:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby property owners will be created by the granting of the area variance: (4-no, 0-yes).
2. Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (4-no, 0-yes).
3. Whether the area variance is substantial: (2-no, 2-yes) J.Crevelling-no, E.Seus-yes, E.Makatura-yes, R.Williams-no.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district: (4-no, 0-yes)
5. Whether the alleged difficulty is self-created: (1-no, 3-yes). J.Crevelling-yes, E.Seus-yes, E.Makatura-yes, R.Williams-no.

Upon further discussion, board members stated that they were willing to work with the Longs but if they wanted to be at the property line the zoning ordinance would allow them to remove and replace same size building but the placement of the new shed would have to be completely on their own property and the size would have to remain the same as the old building which was 8 ft. by 8 ft.

A motion was made by R.Williams and seconded by J.Crevelling to grant an area variance for an 8 ft. by 20 ft. shed which shall come no closer to the east side property line than 2 ft. as measured from the property line to the outside wall of the shed building closest to the east side property line and no closer than 18 ft. to the north street line as measured from the north wall of the building to the street line/rear yard property line. By granting this rear yard variance, it should prevent the shed from blocking the window of the neighbor's house to the east.

Board members stated that if the Longs had any concerns with the locations of these setbacks to contact the Code Enforcement Officer.

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

The motion was carried unanimously with a poll of the board as follows: Earl Makatura-grant, Ed Seus-grant, Jim Crevelling-grant, Rodgers 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 minimum variance that will accomplish this purpose. This variance will not be injurious to the neighborhood nor alter the essential character of this locality.

OTHER BUSINESS:

The board had two visitors, Peter Griner and his son Donald who were visiting for the evening. They came to see how the Zoning Board operated. They are new to our area, and Vice-Chairman J.Crevelling stated that if they had any questions at the end of the meeting the board would be happy to answer any questions.

Vice-Chairman J.Crevelling asked board members if they had an opportunity to review the outline that he had given to them last month by email to review as a possible course outline to be approved by the Town Board for credit hours that are needed by the zoning board members.

He noted that if the Zoning Board members were approving of this outline, then he would go through it and divide it up as to how much can be done in an hour, two hours, etc. for a certain amount of credit hours.

J.Crevelling stated that he would review and modify the course outline and would plan on having it ready to present to the Town Board for their May Town Board meeting. A cover sheet will accompany the proposed course outline asking for the Town Board's approval and granting of a certain number of credit hours, to be determined by the course outline and breakdown of hours spent on each section.

Vice-Chairman J.Crevelling reported that his committee had met again and basically individuals are working on assignments, gathering information and getting ready to move forward with the review of the Ag-Residential Zone.

ZAP Secretary reported that Planning Board Chairman R.Rubin has come up with a very effective way of including some additional wording to the affidavits that are being applied for when there is an application for division of property that is not subject to subdivision approval.

This ensures that the applications, maps and proposed deeds that are given to substantiate the divisions are not changed after the fact, once the affidavits are signed and notarized.

These affidavits, which must be filed with the deeds at the Yates County Clerk's Office, having this extra wording, show upon what basis, the affidavit of approval is given.

There being no further business, a motion was made by J.Crevelling, seconded by E.Seus to adjourn the meeting. The motion was carried unanimously. The meeting was adjourned at 8:30 pm.

Respectfully submitted,
Elaine Nesbit/Secretary