

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

February 13, 2014

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, February 13<sup>th</sup>, 2014 at 7 p.m. by Vice-Chairman, Jim Crevelling.

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

Others present included: John Phillips/CEO, Andrew & Kathy Swarthout, Brian & Jennifer Gruschow, Tonya & Bob Erdle, Pete Townsend, and Gary Dinehart/Town Bd.

A motion was made by E. Seus and seconded by R. Williams to approve the January Zoning Board Minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

A letter was received by Zoning Board Members from Mr. & Mrs. Hurst regarding Area Variance Application #1028 (copy on file with application).

The Zoning Board also received a Memorandum from the Yates County Planning Board regarding their Decision after reviewing Area Variance Application #1027.

OLD BUSINESS:

Area Variance Application #1027 for property owned by Mary L. Foster located at 3431 Brandy Bay, Penn Yan, NY, 14527, requesting an Area Variance to build a detached one-car garage on the lot with greater than 20% lot coverage which is what is allowed in the Lake-Residential (R1) Zone.

The public hearing for this application was closed at the January meeting, however, no decision was made by the Jerusalem Zoning Board, in order to give the Yates County Planning Board time to review this application. The property lies within 500 ft. of County Rd. 21 (West Lake Rd.) and State Rte 54A.

Vice-Chairman J.Crevelling read the memo from the Yates County Planning Board which gave their approval for this Area Variance. (Memorandum of Decision on file with application).

Vice-Chairman J. Crevelling stated that the Zoning Board had reviewed this application last month and had gone through the test questions.

He stated that if the board members had no other questions to ask, he was prepared to make a motion regarding this application. There were no questions. The board was in unanimous agreement that this is a SEQR Type II action.

A motion was made by J.Crevelling to approve application #1027 for area variance request for a 12 ft. by 24 ft. detached garage at 3431 Brandy Bay. The garage will not exceed 15 ft. in height and no part of the structure will be closer than 10 ft. to the side lot lines. The ZBA unanimously agrees that the proposed lot coverage of near 25% is a substantial difference from the allowable lot coverage of 20%. However the ZBA also believes, the land held in common, that is encircled by the private road, mitigates the proposed lot coverage, that at this particular location, the proposed lot coverage is not unreasonable, nor will it cause any substantial adverse impacts.

The motion was seconded by E.Makatura and the motion was carried with a poll of the board as follows: E.Seus-grant, J.Chiaverini-grant, R.Williams-grant, E.Makatura-grant, J.Crevelling-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.

#### NEW BUSINESS:

Vice-Chairman J.Crevelling noted that due to the Public Notice not being in the paper for the proper amount of time for notification, that the Zoning Board would not be making any decisions on either Application #1028 or #1029 at the February meeting. The public hearings will remain open for both applications and they will be re-advertised for the March Zoning Board meeting. Review and decisions will be made at the March meeting.

Application #1028 for Robert & Tonya Erdle owning property at 7675 East Bluff Dr. Penn Yan, NY requesting Area Variances for front and rear yard setbacks to remove an existing deck, replace with a walkway to a new replacement single wide cabin attached to pre-existing boathouse for a more conforming structure and living space with the additions of a deck which will not meet the setback from the high-water mark as required by zoning.

Mr. & Mrs. Erdle were present to answer questions for board members. Board members had GIS maps showing the existing buildings and the adjoining neighbors on both sides.

Vice-Chairman J.Crevelling asked if board members had an opportunity to visit the site. Only one board member had actually been down to the site. With the amount of snow that we have had, it was noted, that it's probably a good thing that a decision will be tabled until the March meeting and maybe the weather will be better so that the rest of the board members will have an opportunity to visit the property and go down on the beach to view the area where the proposed new cabin will be built.

Mr. Erdle explained the area of the pre-existing boathouse with respect to its location on the lot. He noted its proximity to the southern property line.

There is a bridge located on the west side of the boathouse at which point provides entrance into the third story of the boathouse which is the second floor living area. There is a single story cabin which is not attached to the boathouse that is also a living space but the Erdles do not plan on having two separate living areas, because it is against the code and because they are trying to make the building more conforming than what now exists.

Their plan is to remove the existing cabin and to replace it with a proposed new structure attached to the boathouse for just one living structure.

It is noted that the walkway would require an area variance since it does not meet the rear yard setback and the proposed new screened deck would not meet the setback from the high-water mark.

There was some discussion of making the deck more conforming by decreasing the size or by angling the northeast corner to come closer to the required setback of 15 ft.

Mr. Erdle also talked about the fact that at some point he would be contacting DEC about doing some future repair work on the seawall or possible replacement.

Regarding the boathouse, nothing will change except outside cosmetic work such as siding, replacing windows, etc.

Board Members had a copy of the letter sent out by the adjacent neighbors to the north, the Hursts and their concerns. It was noted by Mr. Erdle that their new proposed structure would be approximately 25 ft. from the neighbor's side yard property line as measured from the proposed new deck if granted.

A motion was made by J. Crevelling and seconded by R. Williams to table this application until the March Zoning Board meeting. The motion was carried unanimously.

Application #1029 for Brian & Jennifer Gruschow owning property at 2607 Italy Friend Rd. requesting a Special Use Permit to operate a tool sharpening business out of their home shop on a full-time basis. This property is located in the Ag-Residential Zone. The name of the business is Gruschow Grinding LLC.

Mr. Gruschow answered questions for board members as to the type of work that he does. The work that he does is mainly for industrial type machines, metal working cutting tools. These tools that require sharpening come to them mainly by Fed-Ex or UPS. The truck comes in and out once a day. A customer may show up occasionally, but not very often.

An adjacent neighbor asked about their hours of business and about any noise that the business might generate. Mr. Gruschow stated that the machines that do the sharpening are enclosed and are fairly quiet. Their hours of business would be 8 to 5.

John F. Phillips/CEO stated that he could verify that the machines are quiet, since they are encased, mainly for safety reasons (sharpening of metal).

Other questions were asked regarding waste fluid material and scrap metal.

The fluid that is utilized by the sharpening process is a mineral based type fluid and is continuously filtered and you pretty much just keep adding to it.

Any scrap material that is generated is put into a scrap barrel that goes to B&B Recycling. Usually only about 1 barrel per year is generated, if that much.

A motion was made by J.Crevelling seconded by E.Seus to refer the Short Form SEQR that was submitted with this application to the Planning Board for review and determination. The motion was carried unanimously.

A second motion was made by J.Crevelling seconded by E.Seus to table this application until the March Zoning Board meeting. The motion was carried unanimously.

**OTHER BUSINESS:**

There was a brief discussion between board members and ZAP Secretary about the Public Hearing Notice, referral dates and the Zoning Regulation requirement of 10 business days of notification in the paper as well as notification to adjacent neighbors.

It was noted by ZAP secretary that with the weekly publication of the Chronicle and the deadline of the Chronicle being noon on Monday that the referral dates need to be pushed back one week to give more time for review and verification of information on the application before scheduling them on the Zoning Board agenda. This would mean that the Zoning Review process may be slowed down a little for applicants, but that it is necessary in order to comply with the Zoning Regulation for proper notification.

Board members were in agreement that if this is necessary then that is what needs to be done. The calendar for referral dates for the Zoning Board for 2014 will be revised to reflect this change.

There being no further business to discuss, a motion was made by J.Crevelling and seconded by E.Seus to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned at 8:35 pm.

Sincerely,

Elaine Nesbit/Secretary

