

Town of Jerusalem
Zoning Board of Appeals

April 11, 2013

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order by Vice-Chairman Jim Crevelling on Thursday, April 11th 2013 at 7 pm.

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

Others present: John F. Phillips/CEO, Mike Folts/Town Bd., Katie A. Henderson, Esq.

A motion was made by E.Seus seconded by E.Makatura to approve the March minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

Board members had received an email from fellow board member Jim Bird stating that he was resigning from the Zoning Board due to a career change which he felt might be of conflict with his position as a Zoning Board member. He thanked the board for the time spent together as a group and stated that he had learned a lot while on the board.

Correspondence from Katie Henderson, Esq. was passed out for board members to review which was relevant to Area Variance #1014.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1014 for Tim McMichael owning property at 4771 East Bluff Dr. requesting an Area Variance for a new landing in front of a new entry door in an existing cottage. The landing extends to a pre-existing walkway that connects to a set of stairs and landing which provide lake access. This property is located in the R1 zone.

Katie Henderson, Esq. was present to represent Mr. McMichael. She had provided copies of a hand-out which she had prepared that gave a brief summary of the pre-existing structure, showing what had been added by her client and the purpose for which it had been added. She also provided pictures and a survey of the property for the board members to review.

Ms. Henderson stated that she would be happy to answer any questions that the board members might have concerning this application.

Board members commended Ms. Henderson on the submitted memorandum and pictures for their review.

It was noted for the record that this original property had been subdivided back in the mid to late 1980's but the road right-of-way had not been taken into consideration. Prior to Mr. McMichael's purchase, additional land had been added so that this parcel now more than meets the required sq. footage for a lot located in the Lake-Residential (R-1) Zone.

Board members asked about there being two means of ingress and egress. These areas of ingress and egress are only at the first floor level. By adding the new doorway, this will provide a means of ingress and egress at the second floor level which will benefit the safety and welfare of the applicant and any guests in the event of an emergency.

There were existing stairs and landing already there, which provide access from the road to the cottage to the lake, which the applicant has recently replaced due to age and safety reasons.

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: (4-no, 0-yes).
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: (3-no, 1-yes). J.Crevelling-yes, E.Seus-no, E.Makatura-yes, D.Simpson-yes. ***Correction (should be 1-no , 3-yes).**

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

It was noted by the Code Enforcement Officer that there was an existing railing at the top of the retaining wall near the edge of the bank by the cottage. This railing has since been replaced.

Vice-chairman J.Crevelling had pictures of the cottage as it existed prior to the purchase by Mr. McMichael with the new addition that he put on. The new door was put in on the west side of the cottage at the second floor level. This is where the new landing is located, but only a portion of this landing requires an area variance as pointed out by board member E. Makatura. The roof line of the cottage extends out from the cottage towards the traveled way so that part of this landing is under the existing footprint of the cottage roof.

Another question came up with regards to the actual location of this door; was there any other place where this door could have been placed that an area variance would not have been required? It was noted by the Code Enforcement Officer that this door meets the minimum requirements for emergency ingress and egress as does the walkway, and it is the best location for ingress and egress from the second floor location.

With there being no further questions from the board members, a motion was made by J. Crevelling seconded by E.Makatura to grant the area variance for a new rear ingress/egress door entryway at 4771 East Bluff Dr. with the amount of the variance being approximately 5 ½ ft. The landing itself is 11 ½ ft. but the overhang of the roof is about 6 ft. so the portion of the landing under the roof is under the existing footprint of the cottage. Therefore the actual landing itself is to come no closer the center of the traveled way than 33 ft. as measured from the center of the traveled way to the edge of the closest side of the new landing entryway.

The motion was carried with a poll of the board as follows: E.Seus-grant, D.Simpson-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.

OTHER BUSINESS:

J. Crevelling asked if anyone had any other business to bring before the board. Board member D.Simpson stated that he had a hard time getting a grasp on this application. He stated that he traveled by this property all the time, but never paid much attention to it. He asked if on these types of applications, before and after pictures could be made available.

Code Enforcement Officer stated that as a matter of fact, his office has been looking at some new software for building permits that would allow himself as well as the assessor to have access to, in order to take pictures that can be attached to the parcels. This would be very useful as building permits are issued or variances are given, etc.

CEO stated that the Assessor had gone out that afternoon to take a picture of a structure for which a new building permit application had just come in for the very purpose of having a before and eventually an after picture for purposes of knowing what is there before and after.

The new software that we are currently looking at has the ability to attach these pictures to the parcel file and both building and assessment can have access to them.

In the future if an area variance application request is made, if pictures are attached to the file they can be downloaded and made available for the board members as part of their review process.

There was a brief discussion about the resignation of Zoning Board Member, Jim Bird. The zoning board members appreciate his time, his in-site and thoroughness with regards to reviewing applications. He has done a great job and he will be missed.

Vice-Chairman, J.Crevelling stated that he had enjoyed working with Jim Bird on the Zoning Board of Appeals, in fact, they had both started out as alternates to this Zoning Board. He remembered that J.Bird had come with some experience, having been on the Zoning Board in suburban Rochester.

Regarding a replacement for this full-time position, it was noted that one of the alternates would most likely be chosen by the Town Board to fill-out the un-expired term of Jim Bird.

Zoning Board Secretary noted that both Alternate Zoning Board Members have been very good about attending the zoning board meetings and keeping up with the different applications coming before the board each month, whether they were needed as voting board members or not.

There being no further business for discussion a motion was made by E.Seus seconded by D.Simpson to adjourn the meeting. The motion was carried unanimously. The meeting was adjourned at 8:30 pm.

Respectfully submitted,
Elaine Nesbit/Secretary

