

Approved

Town of Jerusalem
Zoning Board of Appeals

February 13th, 2020

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, February 13th, 2020 at 7 pm by Vice-Chairman Rodgers Williams.

The meeting opened with everyone standing for the pledge to the flag.

Roll Call:	Glenn Herbert	Excused
	Rodgers Williams	Present
	Earl Makatura	Present
	Joe Chiaverini	Present
	Lynn Overgaard	Present
Alternate	Jim Bird	Present
Alternate	Steve Schmidt	Present

Others present included: Mike Goodman, Chuck Smith, Architect for Mike Goodman, Neil Simmons, Chris & Cynthia Vaughan.

The January 2020 Zoning Board meeting was cancelled due to lack of applications.

A motion was made by L. Overgaard and seconded by E. Makatura to approve the December 2019 Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

There were no communications.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1166 for Michael Goodman for property at 3633 West Bluff Dr., Keuka Park, requesting an Area Variance to remove an existing building on the lake side of the road and replace it with a smaller one 10 ft. by 20 ft. adding a deck and a set of stairs to give access to an existing permanent dock. Area Variances are needed for south side yard, front yard and rear yard setbacks. The property is located in the Lake-Residential Zone.

Mr. Goodman and his architect, Mr. Chuck Smith, were present to review the application with board members.

Chairman R. Williams stated that he would not be taking part in the review of this application since he was an adjacent neighbor. He asked Board member E. Makatura to take over the review of this application with alternates J. Bird and S. Schmidt also taking part in this review.

Mr. Goodman spoke to the board about the property, stating that they had owned the property since 1998. He noted that the building that was currently on the property had been built in the seventies. He also noted that his cottage, located on the east side of the road, sits back up the hill quite far. He stated that the existing building down by the lake is sitting on the ground, allowing the bottom part to become rotten and in need of repair.

In trying to fix or rebuild what was there, he met with his architect, Chuck Smith, and it was decided to remove the existing building and replace it with a smaller one and to take care of some other drainage issues that have been a problem on this lot.

There are some changes being made with regards to an existing drainage culvert which is to be replaced and a manhole being put in that would give the Town Highway Dept. a place to access a clean-out for the new replacement culvert pipe that is to be installed.

Board member J.Bird asked if there would be any water into the building and Mr. Goodman stated there would be no water in the building only electric which the old building also had electric. J.Bird noted that the submitted paperwork was very detailed and had answered many of the questions for board members.

The rear yard setback being requested is 31 ft. 4 in. from the center of West Bluff Dr. where 44.79 ft. is required. The south side yard setback being requested is 6 ft. 5 in. where 10 ft. is required. The front yard setback being requested is 7 ft. 9 in. where 15 ft. is required.

Mr. Smith stated that he and Mr. Goodman had discussed repositioning the proposed building to make it horizontal to the lot and that would make the requested area variances less on the south side and on the rear yard. It would also improve the front yard area variance being requested as well.

Board member J.Bird suggested that although these changes would reduce the area variance requests, they should contact CEO DeVoe first to make sure these changes would work out and be compliant with the Zoning Code.

The area variance test questions were read and reviewed as follows:

1)Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance: (5-no, 0-yes), actually making it better.

2)Whether the benefit sought by the applicant can be achieved by some other feasible method than area variance: (0-yes, 5-no).

3)Whether the requested area variance is substantial: (5-no, 0-yes). No, because the applicant is reducing the size of the building and making it more conforming.

4)Whether the proposed area variance will have an adverse effect or impact on the physical or environmental condition of the neighborhood or district: (5-no, 0-yes). No, actually making it better.

5) Whether the alleged difficulty was self-created: (5-no, 0-yes).

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

There being no further discussion, a motion was made by E. Makatura and seconded by J. Bird to grant Area Variance application #1166 as applied for with the rear yard variance to be no closer than 31 ft. 4 in. as measured to the center of West Bluff Dr.; the south side yard setback to be no closer than 6 ft. 5 in. and the front yard setback to be no closer than 7 ft. 9 in. and all measurements to setbacks are taken from the closest part of the new proposed structure including roof overhangs and deck. Building will not be used for living purposes.

The motion was carried with a poll of the board as follows: L.Overgaard-grant, J.Chiaverini-grant, S.Schmidt-grant, J.Bird-grant, E.Makatura-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 minimal variance that will accomplish this purpose. This variance will not be injurious to the neighborhood not alter the essential character of this locality.

CERTIFICATE OF NON-CONFORMITY:

Chairman R.Williams asked J.Bird to remain as part of this discussion and review.

Board members were in receipt of a Certificate of Non-Conformity for property located at 2998 Rte 54A, Bluff Pt., NY. The Certificate of Non-Conformity dated December 30th, 2019, and having been duly filed with the Zoning Board Secretary was placed on the February Agenda as the January Monthly meeting had already been cancelled.

Board members reviewed the Certificate of Non-Conformity along with building permits, assessment records and other correspondence relating to this property dating back to the early 1970's.

Neil Simmons was present as the current owner of the property to briefly describe what had been on the property at one time and what is there now which is a one story, single family dwelling with two units in it. He went on to explain that he would like to continue with the use of the building as it is today, to have it as a one-story, two-unit dwelling.

It was noted that this property is located in the Agricultural-Residential Zone and the Scenic Overlay District. It was also noted by board members that the Code Officer issuing the building permit for this dwelling was working from the Zoning Code as written and adopted in late 1974. In addition, the Scenic Overlay District was added in 2013. This building has been used as a single-family dwelling with two units for over thirty plus years with no objections.

Based on the review of submitted paperwork and discussion of board members, a motion was made by J.Bird and seconded by R.Williams to affirm the Certificate of Non-Conformity as determined by CEO Zac DeVoe for the property at 2998 State Rte 54A Bluff Pt..

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The Zoning Board basing their affirmation on their review of the submitted paperwork regarding this property, the 1974 Zoning Code and the interpretation of the first Code Officer along with the building permit he issued in 1981 for this property.

The motion was carried with a poll of the board as follows: J.Chiaverini-affirm; L.Overgaard-affirm; E.Makatura-affirm; R.Williams-affirm; J.Bird-affirm.

OTHER BUSINESS:

There may be an Area Variance application for Heather Tomkins & Chelsey Madia as they are making plans to replace the seasonal tent with a permanent structure for the events at Crispin Hill.

This was always part of their original plan when they started out with their Special Use Permit and Site Plan in 2015. They may be able to re-locate the building enough to meet the required set-back from the front yard property line and if so, an area variance would not be needed.

The next Zoning Board meeting will be March 12th, 2020.

There being no more business before the board, a motion was made by J.Bird, seconded by E.Makatura and the meeting was adjourned.

Respectfully submitted,
Elaine Nesbit/Zoning Secretary