

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

September 8, 2022

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, September 8, at 7:00 pm by Chairman Rodgers Williams.

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

Roll Call:	Rodgers Williams	Present
	Earl Makatura	Present
	Randy Rhoads	Present
	Steve Schmidt	Present
	Lynn Overgaard	Present
	Donald Wright	Alternate
	David English	Alternate

Others present included:

Jim Bird	Scott Waechter
Lucy Lavery	Sarah Waechter

Motion on was made by board member **S.Schmidt** to approve August minutes, seconded by **R. Rhoads**.

COMMUNICATIONS:

No new communications

AREA VARIANCE REVIEW:

Application #16-2022 (Tax Map: 110.80-1-5) Randy Rhoads, 10411 E. Bluff Dr. Penn Yan, NY 14527. Board member **R. Rhoads** has recused himself, alternate **D. Wright** sits in.

Owner **R.Rhoads** presents application to board. Boat accessory on property close to lake; the structure has non-conforming steps 6ft wide x 3ft coincident with the MHW line where 15 ft is required. New safer shed- requesting a 12 ft variance. Structure meets code with a 10 ft setback, however listed on deed it is stated that no building shall be erected on the premises hereby conveyed with 20 feet of the northly line of said premises. Via neighbor concern.

Chair **R. Williams** states the zoning board only votes based on the code, not neighbor disputes.

R. Williams asked if the structure will be raised. **R. Rhoads** states that the structure will not be raised, but will be secured and does have a chance of getting wet.

Alternate **D.Wright** states he visited site, and does not have any questions or concerns. **E. Makatura** states he says it is fine, and see no issues. **L. Overgaard** agrees, that the new structure is slightly smaller and fits in with the neighborhood.

R.Williams makes a motion to approve. **S.Schmidt** seconds.

The board answered the 5 area variances questions:

- 1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance?**

D. Wright- no.
R. Williams- no.
S. Schmidt-no.
E. Makatura-no.
L. Overgaard-no.

- 2. Can the benefit sought by the applicant by some method, feasible for the applicant to pursue, other than an area variance?**

D. Wright- no.
R. Williams- no.
S. Schmidt-no.
E. Makatura-no.
L. Overgaard-no.

- 3. Is the requested Area Variance substantial?**

D. Wright- no.
R. Williams- yes, it is at high water.
S. Schmidt-yes.
E. Makatura-yes, no other place to put it.
L. Overgaard-yes.

- 4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?**

D. Wright- no.
R. Williams- no.
S. Schmidt-no.
E. Makatura-no.
L. Overgaard-no.

- 5. In the alleged difficulty self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the Area Variance?**

D. Wright- no.
R. Williams- yes, he could just not to do a shed.
S. Schmidt-yes.
E. Makatura-no, the new shed is more conforming.
L. Overgaard-yes, it is better then what is currently there.

The motion was carried with a poll of the board as follows: **D.Wright**-grant, **R.Williams**-grant, **S.Schmidt**-grant,**E.Makatura**-grant, **L.Overgaard**-grant.

AREA VARIANCE REVIEW:

Application #17-2022 (Tax Map: 103.81-1-3) **Scott Waechter**, 8470 E. Bluff Dr. Penn Yan, NY 14527.

Requesting a 20 ft variance for a 10' by 45' composite deck. Currently does not meet required setback of 64.75 ft from center of traveled way.

Owner **Sarah Waechter** presents application to board. They intend to build a level deck off front of house, spreading full length of the house. The deck will not go into the bank, and will have a 1-2 ft overhang. Bank is currently well covered with foliage; they do not want to disturb the foliage. The deck will not have stairs. It will be a trek style deck with cable like thin railings. It will not cover the grinder pump, leaving access for the town.

L. Overgaard confirmed the deck will only have 1-2 ft overhang. **S. Waechter** confirmed.

The board answered the 5 area variances questions:

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance?

R. Rhoads-no.

R. Williams- no.

S. Schmidt-no.

E. Makatura-no.

L. Overgaard-no.

2. Can the benefit sought by the applicant by some method, feasible for the applicant to pursue, other than an area variance?

R. Rhoads-yes, they could level up the ground and build.

R. Williams- yes, they could build patio verse deck.

S. Schmidt-no.

E. Makatura-yes, same as R. Williams

L. Overgaard-no.

3. Is the requested Area Variance substantial?

R. Rhoads-no, not relative to safety perspective.

R. Williams- no, it is farther away from road.

S. Schmidt-no.

E. Makatura-no, it is higher up.

L. Overgaard-no.

4. **Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?**

R. Rhoads-no, they are preserving the ground.

R. Williams- no.

S. Schmidt-no.

E. Makatura-no.

L. Overgaard-no, it's nearly invisible.

5. **In the alleged difficulty self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the Area Variance?**

R. Rhoads-yes, the applicant wants to build a deck.

R. Williams- yes.

S. Schmidt-yes.

E. Makatura-yes, you could do just stairs.

L. Overgaard-yes.

R.Williams makes a motion to approve. **S.Schmidt** seconds.

The motion was carried with a poll of the board as follows: **R.Rhoads**-grant, **R.Williams**-grant, **S.Schmidt**-grant,**E.Makatura**-grant, **L.Overgaard**-grant.

Other business:

Planning Board Chair Tim Cutler approved extension of Lansbury *Site Plan* -5815 West Bluff Drive. Code Enforcer Bill Gerhardt approved extension of Lansbury *setback variances*- 5815 West Bluff Drive.

(Tax Map:109.59-1-2)

Chair R.Williams reviewed requirements of new zoning board alternates Don Wright and David English. Town board member **J. Bird** informed the zoning board that Tree Top Cidery application #05-2022 filed an article 78.

A motion was made to by **E.Makatura**, seconded by **S. Schmidt** to adjourn the meeting. The motion was carried unanimously, and meeting was adjourned.

Zoning Board Secretary,
Laura Tabatcher