

TOWN OF JERUSALEM  
APPROVED  
PLANNING BOARD MINUTES

September 3, 2015

The regular monthly meeting of the Town of Jerusalem Planning Board was held on Thursday, September 3, 2015, and called to order at 7:00pm by Chairman Tim Cutler.

|                          |               |         |
|--------------------------|---------------|---------|
| <b><u>Roll call:</u></b> | Ron Rubin     | Present |
|                          | Jen Gruschow  | Present |
|                          | Jack Wheeler  | Present |
|                          | Ed Pinneo     | Present |
|                          | Donna Gridley | Present |
|                          | Tim Cutler    | Present |
|                          | Tom Pritchard | Present |

**Others Present:** John F. Philips/CEO, Todd & Mary Alexander, David Simolo, Marsha & Dick Senges, Marianne Jahnke, Jeff Snow, Jeanine Santelli, Rita Manley, Robert Brown, Janet Russell, Vaughn Baker, Virginia Colf, Mary Griffiths, Catherine Foerster, Dwight James, Barb & Rick Elliott, Robert & Sharon Cuse, Martha Johnston, Phil & Nancy Williams, Tom Close, Jim Lansbury, Christine K., Sue Longacre, Barbara K., Tim Tracey, Joan Koehler, Stephen Koehler, Bud Swingle and 1 indiscernible name.

**Minutes:** August Minutes

A motion was made by Rubin to approve the minutes of the August meeting. The motion was seconded by Wheeler. All were in favor. Gridley abstained.

**Presentations:**

a). Elliott Steep Slopes Site Plan — Dwight James, representing property (3821 Central Avenue in Penn Yan) owners Barb & Rick Elliott, explained that they want to construct a 16 x 20 storage building. There will be a silt fence to prevent run-off into the lake. There is no change to the contour of the property and there will be no retaining wall.

The Short SEQR application was reviewed line by line and was determined to have a Negative Declaration. Wheeler made the motion that based on the above information and supporting documentation (including email to Elaine regarding retaining wall) the SEQR application be approved pending the corrections and approval of the checklist conditions. The motion was seconded by Pritchard. All were in favor. A motion to approve the site plan was made by Rubin and seconded by Gridley. All were in favor.

b). Alexander Subdivision Application — Tom Alexander/property owner and David Simolo/surveyor presented plans for subdividing a 20 acre parcel into 4 lots. The Alexander's will occupy 1 lot which will include the lake frontage.

**Public Hearing Comments:**

- Bud Spangle stated there are currently no subdivisions only individual owners on West Bluff Drive.
- Jim Lansbury said the addition of 4-5 more houses will make it denser and asked if this situation exists anywhere else on the lake.
- John Phillips/CEO explained that the current zoning laws came into effect in 1974 and houses built prior to that became pre-existing nonconforming lots. A tax map will show where this situation exists elsewhere on the lake.
- Glenn Herbert/JZB said there is one house he has seen with this similar situation.
- Cathy Foerster is concerned that the proposed division of the Alexander property is not a common sense division. When parcels don't follow the contours of the land in the long run it can cause problems. Eventually these parcels could be owned by 4 unrelated people. She is asking the board to look very carefully at the layout of the drive and its potential to cause water problems in the future.
- Joe Hoff is not concerned with the request right now but down the road. Four new dwellings would impact the density and ultimately could impact the safety and flow of water on the Bluff.
- Marsha Senges expressed concern that the character of the area would be altered and that there would be increased potential for water and drainage problems. Currently, the run-off is enormous. She questioned who would oversee the driveway/road improvements and could those plans be changed after they were approved. She also expressed concern for safety of the road when it becomes a sheet of ice in the winter. If new culverts were installed, where would they discharge. Tim Cutler responded that 4 lots constitute a subdivision. If there were 3 lots code would still be applied.
- Tom Close explained that property owners are allowed 3 divisions of property in a 10 year period. A division that transfers a parcel to a neighbor does not constitute a subdivision.
- Ron Rubin/JPB clarified that a subdivision is splitting a large parcel into smaller parcels. Also, any home built on a lot has to go through a process with the town for building permits, driveways, steep slopes and run-off so any concerns that residents are having will be addressed on an individual basis.
- Donna Gridley/JPB asked for clarification of whether the Senges' property is split by West Bluff Drive, and yes it is.
- A resident asked whether a person owning lake front property with a dock can allow others to use their dock.
- Tim Cutler/JPB responded that there can be no legal easement in this particular situation however; any dock owner can allow others to use their property. One dock with 4 moorings is allowed per 0-90ft of Lake Frontage.
- Joan Koehler would like to know how all the lots will access the driveway.

- Stephen Koehler is concerned that this private road will not be subject to the same regulations that West Bluff Drive would be. The driveway/road in question has 3 gulleys associated with it and a leach field 10ft from it. If the road was widened to 50ft with a pull-off or a parking area near it, the character of the area would be affected. If this property is allowed to be improved in this manner other property owners may also want to develop their property in the same way.
- Tim Tracey believes there will be 3 more houses built above his property and the Board members are the only ones able to stop this. The Alexander plan is not in harmony with what currently exists there.
- It was asked what the set back of the existing house is to the private drive; the answer of 40ft was given.
- Dave Simolo stated there are no plans to create another road; there is a provision for a private road to go through another lot.
- Sue Longacre said she hopes the board does not lose sight of why homeowners choose to live in the low density area of West Bluff Drive. Also, she asked if the Board has received any input from the Bluff Point Association.
- Tom Close responded that BPA has not and probably will not since concerns have been adequately expressed.
- Susan Peck requested an explanation of the difference between a subdivision and subdividing. Tom Close stated that the term subdivision is defined in the regulations as creating more than 3 residential lots. The term subdividing is not defined but the common understanding is dividing a parcel. There are 2 types of subdivision in the regulations. A major subdivision requires the sub divider to put in all utilities, roads, sewer and water. A minor subdivision does not require sewer and water but they would be required to finish the road or put up a bond before final plan approval. You cannot create a lot that is inaccessible.

Additional comments may be sent to Tim Culver at [TPCutler@msn.com](mailto:TPCutler@msn.com). Petitions can be sent directly to the Town Clerk. All input will be gathered and the Board will meet to discuss all the information gathered. A decision will be made within 62 days, no later than the November 5<sup>th</sup>, Planning Board Meeting.

**Committee Reports:**

- a. Agriculture Advisory Committee (D. Gridley – Chair) No Report
- b. Branchport Hamlet (J. Gruschow – Chair) Funding for 3 signs has been requested for next year.
- c. Comprehensive Plan Review Committee (E. Pinneo) No Report
- d. Town Board Liaison (M. Steppe) No Report

**Adjournment:**

At 9:06pm Gridley made a motion to adjourn the meeting, seconded by Pinneo.

Respectfully submitted,  
Janet Micnerski/Secretary