

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

August 11, 2016

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, August 11th, 2016 at 7 pm by Chairman Glenn Herbert.

Chairman G.Herbert asked all present to stand as we repeated the Pledge of Allegiance.

Roll Call:	Glenn Herbert	Present
	Ed Seus	Present
	Earl Makatura	Present
	Rodgers Williams	Present
	Joe Chiaverini	Present
Alternate	Kerry Hanley	Excused
Alternate	Ken Smith	Excused

Others present included: Gary Dinehart/Town Bd., Matthew Cramer, Roy & Susan Franks.

A motion was made by E.Seus and seconded by G.Herbert to approve the July Zoning Board minutes as written. The motion was carried unanimously.

Communications:

There were notices of decisions of approval from the Yates County Planning Board for Site Plan and Special Use Application #1076 (copies on file with application).

AREA VARIANCE /SPECIAL USE REVIEW

Application #1076 for Matthew and Ann Cramer for property at 3554 Darbys Corners Rd., Branchport, NY requesting a Special Use Permit to operate Keuka Trail Farm Market, a farmer's market and retail store for the purpose of selling ice-cream, fresh baked goods, vegetables, novelty items, propane refills, locally made lawn furniture, jams, jellies, and locally bottled brew from within a 20 mile radius pending approval from the NYS Liquor Authority. In addition, the Cramers also have nursery stock business at this location which is in the Agricultural Residential Zone.

Mr. Cramer was present to answer questions for the board members and to briefly explain about the business. Mr. Cramer stated that they might add one pergola to their present location to provide a sheltered area for one or two picnic tables.

Mr. Cramer stated that when they applied for their paper work for selling the ice-cream and offering of fresh baked goods they applied to the NYS Department of Health as well as NYS Ag & Markets.

The two departments made the decision that the Cramers fell into the 50-50 rule which put them under the jurisdiction of Ag & Markets. Mr. Cramer provided a copy of the Inspection paperwork from Ag & Markets for their kitchen and for the serving of the ice-cream and baked goods (copy on file with application).

Mr. Cramer noted that they are not a restaurant. They do provide food to go or things to eat, but they do not have a public bathroom, only a port-a-john, which is pumped once a week, and he is going to have it there year round. He noted that occasionally they may have the gentleman come in who does the outdoor barbecue. This is something they will do occasionally.

Regarding the bottled brew, Mr. Cramer stated that pending his obtaining the license from the NYS State Liquor Authority he would be allowed to have bottled brew on his property to sell. He would be allowed to have no more than 20 cases on the premises. He would not be allowed to have open containers and he would not be allowed to have tastings or to serve any brew at this location. It might be possible for someone from one of the local wineries to come and have the authority under their own license from the NYS Liquor Authority to do a wine tasting at the Keuka Trail Farm Market. Mr. Cramer noted that his place is a Certified Farm Market through NYS and is mainly wanting to promote local farm products through his farm market.

The Jerusalem Planning Board reviewed the SEQR for both the Site Plan and Special Use for this application and had made a determination that there would be no significant or adverse environmental impacts as a result of this action. The Site Plan was approved by the Planning Board at this same meeting on Thursday, August 4th, 2016 with the condition that a copy of the certificate of inspection from the NYS Health Department be placed on file. Based on Mr. Cramer's explanation of the 50-50 rule and the copy of the certificate from Ag & Markets, this will be the copy on file with the application.

There being no further questions or discussion, a motion was made by G.Herbert to grant the Special Use as requested and the motion was seconded by E.Seus. The motion was carried with a poll of the board as follows: J.Chiaverini-grant, E.Makatura-grant, R.Williams-grant, E.Seus-grant, G.Herbert-grant.

OTHER BUSINESS:

ZAP Secretary noted that there is an application requiring SEQR review for Site Plan and Special Use that is on the agenda for the September Zoning Board Meeting. A motion was made by G.Herbert and seconded by R.Williams to have the Planning Board act as lead agency for SEQR review for application #1078 for Site Plan and Special Use request to change a single family dwelling into a duplex. The motion was carried unanimously.

In other business, Zoning Board members discussed the number of area variances that have been granted for small storage buildings in the agricultural residential zone on lots that are small, i.e. 1 ½ to 2 ½ acres, slightly more or less. It was discussed about the need for a possible amendment to the zoning to allow these accessory buildings to be built with less side and/or rear yard set-backs, perhaps, 20 ft. for side yards and 25 ft. for rear yards. rather than the 40 ft. and 45 ft. that have always been required. These or different setbacks, could possibly be allowed on small residential lots (up to a certain size to be determined).

The use of the buildings would be for storage of lawnmowers, garden type tools, etc. , but housing of animals at these new allowed distances would be prohibited unless an area variance was obtained. Board members were in agreement that these changes should be in the Ag-Residential Zone.

There being no further new business, a motion was made by E. Makatura seconded by R. Williams to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned.

Respectfully submitted
Elaine Nesbit/Secretary