

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

December 8, 2022

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, December 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	Excused
	David English	Excused

Others present included:

Susan Knepple	Will Knepple	Jeanne Phillips	Daryl Jones
William P. Fletcher	Danile Yoder	Dave Phillips	

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

COMMUNICATIONS:

Letter received from neighbor Iva Kay Peterson opposing Application #28-2022, Daniel Yoder Special use Permit due to increased traffic. Voice mail from neighbor Keith Laffler in favor of Application #28-2022.

AREA VARIANCE REVIEW:

Application #24-2022 (Tax Map: 84.44-1-14.1) David and Jeanne Phillips, 4771 E. Bluff Dr. Penn Yan, NY 14527.

Owners **David and Jeanne Phillips** present application to board. Requesting to build a garage on a 25' width lot where 75' width is required. Home was originally bought as seasonal residence, now the owners are residing full time. They are in need of additional storage space.

Boad member **R. Rhoads** stated that a 9-foot variance on either side is substantial and a very challenging request. There can be safety concerns in regard to a fire leaping from structure to structure. He stated the owners bought the property knowing the zoning laws had been in effect for several years.

Jeanne Phillips stated they had reached out to neighbors to ensure they are respectful of their space. The structure would be set back far enough so they will not be able to see it.

Board member **E. Makatura** inquired if the green stakes on the property as far back as needed. **Jeanne Phillips** confirmed. She stated they did not want to bulldoze, and disturb the property in the woods across the street from the home. It would be less destructive to build on proposed area.

R. Williams stated a shed is a possibility with the available size requirements, not large enough for a car, and must be non-permeant, and sit off the ground. Sheds 64 sq ft can be permitted to set not closer than 5 ft. from side yard setbacks and road right-of-way.

A previous planning board had approved a subdivision with 25 ft setbacks. **E. Makatura** said 24 ft. variance would not work.

Applicants inquire that if they change variance size could a vote be made today. Requesting a 1 story permeant structure with a 15 ft variance. **E. Markatura** stated that 15 ft is still too wide, and **R.Rhoads** agreed. He suggested they inquire about securing more land.

R.Rhoads motioned to table the application per a revised drawing, and narrative. The motion was seconded by **S. Schmidt** and the motion was carried.

Applicants will return to January 12, 2023 Zoning Board meeting.

SPECIAL USE REVIEW:

Application #26-2022 (Tax Map: 71.03-1-16.2) William Fletcher, 2982 Guyanoga Rd, Branchport, NY 14418.

Owner **William Fletcher** presents to board. He states that most distilleries can occupy just a small amount of space, although people usually think of a large chemical like plant with billows of smoke. He plans to open a small space in an existing pole barn.

R. Rhoads asks if **W.Fletcher** has applied for a liquor license, applicant states yes they started process last month.

W. Fletcher states his distillery will be a farm distillery, different from an Ag & Markets business that requires you must grow local product verse using local products for a farm distillery. He plans to team with Luke Zimmerman to farm product.

He would like to convert a portion of their 60 x 40 pole barn into a farm distillery with a small tasting room. No expansion of the barn is planned. Low volume producer, it will take time and experimentation to achieve. Therefore, the first year will not involve being open to public.

Applicant reviews the proposed site plan with Zoning board members, verifying location of parking space and front door of building. He states he wants a small facility not large. The first year to two years will be small.

The application was not reviewed at December 1st planning board meeting, it will be reviewed at the January 5 meeting.

Neighbors **Will and Susan Knepple** voiced their concerns including position of main entrance, high traffic, head lights, dust and evening hours. **W. Fletcher** stated the entrance could be flipped to other side of building.

Board member **S. Schmidt** asked if there was enough room alongside for parking. **W. Fletcher** said yes, at least 6 parking spots.

R. Rhoads stated that the planning board will vote on such matters as lighting, parking space etc. The Zoning Board votes on the special use permit. **Not a right but privilege, in Ag-res?**

R. Williams added that driveway appears to be a narrow drive and cars meeting both ways could cause a problem. **W. Fletcher** thinks two cars could pass.

R. Williams states that the property entrance should be on the opposite side of the neighbors as to not face the neighbors.

R. Rhoads inquired if there was any sewer, **W. Fletcher** confirmed no sewer, just water.

Will Knepple spoke to the board relaying that he is for business in the local area however they purchased their home in the country to see and hear less people. His concerns include traffic in numbers at night and on weekends. He would like to see a solid 6-foot fence between properties as to not see car headlights as well as shrubs to help limit the sound. There is a creek between properties and is concerned for intoxicated individuals being a liability. He suggests the main entrance on the south side of the building.

Knepple's concerns also include the smells of distilling, and volume limits of the operation, (is it 70,000) outdoor lighting being too bright.

W. Fletcher stated he is not sure yet of volume production, they plan to master the product first. They will not be offering food items and plans to make a unique product such as persimmon whiskey. Planting of corn would take place on the south side of the property.

Board member **S. Schmidt** states that both boards take into account the future of the property when voting on an application.

Chair R. Williams motions to table the application until after January 5th planning board meeting.
R.Rhoads seconds.

SPECIAL USE REVIEW:

Application #28-2022 (Tax Map: 48.03-1-27.2) Daniel Yoder, 3345 E. Sherman Hollow Rd, Penn Yan, NY 14527.

Owner **Daniel Yoder** presents to board. He is requesting to use a 60 x 80 space to stage sheds for his business. **Yoder** started GER Transportation in 2016. After covid storage units are double and he couldn't keep up. He is working with the Amish to build sheds; they need a space to display the sheds. There will be between 12-15 sheds total. In the future he may want to add 20 feet in perimeter.

Yoder shows on site plan the flattened-out space right before woods on his property for staging area.

Board member **E. Makatura** asked if traffic will be any heavier. **Yoder** said no, that most sales are online.
R.Rhoads added that there is two business's nearby on E.Sherman Hollow as well.

Applicant **D. Yoder** inquired if he could have a small shed by the road to advertise the business. **R.Williams** stated the town has restrictions on sizing. **E. Makatura** relayed to him to reach out to Code Enforcer **Bill Gerhardt**. Board member **R.Rhoads** stated if the shed is temporary it should be okay.

Town board liaison **Daryl Jones** inquired if applicant would be backing sheds into the driveway as a safety measure. **D. Yoder** agreed he will pull straight into driveway, not backing in. The Special Use application will be modified to reflect this. **R.Rhoads** states that if applicant plans to expand larger than the 60 x 80 space he will need to come back to the board.

R.Rhoads motioned to approve application. **E.Makatura** seconded.

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

Other Business – None.

R.Rhoads motions to adjourn meeting. **L. Overgaard** seconds. Meeting adjourned at 8:11 pm.

Zoning Board Secretary,
Laura Swarthout