

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

July 14, 2022

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, July 14, at 7:09 pm by Chairman Rodgers Williams.

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

Roll Call:	Rodgers Williams	Present
	Jim Bird	Present
	Earl Makatura	Present
	Lynn Overgaard	Present
	Steve Schmitt	Present
Alternate	Randy Rhoads	Present

Others present included:

Sarah Purdy	Doug Geertz	David Hostutler	Rocco Polino
Rich Lent	Jean Geertz	Ron Mulhern	Mary Mulhern
Daryl Jones	Eric Geertz	Deborah Chiles	Joan Green
Jeff Green	Jim Hawver	Sue Hawver	Sarah Waechter
John Pillar	Joel Grover	Leslie Grover	Greg Leechner
Greg Hurst	Ken Gan	Dick Shieck	Ed Moore
Lori Moore	Donald Wright	Rick Van Erk	David Blaisdell
Daryl Nolt	Cheri Bringley	Mike Bringley	Pamela Bukys
Liudvikas Bukys	Bob Beckioth	Deb Koen	Mary Sutherland
Lara Riley	Ryan Furber	Tom Flood	Stephen Chiles
Margaret Fallon	David Wilbur	Dan Howe	Lou Glantz
Coralie Glantz	Neil Simmons	Michele Webster	James Webster
Ann Simonek	Ann McMillen	Ann McKnight	Jull McMollen
Jim Kelleher	Lysle Perry	David English	Joan Magnusen
Mary Schleiermacher	Lucy Lavery	Margaret Joynt	Karen Geyer
Fred Geyer	Marcia English	Austin Blaird	Heidi Clark
John Conway	Scott Hall	Jean Conway	Jeffrey Ingraham
Jack Buonocore	Dottie Buonocore	Phil Bailey	Nancy Bailey
Laurie Getsloff	Richard Getsloff	Helen Denero	Michael Denero
Marc Brodtkin	Kris Alexander	Chris Healy	John Manley
Rita Manley	Maria Hamm	Roger Hamm	Michael Hiller
Jeff Angell	Tim Cutler	Matt Nearpass	Brian Christopher
Lisa Christopher	Jim Toomey	Denise Toomey	Jim Koester
Nancy Koester	Carolyn Clouser	Rcihard Clouser	Monica Cleveland
James Quade	Doug Quade	Jim Yonge Sr.	Gary Shope
Ann Shope			

Other Unidentified Individuals

Chairman R. Williams asked anyone who would like to speak to please use sign in sheet.

A motion was made by **Co-chairman J. Bird** to approve June minutes, seconded by S. Schmitt.

SPECIAL USE REVIEW:

R. Williams states the zoning board has received 57 comments addressing the Tree Top Cidery application. Secretary **Laura Tabatcher** passed them along to all board members. Most of them regarding traffic on East Bluff Drive.

Application #05-2022 for Douglas Geertz, property at 8842 E. Bluff Drive. Requesting a special use permit to operate a farmhouse winery/cidery to produce and distribute cider and conduct tastings under Federal and State licensing guidelines. Chapter 160 – Article 5, section 160-20G states the property is in Agricultural residential district as well as R1 Residential Lakeshore district. The lot is divided, by 250 ft from the road. Above that line is AG-RES, below is R1.

R. Williams asked if anyone is at the meeting to speak on behalf of the Geertz application. One of the owners Doug Geertz is. He provides a digital presentation of their cidery proposal. Hard copy was not given to board members.

Following the presentation **R. Williams** asks applicant if the driveway is the access to the house, and if the garage is the where they are proposing to have the business.

Applicant D. Geertz says yes. Shows on site plan to the board there is a garage/structure with 3 bays. Two sections are a garage, the last bay is the production and tasting room. **R. Williams** ask if it is all one structure, **D. Geertz** answer yes. **R. Williams** states that the structure is predominantly in the residential area. **D. Geertz** states it is 2 structures and a breezeway. The breezeway is technically not connected. It is just a roof and not enclosed, making it two separate structures.

Co-chairman J. Bird states that Jerusalem normally promotes businesses like wineries, and cideries because they really do define our area. More than 90% of the Town is zoned Ag-Res where this business is allowed with conditions - Special Use. However, in the R1 Residential Lakeshore district, the zoning prohibits a business like this. The property in question is located in two use zones so it's a confusing situation.

After research **R. Williams** and **J. Bird** spoke with the town attorney, in summary he reads the following:

- 1) Section 160-28 states that among the purposes of the R1 District, this district "is established to provide for the residential development and use of the land along Keuka Lake." this application is proposing to use the driveway and the land in the R1 portion of this property as the ingress, egress, signage and promotion of a commercial cidery that the applicant wants to conduct at least partially in the Ag Res portion of this property. This means that the applicant is asking to use the R1 portion of this property for a prohibited commercial purpose.
- 2) Section 160-11 A. states, in part, "Any use not specifically set forth as a permitted use in any

district is hereby expressly prohibited in that district.” A cidery is NOT set forth as a permitted or specially permitted use in the R1 District and is, therefore, prohibited in that district.

- 3) Section 160-13 A. states, in part, “no lot shall have erected upon it more than one principal Building. The Zoning Code defines “principal building” as “A building in which is conducted the main or principal use of the lot on which said building is situated”. In this case, the garage, where the cidery would be located, is attached to the house and therefore, constitutes one principal building on this lot. And, as the definition of “principal building” says that a “dwelling shall be deemed to be the principal building on the use lot on which the same is located”, this application is proposing to use a dwelling as a commercial cidery, which is not in keeping with the definition of “single-family dwelling”
- 4) Finally, with any special use permit application, all of the provisions of section 160-43 would need to be met. Two of the requirements in that section are:
 - B) In order to grant any special use, the Zoning Board of Appeals shall find that the request is in harmony with the general purpose and intent of this chapter, taking into account the location and size of the use, the nature and intensity of the operations involved or conducted in connection with it and the size of the site with respect to streets giving access thereto.
 - C) In order to grant any special use, the Zoning Board of Appeals shall find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the Town or impair the intent or purpose of this chapter or of the Comprehensive Plan.

J. Bird continues stating that according to Town of Jerusalem code, the proposed cidery business requires the use of the R1 portion of the lot for the commercial use which is prohibited in the R1 district. The cidery business plan also proposes using the attached garage for the business which means that the principal building (the house) would have two uses (a single-family dwelling and a commercial business). This is also prohibited. As a result, the R1- Residential-Lakeshore Zoning District does not allow for this commercial business under a Special Use Permit and must be denied for those reasons. Additionally, in my opinion, the traffic, road and environmental issues raised concerning the health, safety and welfare of operating this business in this neighborhood may be valid and the business is not in harmony with the neighboring residential properties.

J. Bird continues to say that he is sorry to the applicant, but we are not allowed to grant a special use permit in the R-1 district. **With that said, he asks if anybody still wants to speak.**

Resident- **David English** lives at 8565 E. Bluff Drive. “I sent my outline to the board, and I’d like to give one to the recorder for the record. I have also since found some cases that are applicable and totally in concert with the town attorneys’ opinion. I wanted to amplify that. The prohibition of the use in the R1 district applies to the driveway. Any access road in the NY state health division cases, they are fairly modern, one is a case in 2013. Any access through a R1 district to provide access to anything prohibited in the R1 or other district and or portion of lot is strictly prohibited. Therefore, the backyard falling under the AGR-Res District is irrelevant because there is no access to it allowed through the R-1 district.

NY State Town Law states that a special use permit is for a use that is permitted. It is not applicable for a use that is prohibited.”

Resident- **Bob Beckwith** spoke on behalf of himself and wife Deb. They live just south of the proposed cidery, 385-500 ft. He inquired about the ability of the applicant to appeal the decision. “Is there a need for us to get something on the record in defense against an appeal? What is their ability to the appeal the decision?”

Chairman R. Williams states that they can appeal it, going to local court.

Resident **David English** states it would go to supreme court, not local court. **B. Beckwith** asks if there is any need for us to get anything on the record beyond what you said? **J. Bird** states that everything will be on the record including all letters.

Resident-**Jim Young** lives on E. Bluff. He likes that they are coming up on the lake. He owned a b & b on the lake for 11 years, Neil had helped present to the board at the time. Residents had also said at the time it would change the dynamic, and traffic on the Bluff. He Feels bad for the kids who are trying to reinvest in the local area. Reminding residents commercial vehicles also do deliveries to farms. A farm vehicle can have commercial plates. He would like to see the kids succeed.

R. Williams states that everyone must speak to the board, not each other.

Resident **David English**- states that a B and B is a single use listed in the zoning law. It is subject to special use permit in the R1 district.

Resident **Rogers Stamm** lives at 5733 East Bluff Drive. “There is lots of reasons not to do the cidery, is there a single reason why to do the cidery? This question is just as important. Parking spaces are double-ed up, 3 in a row. Flooding and many other issues that have already been addressed. Why there, why take that kind of property and value and convert It into something else? Where are we going with that?”

He has spent a lot of time at 842 and 8255 area where Angelo Licciardello owns now. He also fought the board, and wasn’t allowed to do anything on his property. If 10% is the sink factor, what is he doing on that road, why not anywhere else not near residential property other than he already owns it.

J. Bird states that it is not allowed because it is a R1 district. “We support it, just the wrong location.”

Resident **Richard Getsloff** lives at 7811 East Bluff Drive. He asks if this site had another access other than the driveway, would it be legal?

R. Williams answers – Yes if the access was from AG res district, yes it could be legal.

Applicant & owner Jean Geertz responds with “we understand that, but that would not be the long-range goal. We are trying to make enough money initially. Everything would have to be moved.”

Applicant Erik Geertz states that the goal would be to move off site as soon as possible. They are young, and trying to save up enough capital to get feet on the ground. It was a huge investment. They want to be able to move off site, but cannot do that unless they start producing cider.

Resident **Pam Bukys** lives at 4704 East Bluff Drive. She has been a commercial, and real estate appraiser for 20 years. “One of the things an appraiser does it determines the highest and best use. It has been established it is not the highest and best use because it does not meet legal requirements.

That being said in addition to the traffic. Other concerns would include that it would be setting precedence being the first commercial entity to start on East bluff Drive. There are almost 100 parcels that are 2 acres or larger on east Bluff Drive.”

Bukys states that she loves cideries, and does want them to be successful. And adds that this is not the time or place to do it. That’s 100 parcels that could potentially two zoning code districts on each of the parcels. Some of them could also come to the board to say one cidery has been allowed, let’s do another. Public water and sewer, what is the capacity on that- this is another concern.

Board member R. Rhoads gives resident 10 second warning.

J. Bird states he has talked to the town supervisor, and the town attorney agreeing what we can do going forward because there are a lot of parcels around the bluff that could potentially be in the same situation. The town board is working to see what else can be added to the zoning.

Resident **John Conway** lives at 8981 East Bluff Drive. He thinks a lot folks were hoping them a successful business in a proper location. He doesn’t think this about the boundary line between the AG zone and the residential zone. This business would be in residential zone. Everyone understands how special this district is on the bluff. There would be no problem having a business like this in an AG zone with access in an AG Zone like Vine Road or Skyline Rd. That does not impact in anyway a community of residential folks. He has no interest in any commercial business ever being in a residential area. It is well described in the town’s general plan and in the definition around the R1 zone what are the factors to be considered in any type of development. He agrees with the attorney that bed and breakfast are mentioned as specific option.

R. Williams – asks if anyone else would like to speak, nobody speaks.

Resident **Ryan Farber** lives at 8776 East Bluff Drive. He asked for a few clarifications, and states “It is visible from his property; he can see it from his dining room. He is about 500 ft away. It is not as secluded as previously mentioned.” He questions the board if the applicant has the option for manufacturing, if not the tasting room.

R. Williams – says the access to the facility is through the Residential district, it is a prohibited used in the R1 district. It has been upheld by the state courts. Anything that access’s that bottling or tasting is not entitled to a special use permit in the TOJ.

Unidentified resident asks: Manufacturing must cease?

R. Williams -Answers yes, he asks for a motion.

J. bird – Anyone else wants to speak? Nobody speaks up. He continues, “For the reasons previously mentioned by me I (**being J.Bird**) I make the motion to deny the application for the special use permit. **L. Overgaard** seconds.

With all persons desiring to be heard, **J. Bird** motions to close the public meeting. Chairman **R. Williams** seconds the motion to close the public hearing. Note: there was some confusion in making the motion to deny before closing the public hearing, this was acknowledged and corrected.

Following the denial of the application, applicant **Erik Geertz** questioned whether manufacturing could continue. **E. Geertz** was referred to the code enforcement officer.

Several members of the audience requested clarification. Zoning board members **J. Bird** clarified the motion that the special use permit was denied. The CEO will address it from here.

Poll the board:

J. Bird – deny. **R. Williams**- Deny, not subject to special use permit. It is not permitted in the R1 district. **E. Makatura**-Deny, same reasons. **S. Schmidt** – deny, it falls in that place and should have checked before they started. **L. Overgaard**- deny.

Audience member - Does that mean they cannot continue to produce cider?

R. Williams answers- “no commercial use on that property.”

J. Bird states beer can made in your garage; however, they cannot make it and sell it. No commercial use.

Applicant **Jean Geertz** – approached the board and stated she was not given the opportunity to read letters of support. Board received letters to put in the record.

SPECIAL USE REVIEW:

R. Williams: application #11-2022 Daryl Nolt custom woodworking shop on 3555 Sid White Road.

Owner/applicant Daryl Nolt speaks on behalf of himself. Small business that can do kitchen cabinets and furniture, and woodwork. Not a lot of customers and traffic. Most inquiries are through email and phone. Clients can visit showroom.

J. Bird asks what kind of woodworking. **D. Nolt** answers-kitchen cabinets, tables, and chairs.

J. Bird asks how big the shop is. **D. Nolt** answers with 42 x 48 including a small garage for lawn mowers and storage. **L. Overgaard** says the property and garden has been fixed up. **R. Rhoads**- Asks what size will the signage be. **D. Nolt**- No plans yet, thinking 4 ft by 6 ft, will talk to code enforcer about it. **R. Williams** answers with maximum sign would be 150 square feet. **D. Nolt** notes that the lighting is on outside of building with automatic timers, no extended lighting. **R. Williams** states that access is fine, wide driveway, no problem there.

S. Schmidt asks if there is a separate shop for finishing. Not separate shop built separate room, size is 16 x 24. A spray rooms. What will you do with waste material? A filler system, someone comes to pick up the waste. Minimal waste.

Planning board chairman states **T.Cutler** says SEQR and site plan were approved by planning board.

Close public hearing motion made by **R.Williams**. **J. Bird** seconds.

L. Overgaard motions to approve special application for Daryl Nolt at 3555 Sid White Road., **R. Williams** seconds to be in conformance with the code in terms of signage, and working with code enforcement officer for compliance.

J. Bird-grant, **R. Williams**-grant, **E.Makautra**- grant **S. Schmidt**-grant , **L. Overgarrd**-grant.

Any other business. **R. Williams** states can the town board make it clear or tighten up things on E. Bluff. **J. Bird** says he will talk to **supervisor Jamie Sission**.

R. Williams states next meeting is August 11th.

Motion was made by **R. Williams** to adjourn meeting at 8:09 pm. The motion was carried unanimously and the meeting was adjourned.

Respectfully submitted,
Laura Tabatcher/Zoning Secretary

Town of Jerusalem received
July 22nd, 2022. To be
appended to July 14th Zoning
Board minutes.





Mission Statement

- Family owned and operated farmhouse cidery on the Bluff of Keuka Lake creating unique, small-batch artisan cider from locally-sourced apples inspired by nature.

GREETINGS FROM "FINGER LAKES"



Family & Life in the Finger Lakes

- We have family roots in the Finger Lakes going back generations.
- We have lived on Keuka Lake year-round for twenty years and are deeply invested in the community.



Keuka Lake

- Craft cidermaking, brewing, distilling, and winemaking is what our area is known for.
- There is a demand for quality, locally-sourced cider.
- Treetops Cidery plans to create beverages from the bounty of heirloom cider apples in our region - celebrating their complexity and character as they move from orchard to table.

Vision

- Our vision is to contribute to a sustainable lake culture and the rural lake community.
- We are committed to environmentally friendly practices, human-scale production, local economics, traditional craft cider fermentation, community collaboration, conservation, and celebration.
- The bottom line for our small start-up is a balance of respect for people, planet, and profit.

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Treetops
Cidery is a
small farm
cidery
business.

- The cidery is a farm-licensed business in an agricultural zone, *not* a commercial business in a residential zone.
 - The cidery is not intended to be a large-scale industrial operation.
 - Labor needed to operate the business will be provided by the owners.
 - Small businesses are the backbone of the economy.
- 
- A decorative graphic in the bottom right corner consisting of several short, thick yellow dashes arranged in a curved, upward-sloping path.

A large orange circle on the left side of the slide, partially cut off by the edge.

Importance of Small Business to our County and Town

- From the Town of Jerusalem webpage: “We have an abundance of wineries, breweries, accommodations, and fine cuisine for those wishing to relax and take in the beauty of the area.”
 - Tax revenue generated from these businesses and ours is a benefit to local taxpayers.
- 
- A decorative graphic in the bottom right corner consisting of several short, curved yellow dashes arranged in a roughly circular pattern.



Town of
Jerusalem

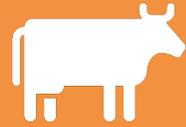
TOWN OF
JERUSALEM
ZONING
ORDINANCE
IN EFFECT

JERUSALEM
SUPPORTS
THE RIGHT
TO FARM

According to the
[United States Department of
Agriculture](#),

“A farm is defined as any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the year.”

According to New York State



General definition of a farmer



You are engaged in the business of farming if you cultivate, operate, or manage a farm for gain or profit, even though the operation may not produce a profit every year. You may also be a farmer if you are also engaged in the business of farming if you rent your farm property to another person.

New York State Cider Association

NEW
YORK
CIDER
ASSOCIATION

NEW YORK STATE HARD CIDER 2020 ECONOMIC IMPACT

125+
HARD CIDER
PRODUCERS

6,148
EMPLOYED

\$520
MILLION
IN WAGES

4.2
MILLION
GALLONS SOLD

\$1.7
BILLION

1.4
MILLION
CIDERY VISITS

\$378
MILLION
TAXES PAID

TOTAL ECONOMIC
IMPACT

\$279
MILLION
TOURISM SPEND



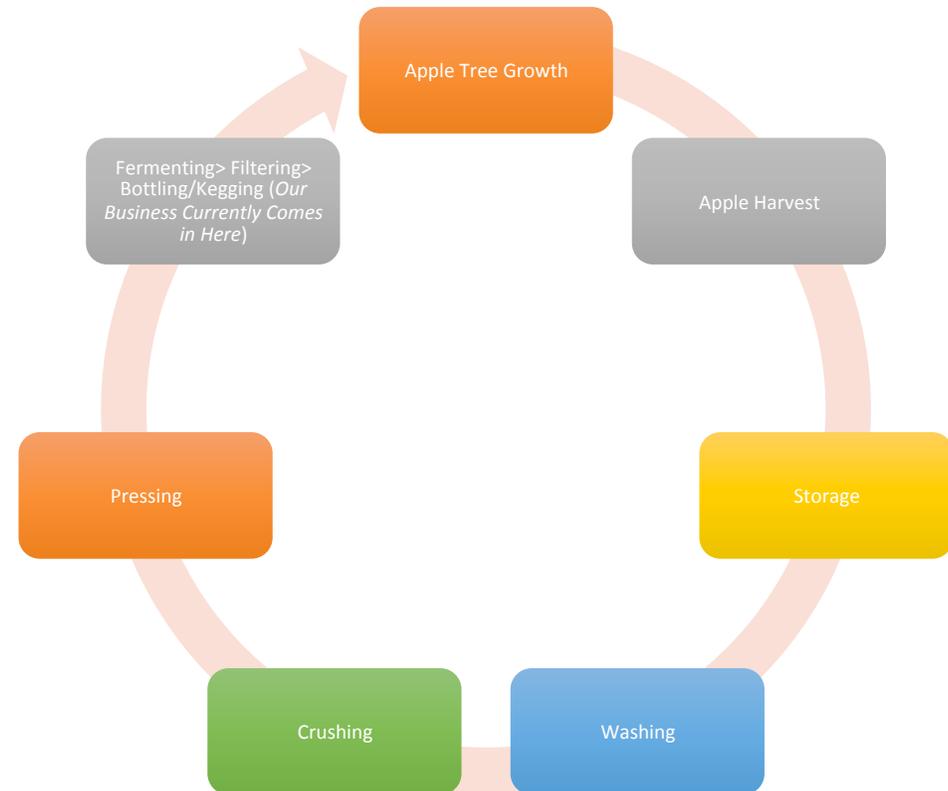
WWW.NEWYORKCIDERASSOCIATION.COM

#NEWYORKCIDER

Regulatory Bodies

- Treetops Cidery is overseen on the federal level by the Alcohol and Tobacco Tax and Trade Bureau (TTB) and on the state level by the Alcoholic Beverage Control Law and the State Liquor Authority (SLA).

Cider Production





Treetops Cidery Business Model

- Perform 90% of sales through self-distribution of kegs to local restaurants and bars for off-site consumption.
- Remaining 10% of sales through small, secluded tasting room on the Bluff of Keuka Lake with limited hours.

GENERAL NOTES:

1. THE PROPOSED USE OF THE PROPERTY IS A CIDERY/FARM WINERY WITH TASTING ROOM, AND SINGLE FAMILY RESIDENCE.
2. THIS PROPERTY IS ZONED: R1, AND AGR
3. THERE ARE NO PROPOSED DISTURBANCES
4. THE VEGETATION ON THE LOT CURRENTLY CONSISTS OF WOODS AND LAWN AREAS. THERE ARE NO MATURE TREES THAT WILL BE DISTURBED BY THE PROJECT.
5. DRAINAGE RUNOFF PRODUCED BY THE PROPOSED SITE IMPROVEMENTS SHALL NOT BE DIRECTED TOWARDS NEIGHBORING PROPERTIES AND/OR BUILDING FOUNDATIONS.
6. THERE ARE NO PROPOSED CHANGES TO EXISTING GRADING.
7. THE PROPOSED CIDERY IS 1073 SF WITH A MAXIMUM HEIGHT OF ±25'.
8. THE EXISTING GRAVEL DRIVEWAY WILL REMAIN UNCHANGED
9. THERE IS NO PEDESTRIAN ACCESS TO THE SITE. THERE WILL BE A WALKWAY TO THE BUILDING FROM THE PARKING AREA.
10. THERE IS OUTDOOR STORAGE OF LAWN EQUIPMENT PROPOSED IN THE AREAS SHOWN.
11. THERE ARE NO OTHER PROPOSED SITE IMPROVEMENTS (RETAINING WALLS, FENCES, ETC.)
12. SEWAGE DISPOSAL IS ACCOMPLISHED BY A GRINDER PUMP CONNECTED TO THE MUNICIPAL SEWER MAIN.
13. WATER SERVICE WILL BE PROVIDED FROM PUBLIC WATER SERVICE.
14. THE DRIVEWAYS WILL BE WIDE ENOUGH TO ACCOMMODATE EMERGENCY VEHICLES. THERE IS A FIRE HYDRANT NORTH OF THE EXISTING DRIVEWAY
15. THERE IS A PROPOSED SIGN AT THE ROAD AND AT THE ENTRANCE TO THE CIDERY. ALL SIGNAGE AT THE SITE SHALL MEET THE TOWN'S SIGN REQUIREMENTS AS SPECIFIED IN SECTION 160-14 OF THE TOWN ZONING CODE AND THE APPLICANT WILL BE REQUIRED TO APPLY FOR A SIGN SITE PLAN PERMIT WITH THE TOWN BEFORE ERECTING OR MODIFYING A SIGN.
16. THERE WILL BE LIGHTING UNDER THE SOFFIT. ALL LIGHTING SHALL BE DARK-SKY COMPLIANT.
17. ALL BUILDINGS ON THE PROJECT SITE ARE PROPOSED TO BE COMMERCIAL OR RESIDENTIAL IN USE.
18. THE LANDSCAPING WILL REMAIN UNCHANGED
19. TRASH WILL BE COLLECTED IN ROLLING BINS AND STORED IN GARAGE UNTIL COLLECTION DAY

Keuka Lake Association Recommendations

Protecting QKA Lake

- “Creating a compost pile can be as simple as piling yard waste in the ‘back forty’ and letting it rot.”

Treetops Cidery composts all organic and yeast products.

- “Planting generous amounts of trees, shrubs, and ground cover encourages excess rainwater to filter slowly into the soil instead of flowing directly into storm drains or nearby streams.”

Treetops Cidery and property understands the importance of preserving QKA Lake by following organic farming standards, not clear-cutting, not using fertilizers, pesticides, etc.



Treetops Cidery Entrance



Treetops Cidery Tasting Room



Treetops Cidery Interior



Treetops Cidery Interior



Treetops Cidery Interior



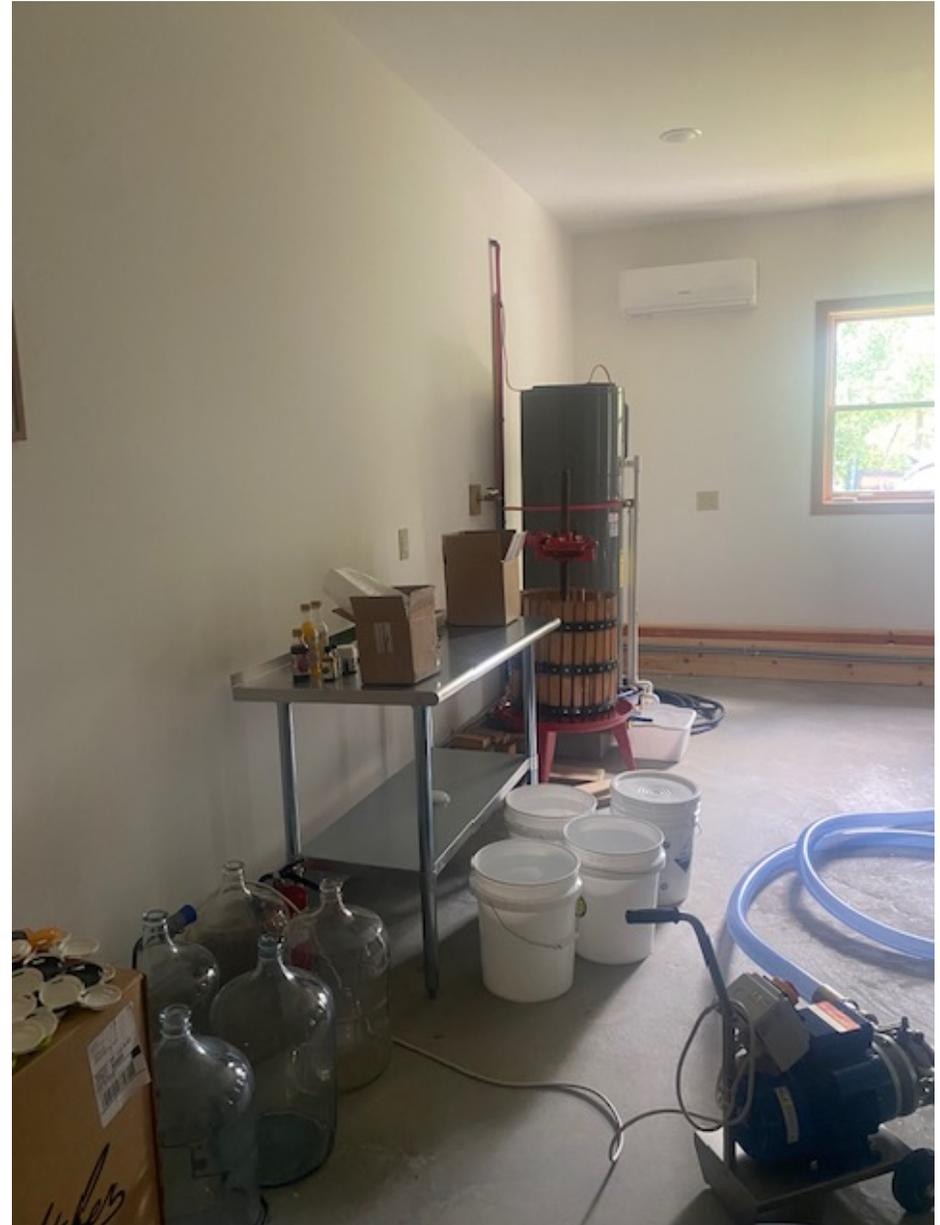
Treetops Cidery Interior





Treetops
Cidery
Production
Area

Production



Production



Production

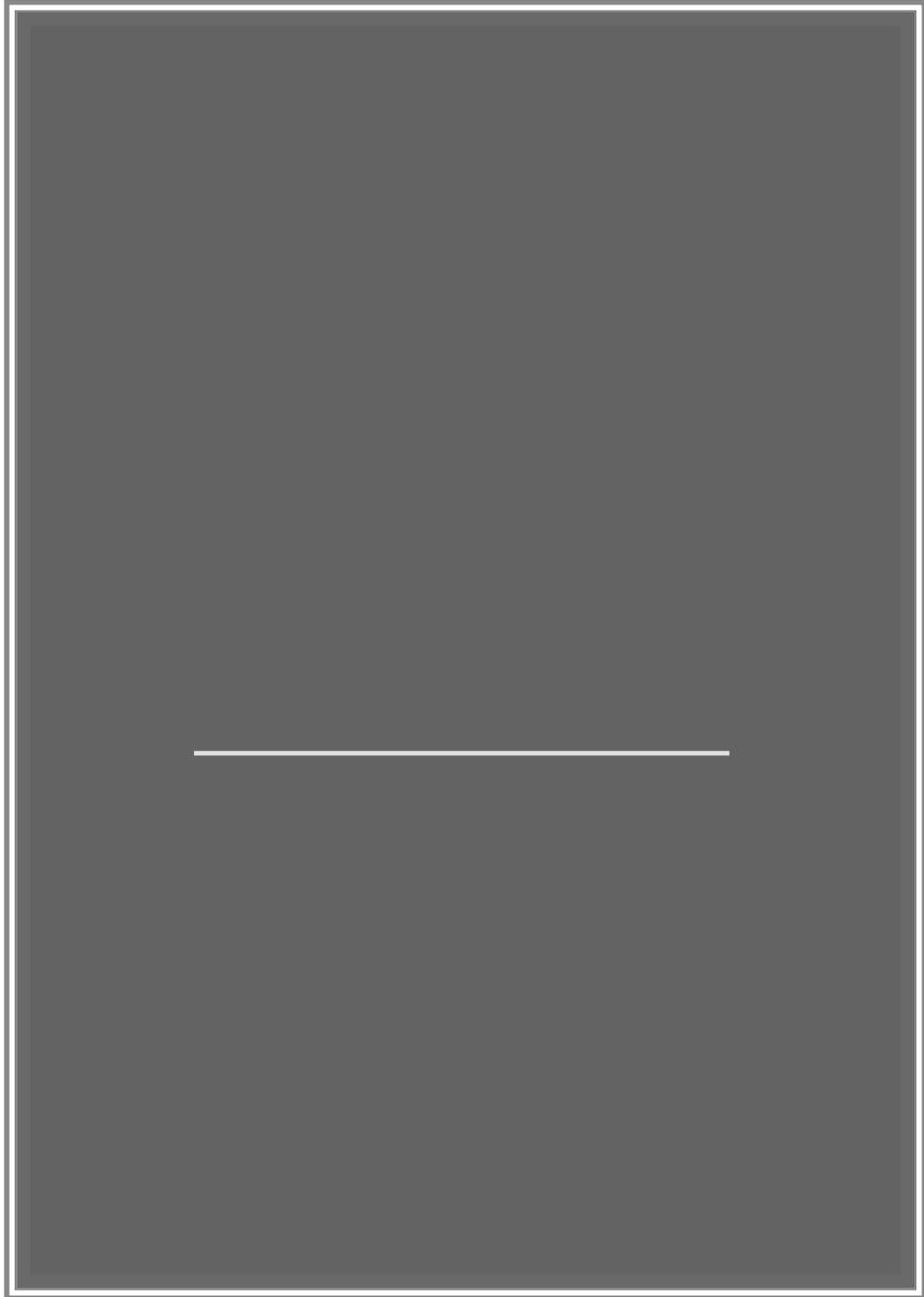


Treetops Cidery Storage



Storage





Treetops Cidery is not visible from EBD

- Tree line and natural growth retained to prevent erosion and run-off.
-





Small Business/Low Impact

- We personally transport apple juice from cider apples in IBC totes in our family-owned truck and trailer. No deliveries of juice products from commercial vehicles.
 - We self-distribute our product in our kegs to businesses using our own vehicle. No commercial distribution fleet will be used for pick-up of kegs.
- 

Transportation



Potential Concerns

- Traffic

Minimal to zero increase expected due to our limited parking and expected occupancy restrictions. Tasting room will be open a limited number of days and hours.

- Lights and Signs

No additional lighting except pre-existing and solar powered units on our two signs, one at top near tasting room and one at end of driveway.

- Visibility

Tasting room is not visible from East Bluff Drive due to trees and other natural landscape.



Scope Concerns Canner

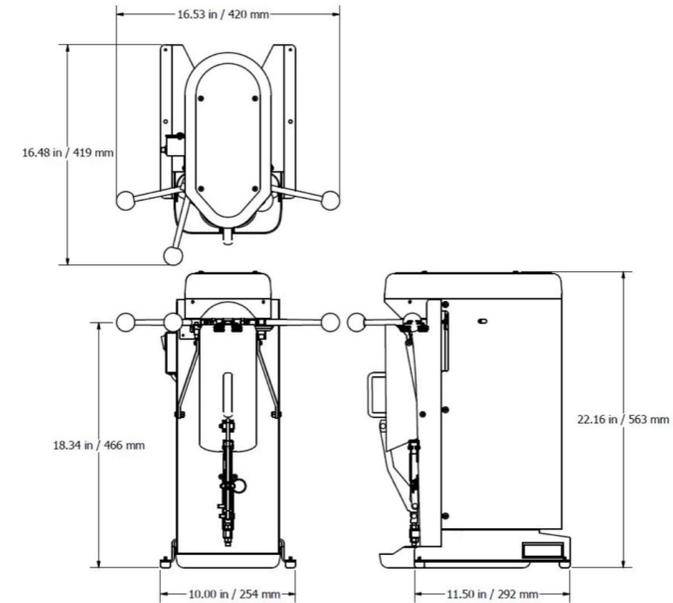


October



HOME > MODEL 7 CAN SEAMER > MODEL 7 - B

MODEL 7 - B



BASE FOOTPRINT: 10in WIDE X 11.5in DEEP / 254mm x 292mm
WEIGHT: 45lbs / 20.5kg



**Canner
not an
industrial-
sized
cannery
production
line.**



Future Goals

- Reinvest profits back into business in order to purchase land on the wine trail and obtain a more central location to conduct our operations.
- Limited by space in current location. Expansion would only be possible in a different location.



Closing Remarks

- We are a small, family-owned and operated startup cidery.
 - No employees, heavy machinery, or equipment involved in operation.
 - Limited hours in a small, secluded tasting room.
 - Future goals of relocating to a different location if the business proves to be a sustainable source of income.
- 