

Approved

TOWN OF JERUSALEM
PLANNING BOARD MINUTES

May 3, 2007

The regular meeting of the Town of Jerusalem Planning Board was called to order by Chairman Robert Evans, on Thursday May 3, 2007 at 7:03 p.m. The roll was called:

Present: R. Evans
D. Koop
E. Pinneo
B. Pringle
N. Simmons
A. Toasperm
Excused: M. Coriale

Others present: Councilperson L. Hopkins, Town Board Liaison, Attorney V. Gardner, Attorney P. Bailey, Cynthia Geertson and Alice B. Hunt, substitute clerk for this evenings meeting.

Chairman Evans deferred from this evenings agenda, to welcome Attorney Valerie Gardner who wishes to address this board on Open Development Issue/Private Roads.

Attorney Valerie Gardner commented that she represents the Kennedy Family who currently has entered into a purchase agreement for property located on Skyline Drive, from the Chambers. Three separate parcels are under contract, with one house to be built now, however there is no road frontage available to service these lots. She realizes that both the Planning Board and the Town Board are aware of the Open Development Law and are working to develop regulations for private roads. She is in attendance tonight to request that the Planning Board review those regulations this evening and forward any recommendations to the Town Board, so that this issue can be resolved quickly and her client can move forward with the purchase.

She then took questions from the Board members and:

- a) Identified the three parcels involved on a map.
- b) Listing the size off lots as C – 5.426 acres, D- 6.426 & E –5.5

Attorney Phil Bailey joined Ms Gardner at the board table as he to is familiar with the project. He stated that the Kennedy's are buying three of the 5 lots for sale, with one of those three being retained in the Kennedy name and the rest moving into a Kennedy Trust. A project map was presented to the Planning Board and questions about the site were explained in detail to acclimate the Board members with the project.

OLD BUSINESS

BED AND BREAKFAST

This topic can be eliminated from tonight's agenda as the Town Board has adopted updated material on this subject.

ADULT ENTERTAINMENT

Chairman Evans reported that after frustrating delays the last few weeks, additional information has now been received and he will be discussing the issue with A. Toasperm following tonight's meeting. He projects that it will be at least another month or more before a final draft will be ready for Planning Board members comments.

He invited Cindy Geertson to future meetings where Adult Entertainment would be discussed. He then assured her that she was always welcome at the Planning Board meetings, however nothing further on that subject will be under discussion this evening.

PRIVATE ROADS – 280A LAW

Attorney - Phil Bailey has been asked to attend tonight's meeting to clarify the meaning of Chapter 280A of Town Law – which is a State Regulation. He stated that this regulation is part of the chapter on Zoning & Planning in Town Law. It deals with the question of access to structures to a public highway. It states that the Code Enforcement Officer is not allowed to issue a building permit unless the lot in question is served by adequate access to a public road. If the lot is not on a public road the Town has a responsibility to be sure there is an adequate private roadway to allow service by emergency vehicles to that parcel. There are several ways to do this that include:

- a) A signed and filed subdivision map including that parcel in question.
- b) A road owned in fee, meaning that the owner of a parcel also owns a portion of the private road (not just an easement whereby the lot is owned by a third party)

The process to be followed as outlined in State Law 280A is that the applicant would apply to the Town Board for Open Development Status, the Town Board then refers the application to the Planning Board for its consideration/comments. Any input from the Planning Board is then forwarded back to the Town Board, who is the permitting agency.

It is logical that the Town establishes private road specifications adequate for emergency vehicles and not revisit this issue every time there is an application of this nature. He noted that more stringent regulations than those under consideration could be required in special cases – such as steep slopes, wet lands, or bedrock. However, he would advise that specific regulations for the 280A application not be anywhere close to the Town's Public Road Standards, thereby discouraging future request for the Municipality to take over that road.

N. Simmons wanted assurance that the terminology of Open Development Area only deals with a private roadway.

Attorney Bailey assured him that 280A refers only to the road access sufficient and adequate for emergency vehicle use. There is neither provision for utilities nor subdivision review in this process.

N. Simmons is concerned that if the requirements are too close to our Public Road Standards, the Town will face future lawsuits in an attempt to have the plowing and maintenance taken over by the Municipality. To avert this he suggested we establish only a minimum standard as we move forward with this 280A. If more stringent requirements are needed in a specific 280A project, those needs can be identified and dealt with in the section of the specifications requiring approval of Highway Superintendent, Fire Dept or CEO.

Discussion followed as members clarified points with Mr. Bailey on both the regulations under consideration and comments on this specific project.

A. Toaspern expressed deep concerns over the possibility that this Open Development action will be used as a way of skirting subdivision, as we don't really have specific subdivision criteria. In comparing what the State is suggesting with these 280A regulation and what has been required by the Town in the past, she feels the Town has always been stricter and wants to be assured that a fifty (50) foot access or more will be maintained, that there will be a road association and that specification for building of private road will be well defined.

She noted that this board has spoken of subdivision regulations for many years, yet, she can list seven or eight subdivision that are in existence that have skirted the Planning Board all together. She feels we should be moving ahead with a master plan for subdivision for the town and not just dealing with this a portion of what we need with this Open Development issue.

D. Koop was in agreement with the idea that the allowing of this Open Development issue could serve to create subdivision down the road, whereby these five - five (5) acre lots in this application, could in the future, become twenty-five (25) one acre lots serviced by the same roadway.

Attorney P. Bailey again explained that the 280A deals only with roads, where subdivision would deal with lot size, density, utilities, visual impact and should also deal with roads as well.

Chairman Evans stated that we have covered a lot of territory tonight, but the issue under consideration this evening is road specification under 280 A, not subdivision regulations.

N. Simmons - suggested that Board members review item by item the regulations forwarded by the Town Board. (Document dated 1/05/07)

Private Road Construction Standards

Item # 1 – Read with no objection from members

- Item # 2 –
- a) No objection
 - b) This section is to be completely removed. - Not necessary to establish MINIMUM standards. More stringent regulations can be called for if a specific application shows need.
 - c) No objection
 - d) No objection

Item #3 –Read with no objection

Private Road Requirements

Item # 1-6 Were approved without objection.

Item # 7 Should include a provision that the Town would provide a uniform street sign, stating that this is a private road, listing the road name and including the fire numbers of the properties serviced.

Item # 8 – Was felt to be confusing and Attorney Bailey agreed to rewrite the entire section. He will clarify how an extension of an existing private drive will be handled to enable that road to service a new development.

Upon receipt of Attorney Baileys rewrite of section #8 – the changes made tonight will serve as the recommendations requested by the Town Board for the implementation of the 280 A regulations.

NEW BUSINESS

PROJECT PRIORITIES

The Planning Board had asked that the Town Board to prioritize the list of tasks that are under discussion by this Board. Chairman Evans read the response from the Town Board that include:

- 1) Private Road
- 2) Adult Entertainment
- 3) Subdivision Law
- 4) Slopes
- 5) Zoning Recommendation Update
- 6) Cluster Development
- 7) Wind Farms

ADVISORY BOARD UPDATE

No report was available.

The question was raised as to why the Advisory Board Minutes are not provided automatically to the Planning Board members, as are the Town Board and Zoning Board minutes.

Councilperson Hopkins will see that arrangements are made to have future minutes of the Advisory Board forwarded to both Planning and Zoning Board members

COMMITTEE REPORTS

SLOPES – Chairman E. Pinneo reported that he is attempting to set up a date for his committee to do a drive by review of specific areas in the Town. It was noted R. Ayers is attempting to get permission from various property owners to allow the committee access to private property.

WIND FARMS – Chairman N. Simmons report on issues his committee is working on;

1) To offer sincere thanks to Diane Caves for the fine job that she did in compiling concise minutes of a very confusing and some times chaotic informational meeting on wind farms held at Keuka College April 2, 2007.

2) The next phase of gathering information on wind farms will be to have the members of his committee ride around Jerusalem, using a town map, and make notes of high spots, Town lines, etc, familiarizing themselves with possible sights. Then when J. Barr who is a member of the Bluff Point Association returns from China, the committee will begin putting together the report and recommendations that will be submitted first to the Planning Board and eventually on to the Town Board

3) The committee is also considering another trip to the Town of Fenner, which is the sight most in line with the Town of Jerusalem's needs. B. Pringle reported that he and J, Barr had researched the expenses related to such a trip and found that it will be possible to accommodate 25 people at a cost of \$600, or approximately \$25.00 per person. The date will hopefully be in mid to end of June and will be coordinated to allow the Supervisor of Fenner to attend. Any participants will be asked to bring their own lunch, for this nine-hour trip, retuning approximately at 3:30 in the afternoon. Checks for tickets to this event should be made out to K Venture and not the Town of Jerusalem.

ZONING BOARD REVIEW

Glenn Herbert has completed a monumental amount of research and compiled a valuable worksheet accounting for the number of various variances that have been granted by the Zoning Board in each category over the last ten years.

G. Herbert has also volunteered to head up a committee to develop subdivision regulations for Jerusalem. The Town Board is asking for two volunteers each from the Planning and Zoning Boards to serve on this committee. Chairman Evans asked for volunteers and D. Koop was the only one to offer to serve in that capacity.

PLANNING BOARD BUDGET

Chairman Evans has discovered while attempting to use Town funds to secure a map needed by the Adult Entertainment Committee that the Planning Board does not have any funds in its budget. He further noted that he had found that for the last three years that the Planning Board Chairmen has not been consulted for expense estimates. He assured his board members that he would be submitting information for the upcoming year's budget.

Also, he noted that there is a hearing in the Town of Middlesex on May 10, 2007 in regard to a ninety-day moratorium on Land Subdivision.

MINUTES APPROVAL

E. Pinneo offered a motion to approve the minutes of April 5, 2007, seconded by A. Toastpern. Motion was carried (6 – Ayes – 0 Nays)

COMMUNICATION

1) D. Koop wished to elaborate on her telephone conversation referenced in last months meeting, with Yates County Planner C. Wilson. He specifically said that Jerusalem's Comprehensive Plan gives clear direction in Open Space Preservation so our Steep Slopes Ordinance must provide for Open Space Preservation. He gave us sample wording for the purpose statement. He suggests using the States' definition of Open Space. He offered to review our draft ordinance. He said that we will need an inventory of steep slopes that should be preserved, but we should pass the ordinance as soon as possible, then do the inventory later, and then amend the ordinance if needed.

N.Simmons – commented that during the Comprehensive Plan process it was continually impressed on everyone that the Comprehensive Plan was just that - a plan - something drawn as concept but not law. He feels that Mr. Wilson is mistaken in his statement.

2) Chairman Evans asked C. Geertson if she had any questions. She inquired if the Adult Entertainment overview was available to be looked at. Chairman Evans stated that it was not yet available, as the committee is still considering some points.

ADJOURNMENT

B. Pringle offered a motion to adjourn the meeting at 9:03, seconded by N. Simmons.
Motion carried (6 Ayes, 0 Nays)

Respectfully submitted,

Alice B. Hunt, substituting for Diane Caves.