

TOWN OF JERUSALEM  
PLANING BOARD MINUTES

September 6, 2007

The regular meeting of the Town of Jerusalem Planning Board was called to order by Chairman R. Evans on Thursday September 6, 2007 at 7:03 PM, and the roll called.

Roll Call:	Robert Evans	Present
	Mary Coriale	Present
	Deborah Koop	Present
	Edward Pinneo	Present
	William Pringle	Excused
	Neil Simmons	Present
	Annette Toaspern	Present

Others Present: Town Board Councilwoman/Liaison Loretta Hopkins, William Southerland, Brian Blackman, Ray Cordello, Mary Griffiths, Tim Mc Michael, Loren James, and Mr. & Mrs. Alconero and recording clerk Alice Hunt.

APPROVAL / CORRECTION OF MINUTES

Minutes of August 2, 2007 meeting were discussed. A. Toaspern requested that the record indicate that the section referred to as Zoning Regulation Review; should show that the meeting times questioned by N. Simmons, had been agreed upon by all members. N. Simmons stated for the record that it was unacceptable that not one representative from the Agriculture Community was on a committee charged with establishing zoning policy. Chairman Evans stated that this committee had been in existence for over a year, and consists only of two members each from the Zoning and Planning Boards.

On motion of A. Toaspern, seconded by M. Coriale the minutes be adopted as amended.  
ADOPTED Ayes 6 - Nays 0

OLD BUSINESS

APPLICATION # 907 – WILLIAM SUTHERLAND

Mr. Sutherland is requesting a Special Use Permit to construct a 5 unit building on three owned parcels of land, and in compliance with Town Code Article VII, section C, item 2, page 160:49.

Board members asked for information relating to:

Parking & Pear St Entrance.

Mr. Sutherland stated he was providing 11 parking places when only 7 are required by code, and felt that it better to use Pear Street for ingress and egress rather than the busier Assembly Ave.

Set Backs - The stakes for the proposed building, raises questions of whether the set backs have been adhered to.

Mr. Sutherland understands the confusion, for when he had the property surveyed and pins put in place, that survey showed the pavement of Pear St, is not located where it should be. The road blacktop is about 8 feet onto land owned by Mr. Sutherland, and not 8 feet to the west where it

should be located. He believes this was a simply a path in the past that somehow got paved. In any event he does not feel that the road location problem is up to him to resolve.

D. Koop questioned how this paving problem could be verified and corrected. N. Simmons stated that there have been other similar problems, around the fire hall or in the area where Collins Ave backs up to Lawrence St. These items were finally resolved by using the certified survey maps and pin placement to settle any question.

Neighbor Concerns – Mary Griffiths, neighbor in attendance, said that neighbors have several concerns, first the increased traffic in the neighborhood, and have fears that this project will become college housing. Additionally they feel that this is just too much house for the lot which changes the character of the neighborhood.

Mr. Sutherland asked if any Special Use Permit issued by the Town might be conditioned to units being rented to only families? He acknowledged that he would be renting these units at market rates – for they will not be subsidized or qualify for low-income housing. He further stated that he did not feel this project would change the character of the neighborhood, as there are already several rentals in the area including Keuka Park Apartments and Strong Hall.

Board members felt that it may not be legal to exclude students due to fair rental laws.

Mr. Sutherland plans on placing a restriction in his rental agreements that would condition automatic eviction on a single visit from the Police Department upon residents.

#### ACTION ON APPLICATION # 907

##### Part One

On motion of N. Simmons seconded by E. Pinneo that the Special Use Permit be recommended for approval and forwarded to the Zoning Board for their action with the following conditions.

- 1) Entrance will be from Pear Street as the map submitted.
- 2) Low shrubbery will be installed as depicted on the map.
- 3) Directional lighting known as Ballard posts will be placed at the edge of the parking lot, with additional lights over door ways.
- 4) Parking areas are not to be paved, and will be of gravel or stone.
- 5) That the family use designation be added to the permit using the terms outlined in the Town Zoning Code.

Adopted Ayes 6 - Nays 0

Part Two: It was agreed by members after individual review of all questions on the SEQR form that this project should be given a NEGATIVE SEQR determination with the following comments added to the SEQR document.

- 1) Item C1 to read: Potential ground water issues. Parking lot to be gravel. Potential noise issues, mitigated by shrubbery. Family rental restriction. The above may not be fully mitigated, maybe a continuing concern. Existing traffic patterns mitigated by Pear St. entrance being moved further from Park St.
- 2) Item C2 to read: Neighborhood character potential change on that particular street, however not in Keuka Park in general.

The Board was unanimous in its findings.

#### NEW BUSINESS

##### APPLICATION # 910 – CAMP GOOD DAYS AND SPECIAL TIMES.

Ray Cordello, Director of Finance for Camp Good Days and Special Times, introduced Brian Blackman, who is responsible for Operations at the Camp and Loren James in charge of safety

and security at the Camp. Camp Good Days is requesting a use variance to correct a situation that apparently occurred in 1969. Earlier this year, when working with the Code Officer to obtain a building permit to update the bathhouse, located at 58-69 West Lake Road, it was found that a use variance for this particular area of our operation had never been obtained. It was suggested that we rectify that situation to bring the Camp into compliance.

The current work being done to the bathhouse consists of the relocation of pipes to the center of the building instead of along the outside wall to prevent freezing, and replacing the septic system on that property. No other changes to the property are to be made.

#### ACTION ON APPLICATION # 910

##### PART ONE

On motion of N. Simmons second by D. Koop that the Planning Board recommend that the requested use variance be Granted. Adopted Ayes 6 - Nays 0

PART TWO: it was agreed by all members that a NEGATIVE SEQR determination be given to this project following review of all parts of the SEQR form. The board was unanimous in their findings.

#### APPLICATION # 911 – TIM MCMICHAEL

Note: N. Simmons wished to make it known that Mr. Mc Michael is a neighbor and it is his intention to abstain from this decision. He did raise the question if there would be a quorum without his participation. Chairman Evans assured him a quorum would be maintained.

Mr. Mc Michael stated that he wishes to develop a four acre parcel by placing four rental duplexes on a lot he owns on Skyline Drive.

Questions raised by the Board included:

#### Set Backs & Building Staked Out

Mr. Mc Michael explained there would be plenty of room for the four buildings to be placed on a four acre lot. He does not yet have a regular survey map of the project. He stated that when/if he got approvals he would have plans drawn that were specific to the exact placement of buildings and showing all the set backs needed. At this point only the entrances and the front of the building have been staked out.

#### Site Stake Out and Exact Drawing Needed

Mr. Mc Michael wished to know whether this project would be acceptable to the Town before he invested a great deal of money into the project. However if that's what is needed he will comply.

Chairman Evans asked if any neighbors wished to speak for or against this proposal. No one came forward. Several members of the board expressed favor with the concept being presented, however there was not enough information provided to make a recommendation to the Zoning Board on the Special Use Variance at this time.

#### ACTION ON APPLICATION # 911

On motion of R. Evans, seconded by M. Coriale, that the Mc Michael project be given Concept Approval and the Planning Board looks forward to this projects site plan review in the near future.

ADOPTED Ayes 5 (Evans, Pinneo, Toaspern, Coriale, Koop)

Absentions – 1 (Simmons)

Nays 0

Lengthy Board discussion followed this decision. Items in question included:

- 1) The difference between a lengthy driveway and/or the designation of a private road.
- 2) Difference between developing an area of a parcel with road frontage being left as green space and the distinction of a flag lot where by the same effect is seen.
- 3) Subdivision regulations being explored and developed at Committee Level.
  - a) Frustration was expressed with an apparent mandate to have these new laws in place within six months. N. Simmons feels it's unfair to develop these regulations when all agriculture representatives are unable to attend meetings for they are involved in harvest season. Stating that any attempt to change laws during the months of Feb or March would have the Bluff Point screaming foul, he feels the same consideration should be expended to the busy season of the agriculture community.
  - b) Note was made that only the R1 portion of the Subdivision regulations were being looked at by the Subdivision Community at this time.

#### ALCONERO PROJECT UPDATE

Chairman Evans recognized Mr. & Mrs. Alconero, and although they are not on the agenda this evening asked if they wished to speak.

Mr. Alconero said they attended tonight's meeting to see if their property was to be discussed. He feels he has gotten DEC approvals and stated that his engineers are now taking the whole project into consideration. He wished to know what subdivision plans are to be so that they can plan the use of the rest of their property.

R. Evans, stated that the Alconeros have been told many times by this Board, that it is not the function of this Board to tell a resident what he is to do with his property, but rather to review what the property owner wants done and to evaluate those plans against regulations currently in place.

Mrs. Alconero stated that they are asking only for open development and the issue of drainage issue around the Triosi house. These plans have been approved by Rick Ayers.

R. Evans stated nothing has been received by the Town to that effect.

M. Coriale referred to a concept plan being put together by the Alconero's Engineering firm that was to be developed and approved by the DEC, Rick Ayers of Soil & Water, Paula Smith and the Town Code Enforcement Officer.

Mrs. Alconero stated that all that material had all ready been submitted to the Town a long time ago.

R. Evans stated that the Town has nothing in writing from any of the listed officials, allowing them to proceed with this matter.

Following a very lengthy and repetitive discussion on various portions of this issue, Mr. and Mrs. Alconero asked for a detailed letter sent to them by the Town outlining specifically what was required of the Alconero's to move this project forward. Encouraged by several Board members, Chairman Evans consented to preparing the information and will forward a registered letter directly to the Alconero's. However, it is to be understood that only when the required information has been received by the Town, will the Alconero's again be placed on the Planning Boards agenda for consideration.

#### COMMITTEE REPORTS

SLOPES - E. Pinneo reported the Slopes Ordinance that has been developed is now in the hands of Attorney Bailey for review. When questioned as to why the attorney had the document

before the Planning Board had a chance to review it, he stated that Councilman Folts had given him permission to go to the attorney to assure everything was in order before distribution.

D. Koop wished to clarify for the record a statement in the July minutes that the General Code Employee, Colleen Wright had supplied sample ordinances to the Planning Board at no expense to the Town.

WIND – N. Simmons reported that the scheduled trip to Fenner will take place on September 20, 2007. Discussion is underway looking to a possible public hearing on this issue sometime in November. However the committee is aware of interest by the State Legislature in regulating the issue of wind farms, therefore committee has been moving slowly while awaiting the outcome of State intervention on this issue.

ADULT ENTERTAINMENT – L. Hopkins reported that she has asked Attorney Bailey to put the Planning Board's recommended changes to the existing regulations on Adult Entertainment into a "legalese" form and to supply that information to the Town Board by their Sept 19, 2007 meeting. She will then call for a public hearing to be scheduled, with that hearing and adoption anticipated in October.

ZONING REGULATION REVIEW – A. Toaspern supplied members with lengthy comprehensive minutes of the Sub-Committees actions. She elaborated on several of the issues, including a chart that had been created by G. Herbert that listed all R1 zoning variance applications and their outcome to be used as a tool to spot changes that need to be made in the Code. A flow chart of changes for the review process was outlined to assure adequate review by all involved Boards prior to the actual change to the law. Lot coverage is also a complex problem under discussion. Any re-defining of this will create major impact and must be very carefully considered from all angles.

She then reviewed three changes that had been presented to both the Town Planning Board and Zoning Boards on June 18, 2007 and asked consideration of these items being forwarded to the Town Board for scheduled public hearing and adoption by the Town Board. Those items include

- 1) Height of accessory road side, lake side front yard set back, and lake side rear yard set back, (described in detail as item 11 in Zoning Sub Committee 8/9/07 report)
- 2) Lot coverage change from 20 to 25% (described in detail in item 12 of 8/9/07 report)
- 3) Lot coverage – with public sewer to remains at 20% (described in detail in item 13 of 8/9/07 report)

Lengthy discussion followed with some members of the Board ready to take these issues forward, while others felt more time was needed to digest the material.

On motion of R. Evans, seconded by E. Pinneo that the items listed as numbers 11, 12 and 13 in the written report of the Zoning Sub Committee be approved by the Planning Board and moved forward to the Town Board for adoption.

Ayes 3 (Evans, Pinneo and Toaspern)

Nays 3 (Koop, Corale and Simmons)

Motion was defeated

ADVISORY COMMITTEE - R. Evans reported on issues that came out of the recent Advisory Board meeting.

1) Training for Planning and Zoning members has been set by the State at four hours per year. All members are asked to get certification of attendance and submit them to the town following each training session. Information on all upcoming training session will be shared with members when received by the Town. N. Simmons commented that the County should be encouraged to schedule local training.

- 2) It has been found that law does require that any person wishing to speak at a public meeting be heard – whether a resident or not. It is possible to establish rules for all making comments, that criteria be established that residents will be allowed to speak first on an issue.
- 3) Two applications have been received to put in Permanent Docks however have not been acted upon to date.
- 4) A Foundry/Light Industrial company presently located in Vermont and employing eleven people, has written to the Town expressing its wish to relocate to the Guyanoga Road area. Elaine Nesbit and Ron Rubin have been appointed to look at this issue.
- 5) Notebooks for each member of Planning and Zoning Boards have been distributed, which have the current Town of Jerusalem Zoning Code section 160. Board members will receive updated pages for these notebooks whenever a change to the existing code is changed. This will give all Board members assurance that they are equipped with the most current version of the Code possible.

On motion of E. Pinneo and seconded by D. Koop the meeting was adjourned at 9:55 pm.

Respectfully submitted

Alice B. Hunt, substituting for Diane Caves