

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

November 11, 2010

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, November 11, 2010 at 7 pm by Chairman Glenn Herbert.

Roll Call:	Glenn Herbert	Present
	Jim Crevelling	Present
	Jim Bird	Present
	Mike Steppe	Present
	Ed Seus	Excused
Alternate	Dwight Simpson	Present

Others present included: Max Parson/Town Bd., Brian Lloyd, Joyce McElwee, Michael McElwee, and Andrew Stewart.

A motion was made by J.Bird and seconded by J.Crevelling to approve the October Zoning Board minutes as written. Motion was carried unanimously (5-yes, 0-no).

COMMUNICATIONS:

Chairman G.Herbert shared a letter from B.Evans regarding application #972 Special Use Application. Copy on file with application.

NEW BUSINESS:

Application #972 for Brian Lloyd owning property at 3264 Guyanoga Rd. Branchport to request a Special Use Permit to operate a mostly internet-based used car facility at this location.

Mr. Lloyd was present to discuss his proposed plans with the Zoning Board. Mr. Lloyd stated that he had revised his plans which originally was asking for 6 to 8 cars to be located on the premises. This plan has been revised and changed to a request to have three cars at this location.

Mr. Lloyd explained that he needs to meet the New York State requirements which requires a letter or some type of correspondence from the Town of Jerusalem that it is legal for him to have the car dealership business at this location, that at a minimum he be allowed to have a minimum of 3 cars at this site.

Mr. Lloyd stated that his business would be mostly done over the internet and he plans on eventually having his own website as well as there are other websites such as Craig's List, Auto World, etc. that he could use for car advertisements.

Mr. Lloyd stated that he would have an office in his garage, and would work out of there. Someone could come to his office to do the paperwork, etc. or he could meet someone at there home to do the paperwork and deliver a car.

Mr. Lloyd noted that he had spoken with Neil Simmons and was looking to possibly have 2 cars for sale at the Rte 54A, Bluff Pt., "Park and Sell" site. He also has another site in Canandaigua for 1 or 2 cars.

Mr. Lloyd will need to go back to the Jerusalem Planning Board in December with a revised site plan and for the review of SEQR short form. This application was discussed at the October Planning Board Meeting but no decision was made and the Special Use/Site Plan and SEQR review were tabled for a decision until the November Planning Board meeting.

Yates County Planning Board had reviewed this application with a decision recommending approval but suggesting that the Town of Jerusalem establish restrictions on the number of vehicles on the property in total and the number of vehicles displayed in the front part of the property.

Board members spent considerable time reviewing and discussing this application. There was a general consensus of board members not being opposed to local businesses in the Town, however, it was decided that there needed to be some restrictions put in place so that the applicant could proceed, but the business would not have a negative impact for tourism as Guyanoga Road is one of the main corridors coming into the Branchport area and will eventually be part of the tourist route to the Finger Lakes Historical and Cultural Museum after it is built.

Mr. Lloyd stated that he will not be doing any mechanical or repair work on these vehicles out of his garage. He will not be doing any inspections. This type of work and the inspections can be done locally at Branchport Automotive. He stated that he would be doing basic car cleanup, vacuuming, washing, etc.

A place for the 3 cars to be parked would be up to the west of Mr. Lloyd's garage. This area has a good gravel base and is not clearly visible from Guyanoga Rd. whether travelling north or south. Mr. Lloyd asked if one car placed down near the road on the side of the driveway would be acceptable on a good day. Board members were of an opinion that the car displays should be left to the internet and websites for potential customers to view them there.

A motion was made by G.Herbert and seconded by M.Steppe to approve this Special Use subject to Planning Board Final site plan approval and SEQR determination, and based on the following conditions:

1. A maximum of 3 cars for this business are allowed on this site.
2. Location for these cars is to be on the side of the garage and not visible from Guyanoga Rd.
3. The NYS Dealership sign will be the only sign and it will be located on the side of the Garage/Office building.
4. No mechanical work to be done at Mr. Lloyd's garage, on any of these vehicles. Basically, the only work to be done is general cleanup of a vehicle.
5. Since this business is subject to the NYS Dealership license, if Mr. Lloyd moves this special use is no longer valid.
6. No cars to be displayed in the front yard or driveway.
7. The Code Enforcement Officer is to review this site and business after one year to ensure that all conditions are being met.

The motion was carried with a poll of the board as follows: J.Crevelling-approve, D.Simpson-approve, M.Steppe-approve, G.Herbert-approve, J.Bird-deny based on the following reasons; Guyanoga Road is the main route to Branchport from the North. This Business is not conducive to a residential neighborhood especially considering the future plans for the hamlet with the advent of the museum. The museum is willing to invest in Branchport and a business like this is counter-productive to their plans.

OTHER BUSINESS:

Chairman G.Herbert brought up a matter of concern with board members that had been brought to his attention and he had, in turn, discussed with the Town Attorney, regarding discussion of issues for which decisions are made by the Zoning Board.

He noted that there have been different times when the Zoning Board would be reviewing an application and a discussion would get started involving issues not relevant to the application which was being applied for. It is these topics and discussions that get brought up as an application is being reviewed that can end up becoming part of the record (Zoning Board Minutes) whether relevant or not, and could then be used against the Town and Zoning Board should a future action be brought against the Town.

A motion was made by Chairman G. Herbert and seconded by J.Bird that the Zoning Board as a group be in agreement that, in the future, they, as board members, will limit their discussion topics to being those that are relevant to the variance application being requested.

The motion was carried with a poll of the board as follows: J.Crevelling-agree, M.Steppe-agree, J.Bird-agree, D.Simpson-agree, G.Herbert-agree.

There being no further business to discuss, a motion was made by M.Steppe and seconded by D.Simpson to adjourn the meeting. The motion was carried unanimously (5-yes, 0-no) and the meeting adjourned at 8 pm.

Respectfully submitted,
Elaine Nesbit/Secretary