

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

May 8th, 2014

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, May 8th, 2014 at 7 pm by Chairman Glenn Herbert.

Roll Call:	Glenn Herbert	Present
	Jim Crevelling	Present
	Ed Seus	Excused
	Dwight Simpson	Excused
	Earl Makatura	Present
Alternate	Joe Chiaverini	Present
Alternate	Rodgers Williams	Present

Others present included: John F. Phillips/CEO, Tanya Baker, Brian & Susan Friguliette.

A motion was made by E. Makatura and seconded by R. Williams to approve the April Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

The communications received were from the Yates County Planning Board and the Town of Jerusalem Planning Board regarding application #1031.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1031 for Brian & Susan Friguliette owning property at 2792 State Rte 54A Penn Yan, NY requesting that the Special Use Permit for their “small retail service business” otherwise known as “Java-Gourmet” be applied only to the lot that has the small building where their retail service business is located and that it not include the lot where their residence is located.

Mr. & Mrs. Friguliette were present to answer questions for board members. They noted that they had received the original Special Use Permit in May of 2012 and it was approved to include both the lot where the small retail service business (known as Java-Gourmet) is located as well as their residential house lot. When they applied for a loan from their bank the financial institution did not want to have the lot with the business included on the loan paperwork. Since the Special Use Permit will apply only to the lot where their small retail service business is located, the Friguliette’s are asking to have the Declaration of Deeded Zoning Lots rescinded and for each lot to have individual Tax Parcel numbers and individual addresses. This will allow them to proceed with their loan application and to proceed with their business.

Chairman G.Herbert read the letter from the Yates County Planning Board (copy on file) which stated that based on the referred materials submitted the Board voted to approve the requests for Special Use and Site Plan to apply just to the lot where the small retail service business was set up.

Chairman G.Herbert also read the notice from the Jerusalem Planning Board (copy on file) that upon review of the short form SEQR pertaining to Application #1031 for Special Use and Site Plan, a negative declaration was made.

The Planning Board also voted to recommend approval of the Special Use Permit application #1031 and to list the same conditions (#1-12) that were stated in the original Special Use Application #1002 with the exception that approval be given for “a small retail service business” (not specifically Java-Gourmet), as permitted by Town Code Zoning section in 160-20H.

All conditions from Article VIII B: Rte 54A Scenic Overlay District 160-37.4-37.11 is complied with, was a second condition of the motion by the Planning Board in recommending the Special Use Permit approval.

The recommendation motion of the Planning Board, included the statement that “a revised site plan was not submitted to the Planning Board for review.

The zoning board members had an opportunity to review the paperwork, they were all familiar with the location for this small retail service business (otherwise known as “Java-Gourmet”) and the request to have the Special Use Permit apply only to this lot and location.

There being no further questions from the board, a motion was made by G.Herbert and seconded by J.Crevelling to approve the application as requested. The motion was carried with a poll of the board as follows: R.Williams-approve, J.Chiaverini-approve, E.Makatura-approve, J.Crevelling-approve, G.Herbert-approve.

OTHER BUSINESS:

J.Crevelling stated that there would be a copy of the local law regarding proposed changes to the Ag-Res. District presented at the upcoming Town Board meeting. The Town Board would then most likely schedule a Public Hearing for June regarding the proposed local law.

There was some general discussion about lot coverage for this zone and the proposed changes.

With no further business for discussion, a motion was made by G. Herbert and seconded by J. Crevelling to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned.

Respectfully submitted,
Elaine Nesbit/Secretary

