

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

November 12, 2015

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, November 12th at 7 pm by Chairman Glenn Herbert.

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

Others present included: John Phillips/CEO, Joan Paddock, Tim Cutler/Planning Bd., Ira Goldman, Ronald Miller, Chelsey Madia, Heather Tomkins, Dick Curbeau, Bonnie Curbeau, Matthew Herson, Steve Lieberman, Matt Herson III, Danny Brown, Adele Middaugh, Pat Killen/Town Supervisor, and other interested neighbors.

A motion was made by J. Crevelling and seconded by D.Simpson to approve the October Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

The Yates County Planning Board determination was given regarding Application #1058 which approved both the Site Plan Application and the Special Use Application at their meeting on October 22nd, 2015 subject to the Town CEO's conditions and Applicants will coordinate with Yates County Soil and Water.

Tim Cutler, Chairman of the Jerusalem Planning Board was present and stated that the Yates County Soil and Water Department Conditions for this application have been met. He also noted that the Jerusalem Planning Board had determined a negative declaration for SEQR at their meeting on November 5th for application #1058 and had approved the Site Plan.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1058 for Chelsey Madia and Heather Tompkins for property at 2732 Wager Hill Rd. Penn Yan, NY requesting a Special Use Permit to have seasonal wedding /event location in existing barn at this location and to have farm to table cuisine featuring local ingredients from the Finger Lakes Region. Ceremony site and parking on premise.

Chairman G.Herbert stated that he would give people in the audience a chance to ask questions or to make comments but asked that they be addressed to the board and the times would be limited to three minutes. He also asked that anyone speaking please keep to the topic.

Chelsey and Heather were present to give a brief explanation of what their application was all about and to answer questions for board members. Heather noted particularly that they would be hosting weddings but did want to host other events. She noted that she is a chef and that they have a catering business, having hosted many weddings at other locations, such as Heron Hill, Abandoned Brewery, etc.

There were several neighbors present at the meeting with questions regarding the types of events that might be held at this location. There were two gentlemen present who stated that they themselves were experienced 'Event Planners' and were concerned about what might be coming next door. The feeling was that to just say that there could be events held at this location were too open ended.

The second concern was noise, and how would this be addressed. What would be the hours of operation and would there be a limit on when the music would be shut down.

Parking and traffic was questioned and would there be enough parking depending on how big of an event was being held.

Another concern that came up was the 'view shed' and there was a discussion about trees that had been planted and how they might affect the view of neighbors in 20 or 30 years. Some of the neighbors who had bought property years ago had a "view clause" in their deed about not obstructing the view of neighbors, but one property owner was missed.

Chairman G. Herbert noted that this was not a matter for the Zoning Board, but rather one that needed to be worked out between the owners of the properties themselves. He also noted, for the record, that the private road, Miller Lane, was also a matter of the property owners and not a matter for the Zoning Board affecting this Special Use application.

There were questions and concerns relative to this property being in a commercial zone, and it was noted that the term is not Commercial but 'Scenic Overlay District' which allows for certain types of uses as Special Permitted Uses in an area that has been pre-determined to be part of an area that the Town wants to preserve as part of the Scenic area of the Town. However, in accordance with the Town's Comprehensive Plan, it is also meant to allow for some business growth, in a way that will not detract from the rural, scenic landscape that many tourists come to our area to see. In this way, it protects the scenic area but also provides a much needed business growth to the Town.

There was a concern about additional lighting, but it was stated that there were no plans for additional outside lights.

It was noted that Chelsey and Heather would be living on the property at 2732 Wager Hill Rd. thus making the property owner-occupied for the operation of this proposed business.

A question from one of the board members directed to the CEO was whether there had been any concerns from other facilities that had received Special Use Permits to operate their facilities in a similar manner as the proposed application currently being reviewed. The CEO stated that there hadn't been any complaints from the two facilities that were currently in operation, 'Abandoned Brewery' or 'Vineyard View'.

It was also noted that 'Hunt Country' has had events at their location with the use of tents that are put up and then taken down within a matter of 2 or 3 days and there hadn't been any issues with the parking at these locations.

Upon hearing the public concerns, the board members reviewed the issues that had been brought up stating that the concerns would be taken into consideration.

Chairman G. Herbert asked the applicants if they could address the concerns that had been brought up. Chelsey Madia stated that their main event would be the seasonal wedding events and they would like to do other type of events such as bridal showers, baby showers, graduation parties, etc. In the past, when they have catered wedding events, at other locations, the size of these events have been anywhere from one hundred to two hundred people.

Regarding the parking, it was noted that a lot of the guests are from out of Town and usually stay at one of the local motels and as part of the Event Planning, they will provide a shuttle bus service that will pick up the guests, bring them to the wedding site, come pick them up later and return them to their motel.

It was noted that as far as the music, they were in agreement that it would be turned off at 10 pm if it was an afternoon wedding. They were agreeable to having the music in the barn to contain the noise inside of a building. The barn would also be limited in how many people it could hold and this would be determined by the Code Enforcement Officer and posted for purposes of liability.

There was discussion about the use of tents for these special events and how long they would be up. The applicants noted that it is usually the wedding party or whoever is having the event that pays for the tent so when the tents are used they will be up and down within a matter of 2 to 3 maybe 4 days at the most as a matter of cost of the event.

Weather was also a factor in discussing the use of tents and it was concluded that since the barn would be limited in capacity that a tent could be used as part of the event when weather related.

The applicants stated that they would be using 'Restroom Trailers' for the seasonal weddings and special family type events that they would be having at this location. It was also noted that they are regulated by DOH for these types of activities.

The question came up that if this special use is granted to these applicants does it go with the property. The Code Enforcement Officer noted that if the property is sold the Special Use Permit does go with the property for the Special Use that is specified, and it needs to be continued with the new owner. If, however, the special use is abandoned, and the new owner does not make use of it, then after one year, it is no longer in effect. He also noted that if a new owner wanted to do something different than the current owner, then a new special use application would have to be applied for or at least an amendment to the existing application would need to be applied for.

Chairman G. Herbert noted that everyone had an opportunity to voice their concerns and the board would discuss conditions that would help alleviate the issues that had been raised.

A motion was made by G.Herbert and seconded by J.Crevelling to grant the Special Use Permit with the following conditions: 1) no additional lighting be added to the property. 2) the open-ended events, be limited to weddings, graduations, family-oriented types of events (including baby showers, bridal showers, family reunions, etc.). 3) The music for any event shall have its (band/disc jockey, etc.) set-up inside the barn and shall be shut down at 10 pm. 4) Tents may be used for weather related events and removed as soon as feasible after an event is over. 5) Parking shall be scheduled according to the event as indicated by applicant and where feasible, shuttle buses shall be used. 6) The property is owner occupied and all events shall have at least one owner in attendance. 7) The Code Enforcement Officer shall meet with the applicants on site to determine the capacity of people that may be in the barn during an event.

The motion was carried with a poll of the board as follows: E.Seus-grant, D.Simpson-grant, J.Crevelling-grant, G.Herbert-grant.

OTHER BUSINESS

Board members received two applications for the December 10th Zoning Board meeting. Application #1059 for Guyanoga LLC requesting a Special Use Permit and Application #1060 for Andrew Sensenig requesting a Special Use Permit. Both applications have also requested Site Plan Reviews as part of their application process and both Site Plan and Special Use require SEQR review.

A motion was made by G.Herbert and seconded by D.Simpson to have the Jerusalem Planning Board act as the reviewing agency for SEQR for Application #1059 for Guyanoga LLC. The motion was carried unanimously.

A motion was made by G.Herbert and seconded by D.Simpson to have the Jerusalem Planning Board act as the reviewing agency for SEQR for Application #1060 for Andrew Sensenig . The motion was carried unanimously.

There being no further new business, 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

