

Minutes of the regular monthly meeting of the Jerusalem Town Board held on February 17, 2016 at 7:00 P.M. PRESENT were: Supervisor Killen, Councilors Anderson, Jones, Parson, Town Clerk McMichael, Town Engineer Ackart and Councilor Dinehart via skype.

GUESTS: Tim Cutler, John Christensen; *Chronicle Express* Reporter, Doug Paddock, Bob Evans.

Excused: Highway Superintendent Martin.

Supervisor Killen called the meeting to order with the Pledge to the Flag at 7:00 P.M.

Councilor Dinehart is participating in tonight's meeting via skype at 13 Lakeview Drive, Astatula, Florida.

RESOLUTION #37-16

APPROVAL OF MINUTES

On a motion of Councilor Parson, seconded by Councilor Anderson, the following was

ADOPTED	Ayes	5	Anderson, Dinehart, Jones, Killen, Parson
	Nays	0	

Resolved that the minutes of the January 20, 2016 meeting be approved as read.

RESOLUTION #38-16

AUDIT OF CLAIMS

On a motion of Councilor Parson, seconded by Councilor Anderson, the following was

ADOPTED	Ayes	5	Anderson, Dinehart, Jones, Killen, Parson
	Nays	0	

Resolved that the bills be paid as presented in the following amounts:

General:	\$6,308.20
Outside Village	\$ 883.52
Highway DB:	\$9,509.37
Sewer:	\$1,884.78
Water:	\$1,683.45
Branchport Light	\$ 220.12

January Utilities:

General:	\$ 9,655.65
Outside Village:	\$ 218.48
Highway DB:	\$ 2,115.68
Sewer:	\$ 262.91
Water:	\$ 618.16
Trust:	\$53,053.86

Be it further Resolved the \$15.00 voucher for payment of the Civil Service Code Enforcement Officer (CEO) exam fee be declined. The exam is required by Yates County Civil Service as part of the application/ employment process.

Councilor Jones noted the \$245.00 charge for research by Attorney Graff on skyping meetings could have been avoided as the Attorney for the Town gave the opinion it is allowed in accordance with Open Meetings Law (Section 103) in 2012. This is on file in the office of the Town Clerk.

RESOLUTION #39-16

SUPERVISOR REPORT

On a motion of Councilor Parson, seconded by Councilor Jones, the following was

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Resolved that the Supervisor's Report on the Town's finances for the month of January 2016 be accepted as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW A OF 2016 - CHAPTER 143 SENIOR CITIZENS TAX EXEMPTION AMENDMENT

With proof of notice having been duly published and posted, Supervisor Killen opened the Public Hearing at 7:10 P.M., asking for comments on the proposed amendments to Chapter 143. Taxation relative to the Senior Citizens Tax Exemption.

No one from the public wished to comment.

The hearing was left open.

TOWN OFFICIALS

HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.

TOWN ENGINEER

- Larson Design Group met with the KPSW Committee on February 11 to discuss the status of the Indian Pines forcemain project, the sewer study and the water grant study and scope.
- Notes of the February 12, 2016 KPSW meeting on file in the Office of the Town Clerk.
- Town Engineer Ackart returned signed forms to Krog Corporation they need to submit to the Department of Health for approval to connect the Keuka Commons project to the Town water and sewer.

SUPERVISOR

Supervisor Killen received a thank you note from Marble's Automotive for purchasing the Assessor's vehicle and one from Eleanor Lambert thanking us for her cake-reception and gift certificate.

SUBCOMMITTEE REPORTS

BRANCHPORT HAMLET SUBCOMMITTEE

Councilor Parson stated the Subcommittee has not met.

B1 ZONING SUBCOMMITTEE

Joe Trombley, owner of Seneca Farms, 2485 Route 54A, has requested parcel 61.24-1-27 be fully included in the General Business district (B1). Currently, the parcel is divided between the B1 and Residential - Indian Pines (R3) districts. Our zoning needs amendment as the 150' measuring point for the B1 District boundary is not clear. Planning Board Chair Cutler informed the Board that Mr. Trombley has merged property with his residential parcel. Mr. Trombley will have his lawyer provide Attorney Graff with an adequate description of the parcel(s) to be rezoned to prepare the law necessary to modify the existing boundaries.

DATA COLLECTION

Councilor Anderson reported one of the Data Collector applicants is joining Assessor Brand in the field to review three typical sites to determine her interest in the position. Supervisor Killen discussed classifying this position as an Assessor's Assistant with Civil Service. Discussion ensued regarding an employee versus a contract position; liability insurance requirements; establishing an hourly rate of pay or a rate per parcel; utilizing Keuka College students during their 140-hour field period as the Data Collector does not have to be certified; and the number of parcels needing data collection.

A copy of the job description on file when the Assessor position was made full-time in 2013 will be provided to the Board for review to determine the scope of the Data Collector position. Data Collector will be added to the March agenda. Supervisor Killen recommended the Assessing Committee set goals on the expected amount of data collection to be done and how this will be accomplished.

RESOLUTION #40-16

RESOLUTION AUTHORIZING SCHEDULING OF PUBLIC HEARING FOR PROPOSED LOCAL LAW B OF 2016 ENTITLED "A LOCAL LAW AMENDING THE TOWN OF JERUSALEM ZONING ORDINANCE"

On a motion of Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled "A Local Law Amending the Town of Jerusalem Zoning Ordinance"; and

WHEREAS, the Town Board of the Town of Jerusalem has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Jerusalem to proceed in accordance with the Code of the Town of Jerusalem and the Laws of the State of New York in adopting said Local Law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on March 16, 2016 at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York; and be it further

RESOLVED, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper of the Town a Notice of Public Hearing in the form substantially the same as that attached hereto as Exhibit "2"; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, directed to post a copy of the proposed Local Law on the Town of Jerusalem sign board and take any and all other necessary actions to properly bring the aforementioned Local Law before the Town Board of the Town of Jerusalem for its consideration.

ANNUAL ACCOUNTING OF THE JUSTICE'S BOOKS

The Annual Accounting of the Town Justice's books was conducted on January 28, 2016.

RESOLUTION #41-16

ESTABLISH TOWN JUSTICE PETTY CASH ACCOUNT

On a motion of Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Whereas during the annual accounting of the Justice's books, it was identified that the Court does not have a cash drawer to accept payments and fines, now, therefore, be it

Resolved that a petty cash account be established in the amount of \$100 for use by the Town Justice to taken from accounting code 1110.4.

TOWN JUSTICE DEBIT/CREDIT CARDS

Supervisor Killen will obtain further information from Court Clerk Davison following her review of information from the State that would allow them to accept debit and credit card payments. The State provides the hardware, but requires the Court to have a dedicated phone line.

RESOLUTION #42-16

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

On a motion of Councilor Jones, seconded by Councilor Anderson, the following was

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Resolved the Town Board and Highway Superintendent enter into the Agreement for the Expenditure of Highway Moneys pursuant to the provisions of Section 284 of the Highway Law.

RESOLUTION #43-16

AUTHORIZE TRAINING REQUESTS - CEO ZAC DEVOE

On a motion of Supervisor Killen, seconded by Councilor Jones, the following was

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Whereas Zachary DeVoe was appointed Code Enforcement Officer on January 4, 2016; and

Whereas employment requires placement on the Civil Service eligible list following the March 5, 2016 exam, along with certification by the New York State Department of State; now, therefore, be it

Resolved that CEO DeVoe be authorized to attend the following training programs in West Henrietta, New York contingent upon fulfilling the Civil Service obligations of a tested position:

- 3/1-3 Introduction to Code Enforcement Practices Part I
 - 3/29-31 Introduction to Code Enforcement Practices Part II
 - 5/3-5 Inspection Procedures for Existing Structures
 - 5/31-6/2 General Construction Principles
 - 6/21-23 Residential Code of New York State
 - *7/26-28 Building Code of New York State
- (*Training date changed to 7/25-29 - Notice received 2/22/2016.)

Resolved that associated travel expenses be taken from account 8010.4 General Outside Village.

RESOLUTION #44-16

PER DIEM APPOINTMENT - CODE ENFORCEMENT TYPIST

On a motion of Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED Ayes 4 Anderson, Dinehart, Killen, Parson
 Nays 1 Jones

Whereas Eleanor Lambert resigned as the part-time Typist for the Code Enforcement Officer on January 29, 2016; and

Whereas the position has been advertised, but remains vacant; now, therefore, be it

Resolved that Eleanor Lambert be appointed at an hourly rate of \$13.05 as the Typist for the Code Enforcement Officer on a per diem basis until such time the part-time Typist position is filled.

Councilor Jones reiterated concerns noted at the December meeting related to this position given the retirement of the Code Enforcement Officer (CEO) and allowing the new CEO to determine departmental needs, along with Assessor's needs related to the revaluation given he will be hiring a Data Collector to assist him.

RESOLUTION #45-16

AUTHORIZE SUPERVISOR TO EXECUTE LARSON DESIGN GROUP CONTRACT

On a motion of Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Resolved the Supervisor be authorized to sign the Agreement effective 2/12/16 between the Town of Jerusalem and Larson Design Group Engineers and Architects, P.C. (dba Larson Design Group) 2016-2017 Retainer for Consulting Services.

RESOLUTION #46-16

AUTHORIZE PURCHASE OF WATER/SEWER PICK-UP

On a motion of Supervisor Killen, seconded by Councilor Dinehart, the following was

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

WHEREAS the Chautauqua County has a Bid for a 2016 Ford F-150 XL Super Cab 4x4 6.5' Box in the amount of \$ 29,083.10 from Van Bortel Ford of East Rochester, NY; and,

WHEREAS the Water/Sewer Department budgeted for the purchase of a new truck to replace the 2011 Ford F-150; and,

THEREFORE; be it resolved that the Water/Sewer Department be authorized to place an order with Van Bortel Ford of East Rochester, NY for the 2016 Ford F-150 XL Super Cab 4x4 with 6.5' Box truck that is on Chautauqua County Bid 2016 Group 5, Item 2 Veh 2 in an amount not to exceed \$29,083.10; and,

BE IT FURTHER; that monies for this purchase be taken from the 2016 Water/Sewer appropriation; 70 percent 8340.2 and 30% 8120.2

Supervisor Killen stated a budget amendment will be forthcoming for the amount over-budget due to the additional lighting package for safety and V8 Eco-Boost for fuel economy and resale value.

RESOLUTION #47-16

AMEND 2016 KEUKA PARK SEWER/WATER EDU SCHEDULE

On a motion of Supervisor Killen, seconded by Councilor Dinehart, the following was

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

WHEREAS, the Water and Sewer Committee met on February 11, 2016; and reviewed the 2016 Keuka Park Water District Equivalent Dwelling Unit (EDU) Schedule Guideline adopted under Resolution #137-15;

WHEREAS; the Motel Units are assessed ½ EDU per rental unit; and,

WHEREAS; the committee has reviewed historical water usage history for the category motel in the Keuka Park Water District; and,

WHEREAS; based on actual water data, a Motel on average uses 1/4 unit (.25).

NOW THEREFORE; be it resolved that the 2016 Keuka Park Water District EDU Schedule be amended as follows:

MOTEL

1/4 EDU(.25) for each rental unit + 1 EDU per Owner Occupied Residence; and,

BE IT FURTHER; that the change takes effect immediately.

RESOLUTION #48-16

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW A OF 2016 - CHAPTER 143.
SENIOR CITIZENS TAX EXEMPTION AMENDMENT

With all persons desiring to be heard, Supervisor Killen closed the hearing at 7:56 P.M.

RESOLUTION #49-16

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF JERUSALEM OF LOCAL LAW NO. 1 OF 2016 ENTITLED "AMENDING THE PROVISIONS OF CHAPTER 143 OF THE CODE OF THE TOWN OF JERUSALEM RELATIVE TO THE SENIOR CITIZENS TAX EXEMPTION"

On a motion of Supervisor Killen, seconded by Councilor Dinehart, the following was

ADOPTED BY ROLL CALL VOTE:

Councilor Jones	Aye
Councilor Anderson	Aye
Supervisor Killen	Aye
Councilor Parson	Aye
Councilor Dinehart	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem for a public hearing to be held by said Town Board on February 17, 2016, at 7:05 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, to hear all interested parties on a proposed Local Law entitled, "Amending the Provisions of Chapter 143 of the Code of the Town of Jerusalem Relative to the Senior Citizens Tax Exemption"; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Jerusalem, on February 3 and 10, 2016 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on February 17, 2016, at 7:10 p.m. at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interest of the Town of Jerusalem to adopt said Local Law.

WHEREAS, this action by the Town Board is a "Type 2" action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5 (20) and (27), thereby requiring no further action by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts said Local Law No. 1 of 2016, entitled

"Amending the Provisions of Chapter 143 of the Code of the Town of Jerusalem Relative to the Senior Citizens Tax Exemption", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Jerusalem, and to give due notice of the adoption of said local law to the Secretary of State of New York.

A local law "Amending the Provisions of Chapter 143 of the Code of the Town of Jerusalem Relative to the Senior Citizens Tax Exemption"

SECTION 1. §143-6 of Chapter 143 of the Code of the Town of Jerusalem is hereby repealed and a new §143-6 is inserted in its place to read as follows:

§143-6. Eligibility Limits

In accordance with §467 of the Real Property Tax Law, real property owned by persons aged sixty-five years or older will be exempt from taxation to the extent shown below as determined by the owner or owners' corresponding annual income:

<u>Annual Income</u>		<u>Reduction</u>	
\$0	to	\$14,000.00	50%
\$14,000.01	to	\$14,999.99	45%
\$15,000.00	to	\$15,999.99	40%
\$16,000.00	to	\$16,999.99	35%
\$17,000.00	to	\$17,899.99	30%
\$17,900.00	to	\$18,799.99	25%
\$18,800.00	to	\$19,699.99	20%
\$19,700.00	to	\$20,599.99	15%
\$20,600.00	to	\$21,499.99	10%
\$21,500.00	to	\$22,399.99	5%
\$22,400.00		or more	0%

This increase shall be effective with the 2016 assessment roll.

SECTION 2. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

SECTION 3. This local law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION #50-16

AUTHORIZE SIGNING AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

On a motion of Supervisor Killen, seconded by Councilor Parson, the following was

ADOPTED Ayes 5 Anderson, Dinehart, Jones, Killen, Parson
 Nays 0

Resolved the Town Board be authorized to sign the Agreement for the Expenditure of Highway Moneys accepted under Resolution #42-16.

PUBLIC COMMENT

Councilor Dinehart took this opportunity to express his condolences for the recent passing of Jerusalem resident, Ed Castillo. Mr. Castillo held various positions within the Town. The Town works closely with his daughter, Sheryl Robbins, New York State Department of Health Public Health Engineer.

With there being no further business, on a motion of Supervisor Killen, seconded by Councilor Jones, the meeting was adjourned at 8:00 P.M.

Sheila McMichael, Town Clerk

Exhibit 1

A Local Law Amending the Town of Jerusalem Zoning Ordinance

Section 1. Section 160-5 (Terms defined) of The Town of Jerusalem Zoning Ordinance is hereby amended with the deletion of the existing definitions of “Accessory Use”, “Agriculture”, “Coverage”, “Farm” and “Structure” and the insertion of new definitions of each to read as follows:

ACCESSORY USE - A use customarily incidental to the principal use of a building. In buildings restricted to a residential use, the office of a professional person, customary family occupations and workshops not conducted for compensation shall be deemed "accessory uses."

AGRICULTURE – The production of crops, and/or livestock and livestock products, as those terms are defined at Section 301 of the New York State Agriculture and Markets Law.

COVERAGE – That percentage of the plot or lot area covered by the buildings or structures, including accessory buildings and structures. All buildings and structures will count towards coverage and all portions of each building and structure shall be taken into consideration, including the open porches, decks and steps.

FARM – The land, buildings and farm residential buildings used for the production of agricultural products as defined at Section 301 of the New York State Agriculture and Markets Law.

STRUCTURE – Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, retaining walls over 4 feet in height.

Section 2. Section 160-5 (Terms defined) of The Town of Jerusalem Zoning Ordinance is hereby amended with the insertion of new definitions (said new definitions to be inserted alphabetically) to read as follows:

BREWERY – Shall have the definition as set forth in the New York State Alcoholic Beverage Control Law, as amended.

DISTILLERY – Shall have the definition as set forth in the New York State Alcoholic Beverage Control Law, as amended.

RESTAURANT - A business where food is prepared for, served to, sold to and consumed by patrons seated within an enclosed building or on the premises.

WINERY – Shall have the definition as set forth in the New York State Alcoholic Beverage Control Law, as amended.

Section 3. Paragraph A of Section 160-13 (General lot and use regulations) of The Town of Jerusalem Zoning Ordinance is hereby deleted and a new Paragraph A is inserted in its place to read as follows:

A. Except as may be permitted pursuant to section 160-27 (Off-season boat, vehicle and camper storage), Article XII (Large Scale Multiple Dwelling Developments) and Article XXII (Townhouses), no lot shall have erected upon it more than one principal building. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered to provide a yard or open space for any other building.

Section 4. Section 160-18 (Permitted uses and structures) of The Town of Jerusalem Zoning Ordinance is hereby amended with the insertion of new Paragraphs H, I, J, K and L as follows:

H. Farm markets located in a county adopted, State certified agricultural district under Article 25-AA of the of the New York State Agriculture and Markets Law that are intended to sell products predominantly grown on the farm.

I. Migrant labor camps, provided that they comply with all applicable federal, state and local regulations.

J. On-farm wind energy systems erected and installed for the purpose of supplementing a farm’s energy need, excluding the farm residence, of a farm operation located within a county adopted, State certified agricultural district under Article 25-AA of the of the New York State Agriculture and Markets Law.

K. Nurseries and Greenhouses in a county adopted, State certified agricultural district under Article 25-AA of the New York State Agriculture and Markets Law.

L. Wineries, Breweries and Distilleries.

Section 5. Section 160-20 (Special Uses) of The Town of Jerusalem Zoning Ordinance is hereby amended as follows:

1. Paragraph A is hereby deleted; and
2. Paragraphs B, C, D, E, F, G, H, I, J, K and L are hereby relettered as Paragraphs A, B, C, D, E, F, G, H, I, J, and K respectively; and
3. A new Paragraph L shall hereby be inserted to read as follows:

L. Restaurant or Café associated with a winery, brewery or distillery. See § 160-27.2.

Section 6. Paragraph C of Section 160-21 (Area, yard and height restrictions; building coverage) of The Town of Jerusalem Zoning Ordinance is hereby deleted and a new Paragraph C is inserted in its place to read as follows:

C. Maximum lot coverage. No lot coverage shall exceed 20%.

Section 7. Paragraph C of Section 160-23 (Excavation Operation) is hereby amended with the insertion of the following sentence at the end of the existing Paragraph C:

A plan for storage and disposal of hazardous materials and waste materials, antifreeze, etc. from equipment used, serviced and/or stored on site shall be submitted with the special use request.

Section 8. Section 160-27 is hereby retitled to read, “Off-season boat, vehicle and camper storage”.

Section 9. Paragraph A, Paragraph C, Paragraph D, Paragraph E, the opening sentence of Paragraph F and Paragraph G of Section 160-27 (Off-season boat, vehicle and/or camper storage) of The Town of Jerusalem Zoning Ordinance are hereby deleted and a new Paragraph A, Paragraph C, Paragraph D, Paragraph E, opening sentence of Paragraph F and Paragraph G are hereby inserted in their place to read as follows:

A. No more than one building devoted to off-season boat, vehicle and/or camper storage is allowed on lots of one acre or less. On lots in excess of one acre there may be as many buildings devoted to off-season boat, vehicle and/or camper storage as the lot will accommodate. In both cases all applicable standards contained in this chapter 160 must be satisfied.

C. Every such building shall be used only for the off-season boat, vehicle and/or camper storage and uses customarily related to agriculture.

D. Boats, vehicles and campers shall be stored inside the walls.

E. The dimensions of buildings constructed or substantially altered after the effective date of the local law enacting this new Paragraph E, which are to be used for off-season boat, vehicle and/or camper storage, shall not exceed thirty-five feet in height and 9000 square feet in horizontal area.

F. No boat, vehicle and/or camper storage structure shall be closer than:

G. Servicing of boats, vehicles and campers shall include only storage-related maintenance, not repairs or storage of parts and accessories for resale nor sale of new or used boats, vehicles and/or campers.

Section 10. Paragraph H of Section 160-27 (Off-season boat, vehicle and/or camper storage) of The Town of Jerusalem Zoning Ordinance is hereby deleted and Paragraphs I, J, K, L, M and N are hereby relettered as Paragraphs H, I, J, K, L and M, respectively.

Section 11. Section 160-27 (Off-season boat, vehicle and/or camper storage) of The Town of Jerusalem Zoning Ordinance is hereby amended with the deletion of Paragraph O and with the insertion of a new Paragraph N to read as follows:

N. All buildings under use for off-season boat, vehicle and/or camper storage as such shall be required to meet the minimum standards of the Uniform Fire Prevention and Building Code. Furthermore, buildings listed on the permit under this special use are subject

to an annual inspection for this purpose, with an inspection fee determined by the Jerusalem Town Board. If there is a report of a violation, the Code Enforcement Officer may conduct additional inspections as needed to investigate the violation.

Section 12. Article V (Agricultural-Residential (AGR) Use District) of The Town of Jerusalem Zoning Ordinance is hereby amended with the insertion of a new section 160-27.2 to read as follows:

§ 160-27.2 Restaurant associated with a winery, brewery or distillery.

Under this special use, a small restaurant or café business may be a part of a winery, brewery or distillery provided it meets the following conditions:

- A. Such a restaurant shall be 1000 sq. ft. or less in area, shall have a seating capacity not to exceed 50 people and shall not be considered to be of a wholesale food preparation character.
- B. The winery, brewery or distillery with which the restaurant is associated shall sell and serve on site its own wines, beers or spirits, as applicable.
- C. The winery, brewery or distillery with which the restaurant is associated shall use local products in the manufacturing of its products and shall be licensed by the New York State Liquor Authority.
- D. The restaurant shall be open during, and not to exceed, the normal operating hours of the winery, brewery or distillery.
- E. Parking spaces shall be available at a rate of 1 space per 50 ft. of serving space in the restaurant. There shall be adequate ingress and egress lanes (wide enough, open view of road, etc.) from the parking lot of the business.
- F. The use shall be compatible with the general character of the Town, the Agricultural – Residential district and with nearby developments.
- G. The use shall be designed, located and proposed to be for the advantage of the health, safety, welfare and convenience of the public.

Section 13. Paragraph D of Section 160-30 (Area, yard and height restrictions; building coverage) of The Town of Jerusalem Zoning Ordinance is hereby deleted and a new Paragraph D is inserted in its place to read as follows:

D. Maximum lot coverage. No lot coverage shall exceed 20%.

Section 14. Paragraph D of Section 160-33 (Area, yard and height restrictions; building coverage) of The Town of Jerusalem Zoning Ordinance is hereby deleted and a new Paragraph D is inserted in its place to read as follows:

D. Maximum lot coverage. No lot coverage shall exceed 20%.

Section 15. Paragraph D of Section 160-33.3 (Area, yard and height restrictions; building coverage) of The Town of Jerusalem Zoning Ordinance is hereby deleted and a new Paragraph D is inserted in its place to read as follows:

D. Maximum lot coverage. No lot coverage shall exceed 30%.

Section 16. Paragraph C of Section 160-36 (Area, yard and height restrictions; building coverage) of The Town of Jerusalem Zoning Ordinance is hereby deleted and a new Paragraph C is inserted in its place to read as follows:

C. Maximum lot coverage. No lot coverage shall exceed 20%.

Section 17. Paragraph C of Section 160-37.3 (Area, setback and height restrictions; building coverage) of The Town of Jerusalem Zoning Ordinance is hereby deleted and a new Paragraph C is inserted in its place to read as follows:

C. Maximum lot coverage. No lot coverage shall exceed 20%.

Section 18. Paragraph C of Section 160-134 (Dimensional rules) of The Town of Jerusalem Zoning Ordinance is hereby deleted and a new Paragraph C is inserted in its place to read as follows:

C. Maximum project site coverage. No project site coverage shall exceed 20%.

Section 19. Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 20. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Exhibit 2
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Jerusalem on March 16, 2016, at 7:05 p.m., at the Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York, regarding the adoption of a Local Law of the Town of Jerusalem for the year 2016, which would amend the Zoning Law of the Town of Jerusalem, to make the following changes:

1. Amending the Definitions of “Accessory Use”, “Agriculture”, “Coverage”, “Farm” and “Structure”
2. Amending the general lot and use regulations.
3. Amending the permitted and specially permitted uses in the Agricultural-Residential Use District.
4. Amending the language relative to maximum lot coverage in each zoning district.
5. Amending regulations related to excavation operations.
6. Amending regulations related to off-season boat, vehicle and camper storage.

Any resident of the Town of Jerusalem shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available for public review at the Town of Jerusalem Town Hall, 3816 Italy Hill Road, Branchport, New York.