

TOWN OF JERUSALEM  
APPROVED  
PLANNING BOARD MINUTES

March 1, 2018

The regular monthly meeting of the Town of Jerusalem Planning Board was held on Thursday, March 1, 2018 and called to order with the Pledge to the Flag at 7:00pm by Chairman Tim Cutler.

<b><u>Roll call:</u></b>	Tim Cutler	Present
	Jen Gruschow	Present
	Jack Wheeler	Present
	Donna Gridley	Present
	Ron Rubin	Present
	Tom Pritchard	Present
	Paul Zorovich	Present

**Others Present:** M.J. Herson, Adele Middaugh, Jane & Steve Lieberman, James Woodard, Brennan Marks, Heather Thomkins, Nitosha Fingar, Joe Trombly, Gene Chisholm, Mary Wilmot, Jamie Sisson and Daryl Jones.

**Minutes:** February 1st, 2018 Minutes

A motion was made by R. Rubin to approve the minutes of the February meeting. The motion was seconded by P. Zorovich and approved. T. Cutler, J. Gruschow and J. Wheeler abstained.

**Modifications to Agenda:**

- County Planning Board openings
- Keuka College planning meeting

**Public Presentation:**

- a). Chelsea Madia & Heather Tomkins – Crispin Hill – Update of Site Plan for 2732 Wager Hill Rd. – weddings, parties, graduations, etc. Special Use and Site Plan was approved/granted in September of 2015.

The Zoning Board would like the Planning Board to make a recommendation as to whether there is a substantial enough change to the original Site Plan to require a new Site Plan Review.

C. Madea and H. Tomkins would like to update the Site Plan that was approved in 2015.

H. Tomkins provided the following list of improvements they would like to make:

- install a sign to read *Crispin Hill* at the corner of Wager Hill & Rte. 54A
- take down all the dead apple trees along 54A and plant new trees
- build a wooden enclosure for trash cans
- install 2, 12ft tall lights in the parking lot (The PB recommends directional lighting)
- landscape steps that lead to the dining pad
- landscape path that connects the ceremony site to the dining area
- improve the appearance of an area that guests use for congregating/cocktails
- add more trees and shrubs to the property
- level out existing parking lot with additional stone

They have no plans to build a new structure but are presenting the improvements they wish to do to the property in an effort to keep the Town up-to-date.

M.J. Herson stated that the initial variance specified there was to be no additional lighting. Adele Middaugh asked whether there will need to be a Public Hearing regarding the illegal light installation and Chairman Cutler responded that the Zoning Board will have to make that determination. In any situation, if there is a violation the Code Enforcement Officer would be the first to address the situation. If he does not address the issue it can then be taken to the Town Supervisor or any Town Board member.

Ms. Tomkins acknowledged that they did install the parking area and lights last year.

Chairman Cutler will talk with E. Nesbit to find out if the lighting issue has been dealt with.

The Planning Board recommends that no additional Site Plan Review is necessary.

### **New Business:**

- a). Sketch Plan Conference for Jim Woodard property with possible proposed use under small retail service business in the Ag-Residential Zone.

Mr. Woodard would like to rent out his barn for weddings/parties. The current zoning code does not allow for the use of his barn for events. The code would need to be amended for his business to be a Permitted Use in the Ag-Res District. Mr. Woodard was made aware that to

have a small service or retail business his events would need to be open to the public. He mentioned that he has seen a sign for a lawn mower museum near him on East Lake Road but he was made aware it is in fact not open to the public. The Town would need to have a Public Hearing to change the code. Another option is to address the possibility of allowing event venues in the Ag-Res District as part of the Comprehensive Plan.

Mr. Woodard inquired whether he would be able to sponsor an event that was open to the public. Chairman Cutler explained he would still need to go to the Zoning Board to request a Special Use Permit; it is permitted in the code but he would not be able to hold private events.

- b) Steep Slopes #03-2018 for Robert Decker property at 10030 East Bluff Dr. to construct a new single family home. SEQR Review for Steep Slopes.

Mr. Brennan Marks/Engineer, representing Robert & Jillian Decker/Owners explained that the small parcel is adjacent to the lake with a slope of 20 – 25%. The proposed house will have:

- a walk-out basement
- a single story with 2 decks and 3 retaining walls
- grades that allow for drainage around the house
- a small driveway that goes into the garage
- public utility connections for gas, water, electric and sewer

They have requested 2 variances from the Zoning Board for the front and north side yard setbacks.

T. Pritchard is concerned that it looks as if every tree on both sides of the road is marked for removal. If the property was clear cut the root systems that are holding the hillside in place

would no longer be there to prevent erosion and he does not see a plan in place to mitigate the erosion that will occur. There also appears to be a small wedge on the south side of the property between the driveway and the corner of the house that would be vulnerable to erosion during a heavy rain.

Mr. Marks responded that the construction of the house has a limited disturbance and if the owners are clear cutting the rear of the property it is not part of this application and should be addressed by the CEO. He has not been made aware of the owners' intention to remove any trees on the lake side of the property. As for the wedge he cannot grade across property boundaries without permission from the neighboring property owner. He plans on building a retaining wall on their side to keep the soil from the neighbor's property and hopes to work with the neighbors.

Mr. Marks further explained that the Site Plan is directing the water with a swale to hit the rear retaining wall and flow to the north side of the property and into a ditch. T. Pritchard stated that when he was at the property the pitch did not feel great enough to prevent drainage from also flowing to the south and questioned whether the south side retaining wall could be extended 2ft to the west to help keep water away from the neighbors garage.

Neighbors abutting the property to the south, Gene Chisolm and Mary Wilmot, also expressed concern about the wedge area next to their garage (which they call a berm). They also expressed concern about the pump station to be located on the lake side of the road. When they considered purchasing this property they were told there could be only a dock and the existing shed on the lake side of this property. The Deckers cannot build a new structure but they can apply to modify the existing shed.

Mr. Marks stated they would like to run a 1 ¼ " line across the road so they can have water and electric on the lake side of the road. Chairman Cutler made him aware that they will need to file a new application and get approval for a pump station from Keuka Park Sewer & Water as well as the Yates County Hwy. Dept.

Mr. Marks suggested that as a condition of approval the application will include the statement: The disturbance is to be limited to the area as defined in the Site Plan.

J. Gruschow questioned whether there is anything in the code that addresses clear cutting property and Chairman Cutler responded not that he is aware of.

YCS&W has reviewed the corrected Site Plan and have issued an approval letter, however there is a question as to whether any of the trees were marked for removal at the time YCS&W visited the site.

The following corrections should be made to Part 1 of the SEQR:

- page 1 'Description of Proposed Action' is for construction of the home only and should not include "New utilities for a future bathroom on the opposite side of the road"
- #14 should have marked Shoreline, Suburban & Forest
- #17 description should include "mitigated as presented on Site Plan"

SEQR Part 2/Impact Assessment:

- #10 is 'Moderate but mitigated by Site Plan and Conditions'

The SEQR was reviewed line by line and was determined to have a Negative Declaration. D. Gridley made the motion that the SEQR be approved. It was seconded by R. Rubin and

approved. J. Gruschow recused herself. R. Rubin made the motion to approve the Site Plan subject to the conditions. It was seconded by P. Zorovich and approved. J. Gruschow recused herself.

The Steep Slope Conditions are listed at the end of the minutes. There will be a pre-construction meeting prior to the beginning of construction.

c). Seneca Farms – Site Plan Review – 2485 Rte. 54A, Penn Yan, to construct a 30ft x 50ft utility building for storage purposes at this location.

- construction of the building is consistent with preliminary Site Plan Reviews
- the building will be located behind the menu sign
- no parking spots will be lost
- there will be water and electric in the building to accommodate additional restroom facilities.

SEQR Part 1

- #12b should be marked “YES” T. Cutler will check with E. Nesbit
- #17b should include in description that gutters will empty into existing storm water ditch

SEQR Part 2/Impact Assessment:

All questions were answered “No, or small impact may occur”.

The SEQR was reviewed line by line and was determined to have a Negative Declaration. P. Zorovitch made the motion that the SEQR be approved. It was seconded by T. Pritchard and approved. All were in favor. T. Pritchard made the motion to approve the Site Plan. It was seconded by D. Gridley and approved. All were in favor.

**Old Business:**

None

**Committee Reports:**

- A. Agriculture Advisory Committee (D. Gridley – Chair) No Report
- B. Branchport Hamlet (J. Gruschow – Chair) No Report
- C. Comprehensive Plan Review Committee (T. Cutler - Chair) No Report
- D. Town Board Liaison (D. Jones/J. Sisson) No Report

**Announcements:**

There are at least 1 and potentially 2 seats open on the County Planning Board. There is also a need for a representative from the Town of Jerusalem.

D. Gridley attended the Keuka College meeting. The College had previously been informed that they would need to do a Comprehensive Storm Water Plan before any new building permits would be issued. YCS&W did a thorough review of the area and determined there are 8-9 issues that need to be addressed by either the town, the county or the college.

Parking continues to be a problem. The new parking lot behind the new Keuka Commons building is having drainage problems. They would like to build a new dormitory. The College has started working with the Keuka Park Committee but they have not yet started the Comprehensive Storm Water Plan. It was agreed upon by those in attendance at the October 1, 2015 meeting that there needs to be a storm water review whenever the intended use of a piece of property is changed.

Property on East Bluff Drive has been donated to the College.

**Adjournment:**

At 9:20pm R. Rubin made a motion to adjourn the meeting and it was seconded by P. Zorovich. All were in favor.

Respectfully Submitted,  
Janet Micnerski/Recording Secretary

The TOJ Planning Board grants approval of the Steep Slope Application # 03-2018  
(dated 3-1-2018) subject to the following conditions:

- 1) Engineer and applicants will meet with neighbors prior to preconstruction meeting regarding drainage on south boundary and tree removal in general.
- 2) Tree removal is to be limited to the construction site and only other trees that are deemed to be threat to safety. There should be no tree removal on the east side of East Bluff Drive with agreement with neighbors and review by the town for potential erosion issues.
- 3) The Engineer agreed to modify plans to extend the south side retaining wall by 10' to the west to limit drainage from the west seeping onto neighboring property.
- 4) Pump station (on the east side of E Bluff Drive) shall be limited for use with the existing shed. Any alternative construction on the lake side must be reviewed by the Town CEO and connections with KP Sewer and Water.
- 5) Yates County Soil and Water has reviewed the final site and erosion control plan. Any conditions as dictated by YCSW to be included.
- 6) On site – Pre construction meeting must be held with TOJ CEO, Rep from TOJ Highway Department, Rep from YC Soil & Water, Rep from Keuka Park Sewer & Water, TOJ Planning Board Chair or alternate representative and contractor. Details of the proper installation and maintenance of the wire reinforced silt fence needs to be provided to the contractor.
- 7) Site boundaries and high water mark must be clearly marked.
- 8) Identify Staging Area for removal of debris. Discuss plan for removal of fill and location of such with Highway Superintendent. The contractor must prevent tracking of soil from the site and provide for daily clean-up of any material deposited in the public road.
- 9) Establish sediment and erosion control measures per final approved erosion control plan.
- 10) If any topsoil from the construction site is to be saved on site and re-used, the location should be marked on the plan and the down slope protected by silt fence.
- 11) Seed, mulch, and water bare ground within 48 hours after construction.
- 12) Remove all construction debris, temporary sediment control measures when satisfactory stabilization has occurred and vegetation is established.
- 13) A letter of certification from the certified professional must be obtained by the property owner or builder/contractor when the work is completed, that it has been completed in accordance with the permit and a copy must be given to the CEO's office.
- 14) A final inspection by Town of Jerusalem CEO, verifying all conditions of Planning Board approval have been met.