

Town of Jerusalem
Planning Board Meeting Minutes
1-5-23 @ 7:00 PM

The Town of Jerusalem Planning Board meeting was called to order @ 7:00 pm with the Pledge to the Flag.

Roll Call:

Tim Cutler

Ron Rubin

Mike Hiller

John Kriese

Paul Zorovich

Sam Priem

Robin Johnson - Excused

Others present: Bill Gerhardt, Bill Grove, Jim Connolly, Steve Schmidt, Susan Knepple, Will Knepple, Paul Donalson, Daryl Jones, Robert Marks, Salvatore Licciardello, Angelo Licciardello and Debbie Licciardello.

Modifications to Agenda: None

Minutes Approved: Motion to approve 12/1/2022 minutes by Paul Zorovich and seconded by Ron Rubin. Motion carried.

Public Presentations to the Planning Board:

- a.) Site Plan Review Application 23-2022, Request to use the existing driveway entrance to access the property at 8242 East Bluff Drive, Angelo Licciardello, address of 8242 East Bluff Drive, Penn Yan.

Tim Cutler reviewed the action items from November meeting of the Planning Board.

1. Town of Jerusalem Highway Department approval
2. Branchport/Keuka Park Fire Department approval
3. SEQR completed.
4. Clarification regarding rights to Road right of way

He shared that these had been completed.

Robert Marks indicated that at this point his review concluded that both neighbors have equal rights to ingress and egress through that Town Property. Neither has a dominant right over the other that would prevent the driveway from being constructed in the manner proposed from a legal perspective.

Bill Gerhardt (TOJ Code Enforcement Officer) has concluded his review of Town Zoning with the conclusion that the Licciardello driveway was, if fact, a driveway on not a private road. Should another residence be constructed on the driveway, it would require that the drive be brought up to private road specifications.

Tim Cutler reviewed with the Board the criteria for site plan review as described in §160-103 of the Town Zoning Law. Board discussion as follows:

Sam Priem indicated he not a fan of the situation. Ron Rubin indicated that it was not an ideal situation, but it can be viable. Mike Hiller felt there was no good alternative. Tim Cutler said that we will have to rely on the applicant and neighbors in ensure safety along East Bluff Drive. John Kriese felt that it's manageable but not ideal.

At this point, the resolution prepared by Robert Marks was presented:

Member Rubin moved and seconded by John Kriese,

WHEREAS, the Planning Board of the Town of Jerusalem has examined Application 23-2022, submitted by Angelo Licciardello (the "Applicant") of 8242 East Bluff Drive, Penn Yan, New York (the "Property"), requesting site plan approval to use the existing driveway entrance to access the Property (the "Application"); and

WHEREAS, the Planning Board has examined the Application, maps, and other materials filed with the Application, including the Short Environmental Assessment Form, and all having reviewed all current site plans, building plans, environmental plans and reports, comments, and reports from Town professional staff, the public, and other interested and involved agencies associated with the Application; and

WHEREAS, the Application was heard at public meetings on November 3, 2022, December 1, 2022, and January 5, 2023, and notice was posted as required by law; and

WHEREAS, all persons at these public meetings desiring to speak on the matter were heard, all correspondence on the matter was reviewed, and all comments and statements that were received at duly held meetings of the Planning Board were considered by the Planning Board; and

WHEREAS, on December 1, 2022 the Planning Board determined that the Application was an Unlisted Action under the New York State Environmental Quality Review Act, considered the significance of the Application by reviewing and examining the EAF, including completing the analysis for Parts 2 and 3 of the EAF for the Application, and determined for the reasons set

forth in the completed EAF that the Application will result in no significant adverse environmental impacts and issued a Negative Declaration; and

NOW THEREFORE BE IT RESOLVED, that upon consideration by the Planning Board of the factors set forth under § 160-103 of the Town Zoning Law, the Planning Board hereby finds:

- A. The Application's proposed use is compatible with neighboring uses. The Application's proposed use, a residential driveway, is a necessary residential use compatible with the neighboring residential uses surrounding the Property.
- B. The Application provides for safe and appropriate movement of vehicles and pedestrians onto and off the site. The Application formalizes and continues a longstanding existing driveway use. The Application represents the only feasible pathway from the Property to East Bluff Drive. In addition, the Town Highway Superintendent reviewed the Application and expressed no safety concerns with respect to the proposed driveway.
- C. The Branchport Fire Department examined the existing driveway, tested its use with fire vehicles, and found it adequate to provide for access for fire safety. Therefore, the Planning Board finds that the Application provides for adequate general safety and suppression of fires.
- D. The Planning Board has no concerns with respect to the Application's landscaping and buffering. Lighting and hours of operation are not applicable to this Application.
- E. The Town Highway Superintendent reviewed the Application and existing driveway and only had one concern with respect to the adequacy of drainage systems. That concern (the installation of an additional trench drain) is mitigated by the condition of this resolution.
- F. Suitability of signage is inapplicable to this Application.
- G. The Application's architectural design and treatment considering neighboring structures is appropriate. Reference is made to the findings made in "A" and "B".

IT IS FURTHER RESOLVED, that site plan approval is granted subject to the following condition:

1. The Applicant must meet any applicable Town Highway Superintendent requirements regarding installation of a third trench drain for the driveway.

Roll:	Member Rubin	aye	
	Member Zorovich	aye	
	Member Priem	nay	
	Member Hiller	aye	
	Member Kriese	aye	
	Chairman Cutler	aye	carried.

New Business: no new business

Motion to adjourn meeting made by Sam Priem and seconded by Paul Zorovich @ 7:45 pm

Respectfully submitted,

Tim Cutler