

Town of Jerusalem
Planning Board Meeting Minutes
12-1-22 @ 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

Others present: Bill Grove, Laura Swarthout, Bill Gerhardt, Sarah Purdy, Daryl Jones, Steve Hampsey, Tony Hurd, Daniel Yoder, Robert Marks, Steve Schmidt, Jim Bird, Jim Connolly, Roger Stamm, Salvatore Licciardello, Angelo Licciardello and Debbie Licciardello

Modifications to Agenda: None

Minute Approved: Ron Rubin asked to have the 11-3-22 meeting minutes amended. Motion to approve as amended made by Ron Rubin and seconded by Paul Zorovich, motion carried, Sam Priem abstained due to being absent at that meeting.

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 form last months meeting with the Planning Board. He shared that the Fire Department was able to drive the tanker up the driveway safely, they had to go slowly but they were able to do it.

Tony Hurd from the Highway Department needs to inspect the driveway and look at the amount of gravel, he shared that he would like to see another trench drain put in the driveway.

Bill Grove shared that currently they have two trench drains in the driveway.

Tony Hurd stated that he would like to see another trench drain put in, since it was mentioned that the family would like to pave the driveway in the spring.

Ron Rubin inquired about a dip at the bottom of the driveway and is that a concern (per video that was shared via email).

Tony Hurd explained the drainage and the drop inlet.

Tony Hurd will share conditions in writing and those will be added to the meeting minutes.

Salvatore Licciardello wanted clarification on conditions and moving forward, he asked about third trench drain, and also asked about private road code.

Tony Hurd shared that Rick Ayers from Yates County Soil and Water will recommend the third trench drain if the driveway is to be paved.

Robert Marks asked to collect pictures of driveway and slope of driveway dated 1/15/98

Tim Cutler – the new Steep Slope Application with SEQR Part I – item # 10 needs to be corrected.

Tim Cutler – reviewed SEQR Part II and all related information with Planning Board. Condition: Needs to be reviewed by Yates County Soil and Water for approval.

Motion for a Negative Declaration made by Paul Zorovich and 2nd by Mike Hiller, motion passed

Tim Cutler discussed clarification right to Road Right of way

Robert Marks stated he has spoken with applicants Attorney and has shared copies with the Planning Board. Also stated that the surveys show different property lines (2016 survey). The Town owns from the red dotted line, property lines discussed and reviewed on survey maps.

Robert Marks said that it would be helpful to have a re-dated abstract of the property to be clear with regards to property lines and town right of way. Need to confirm this to move forward. It is important to be factual and correct.

Salvatore Licciardello – stated that he is comfortable that it is town property and would like to move forward with that in mind. The 1936 deed was shared with Planning Board, along with the 1973 deed.

Robert Marks – stated that this request for the abstract is so we can trace back and get confirmation moving forward.

Salvatore Licciardello asked Steve Hampsey to look into it.

Steve Hampsey shared that he is an Attorney and owns and operates an abstract and title company and looked into this. In 1973 it was normal to have properties go to the center line, has seen the copy of the 1973 map.

Robert Marks stated again that he is recommending the town have an updated abstract and wants to have time to review and look at it.

Salvatore Licciardello knows that there is a lot of history with this property and has shared it with the Town.

Ron Rubin asked about the easement of the strip of land owned by the Town

Robert Marks explained the rights and Common Law rights

Salvatore Licciardello is fine going forward with the Town owning the strip of property

Tim Cutler stated he is not sure the Planning Board can make the decision

Bill Grove explained the strip of land is a right of way

Salvatore Licciardello said that when the towns owns it, everyone can use it. It is for public use and access is a right. 1973 transfer was very important. He continued to explain how the parcel was described and that it has never been an issue in the past.

Robert Marks stated he needs to know if it is Town property. We have 30 days to review. The Planning Board needs to make an informed decision. We need to know the facts before this decision can be made and is beneficial to everyone involved.

Salvatore Licciardello – either the Town owns it, or we own it. It does not matter or impact the outcome. Let's play it safe and say that the Town owns it.

Robert Marks – need to be certain and not play it safe. The Town needs the correct facts to bring this to a close. Will forward videos to Salvatore Licciardello.

Jim Connolly – wanted to bring up some safety concerns that he had.

Debbie Licciardello shared pictures with regards to safety concerns

Tim Cutler stated that we need to be clear about property lines

Angelo Licciardello shared that there was compensation made back in 1973 and that Steve Hampsey shared his expertise with 30 plus years of experience and knowledge.

Ron Rubin asked if we passed the private road requirements

Salvatore Licciardello shared code for pre-existing private roads

Robert Marks – this is a Code Enforcement decision, not the Planning Board. It is based on interpretation of the code.

Salvatore Licciardello – it has served multiple properties in the past. Not extending the private road.

Tim Cutler – private road was used loosely back in the day. Only has one residence but cuts through. We will not be taking any action on the application at tonight's board meeting. We will act on it at the January 5th, 2023, meeting.

Jim Connolly – shared decline of the driveway and concerns. Stated it was a self-created hardship. It has caused damage and safety issues with his property. Has video's that can be shared. There are potholes and water damage on one side of the road. He stated he is concerned about follow through from the Town. Driveway needs to move forward toward East Bluff Drive. He wants to be a good neighbor but wanted to share his concerns with the Planning Board.

Salvatore Licciardello – stated that we have not been unreasonable. Bill Grove has been to sight. The 2017 Site Plan did not allow for Emergency Vehicles. Wants to move forward with this proposal and have it settled.

Angelo Licciardello – they all purchased the properties knowing full well the property history.

Tim Cutler – will defer this Plan and decision to the January 5th, 2023 Planning Board meeting.

Robert Marks – stated that we need a date for written materials to stop being sent. Dated determined and agreed upon was December 20th, 2022.

(b.) Site Plan Review Application 25-2022, Special Use Distillery, William Fletcher at 2982 Guyanoga Road, Branchport

Tim Cutler – applicant or representative not in attendance and present at meeting. It was shared that he wants to use existing pole barn and make into a farm distillery with a small tasting room.

Tim Cutler – table until representative comes to meeting to discuss plans and answer any questions the Planning Board may have. Agreed by all to table.

(c.) Site Plan Review Application 27-2022, Special Use Staging Area for Sheds, Daniel Yoder, 3345 East Sherman Hollow Road, Penn Yan

Daniel Yoder – shared what he is looking for, a staging area for sheds, approx. 60 x 80 staging area, no permanent buildings.

Ron Rubin – asked about the entrance coming in and out of the roadway

Daniel Yoder – explained that there is enough room, and there will not be any heavy traffic. Most sales are online.

Tim Cutler – reviewed SEQR Part I – no questions

Tim Cutler reviewed SEQR Part II

Motion for a Negative Declaration made by Paul Zorovich and seconded by Sam Priem, all in favor.

Motion to approve Site Plan made by Paul Zorovich and seconded by Ron Rubin, all in favor.

New Business: no new business

Motion to adjourn meeting made by Paul Zorovich and seconded by Sam Priem @ 8:45 pm

Respectfully submitted,

Robin Johnson

Planning Board Secretary