

TOWN OF JERUSALEM
PLANNING BOARD MINUTES
August 5, 2010

Approved

The regular meeting of the Town of Jerusalem Planning Board was called to order by Chairman Bob Evans, on Thursday August 5, 2010 at 7:05 pm the roll was called:

Present	R. Evans - Chairman
Excused	M. Coriale – Vice Chairman
Present	E. Pinneo
Present	B. Pringle
Present	D. Gridley
Present	J. Gruschow
Present	A. Carcone

Others present, Gerald N. Kernahan, P.E., Phil Bailey, Cheryl & Norman Pierce, Dennis & Judy Hart, Dave Wegman, Tom Close, Bob Morse, Robert P. Bringley, P.E., Town Board Members-Max Parson & Neal Simmons.

APPROVAL/CORRECTION OF MINUTES

A motion was made by Donna Gridley to approve the July minutes as corrected. Add to a-9 on page 2, should be Septic design does not need to be approved.

The motion was seconded by Bill Pringle.

Ayes – 6 Nays - 0

THE PLANNING BOARD'S PUBLIC PRESENTATIONS

A. OLD BUSINESS

- a. Town Attorney Phil Bailey was present at the Planning Board meeting and advised the board on the following actions to the proposed change of the SEQR Type I Action for Harbor View Townhomes LLC to An Unlisted Action
 - i. Phil Bailey proceeded to present information from the State – DEC, who is overseeing Septic & Storm Water that they are confident that this Project will pass.
 - ii. We want DEC to monitor the Septic & Storm Water.
 - iii. We should adopt a Conditioned Negative Declaration, to insure that the Developers and the Applicants work with the DEC.
 - iv. The DEC will not give final determination until the Planning Board passes a Negative Declaration on the SEQR, which can be either un-conditional or conditional. .

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- v. A Draft Resolution was received from Phil Bailey dated August 5, 2010. This states that the Planning Board makes the following determinations and classifications with respect to the Project.
 - 1. We are the lead agency
 - 2. We should adopt a Conditioned Negative Declaration, as long as the Developers and the Applicants will work with DEC. The only alternative is a full environmental impact statement.
 - 3. #1 Finds that no facts exist at the present time that would require the action to be classified as a Type I action.
 - 4. #2 it is determined that the Final classification of the action is an Unlisted action.
 - 5. #3 Determines that the action will not have a significant effect on the environment provided that the applicants comply with DEC's requirements for SPEDES permit and Stormwater discharge.
 - 6. #4 Authorizes the Chairman to sign the Conditioned Negative Declaration in the form presented to this meeting.

- vi. The Planning Board made the following statements.
 - 1. Donna Gridley said she would have liked to see the Minutes with signatures from that joint meeting. Bob Evans explained that no minutes were taken and additionally Atty. Bailey upon returning to his office decided that some verbiage should be changed regarding the verbiage of the proposed action. Therefore advance issue of the documents was not capable. Bob agreed with Donna that documents should be available to PB members at least 2 weeks prior to the PB meeting.
 - 2. The Planning Board needs to make a conditional negative declaration.
 - 3. Phil Bailey drew up a suggested Conditioned Negative Declaration for the SEQR. The Planning Board was given a copy of this.

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4. The Board reviewed the Draft Conditioned Negative Declaration, which listed all of the reasons for making a conditional negative declaration. The other involved agencies will have 30 days to object to any parts of it. They would need to send the Planning Board a letter with their concerns.
5. The conditioned Negative Declaration is based on a letter, received from NYS Dept of Environmental Conservation dated 6/16/2010. part of which is quoted in the Declaration . This letter was addressed to Mr. Martin and was a Fourth Notice of Incomplete Application. In this letter from Scott E. Sheeley, Deputy Regional Permit Administration several suggestions for the completion of this Project.
6. The Site Plan will need to be reviewed and must be received at least 2 weeks before the Planning Board has it on the Agenda.
7. All of these letters are filed in the Planning Board File at the Town Hall under Harbor View Town Houses.
8. The Town of Jerusalem will have to make an agreement to maintain the septic system at the property if the owners are not able to keep the maintenance up.
9. John Phillips will not issue a building permit until all of these conditions for the SEQR have been met and approval from DEC.

A motion was made by Ed Pinneo to accept the SEQR Resolution #2 dated 8/05/2010 as drafted by Attorney Phil Bailey and to change the SEQR from Type 1 to Action to An Unlisted Action.

The motion was seconded by Bill Pringle.

Ayes 5 - R. Evans, E. Pinneo, B. Pringle, J. Gruschow and A. Carcone.
Abstained 1 – D. Gridley.

- a. Morse Vineyards and RDR Vineyard. Planning Board needs to okay Final Site Plan Approval with out bushes.
 1. It was suggested that Bob Evans review the variance for this project.

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2. He would than send a letter to Verizon and also to the Orrs. This letter should remind Verizon of the agreement for the Cell Towers.
3. A letter was sent by Robert Morse on 6/23/2010 stating that the shrubs and grass surround the tower have not been cared for in a manor that was conveyed to the public. Mr. Morse suggested that the bushes be removed and either lay landscape mat and stone, or topsoil and grass seed.
4. John Phillips, CEO sent a letter to the Planning Board stating that he needs an okay to do this.

A motion was made by Bill Pringle to send a letter to Verizon and CC Larry & Bev Orr stating that they need to live up to their agreement. After Bob Evans researches the variance and has it cleared with Attorney Phil Bailey.

The motion was seconded by Ed Pringle

Ayes – 6 Nays - 0

B. NEW BUSINESS

Brian & Laura Bond – Property located at 401 Lake Ave, Keuka Park, NY 14478.
Tax Parcel # 73.69-1-3
SEQR & Site Plan – Tabled until September Planning Board meeting

Dennis Hart Residence Landscaping - property located at 3087 West Lake Rd.
Tax Parcel # 72.36-1-14

A. SEQR – approved 8/5/2010

- a. Robert P. Bringley, P.E. from Marathon Engineering presented a Plan to build a retaining wall with stone on the back side of the Dennis Hart Residence on the east side of their property. A four foot retaining wall and a side walk to connect their 2 properties. This plan is shown on the plans
- b. A letter was received by Robert Evans from Rich Ayers dated 6/29/2010, in this letter Rick Ayres stated that he had met with Dennis Hart, John Phillips and Robert Bringley on site. This letter states that Mr. Bringley has incorporated all recommendations and

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addressed site concerns in the plan revision dated 6/23/2010.

- c. Rick Ayres also requests a preconstruction meeting.

A motion was made by Ed Pinneo approve the SEQR based on the information provided and the supporting documentation that this proposal will not result in any significant adverse environmental impact and we will provide attached documentation to accept the SEQR with the negative declaration as noted, with potential for erosion to be mitigated by steep slopes erosion control plan developed by Marathon Engineering dated 6/16/2010, Project number 0226-10, approval from Yates County Soil and Water and a preconstruction meeting with all involved parties.

The motion was seconded by Jennifer Gruschow

Ayes – 6 Naves - 0

B. Steep Slopes

- a) A letter was received from Rick Ayres dated 6/29/2010 stating what conditions that needed to be followed. All of these were addressed by Marathon Engineering.
- b) The Harts own property on both sides.
- c) The disturbed area above the wall has been reseeded.

A motion was made by Ed Pinneo to approve the Steep Slopes application 0226-10 dated 6/16/2010 and the Soil Erosion Plan developed by Marathan Engineering project for Dennis Hart residence at 3087 West Lake Rd. Also the construction specifications as noted on the plans need to be followed.

The motion was seconded by Bill Pringle

Ayes – 6 Naves - 0

Norman & Cheryl Pierce - property located at 430 West Bluff Drive, Keuka Park, NY 14478 – Tax ID # 102.59-1-2.

A. SEQR – Approved 8/5/2010

- a. Norman & Cheryl Pierce would like to build a new home on the footprint of their old home.
- b. They would replace the retaining wall. This wall will be concrete and will be reviewed by Yates County Soil and Water. Wall will be replaced last because of the Septic System.
- c. Bob Evans, after looking at the plans & presentation by Gerald N. Kernahan that they were more complex than they looked and if it were not for the creditability of Engr.

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- Kernahan, they would otherwise require other approvals. Namely our town engineer, Wayne Eckert.
- d. Contractor will need to tell Gerald Kernahan how he will set up the construction sequence and redo the septic system.
 - e. A letter dated 7/29/2010 from James M. Balyszak, CPESC from Yates County Soil and Water states that all environmental concerns for this site have been addressed. The Yates County Soil and Water will need to review and approve the retaining wall design before construction can begin.
 - f. Wayne Eckert should be consulted.
 - g. The holding tank will need to remain as is until the new house is complete. The existing sewer pipe needs to be hooked up to the new house and then it will be changed. Holding tank can not be used for a new house.
 - h. All of the letters concerning this project will be kept in the Planning Board file at the Town Hall under Norman & Cheryl Pierce.

A motion was made by Ed Pinneo approve the SEQR based on the information provided and the supporting documentation that this proposal will not result in any significant adverse environmental impact and we will provide attached documentation to accept the SEQR with the negative declaration as noted, with potential for erosion to be mitigated by steep slopes erosion control plan developed by Gerald Kernahan, P.E. dated 7/19/2010, Project number 2010-22.

The motion was seconded by Bill Pringle Ayes – 6 Nays – 0.

- B. Steep Slopes – Application 9-2010
 - a. The Planning Board received a memo from Gerald N. Kernahan, P.E. dated 7/19/2010 to address the Regulations for Construction on Steep Slopes as they relate to the aforementioned project. This memo listed 11 points of information relating to the proposed site plan.
 - b. This memo will be filed with the Steep Slope Application under Norman & Cheryl Pierce in the Planning Board file in the Town Office. In this memo Mr. Kernahan made some comments, some of which included. The Planning Board reviewed each item in the Communication.
 - c. A negative declaration was noted. Potential for erosion to be mitigated by steep slopes erosion control plan developed by Gerald N. Kernahan, PE. Dated 7/19/2010, Project number 2010-22
 - d. A new home will be built on the footprint of the old house.
 - e. A retaining wall will also be built.

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A motion was made by Donna Gridley to approve the Steep Slopes Application 9-2010 dated 7/19/2010 & Soil Erosion plan developed by Gerald N. Kernahan, P.E. dated 7/19/2010 project # 2010-22 for Norman & Cheryl Pierce. Approval of the retaining wall design by Yates County Soil and water and the construction sequence 1-9 as presented by Gerald N. Kernahan in the Steep Slopes Construction Plan dated 7/19/2010 # 2010-22 on page 7 is followed. There must be a preconstruction meeting before each Phase to assure that all involved parties, including contractor and owners, are aware of all the requirements in this plan, and that the conditions #1-11 in the memo from Gerald N. Kernahan dated 7/19/2010 be adhered to.

The motion was seconded by Ed Pringle. Ayes – 6 Nays – 0.

THE PLANNING BOARD'S PUBLIC BUSINESS

2) OLD BUSINESS

1). COMMITTEE REPORTS:

- a. Steep Slopes (Ed Pinneo, Chairman)
- 1) This committee to be removed from the Agenda - The Steep Slopes amendment was passed at the June 16th, Town Board Meeting

2) PLANNING BOARD PRIORITIES:

- a. Zoning Regulations review Subcommittee – M Coriale – Chairman –
1. No report Mary was excused from the meeting. The next meeting of the Ag Res review committee will be August 23 @ 4pm in the Town office building.
- b. Agriculture Protection & Right to Farm. - Donna Gridley- Chairman.
1. Donna Gridley is waiting for a list of families in the town who are farmers from Elaine Nesbit. Jennifer Gruschow will be getting the name of the Mennonite Bishop so that Donna may contact him.
- c. TOJ Conservation and Renewable Energies subcommittee – Chairman – Deb Koop – Co-Chair Lisa Saether.
1. Our committee is co-hosting with Yates County Cooperative Extension the workshop Bringing Renewable Energy Home. We encourage Jerusalem Planning, Zoning and Town Board

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members and Jerusalem citizens to attend.

2. BRINGING RENEWABLE HOME. At Branchport Fire Hall on August 28, 2010 from 9am to 1pm.
 3. All Board members have pamphlets in their town mailboxes. Speakers include Renewable Energy professionals plus a panel of homeowners with renewable energy systems. Vendors have been invited. This is a practical way to learn more about solar pv systems, solar thermal, geothermal, and residential/agricultural wind power. Refreshments will be provided from local farms. Cost: \$10. Students: \$5. Seating is limited so please pre-register.
 4. Our committee continues our invitation for a Planning Board member to join our committee. We meet the 3rd Tuesday of every month from 5-6:30 pm at the Branchport Library or Hunt Country Vineyards.
- d. Keuka Lake Watershed Land Value Steering (Deb Koop – Chairman)
1. The purpose of the committee is to implement the Keuka Watershed Protection Guide. The committee includes municipal officials and citizens from every township in the Keuka Watershed as well as the Yates and Steuben County Planners and the Executive Director of Cooperative Extension of Yates County. The committee meets once a month.
- e. Grants- Jennifer Gruschow.
1. Grant is sent, we should hear something in September or November.
- f. Planning Board Training – Tom Close
1. Tom Close stated that a decision still needs to be made as to where the Plat originals will be kept.
- g. Wind farms – Bill Pringle

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1. Bill Pringle said that he felt that the Wind Farm committee should receive some kind of response from the Town Board.
 - h. Planning Board Education
 1. Bob feels that credit hours should depend on time & circumstances. Bob is questioning some of the hours.
- 2) New Business
- a. Finger lakes Cultural & Natural History Museum
 1. The Planning Board questioned if the water was on at the School.
 2. Is there a document in place for the Septic System?
 3. Should someone from the Town Board be a liaison with the Cultural Museum?
 4. The Museum is adding new members to the Board.
 - b. Budget Forms
 1. Bob Evans cited his memo to Daryl Jones regarding the increased hours and complexity of the issues that have now become before the Planning Board.
 - c. New member for the Planning Board.
 1. One candidate for planning Board.
 - a. Attilio Carcone – was appointed by the Town Board and he was welcomed to the meeting.

***Motion:* A motion to adjourn the meeting at 9:40 by Ed Pinneo and Seconded by Bill Pringle. Ayes- 6 Nays - 0.**

Respectfully submitted,

Carol Goebel