

TOWN OF JERUSALEM
PLANNING BOARD MINUTES
September 1, 2011

Approved

The regular meeting of the Town of Jerusalem Planning Board was called to order by Chairman Bob Evans, on Thursday September 1, 2011 at 7:10pm, 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, Wayne Ackart, Virginia Turner, Jamie L. Sisson, Jack Goebel, William Francisco, Daniel R. Long, George Sproule, Joe Hoff, TOJ Hydrofrack Import Study committee, Peter Gamba, Art Hunt, Melony S, and Town Board member Max Parson.

APPROVAL/CORRECTION OF MINUTES

A motion was made by Ed Pinneo to approve the August 4 Meeting Minutes as submitted.

The motion was seconded by Donna Gridley

Ayes —5 - Nays – 0 – Jennifer Gruschow - Abstained

THE PLANNING BOARD'S PUBLIC PRESENTATIONS

A. OLD BUSINESS

1. Harbor View Town House – review of SEQR
 1. Wayne Ackart was present to review the reasons for the SEQR Resolutions No 4 dated 9/11/2011.
 2. Wayne referenced letters received from Land-Tech dated July 15th 2011 and August 4th, 2011. These letters will be filed in the Harbor View Town House folder in the Planning Board File at the Town Hall.
 3. Wayne reviewed the memo that he sent to Jerusalem Planning Board and dated 8/19/2011. In this memo Wayne referenced 2 letters from Landtech. Wayne also referenced an email of August 18, 2011 to Elaine Nesbit.
 4. Wayne stated in this memo that it is the recommendation of the Town Engineer that the original Negative Declaration be amended.
 5. Wayne stated that in September of 2010 the SEQR was passed by the Planning Board. Since the SEQR had not gone to the County it had to be

redone. The plans were then sent to the Town Board who had concerns because there were two big issues.

- i. The sewage system and the storm water system were the concerns. There were 26 changes to the sewage and storm water systems, all 26 were positive changes as far as the Town and the Environment are concerned.
 - ii. The sewage system was covered by state requirements for the creation of a Sewage Works Corporation. When a Sewage Works Corporation is formed the Town ends up with a certain degree of responsibility if there is an ultimate failure of the system. The Town Board has to consent to the formation of a Sewage Works Corporation.
 - iii. The DEC indicated that as a part of getting their approval of the Storm Water System, they would require a signed Storm Water Maintenance agreement involving the town and the developer. The town in case there is any ultimate failure or there is a failure to be maintained.
 - iv. The developer has agreed to make several changes to the Storm Water System and the Septic System. These are all positive changes. This project will provide storm water detention. There have also been significant changes in treatment of the storm water. It will be much easier to maintain and much less costly.
 - v. On the Sewage front there were several changes. There were 26 changes. Some changes are moving it higher and out of the 100 year flood plan.
 - vi. The question came up as to who would sign off on the Septic & Water Systems. It was explained that the DEC will offer a Final Permit. The Town will be inspecting, probably Larsen Engineering.
 - vii. The last Town Board at the last meeting agreed to the consent for the creation of Sewage Works Corporation and they gave Daryl Jones authority to sign the Storm Water Maintenance Agreement. The Attorney, special counsel that the town had hired for this project. The Attorney said that the Board should revisit the SEQR. After Phil Bailey reviewed this it was determined that the SEQR needed to be amended.
6. Phil Bailey drew up a new Resolution No 4 dated 9/1/2011 and amended the negative declaration dated 9/1/2011. Both of these will be attached to these minutes.

TOWN OF JERUSALEM PLANNING BOARD

SEQR RESOLUTION No 4

HARBOR VIEW TOWN HOMES PROJECT

September 1, 2011

Whereas applications for consent to the formation of a Sewage Works Corporation and

for approval of a ~~for~~ Storm Water Control Facilities Agreement in relation to the Harbor View Town Homes project (the "Project") are now pending before the Town Board of the Town of Jerusalem; and

Whereas this Planning Board is the Lead Agency for the purpose of complying with the New York State Environmental Quality Review (SEQR) Regulations (6 NYCRR part 617) as to the Project; and

Whereas on August 24, 2011 the Town Board approved the Project on condition that certain changes to the plans be reviewed by this Planning Board and amend its SEQR determination in light of the changes; and

Whereas this Board authorized the filing of a Negative Declaration on September 2, 2010; and

Whereas, this Planning Board has considered the revisions to the plans previously furnished to it in connection with the Project, which revisions concern the plans for the septic system and for the disposal of additional storm water run-off created by the Project;

NOW THEREFORE, the Planning Board of the Town of Jerusalem, duly convened in regular session, does hereby resolve as follows:

Section 1. The Negative Declaration adopted by this Board on September 2, 2010 is hereby amended as set forth herein.

Section 2. This Planning Board finds that the revisions described above significantly decrease the likelihood that the Project will have a harmful effect on the environment.

Section 3. Pursuant to, and in accordance with, the provisions of section 617.7 (Determining significance) of the New York State Environmental Quality Review Regulations (6 NYCRR part 617) the Planning Board of the Town of Jerusalem hereby makes the following determinations and classifications with respect to the Project:

1. Having thoroughly compared the action to the environmental criteria set forth in paragraph (c) of Section 617.7 (Determining significance) of said regulations, determines that the action will not have a significant effect on the environment.
2. Authorizes the Chairman to sign the Amended Negative Declaration in the form presented to this meeting.

Section 4. A copy of this Resolution and a copy of the Amended Negative Declaration shall be sent by the Secretary of the Planning Board to the Environmental Notice Bulletin for publication and to the Town Board of the Town of Jerusalem, Yates County Department of Planning, N.Y. State Commissioner of Environmental Conservation, N.Y. State Department of Health and New York State Department of Transportation.

Section 5. This Resolution shall take effect immediately.

SEQR

State Environmental Quality Review

AMENDED NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project
Number

Date: 09/1/2011

This AMENDED notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and in particular pursuant to Section 617 (e) thereof.

The Planning Board of the Town of Jerusalem, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Harbor View Town Homes Project

SEQR Status: Type 1
Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action: **The Project involves the removal of two steel buildings and two houses; the construction of two 5-unit townhouse buildings, a shed, and a clubhouse; the re-construction of parking areas; and the construction of a new sewage disposal system.**

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Mill Street and New York State Route 54 A, Town of Jerusalem, Yates County, New York

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination)

Based upon an examination of the Full Environmental Assessment Form (Parts 1, 2 and 3) and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Planning Board's knowledge of the area surrounding the Project and after due deliberation, review and analysis of the Project, the Environmental Assessment Form, supporting information and the criteria set forth in 6 NYCRR § 617.7(c), the Planning Board, as the lead agency for the Project, has determined that the Project will not result in significant adverse impacts to the environment and a draft environmental impact statement will not be prepared. This determination is supported by the following:

- 1) The Project will not result in a substantial adverse change in existing air quality, traffic or noise levels; or in a substantial increase in solid waste production.
 - The project is in an area previously used for single family housing and lakeside marinas. Conversion to ten dwelling units will have small effect on existing traffic or noise levels and solid waste production.

- 2) The Project will not result in a substantial adverse change in existing ground or surface water quality or a substantial increase in potential for erosion, flooding, leaching or drainage problems.
 - The project will create possible issues involving surface water run-off and sub-surface water quality.
 - The project sponsor has significantly changed its plans regarding surface water run-off since the Negative Determination issued on September 2, 2010. The revised plans now call for storm water detention in addition to treatment facilities with improved maintenance requirements and longevity. This change in plans mitigates the deleterious effect on the environment caused by the additional run-off resulting from the addition of paved areas and buildings. Accordingly, the project's effect on surface water run-off has been addressed and will not create a significant effect on the environment.
 - The project sponsor has also significantly changed its plans regarding sub-surface water quality since the Negative Determination issued on September 2, 2010. The revised plans now call for upgradient surface and groundwater intercept west of and above the leach field, septic tanks and aerobic treatment units upgradient of the leach field, pump station re-location above the 100 year flood level, leach field split into two sections with alternate dosing, and several additional minor detail improvements. This change in plans further mitigates any deleterious effect on the environment caused by the need to dispose of additional human waste arising from the construction of ten new residences. Accordingly, the project's effect on sub surface water has been addressed and will not create a significant effect on the environment.

- 3) The Project will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or , or the habitat of such a species; or other significant adverse impacts to natural resources;
 - The project area is already developed. No previously un-developed land is involved.
- 4) The Project area is not located within a Critical Environmental Area (“CEA”) and, therefore, the environmental characteristics of a CEA will not be impaired.
- 5) The Project will not create a material conflict with the community’s current plans or goals as officially approved or adopted.
 - The Comprehensive Plan of the Town of Jerusalem has a Policy and Priority to “Encourage Diverse Rural Residential Living”, by employing the strategies of “Us[ing] alternate land development techniques”, “Promot[ing] appropriate residential development densities”, and Expand[ing] range of housing options”. This project will foster all of those objectives.
- 6) The Project will not impact the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.
 - No historical or archeological effects have been identified. The architectural and aesthetic resources of the community and neighborhood will be affected in a positive way by adding a new type of structure, namely townhouse. The appearance of the new structures will necessarily comport with community values because the town’s Site Plan Review process will prevent shocking or out of place visual features.
- 7) The Project will not result in a major change in the use of either the quantity or type of energy.
 - The addition of ten residential will necessarily call for additional energy, but the change is far from major.
- 8) The Project will not result in a hazard to human health.
 - See item 2) above. Also, municipal water is available and will be used.
- 9) The Project will not substantially change the use, or intensity of use, of land including agricultural, open space or recreational resources, or its capacity to support existing uses.
 - Changes resulting from the addition of ten residential units will not be substantial.

- 10) The Project will not encourage or attract a large number of people to the site for more than a few days, compared to the number of people who would come to the site absent the Project.
 - Changes resulting from the addition of ten residential units will not be substantial.
- 11) The Project will not create a material demand for other actions that would exceed the criteria set forth in 6 NYCRR § 617.7(c).
 - Changes resulting from the addition of ten residential units will not be material.
- 12) Implementation of the Project will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a significant adverse impact on the environment.
- 13) Implementation of the Project will not result in cumulative impacts that would exceed any of the criteria set forth in 6 NYCRR § 617.7(c).
- 14) There are no other potential adverse impacts associated with the proposed action.

If Conditioned Negative Declaration, (Not applicable)

For Further Information:

Contact Person: Robert Evans, Chairman

Address: 3816 Italy Hill Road
Branchport, New York 14418

Telephone Number: 315-595-6668

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany, NY 12233-1750
(Type 1 Action only)

SEQR

A motion was made by Art Carcone to approve the resolution accepting the amended SEQR no 4 negative declaration, dated 09/01/2011 drafted by Phil Bailey.

The motion was seconded by Ed Pinneo

Ayes – 6 Nays - 0

3.

B. NEW BUSINESS

- a Jeanne & William Francisco - Property located at 2101 Lower West Lake, Penn Yan, NY 14527. Tax Parcel #61.53-1-6 Add an addition to existing building.
 - 1. This SEQR and Site Plan were postponed to the October 6, Planning Board meeting because of concerns from Rick Ayers noted in a memo dated 9/1/2011 to the Planning Board from Elaine Nesbit noting that a letter would be coming from Rick Ayers in the next few days. A letter was received on 9/7/2011.

- b Virginia Turner -Turner Bed and Breakfast - Property located at 2873 Lower West Lake Rd, Penn Yan, NY 14527 – Tax Parcel #72.28-1-12. To establish a change of occupancy use from a single family residential to a Bed and Breakfast owner occupied establishment.
 - 1. Jamie L. Sisson was present to go over the proposed Bed and Breakfast for Virginia Turner
 - i. Virginia has purchased the cottage at 2893 Lower west Lake Rd. She has also purchased the property directly across from the cottage.
 - ii. Virginia Turner will provide parking directly across the Street.
 - iii. Virginia Turner is working with John Phillips on the actual structure.
 - iv. There will be 5 guest rooms & 1 owner suite.
 - v. There will be down lighting by the parking lot
 - vi. There will be signage to show where parking is.
 - vii. Parking by the house will be only for drop off and pick up.
 - viii. The character will be kept the same, only some improvements will be made.
 - ix. A letter was received from a neighbor who voiced concerns. Virginia will send a note them addressing their concerns.
 - x. Both the letter from the neighbor and the Mrs. Virginia will be kept in the Virginia Turner File in the Planning Board file in the Town hall.
 - xi. There will be no other functions held there, only family parties.
 - xii. Snow removal will be done by the owner.
 - xiii. Mrs. Turner will begin construction in September of 2012. She will hope to open in September 2013.
 - xiv. Virginia Turner will apply for an operating permit when she is ready to open

SEQR:

A motion was made by Donna Gridley to approve the SEQR application 986, 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 support the SEQR negative declaration.

The motion was seconded by Bill Pringle.

Ayes – 6 Nays - 0

SITE PLAN:

A motion was made by Bob Evans to approve Site Plan application 986 dated 07/21/2011 with the instructions that they adhere to the Docking and Mooring Regulations and that there be down lighting on both sides of the street where guests cross. This approval is pending County Planning Board approval. As reviewed on plans that were submitted with the application. The Planning Board will pass this application on to the Zoning Board for the Special Use Permit review.

The motion was seconded by Ed Pinneo

Ayes – 6 Nays- 0

- c Peter Gamba – Jerusalem Moratorium Impact Committee
 - i. Peter Gamba presented the results of the a Hydrofracking Impact Study Committee Survey
 - ii. Joe Hoff presented the initial survey results favoring a ban of fracking.
 - iii. Several letters received from residents been 20 to 1 against Hydrofracking.
 - iv. Melanie Steinberg presented copies of most of the letters that were received from residents.
 - v. Joe Hoff reported that there were 330 present at the Public Meeting on Hydrofracking with an overflow of residents. There were 170 completed Surveys.
 - vi. Questionnaire results and letters are available for review at the Jerusalem Town Hall.
 - vii. Hydrofracking regulations are currently in the process of being reviewed by attorneys.
 - viii. The committee plans to meet with the Zoning Board on 9/8/2011.

THE PLANNING BOARD'S PUBLIC BUSINESS

1). COMMITTEE REPORTS:

2). PLANNING BOARD PRIORITIES:

1. OLD BUSINESS

- a. Zoning Regulations Review Subcommittee – Mary Coriale – Chairman
 - i. The committee has not met since the last Planning Board Meeting.
 - ii. Our next meeting will be on Thurs September 8th from 5-7-pm at the Town Hall
 - iii. Matt will be at that meeting and will share his draft workshop #2 presentation for committee feedback.
 - iv. The next public meeting will be on September 22nd from 7-9pm at the Branchport Firehouse.
 - v. We are quite excited to see what Matt comes up with.

- d. Agriculture Protection & Right to Farm – Donna Gridley-Chairman
 - i. No Report
- e. TOJ Conservation and Renewable Energies subcommittee (Deb Koop – Chairman & Jim Creveling – Vice Chairman)
 - i. At the August 25th meeting committee member Tom Close gave the following report:
 - ii. "As a result of discussions at their last two annual meetings, the Bluff Point Assoc. is forming a committee to work with the Finger Lakes Land Trust to encourage and facilitate conservation easements on land on the Bluff. The Land Trust has agreed to set up and administer a fund specifically for this purpose. A conservation easement is a contract between the owner of the land and the Land Trust that defines the future uses of the land (e.g. forest, farm, open grassland, wetlands) and limits the future subdivision of the land to an extent defined in the easement. When the land is transferred to another owner, it is transferred subject to the easement. The Land Trust has the legal right to enforce the easement against the owner, future owners, or any third party that attempts to use the land in violation of the easement. More information about the Land Trust and conservation easements can be found at their web site <http://fltl.org/index.php>
 - iii. Some members of the Bluff Point Association who were interested in the committee met with Andy Zepp (Executive Director of the Land Trust) and David Diaz (Director of Land Protection) on August 18 to learn more about the Land Trust and to discuss the formation of the Committee and the path forward."
 - iv. Voluntary easement donors may receive income tax deductions and a 25% property tax credit (from NY State). For more information please contact the Finger Lakes Land Trust at www.fltl.org; 607.275.9487 or call Debbie Koop, 315.595.2523.

- d. Keuka Lake Watershed Land Use Leadership (Deb Koop – Chairman)

- i. No-Report
- e. Branchport Hamlet Plan – Jennifer Gruschow
 - i. The committee met on August 24th. Matt reviewed the results of the Public Workshop.
 - ii. People were strongly in favor of street scaping.
 - iii. People were very against strip malls.
 - iv. People were against sub development.
 - v. People were in favor of residential housing along the side of the road.
 - vi. There is no date set for the next meeting. The next meeting will probably in October.
- f. Planning Board Training – Tom Close
 - i. No Report
- g. Planning Board Education – Bob Evans
 - i. No Report
- h. Signs – Art Carcone – Chairman
 - i. Art has received the code from Naples and the Town of Farmington he would like to the Planning Board review.
 - ii. There was much discussion on the placement of signs.
 - iii. The Board gave Art several suggestions as to what he could do to get more input on his placement of signs.
 - iv. Art will try to get more people interested in being the Sign Committee.
 - v. Art spoke to Sue Lang from Barrington told him that there Sign Law took 3 years to adopt.
- i. Windmills
 - i. There will be a Public Meeting on Windmills Regulations on September 21st at 7pm at the Town Hall.
- j. Site Plan Review Recommendation –
 - i. The Resolution that was drafted by Bob Evans dated 9/1-2011 will go to the Town Board there review.
- k. Town Board Liaisons Max Parson and Neil Simmons
 - 1. Report was given by Max Parson
 - i. There will be a Public Meeting concerning the Windmill Resolution on Sept 21st.
 - ii. The resolution for assessor needs to be reviewed.
 - iii. The resolution that would add to the Site Plan law for the ability to hire a town engineer will be reviewed.
 - iv. The Town Approved the Municipal Endorsement for the Finger Lakes Cultural Museum
- l. Finger Lakes Cultural & Natural History Museum - No Report

B). NEW BUSINESS

a) A new committee was set up to research Mini Storage regulations. – Bob Evans will be the Chairman for this Committee.

i. No Report

A motion to adjourn the meeting at 9:10 was made by Bill Pringle and seconded by Art Carcone.

Ayes- 6 Nays - 0

Respectfully submitted,

Carol Goebel