

Approved

TOWN OF JERUSALEM
PLANNING BOARD MINUTES

December 6, 2012

The regular monthly meeting of the Town of Jerusalem Planning Board was called to together on Thursday, December 6th, 2012 at 7 PM by Chairman Ron Rubin.

Roll Call:	Ron Rubin	Present
	Jennifer Gruschow	Present
	Ed Pinneo	Present
	Art Carcone	Present
	Bill Pringle	Present
	Donna Gridley	Excused

Others present included: Richard Osgood Sr., Christine Andrews, Pat Killen/Town Bd., Mike Steppe/Town Bd., John F. Phillips/CEO, Max Parson/Town Bd.

A motion was made by B. Pringle seconded by E. Pinneo to approve the November Planning Board minutes as written. The motion was carried unanimously (5-yes, 0-no).

PUBLIC PRESENTATIONS TO THE PLANNING BOARD:

Application #10-2012 for David & Martha Swift property located at 768 Esperanza Dr. with a Tax Parcel number of 83.67-1-7.1. The presenter of this application was Mr. Richard Osgood Sr., Design Engineer for Mr. & Mrs. Swift.

Mr. Osgood gave a presentation of the Swift application to the board members. This project started a number of years ago in developing the reclamation of this site in stages. The first stage started by putting in the walls numbered 1, 2, & 3 for the purpose of putting in the elevator (aka man-lift) for purposes of getting from the road to the house then on down to the beach. The Swift's had divided their property into two separately deeded lots that meet the requirements for zoning purposes and on the most southerly lot they had their first home built.

Mr. Osgood explained that the Swift's now wish to develop and reclaim the second northern lot and build a guest home for when family or friends come to visit. Mr. Osgood explained that what will need to be done to reclaim this second site is to build another series of retaining walls.

The purposes will be for two purposes: 1) to retain the slope so that it is stable and 2) restrain the slope and provide a backdrop foundation for the proposed new home down on the beach.

Mr. Osgood explained that these retaining walls are slightly different than what have been done in the past.

Previously built walls in the past have been pre-cast concrete blocks, basically a gravity type, massive wall, that relies totally on the weight of the wall to resist the forces that are overturning it and sliding it.

Mr. Osgood, stated that these new walls are slightly more challenging. The new walls are commonly called "soldier piling" walls in the civil engineering and/or the construction industry. They consist of steel beams driven into the ground vertically with a bracing system between them with more steel sheet pilings to make a continuous matt of steel to resist the forces coming down the hill. The exact design is not 100% yet, it is dependent upon more soil explorations, but the steel pilings will be 16" pilings at either 4 ft. or 6 ft. on center depending on the soil types as to these spacings.

Mr. Osgood pointed out on Pg. 3 of the accompanying design plans (copy on file with steep slope application in the Zoning Office) where this new proposed design wall is located.

Mr. Osgood went on to explain that there has been an attempt to make the existing site access road pedestrian friendly so that as you come down the access road there will be a series of steps so that they can access their home. To make it more aesthetically pleasing rather than for structural purposes, Mr. Osgood stated that they were planning to put a precast concrete wall in front of the "steel soldier, sheet-piled walls". Another caveat to this, is the addition of the sea wall down by the water. This will be a pre-cast concrete wall, very similar to what has been done in the past, i.e., a massive block wall, gravity type, and in accordance with DEC, with rock in front of it.

Mr. Osgood has already been in contact with the DEC with regards to this application and is waiting for the approvals that he will need from them for this project.

Chairman R. Rubin asked Mr. Osgood what the time frame for this project would be. Mr. Osgood's response was as follows:

- 1) Build the access road to the lake and get the lake wall in first while the lake is low, providing that it coincides with the DEC's requirements.
- 2) Drive the steel sheet pile, soldier pile wall in around the stair system, to get this complex built then go into the home construction working back out and continuing up the steps and precast blocks lining and finally the landscaping. The same gentleman who did the landscaping for the adjacent parcel belonging to the Swifts.
- 3) The final part of this is plan is the wastewater treatment system. The plan is to have a 1250 gallon Septic tank which is capable of taking highway loads over the top of it. The secondary part of this treatment system is peat pots which are designed with very clean gravel, etc. Mr. Osgood has discussed this with NYS Department of Health and KWIC Manager Paul Bauter and is working with them on this system.

Board member E.Pinneo asked if the bank is mostly shale. Mr. Osgood stated that the majority of the bank is a dense silty conglomerate material then underneath that you get to the shale. The question is, with the sheet piling, soldier piling what kind of tip will have to be put on it to anchor it correctly.

Mr. Osgood stated that if it is noted that there is a high elevated shale layer in the area where the concrete precast wall was to go, in front of the steel piling, soldier piling wall, then there would be a change as to how they tie these walls together and anchor them.

He noted that in this case they would also put in large six inch crusher run limestone added for the road surface to take the storm water and slow it down.

During construction, there will be minimal disturbance since they will be using the old foundation slab area, which will stay, and working themselves from the bottom up and out. The lakeside area will pretty much stay the same.

It was noted in accordance with the design plan, that there will be silt fencing and straw bales in place when construction starts to prevent any storm water and/or disturbed soil from going into the lake.

Mr. Osgood noted for the record that the steel being used for this project gets a coating of rust on it, but that it is a type of steel that has a coating over it that when it rusts the coating breaks but it only allows the rust to penetrate so far and the steel lasts a very long time. He noted that it is very expensive but does a good job. Board member E.Pinneo noted that the adjacent site seems to be holding up very well since it has been built.

Chairman R. Rubin noted the letter from Yates County Soil and Water Department Rick Ayers which basically refers to the fact that he has completed a review of the engineered plans dated 10/26/2012 and his comments note that since some of the disturbance will take place below mean high lake elevation of 715.3 feet that a permit from NYS DEC will be required. In addition, he noted that the while the plan states that all disturbed areas will be top soiled and seeded to grass, the plan should include a seeding and mulching specification for the contractor to follow. Chairman R. Rubin gave Mr. Osgood a copy of this letter. One is also on file with application.

Chairman R.Rubin asked board members to follow along as he reviewed the Steep Slope Application Checklist.

Under this review it was noted that during the development of this lot the situation may require that material be brought in or removed from the site in or over Town roads, and therefore the Town Highway Superintendent shall review or be notified of the engineered plan before work commences.

It was also noted that following the completion of the work, that the applicant shall submit a certification by the property owner, the excavation contractor, the certified professional and the Code Enforcement Officer that the completed work meets the requirements of the permit. The Town Code Enforcement Officer and the certified professional shall verify that the work has been completed in accordance with the permit. An as-built survey shall be required at the discretion of the CEO.

Chairman R. Rubin asked the board members if everyone on the board was in agreement that the conditions of the checklist have been or will be satisfied by the conditions of the approval. There was unanimous agreement. (yes-5, no-0).

SEQR REVIEW: Chairman R.Rubin went through Part II of the Form with the Board Members.

Based on the review of Part II a motion was made by J.Gruschow seconded by A.Carcone to approve the SEQR based on the information provided and based on the supporting documentation that this proposal will not result in any significant adverse environmental impact, therefore a negative declaration is made. The motion is carried unanimously (5-yes, 0-no). (Copy of SEQR on file with application).

A motion to approve the Steep Slope Application #10-2012 dated December 6, 2012 was made by R. Rubin seconded by B.Pringle subject to the following conditions:

1. Yates County Soil & Water has reviewed the erosion control plan (Copy of Letter from Yates County Soil & Water dated 10/26/2012 on file with application). The Engineer needs to provide seeding & mulching specifications for the contractor for disturbed areas which will be top soiled and seeded down after construction disturbance is finished. Plan proposes to replace the existing retaining wall on the north side of the home site. This disturbance will be at or below mean high lake elevation of 715.13 feet and will require a permit from the NYS DEC. Engineer has filed an application and been in contact with DEC personal.
2. Site boundaries and high water mark must be clearly marked.
3. On site – Pre-Construction meeting with the Engineer, TOJ CEO, Highway Superintendent, Representatives from YCSW and from KP Sewer & Water Dept.; Details of the proper installation and maintenance of the silt fence needs to be provided to the contractor.
4. Identify Staging Area for removal of debris. Discuss 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.
5. Establish sediment and erosion measure per final approved erosion control plan.
6. If 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.
7. Seed, mulch, and water bare ground within 48 hours after construction.
8. Remove all construction debris, temporary sediment and control measures when satisfactory stabilization has occurred and vegetation is established.
9. Pre-built survey and an as built survey and plan design to be on file with Town ZAP office.

A letter of certification from the Certified professional must be obtained by the property owner of 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.

A final inspection by Town of Jerusalem CEO, verifying all conditions of Planning Board approval have been met.

The motion was carried unanimously (yes-5, no-0).

OLD BUSINESS:

Board Members had been asked to review a draft of the Proposed Sign Law dated June 28th, 2012 and be prepared to offer suggestions and comments at the meeting. Chairman R.Rubin asked A.Carcone the Chairman of the sign committee if there were any changes to the draft proposal.

It was noted that there was still questions about “billboard” type signs. Size and type were part of the issue. There was also discussion about real estate signs and temporary signs (whether they be for yard sales, weekend type businesses, political signs, etc.).

There was a question as to location of signs and whether the State Highway Department would allow any type of regulation of signs that are located within their right-of-way by anyone other than themselves, i.e. does a Municipality have the right to regulate a sign that is in the State or County Right-of-Way?

Another question was raised that by regulating signs too tightly, could it have an adverse effect on business?

This draft proposal is not ready to pass on for a proposed local law because there are no definitions listed. There has been a lot of time and discussion spent on trying to come with a sign law and

To summarize the issues of concern, the billboard signs, real-estate signs, and temporary signs all seem to be areas of concern.

A suggestion was made to ask the committee chairman to take a look at our current sign law, add the sign types that are the main areas of concern to the list of definitions and propose some wording regarding how these signs should be regulated to our current sign law for the board members to review as possible amendment to the current sign law in our zoning ordinance.

This seemed to be acceptable to Chairman A.Carcone and he will work on this and try to have something ready to present to the board for the February meeting. Chairman R. Rubin will work with A.Carcone on this matter.

LIST OF COMMITTEE MEMBERS:

Regarding the list of committee members, it was noted that some of the lists had been found, but there were still one or two committees that a list of members had not been turned in yet. These are the different Planning Board Sub-Committees that have been set up and while we know who the Chairpersons are for each committee, it is not always known what people are on each of these committees.

COMMITTEE REPORTS:

- a. Zoning Review Subcommittee (Reviewing Ag-Res. Zone) – Jim Crevelling/Chairman – will begin work in January – anyone interested in working on this committee should get in touch with him. (See attached Email). Chairman R.Rubin will be working with him on this committee.
- b. Agriculture Protection & The Right To Farm (D.Gridley/Chair) – a draft proposal of this law is presently in the hands of the Town Board.

- c. TOJ Conservation of Natural Resources & Renewable Energy (Deb Koop/Chair) copies of Articles that Planning Board members received, Workshop helps home and farm owners written by Elizabeth Newbold from Cornell Cooperative Extension of Yates County and Renewable Energy on the farm written by John Christiansen will be circulated at the Town Board Meeting, Supervisor Jones has a copy. These articles were in both the Chronicle Express and the Finger Lakes Times The committee will meet in January to decide on the 2013 agenda. (See attached E-mails).
- d. Keuka Lake Watershed – Deb Koop/Chair – both committee’s await consolidated funding grant decision – the committee is meeting in December to finish planning the March 2013 Municipal Planning workshop – Tom Close has been representing the Town of Jerusalem. (See Attached Email).
- e. Branchport Hamlet – Jennifer Gruschow/Chair - stated that she will not be present for the next 3 or 4 Planning Board meetings. There is not too much going on right now, but she stated she will be back to re-establish the rules that need to be followed before the new grant season starts.
- f. Signs – A.Carcone/Chair – a suggestion was made to approach the NYS Highway Department with a “Pilot Project” that along with the “Hamlet Project” which would allow uniform usage of signs in conjunction with the highway sign use. He then stated that this could maybe be pursued after an amendment to our own sign law is completed.
- g. Town Board Liaisons – Mike Steppe & Pat Killen – Town Board Pat Killen introduced – Christine Andrews – a possible candidate for Planning Board Secretary. She came to sit in a Planning Board meeting to see what takes place. A resume of her work background was distributed to board members as each member introduced themselves to Ms. Andrews. Board Member M.Steppe stated that there is a person (David Owen) interested in a position on the Planning Board.

Chairman R. Rubin asked if there were other duties that the Planning Board Secretary was responsible for. It was noted that there were a limited number of hours approved for Planning Board Secretary. This person would work with the Chairman of the Planning Board and the ZAP Secretary. The ZAP Secretary continues to process the initial applications for the Planning Board and would coordinate with whoever is chosen for the Secretary’ position to make sure these applications are put on the agenda for the respective month’s agenda.

NEW BUSINESS:

Board member Bill Pringle stated that due to personal and health reasons, he will be sending in his letter of resignation, effective December 31st, 2012, to Supervisor Daryl Jones. He thanked the board for the six years on the board and that he has enjoyed working with each of the respective board members.

He noted that one of his concerns is that he is unable to personally visit the sites to review them because of not being able to get around as well therefore is not comfortable in voting on these plans when he hasn’t personally been there. Chairman R.Rubin noted that with Bill’s resignation effective December 31st, it now opens up another spot on the Planning Board and the need to find another person to fill this vacancy.

Planning Bd. Minutes
December 6, 2012

ADJOURNMENT:

There being no further business, a motion was made by A.Carcone seconded by E.Pinneo to adjourn the meeting. Motion was carried unanimously (5-yes, 0-no). The meeting was adjourned.

Respectfully submitted,
Elaine Nesbit/Secretary