

Approved

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

February 9<sup>th</sup>, 2012

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, February 9<sup>th</sup>, 2012 by Vice-Chairman Jim Crevelling at 7:10 pm.

Roll Call:	Glenn Herbert	Excused
	Jim Crevelling	Present
	Ed Seus	Present
	Dwight Simpson	Excused
	Jim Bird	Present
Alternate	Rodgers Williams	Present

Others present included: Garry Sperrick, Travis Fisher, Julie Ronner, James Ramentol, Ms. Steinberg, Peter Gamba, Deb Koop, Jim Moon, and others.

There was a ten minute delay in calling the meeting to order, to provide board members some time to review copies of correspondence they had received just prior to the meeting.

A motion was made by J.Bird and seconded by E.Seus to approve the January Zoning Board minutes as written. The motion was carried unanimously (4-yes, 0-no).

COMMUNICATIONS:

There were several letters of correspondence received from neighbors for Special Use Application #995 (copies on file with application), and additional material for this application was provided by the applicant for the board members prior to the meeting.

A letter of communication from CEO John F. Phillips for Area Variance Application #996 (copy on file with application) was also distributed to board members and applicant prior to the board meeting.

SPECIAL USE / AREA VARIANCE REVIEW

Application #995 for Garry Sperrick owning property at 2994 Merritt Hill Rd. to request a Special Use Permit to renovate an existing older barn to be used as a microbrewery to make, taste and sell beer at this location.

Vice-Chairman J. Crevelling stated that this application is a Special Use request which means the board does not grant or deny this application, but rather it manages the request. He asked if the Jerusalem Planning Board had reviewed this application, which they had with the following:

A negative declaration was determined for the SEQR; A motion to pass the Special Use request on to the Zoning Board; and the Final Site Plan was approved with the following conditions subject to the Special Use being approval by the Zoning Board of Appeals :

1. All lighting be consistent downward lighting
2. Signage be consistent with town code
3. Siding be done to fit with character of the neighborhood
4. Parking are to be well lighted.
5. Not to be open after 7 pm.

Mr. Sperrick was present and had provided some additional site plan drawings, proposed business plan, and highlights of future plans for restoring the barn and adding on a cold storage area for fresh fruits and juices which will also be a part of his marketing strategy as he gets this microbrewery started.

There was additional material provided by Mr. Sperrick showing the current driveway to the existing barn and his plans for changing it from a one way to a two way driveway. In addition, he provided pictures identifying the areas where he plans to provide the future parking area leaving plenty of room for drainage and landscaping.

Mr. Sperrick stated that he has already met with Yates County Soil and Water Department Officials to take a look at his site, to review his plans and to get the best advice to do this right the first time as he develops the site for his microbrewery.

The existing home is presently to be used for office space and to be used as a part-time residence by Mr. Sperrick as he gets the microbrewery up and running. There is much work to be done in anticipation for this proposed business.

Mr. Sperrick stated that he and his wife have six children five out of the six have college degrees the other one is still in school. He has a Master's Degree from RIT and it is his plan to be the Manager of the operation of facilities at the Microbrewery. He gave a brief history of how he came up with the name for his facility Abandon Brewing Company. He noted that with already having the fruit trees, as well as some of the native varieties of grapes such as concords, niagaras, and some other varieties, that he would have fresh fruit as well as fruit juices for sale this fall. This would continue as the microbrewery develops, since it is in his plan to develop specialty beer recipes, to grow hops on his property as well as other herbs and spices that would be used in these recipes.

Mr. Sperrick noted that regarding "underage drinking" this area is not being planned to be conducive for a college "party spot".

Mr. Sperrick stated that he is committed to spending time, effort and money improving not only this property but would like to work with community leaders as well to find ways to invest in the community at large as well.

Mr. Travis Fisher, Co-Brewmaster was also present to give a brief presentation of his background and his commitment for this proposed business plan.

J.Crevelling asked if there was any other questions from board members. There being nothing further, a motion was made by J.Bird seconded by R.Williams to approve this Special Use Application for the proposed microbrewery and subject to the conditions as given by the Jerusalem Planning Board and subject to all other requirements including but not limited to the NYS Liquor Authority, NYS Ag & Markets, NYS Building and Fire Code, KWIC, and DEC.

The motion was carried with a poll of the board as follows: J.Bird-grant, E.Seus-grant, R.Williams-grant, J.Crevelling-grant.

Application #996 for David and Julie Ronner owning property at 892 Esperanza Dr. Keuka Park, NY requesting an Area Variance to remove a pre-existing, non-conforming structure and replace with another structure on the same footprint and to add a 4 ft. deck around three sides of the replacement structure. The existing structure lies in such a position that the highwater mark runs through the middle of the structure. An area variance for the front yard setback is being requested and an area variance for height is also being requested since the proposed replacement structure is to be higher than what was previously there and the proposed height is more than what is allowed for an accessory structure located on a lot in the R1 zone between the road and the lake.

Mr. James Ramentol, Principal Architect, for Mr. & Mrs. Ronner was present along with Julie Ronner to present the proposed application request and to answer questions for board members.

After the presentation by Mr. Ramentol, Vice-Chairman J.Crevelling noted the letter of communication from CEO John Phillips indicating that the building was definitely built as pre-existing, non-conforming. The Jerusalem Zoning Code states that a non-conforming building cannot be expanded, unless the expansion would tend to reduce the degree of non-conformance. The proposed variance request is to make the pre-existing building bigger by making it taller and by adding the deck area.

It was also noted that at least half of this structure lies lake ward of the highwater mark. The zoning board has no authority to grant permission for any building past the highwater mark.

This application also needs to be sent to the Yates County Planning Board since this property lies within 500 ft. of a State Rd. (NYS Rte 54A).

Board Member J.Bird asked about the Dock and Moorings law and if this law would somehow affect this building. Vice-Chairman J.Crevelling stated that it is a possibility, but that the only thing that could be allowed right at the present time with this pre-existing, non-conforming structure would be the removal and replacement of the exact same size and height on exact

same footprint, and that is the only thing that would currently be allowed by the present zoning ordinance.

A copy of the Dock and Mooring Law was given to the applicant for review.

There was some additional discussion about other things that they might be able to do with this building that would be acceptable by the board, however, it was determined that the best way would be to come back to the zoning board with a revised plan.

It was therefore a request of the applicant to table their request until the April Zoning Board meeting and to come back with a revised application to meet the deadline for the Yates County Planning Board meeting for County review and then be on the April Zoning Board agenda.

Zoning Board Secretary will re-notify neighbors prior to the April meeting of the revised application.

Board members were in agreement with this suggestion and a motion was made by J.Crevelling and seconded by J.Bird to table application #996 until the April Zoning Board meeting. The motion was carried with a poll of the board as follows: E.Seus-table, R.Williams-table, J.Crevelling-table, J.Bird-table.

#### OTHER BUSINESS:

Peter Gamba was present along with Deb Koop to review: Draft 2/1/2012 for - Town of Jerusalem Local Law No.\_\_\_\_\_ of the year 2011 update to "A Local Law to amend and supplement the "Town of Jerusalem Zoning Ordinance" adopted on October 14, 1974 as it has been heretofore amended, by Establishing a Severability Clause; Confirming and Clarifying that any Uses not Expressly Permitted are Prohibited; Articulating Certain Explicitly Prohibited Uses; Adding Certain New Definitions, and Changing Certain Existing Definitions; and Modifying, Clarifying, and Adding to the Provisions Regarding Area and Use Variances Generally, and Use Variances Respecting Explicitly Prohibited Uses Specifically.

Vice-Chairman J. Crevelling stated that he had been in touch with Chairman Glenn Herbert to make sure that he had understood what the consensus of the whole zoning board was with regards to this proposed zoning amendment. At a prior zoning board meeting, the consensus of the zoning board was that if the proposed language of the new draft law to amend and supplement the existing zoning ordinance as adopted on October 14<sup>th</sup>, 1974 and left the language of 160-43 of the existing zoning law alone, they (the current zoning board) would be fully behind this law and encourage the Town Board to adopt it. Chairman G.Herbert had concurred with Vice-Chairman J. Crevelling on this matter.

In addition, J.Crevelling noted that an addition to what already exists in Article X 160-43 (C.) there are 14 additional words “or impair the intent or purpose of this Law or of the Comprehensive Plan”.

Vice-Chairman J.Crevelling stated that these words are not in our current zoning law but they are very important that we integrate these two regulations. The new regulations define it, our old revised regulations include it.

At the Zoning Board Meeting held on Thursday, February 9<sup>th</sup> , 2012, The Town of Jerusalem Zoning Board of Appeals having reviewed the Draft Local Law No. dated 2/1/2012,

Town of Jerusalem

Local Law No. \_\_\_\_\_ of the Year 2011

A local law to amend and supplement the

“Town of Jerusalem Zoning Ordinance” adopted on  
October 14, 1974 as it has been heretofore amended,

by:

Establishing a Severability Clause;

Confirming and Clarifying that any Uses not Expressly Permitted are

Prohibited; Articulating Certain Explicitly Prohibited Uses;

Adding Certain New Definitions, and Changing Certain Existing Definitions; and Modifying, Clarifying, and Adding to the Provisions Regarding Area and Use Variances Generally, and Use Variances Respecting Explicitly Prohibited Uses Specifically.

Directed the Secretary of the Zoning Board to send the Following to the Jerusalem Town Board to be read at the Town Board Meeting to be held on Wednesday, February 15<sup>th</sup>, 2012.

A motion was made by Jim Crevelling, seconded by Jim Bird that the Zoning Board of Appeals fully supports the Draft of 2/1/2012 amending the Code – “A local law to amend and supplement the “Town of Jerusalem Zoning Ordinance’ adopted on October 14<sup>th</sup>, 1974. and further encourages the Town Board to adopt this local law.

The motion was carried with a poll of the board as follows: Jim Crevelling-agree, Ed Seus-agree, Rodgers Williams-agree, Jim Bird-agree.

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There being no further business, a motion was made by J. Bird seconded by J. Crevelling to adjourn the meeting. Motion was carried unanimously (4-yes, 0-no). The meeting was adjourned at 8:45 PM.

Respectfully submitted,  
Elaine Nesbit/Secretary