

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

May 10, 2012

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, May 10th, 2012 at 7 pm by Chairman Glenn Herbert.

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

Others present included: Vaughn & Phoebe Baker, Marla Jensen, Horace Perry, Fred Thomas, Steve McMichael, Bill Sutherland, Sally Thomas, Delores Sutherland, Bruce & Betsy Warfield, Doug Stimmerman, Robert & Caryl Cameron, Robert Russo, Brian Friguliette, Susan Atkisson, Don Schneider, Jerry Kernahan, Al Mercury, Jeffrey & Julie Potter, Richard Elliott, John F. Phillips/CEO and other interested citizens.

A motion was made by J. Bird seconded by R. Williams to approve the April Zoning Board minutes as written. The motion was carried unanimously (5-yes, 0-no).

COMMUNICATIONS:

Board members had received copies of three letters of communication from neighbors with concerns regarding application #1003. Copies of these letters are on file with the application.

AREA VARIANCE/SPECIAL USE REVIEW

Application #1002 for Brian Friguliette and Susan Atkisson owning property at 2792 Rte 54A Penn Yan NY requesting a Special Use Permit to construct a 20' by 30 ft. building to be used seasonally to sell their locally produced products.

Ms. Atkisson and Mr. Friguliette were present to answer questions for board members and to review their application material with board members.

This application was reviewed by the Yates County Planning Board and based on the referral material submitted, the Board voted to approve the referral.

The Jerusalem Planning Board reviewed this application for Site Plan and SEQR. Based on their review of the short form SEQR questions and answers a negative determination was made for this project.

Final site plan approval was given for this project with the following conditions: 1) Low level lighting on the sign. 2) Signage as allowed by zoning.

There were no communications received regarding this application.

Chairman G.Herbert asked the applicant for a brief review of the proposed project.

Ms. Atkisson explained that they have been in busy for several years having produced many products under the names of Keuka Lake Coffee Roasters (local, small batch, artisanal coffee roaster's) est. since 2003. Java-Gourmet (creators of coffee-based specialty foods, est. 2005); Seneca Salt Company (natural & infused culinary flake salts from Seneca Lake, est. 2010).

The plan is to be open seasonally to sell their products from this home base. There are no plans to have electricity in this building, maybe some solar panels. Open mostly on weekends, no shop hours after dark. There is a gate at the end of the driveway near 54A and when the shop is closed the gate will be locked with a sign stating that the shop is closed. Applicant noted that there is room for two cars to have room to be side by side just before the entrance to the gate one coming out of the lane way and one getting ready to go into the lane way and still be off of the main road.

J.Bird noted that he had attended the Planning Board meeting and that the review by the Planning Board was quite thorough.

J.Crevelling stated that he had some concerns regarding the fact that this is 55 mph portion of 54A along in this area. He also noted that while there is an area for the applicant's customers to pull over at this location, this particular spot is not a pull-off lane for this purpose.

Ms. Atkisson stated that she did not think that there would be that much business for their shop at this location. Board members stated that they would hope that even as a seasonal business, that this would do well, however, even at that, they needed to take all the necessary steps that they feel are important for safety concerns.

As board members continued to discuss this matter, a question came up as to what is the State's taking for highway right-of-way at this location. It was noted that in some cases it can be as much as 33 ft. from the center of the road measured both ways. This is a question for NYS Dept. of Transportation.

J.Bird made a motion seconded by G.Herbert to approve this Application for Special Use as applied for with the conditions as stated by the Planning Board and with the additional condition that the NYS Department of Transportation be contacted as to what their Right-of-Way taking is at this location. Then for the applicant to provide an additional area that is 24 ft. by 24 ft. beyond the State's right-of-way that would allow for extra spacing for 2 cars (one going in and one coming out) in front of the gate that opens up into the lane way that will go back to where the new building will be.

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

Application #1003 for Steven McMichael owning property on the west side of Central Ave. just north of Keuka Park requesting a Special Use Permit for a multiple dwelling development in the Agricultural Residential Zone.

Chairman G.Herbert stated that the Application process was going to be reversed to allow the applicant to proceed with the request for the special use, and then go to the planning board for site plan and seqr review.

It was noted that the applicant, his engineer, his Attorney, and partners for this project were present to answer questions for the board members.

The property, (5. 481 acres) is owned as one parcel. The land and buildings (the shells) are owned by the total number of unit owners as tenets in common, and each owner has an individual ownership right of their individual living space (usually from the walls within). The association as a group has a responsibility for taking care of the building shells, the grounds, the utilities and contributes to a capital reserve fund for any future replacement for any of these things.

A question was asked as to whether the application was complete in accordance with Article X, 160-42

1. A legal description of the property, a survey map
2. A map showing the property and all properties within a radius of 500 ft. of the exterior boundaries thereof.
3. Plans and elevations necessary to show the proposed development.
4. Height of the proposed buildings, setbacks and lot coverage.

It was noted that all of the requirements had been submitted to the Zoning Board for the meeting regarding this multiple dwelling development.

Letters of concern from adjacent neighbors were read with any concerns that should be addressed by the Zoning Board were reviewed and answered by the applicant or his engineer. Concerns relating to site plan will be forwarded to the planning board for their June meeting.

Concerns of the storm water runoff were addressed by the applicant's engineer who stated that there were provisions that would be put in place so that there would be no increase in the volume of runoff from this development before construction compared to when the development is completed.

Questions concerning whether public sewer can handle this development or not, it was noted that the flow is gravity fed and this goes north into the forced main and is already ahead of the Keuka Park Pump Station.

There were concerns about the density of this project, however, it was noted by the applicant that it does fit the Ag-Residential multiple dwelling development specifications.

A point of concern was made about this being the only place in the Town where the land across the road from this location is not zoned Lake Residential. The development of this property into a multiple dwelling development with the number of units as proposed, would, in the opinion of some, cause the properties across the road to be devalued.

The board members discussed Condominium restrictive covenants that would be put into place regarding the obligations, responsibilities, covenants and restrictions of all Unit Owners, Tenants and Occupants that will become part of this future multiple dwelling development.

It was noted by the applicant's attorney that once this document is drawn up it gets filed with the NYS Attorney General's Office. A sample of this document will be sent to the ZAP Secretary so that the Zoning Board can review it in anticipation of the June Zoning Board meeting and any additional conditions that they might want to add to it subject to the granting of the Special Use Application.

Board members J.Crevelling asked about the architectural design of the structures, noting that there were some good designs that were to be included for the ground water run-off, such as rain gardens and swale. He noted that the Architectural design should reflect the rural character of the Town of Jerusalem.

Building and roof colors should consist of natural earth tones, white, black or shades of gray. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided. Color schemes shall blend in with surroundings.

Glare from reflective surfaces should be minimized or such surfaces sited so glare is not visible from the road corridor.

Appropriate screening shall be provided to obscure as much as reasonable possible all roof mounted equipment, roof vents, or other unsightly building appurtenances from view from the road corridor.

Buffer plantings will be established and maintained on the western edge of the development so as to minimize the view of the development from Rte. 54A while not further restricting the view of the lake from Rte. 54A.

J.Bird noted for the board members that he had put together a special use checklist for himself and the rest of the board members to review this application, and a copy of this checklist was given to the applicant's engineer. In reviewing the checklist, it was noted that the applicant met the criteria listed under issues to consider and other considerations that were applicable. Regarding the area, yard, and height requirements, for the Ag Residential Zone, the applicant's proposal is in compliance (see attached special use checklist).

The board members listened to other general questions, concerns and comments from those wishing to speak to this application.

There being no further matters for review, a motion was made by G. Herbert seconded by J. Bird to table this application until the June 14th Zoning Board meeting in anticipation of receiving the sample document from the applicant's attorney. The motion was carried unanimously (5-yes, 0-no) with all members voting.

OTHER BUSINESS:

There being no further new business, a motion was made by G. Herbert and seconded by J. Crevelling to adjourn the meeting. The motion was carried unanimously (5-yes, 0-no). The meeting was adjourned at 9:20 pm.

Respectfully submitted,
Elaine Nesbit, Secretary

Special Use Permit Checklist		
Article X Special Use Permits		
	Complete	Comment
Documentation Provided		
Application	X	
Legal description of property	X	
Map showing property and properties within 500' radius	X	
Project Plans	X	NEED FINAL DRAINAGE
Elevations	X	
Adequate drawings to understand proposed use and its relationship to surrounding properties	X	
Existing special use permits or area variances on the property?	NONE	
Issues to Consider		
Complies with all standards of the zone	YES	
Size of use	YES	MEETS ZONING
Nature of operation	CONDO	
Intensity of operation	X	15 UNITS
Size of site with respect to streets giving access	ADEQUATE	
Is not detrimental to health, safety or general welfare of neighborhood	NO	
Is not detrimental or injurious to property and improvements in the neighborhood	NO	
Is not detrimental to general welfare of the Town	NO	
Is not inconsistent with zoning laws or Comprehensive Plan	YES	
Other considerations		
Was application referred to county (positive or negative)	YES	APPROVED
Was application reviewed by PB?	NO	
Hours of operation	N/A	
Noise	N/A	
On street parking (busses, trucks, passenger vehicles)	NO	
Parking lot/driveway size	YES	MEETS CODE
Turn-around driveway	YES	
Location of project	OK	
Multifamily Dwellings - only by special use permit in Ag Res		
Spacing		
1. Adequate light and air exposure	6	YES
2. >50' between buildings (visual and audible privacy)		YES
3. Accessible by emergency vehicles		YES

Spacing

- | | | |
|--|-----|--|
| 1. Adequate light and air exposure | YES | |
| 2. >50' between buildings (visual and audible privacy) | YES | |
| 3. Accessible by emergency vehicles | YES | |

Central Sewer and water

- | | | |
|--|-----|--|
| 1. Served with central water and sewer | YES | |
| 2. | | |

Area, yard, height, parking (as per 160-21)

- | | | |
|---|------|-------------|
| 1. Lot >1 Acre | YES | 5+ ACRES |
| 2. Lot > 100' Wide | N/A | |
| 3. Lot > 100' Deep | N/A | |
| 4. Front Yard > 30' | MORE | MEETS CODE |
| 5. 2 each Side Yards >10' each | 10' | |
| 6. Rear Yard > 20' | OK | |
| 7. No building or structure >35' height | YES | |
| 8. Lot coverage < 10% | YES | |
| 9. Minimum building square footage: | | |
| a. one-story dwelling structure shall be 600 square feet; | | |
| b. for a one-and-one-half-story residential building or structure, 1,000 square feet; | | 1200 & 1600 |
| c. for a two-story residential building or structure, 1200 square feet | N/A | |