

Minutes of the regular monthly meeting of the Jerusalem Town Board held on January 19, 2013 at 7:00 P.M. PRESENT were: Supervisor Jones, Councilors Folts, Killen, Parson, Steppe, Deputy Supervisor Stewart, Town Attorney Bailey, Town Clerk McMichael, Highway Superintendent Martin, Town Engineer Ackart.

GUESTS: Mary Coriale, Matt Ingalls; Ingalls Design, Ron Rubin, Jim Crevelling, Neil Simmons, Donna Gridley, Peter Gamba, Doug Paddock, Taylor Fitch, Jane Russell, David Specksgoor; *Dundee Observer* Reporter, John Christensen; *Chronicle Express* Reporter.

Supervisor Jones called the meeting to order with the Pledge to the Flag at 7:00 P.M.

**RESOLUTION #21-13**

**APPROVAL OF MINUTES**

On a motion of Councilor Steppe, seconded by Councilor Folts, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Councilor Parson requested Resolution #216-12 state he voted no because the Town Attorney advised Mr. Enos' vacation request would be a subject for negotiation in the next Teamsters Union Contract.

Resolved that the minutes of the December 19, 2012 meeting be approved as amended.

**RESOLUTION #22-13**

**AUDIT OF CLAIMS**

On a motion of Councilor Folts, seconded by Councilor Parson, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that the bills be paid as presented in the following amounts:

2012 Utilities and Year End:

General:	\$14,181.58
Outside Village:	\$ 287.90
Highway DB:	\$20,578.04
Water:	\$ 1,584.77
Sewer:	\$74,844.44

January 2013:

General:	\$13,207.27
Outside Village	\$ 1,330.16
Highway DB:	\$ 1,325.19
Sewer:	\$ 5,343.00
Water:	\$ 5,313.99

Branchport Light \$ 263.63

RESOLUTION #23-13  
2012 YEAR END TRANSFERS

On a motion of Councilor Parson, seconded by Councilor Killen, the following was

ADOPTED       Ayes       5       Folts, Jones, Killen, Parson, Steppe  
                  Nays       0

Resolved the following 2012 Budget Modifications be made:

General

From 1910.4 Insurance       \$5,370.25  
To 1355.1 Assessor       \$ .08  
To 1355.4 Assessor       \$ 671.68 Farash Lawsuit/Gilbert Lawsuit  
To 1410.1 Town Clerk       \$ .05  
To 1420.4 Attorney       \$1,202.41 Hodgson Russ legal bills  
To 1620.4 Buildings       \$1,776.06 IKON Copier serviced  
To 9050.8 Unemployment \$1,719.97 2 recreation employees

General Outside Village

From 4020.4 Registrar       \$ .22  
To 4020.1 Registrar       \$ .22

From 8010.2 Code Equipment       \$ 731.76  
To 8010.1 Code Officer       \$ 364.73 overtime hours  
To 8010.4 Code Contractual       \$ 279.68 zoning board lawsuit  
To 9030.8 ss/med       \$ 87.35

Sewer

From 1990.4 Contingent       \$2,007.40  
To 8110.1 Administration       \$ 242.58 medical buy-out  
To 8110.4 Administration       \$ 172.52 PY Lawsuit work  
To 9010.8 Retirement       \$1,592.30

From 9901.8 Interfund Transfer       \$ 509.71  
To 8189.4 Repairs       \$ 509.71 insurance cost for grinder pumps

NOTE\*\* 8130.4 overspent \$36,440.84 PENN YAN ONLY(no control over PY expenses)- will have to close to the Fund Balance at year end.

Water

From 1990.4 Contingent       \$1,834.14  
To 8310.1 Administration       \$ 242.84 medical buy-out  
To 9010.8 NYS Retirement       \$1,591.30

RESOLUTION #24-13  
SUPERVISOR REPORT

On a motion of Councilor Steppe, seconded by Councilor Killen, the following was

ADOPTED	Ayes	5	Folts, Jones, Killen, Parson, Steppe
	Nays	0	

Resolved that the Supervisor's Report on the Town's finances for the month of December 2012 be accepted as presented.

PUBLIC HEARING - PROPOSED LOCAL LAW H-2012 CREATING THE ROUTE 54A SCENIC OVERLAY DISTRICT

With Proof of Notice having been duly posted, the public hearing on proposed Local Law H-2012 Creating the Route 54A Scenic Overlay District was opened at 7:05 P.M.

Subcommittee Chair Mary Coriale and Matt Ingalls of Ingalls Design provided an overview of the following:

The Zoning Review Committee is pleased to present you with the Draft Route 54A Scenic Overlay District. This document culminates a nearly two year collaborative planning process where many community members contributed significant time and effort in the developing.

The Zoning Review Committee is a subcommittee of the Town of Jerusalem Planning Board. Its purpose is to review the Town's zoning ordinance on an ongoing basis and recommend zoning changes and updates consistent with the Town's comprehensive plan.

In the summer of 2010, at the direction of the Planning Board, the Zoning Review Committee began a review of the Agricultural-Residential Use (AGR) district. The Zoning Review Committee was instructed to begin with the Route 54A corridor because the Planning Board believed that this area, which is zoned AGR, had the most pressing need for review and proactive planning due to the future development of the Finger Lakes Cultural and Natural History Museum. The Planning Board believes that the Museum could bring significantly more visitors to the Town of Jerusalem, which could trigger development pressure along Route 54A.

The Zoning Review Committee initiated a collaborative planning process to evaluate the existing zoning along the 54A Corridor from Branchport to Penn Yan. As part of that effort, numerous Committee meetings along with three community meetings were held. The first community meeting was a workshop on Tuesday, June 7, 2011 at Keuka College. The purpose of the workshop was to solicit input from

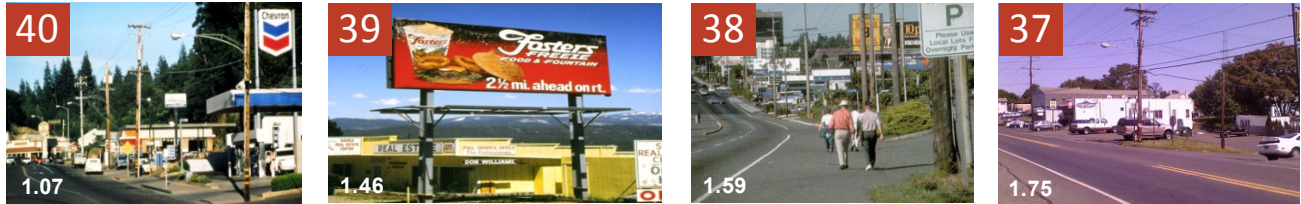
area residents, business owners, and property owners regarding their vision, issues and opportunities for the 54A. Approximately 30 people attended the workshop including several residents that live along the 54A corridor. The workshop started with a review of the Comprehensive Plan followed by an Image Preference Survey and other visioning exercises. The majority of the workshop was spent in breakout groups answering and discussing specific questions developed by the Steering Committee. Below is a summary of the information collected by the Committee at the workshop.

An Image Preference Survey was administered at the Community Workshop. Attendees were surveyed to evaluate the design characteristics they would prefer to see along the 54A Corridor in terms of development and landscape character, open space, signs, streetscape, etc. Each person was asked to review and rate images on a scale of 1 (least desirable) to 10 (most desirable). The responses were tabulating and the images were sorted based on score from highest to lowest. A total of 28 surveys were completed.

The images below are the top scoring images from the Image Preference Survey (overall rank is in the upper left corner and the score is in the bottom left corner). These images represent the visual and spatial characteristics desired for the 54A Corridor and provide a strong indication of the vision community members have for the area. The top four images depict rural farmland with expansive views, similar to what is now found along 54A. The fifth image depicts a more urban commercial streetscape indicative of the hamlet areas. The highest rated images represent places most desired by residents and therefore became the highest priority.



The images below are the bottom scoring images. These images represent the design character people do not prefer to see. Underutilized land, auto-dominated spaces, poor pedestrianism and dis-investment are common themes in these lowest rated images. In fact, the bottom fourteen images are similar in character and all scored below 2.85. All of the most negative images would be detrimental to character along the 54A corridor.



Workshop attendees broke into small working groups, each with a facilitator. The facilitator asked several pre-determined questions and the then recorded the responses by the attendees. The table below includes the questions and the responses that were recorded. Near the end of the session each group was asked to identify the top responses to each the questions, which are represented in bold print. The asterisk next to the word "scenic" under the first question means that it was identified by several attendees.

Vision	Issues	Opportunities	Assets	Land Uses	Character
1. Identify a word or a short phrase that best describes your vision for the 54A Corridor?	2. What are the one or 2 most significant issues you feel must be addressed in order to achieve your vision for 54A Corridor?	3. What are the one or 2 most significant opportunities you feel must be capitalized on in order to achieve your vision for the 54A Corridor?	4. What are the one or two most significant assets of the 54A Corridor?	5. What types of land use(s) would you prefer <u>not</u> to see along the 54A Corridor?	6. What one or two words or phrases best describe the character or feeling you want to invoke along the 54A Corridor?
Classic	Water and sewer/natural gas needed- upgrades for environmental concerns	Increase tax base_ increase high density housing	Scenic	Strip malls	Managed growth
*Scenic	\$\$ to develop it the way we want	Better define small retail	Rural and scenic beauty	Restriction on signage-no billboards	Rural and scenic
Refreshing what already exists in the hamlet	Steep slopes/ravines- erosion concerns with more land use	Capitalize on grants	Historic Homes – Esperanza and Sill Home	Heavy Industry	Development ok, but make it scenic
Planned architecture and landscape (string of pearls- Services are the pearls... string is the green in between)	Larger lot size to maintain rural character	Museum could be an opportunity to make things look the way we want. It would be a shame not to capitalize on it.	Beauty, Topography, vistas	Adult entertainment	Scenic
Different sections exist-character areas.	Smaller lot size in the Hamlet	Hamlet Brand (walkable)	Proximity to destinations	Commercial sprawl	Trees
Quaint	Stream preservation	Museum/ destination/Lake	Open	Bill Boards	Inviting
Rural and scenic	Recognition and protection of critical land use areas	Retain rural character	History	Big Box Stores	Relaxing
High density and sewers in BPort/54A may be the right place for it eg: cluster development	Lack, weak inconsistent code: Buildings, zoning and enforcement	Questioned whether the state would continue to give grants for sewer and water given current fiscal state.	Green	Series of 1 acre lots developed-prefer cluster	Quiet
Just the way it is...	Opportunistic developers	Grants	Accessible	Small minimum frontage	No- noise eg: Big Box Stores
One story	Utilities and sewers	Opportunity to do it right.	Well traveled	No Auto Repair	Family friendly
Want Variety of services: not 4 gift shops side by side; variety of services and land uses	Need to draw lines for rules r/t areas	Sell it to the public	New Road	No drilling including heavy industrial	Nice place to visit
Continuity of design- some rules but not all the same	Problems with zoning – precedence- must allow r/t allowed before	Opportunity to put in utilities at the same time.	Paved road	No stop lights	Style and character

The 2006 Town of Jerusalem Comprehensive Plan outlined a community based vision and a set of policies/actions aimed at preserving rural and scenic character. It recommends directing future development toward the hamlet areas and developing guidelines and standards to ensure quality design. The information collected at the Workshop confirmed this direction. In conclusion, the following priorities were identified:

- Preserve scenic quality and rural character by maintaining expansive views of farmland and open space.
- Front and side setback areas should be green and not include large parking areas.
- Large scale commercial and industrial development, strip type development, automotive centers, typical suburban subdivision design, typical commercial corporate development and design, and billboards should not be permitted.

Following the community workshop the Committee met several times to discuss the input gathered at the workshop and based on the input and the comprehensive plan developed a preliminary approach to the 54A corridor. A second community meeting was held on September 22, 2011 at the Branchport Fire Hall. The meeting summarized the information obtained at the first community meeting and included a presentation on scenic overlay districts in general. Example provisions addressing district purpose, boundary, land uses, and building and site design were also included. After the presentation, attendees were encouraged to ask questions, make comments, and share ideas regarding the development of a Route 54 scenic overlay district. In addition, attendees were encouraged to email comments or ideas to a project specific email address or share written comments on a sheet that was handed out at the meeting.

After the second community meeting, several Committee members drove the corridor with the intention of developing a district boundary. This "windshield survey" focused on what can and cannot be seen while driving on Route 54A. The draft district boundaries were discussed by the Committee over the course of several meetings. In addition to the development of the draft boundary, the Committee discussed the features and characteristics that typically contribute to scenic quality in rural places. It discussed examples from other places that have utilized overlay districts to protect scenic quality along

with features and topics such as hedgerows, ridgelines, open pastures, woodlots, topography, building design, and site design. Based on these discussions and the direction from the Comprehensive Plan as well as two community meetings, the Committee developed the draft Route 54A Scenic Overlay District.

The Committee held a third community meeting on Saturday, September 8, 2012 at the Town Hall to present and discuss the draft Route 54A Scenic Overlay District. The proposed district was well received with many praising the hard work of the Committee.

The Public Hearing scheduled for the October Town Board meeting was tabled to allow the Department of Agriculture and Markets to weigh in on the document. The document presented this evening reflects that department's input.

The Planning Board and the Zoning Review Committee believe that future development along the Town's main corridors should be planned in a manner to maintain and achieve what the people identified in the Town comprehensive plan as being most valued while at the same time remaining sensitive to the input to the people who live along 54A. Creating a sustainable future is about creating balance between preserving the rural and scenic qualities that people value and, at the same time, provide economic opportunity, which can lead to growth in jobs and the tax base.

Ray Stewart stated Mike Marchionda's house is attractive and questioned if this would be allowed under the new zoning.

Neil Simmons questioned the parking and screening requirements, noting his concerns had been presented previously at a committee meeting.

Councilor Killen questioned the intent of the prohibited uses and noted the proposed amendment will create monopolies for some existing businesses. Mrs. Coriale explained the Museum will trigger tourism and the intent was to encourage tourism and services for seniors as identified in the Comprehensive Plan.

The 2,000 square foot small retail structure limitation was to address big box stores. Two-story structures are allowed; therefore a structure could be 4,000 square feet.

Councilor Steppe pointed out the proposed overlay district basically covers four miles of road from the Penn Yan Water Treatment Plant to Sugar Creek. The Hamlet of Branchport is not in the scenic overlay district. This is a small section of the large AGR zoning district within the Town.

Mr. Ingalls reviewed the provisions regarding site development. In response to a question, he explained the requirement of a landscaping plan approved by the Planning Board is common. The concern with trees is their location versus the species.

The proposed district splits some existing parcels. Attorney Bailey explained Town Code Section 160-10. Lots in two use districts that applies in this situation.

Hotels are proposed as specially permitted. There are currently no regulations for hotels in our zoning.

Small retail is currently in our zoning with no definition so the 2,000 square foot structure was added.

Ron Rubin stated the intent is to ensure the rural scene is maintained on Route 54A. The least obtrusive construction is allowed to blend in.

Jim Crevelling noted this was the stated preference at the public information meeting.

Mary Coriale stated the proposed use list is longer and provides an opportunity for growth with the tradeoff of more oversight by the Town. Uses that have been added are not allowed in other zones.

The Town Board thanked Mrs. Coriale for the work done by the subcommittee and her leadership.

The hearing was left open.

#### TOWN OFFICIALS

##### HIGHWAY SUPERINTENDENT

- Written Budget Highway report on file in the Office of the Town Clerk.
- New hire, Rob Ayers is working out well. He was trained one day and sent out to plow the next.
- Weather permitting, the Highway Department is insulating the shop ceiling and fixing lawns damaged while plowing.

##### TOWN ENGINEER



Written notes of the January Water & Sewer Committee meeting on file in the Office of the Town Clerk.

COUNCIL

- Councilor Killen stated the Office of Court Administration (OCA) visited the Jerusalem Court on January 14<sup>th</sup> following an article in the January 8, 2013 *Finger Lakes Times* by Columnist Spencer Tulis. We will await OCA's recommendations.
- Councilor Parson commended the Highway for the good job during the snow storm.
- Councilor Parson stated the Assessor is updating the filing system and working on AG exemptions.
- Deputy Supervisor Stewart stated we currently have 17 veterans receiving the cold war exemption enacted under Local Law 5-2011.

RESOLUTION #25-13

AUTHORIZE SUPERVISOR TO ENGAGE LARSON DESIGN GROUP TO EVALUATE THE FEASIBILITY OF A SEWER SYSTEM

On a motion of Councilor Killen, seconded by Councilor Steppe, the following was

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe  
Nays 0

Whereas the New York State Department of Environmental Conservation (DEC), in cooperation with the New York State Environmental Facilities Corporation (EFC) awarded the Town of Jerusalem up to \$30,000 for the Engineering Planning Grant through the New York Clean Water State Revolving Fund program; and

Whereas Larson Design Group submitted a proposal dated January 16, 2013 for a preliminary engineering report - wastewater system evaluation; now, therefore, be it

Resolved that the Supervisor be authorized to initiate a Task Order with Larson Design Group to evaluate the feasibility of a sewer system in the Town of Jerusalem as proposed in the amount of \$24,800.

SUPERVISOR

- A conference call with Hodgson Russ, Attorneys at Law was scheduled for January 22, 2013 at 3:00 P.M. to discuss pending litigation between Penn Yan and the Keuka Park Sewer District.
- The Village of Penn Yan and Wholesale Water Customers meeting is scheduled for Tuesday, February 5, 2013, 10:00 a.m. at the Village Hall.

- The Village of Penn Yan and Sewer Customers meeting is scheduled for Tuesday, January 22, 2013, 10:00 a.m. at the Wastewater Treatment Plant.

SUBCOMMITTEE REPORTS:

AGR/ZONING REVIEW SUBCOMMITTEE:

Subcommittee Chair Jim Crevelling stated the Zoning Review Subcommittee will meet on January 21<sup>st</sup> at 4:00 P.M. at the Town Hall to begin reviewing the Agricultural-Residential (AGR) zoning. Members are Jim Crevelling, Mike Folts, Max Parson, Ron Rubin, Dwight Simpson, Lisa Saether, Lynn Duryea and possibly Bob Morse.

YATES COUNTY MARCELLUS SHALE TASK FORCE:

Peter Gamba reported a Municipal Forum is scheduled for January 29, 2013 at 5:30 P.M. at the Yates County Auditorium to provide an opportunity to share efforts and develop a common approach among all municipalities. Host community agreements will be forthcoming.

RESOLUTION #26-13

CLOSE PUBLIC HEARING - PROPOSED LOCAL LAW H-2012 CREATING THE ROUTE 54A SCENIC OVERLAY DISTRICT

On a motion of Councilor Killen, seconded by Councilor Folts, the following was

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe  
Nays 0

Resolved that the Public Hearing be closed at 8:30 P.M. and that the Board return to the Regular Town Board meeting.

RESOLUTION #27-13

AMEND PROPOSED LOCAL LAW H-2012 CREATING THE ROUTE 54A SCENIC OVERLAY DISTRICT

On a motion of Councilor Killen, seconded by Councilor Parson, the following was

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe  
Nays 0

Resolved that section H.13.b. of proposed Local Law H-2012 creating the Route 54A scenic overlay district be amended to read:

All non-residential parking areas between the structure and State Route 54A shall be screened from view along State Route 54A. Parking areas to the side or in the rear of the structure are not required to be screened.

RESOLUTION #28-13

SEQR DETERMINATION - PROPOSED LOCAL LAW H-2012 CREATING THE ROUTE  
54A SCENIC OVERLAY DISTRICT

On a motion of Councilor Steppe, seconded by Councilor Killen, the following was

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe  
Nays 0

Whereas the Town Board of the Town of Jerusalem hereby finds and determines with respect to the revision of zoning to create the Route 54A scenic overlay district, it has considered the action, reviewed the short environmental assessment form and determined the adoption will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant effect on the environment; now, therefore, be it

Resolved that a negative declaration be prepared and the Town Board authorizes the Supervisor to sign the negative declaration (determination of non-significance) pursuant to 6 New York Code of Rules and Regulations, section 617.7; and, be it further

Resolved the Town Board authorizes and directs the Clerk to publish notice of this determination in the Environmental Notice Bulletin pursuant to 6 NYCRR Part 617.17 (c) and to forward a copy of said negative declaration and determination of non-significance to the Yates County Planning Board.

RESOLUTION #29-13

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF  
JERUSALEM OF LOCAL LAW 1-2013 CREATING THE ROUTE 54A SCENIC OVERLAY  
DISTRICT

On a motion of Councilor Steppe, seconded by Councilor Killen, the following was

ADOPTED BY ROLL CALL VOTE:

Councilor Parson	Aye
Councilor Folts	Nay
Supervisor Jones	Nay
Councilor Killen	Aye
Councilor Steppe	Aye

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Jerusalem to hold a public hearing at 7:00 p.m. on January 16, 2013, at the Jerusalem Town Hall at 3816 Italy Hill Road, Branchport, New York, to hear all interested persons on a proposed Local Law amending the Town zoning ordinance to create the Route 54A scenic overlay district, and

WHEREAS, notice of said public hearing was duly advertised in *The Chronicle Express*, the official newspaper of said Town, on January 9 and January 16, 2013, and

WHEREAS, said public hearing was duly held on January 16, 2013 at 7:05 p.m. at the Jerusalem Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Town Board of said Town that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Yates County Planning Board recommended approval of the proposed Local Law on October 25, 2012, pursuant to section 239-m of the General Municipal Law, and

WHEREAS, the Town Board of the Town of Jerusalem, after due deliberation, finds it in the best interest of the Town to adopt the Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Jerusalem hereby adopts Local Law No. 1 of 2013 amending the zoning ordinance to create the Route 54A Scenic Overlay District, a copy of which is attached hereto and made a part of this resolution,

Be It enacted by the Town of Jerusalem as follows:

§ 1: Chapter 160 of the Code of the Town of Jerusalem, constituting the Zoning Ordinance of the Town, is hereby amended by adding a new Article to be known as the "Route 54-A Scenic Overlay District."

§ 2: The new Article shall read as set forth in Exhibit A attached hereto and made a part hereof.

§ 3: Effective Date.

This local law shall take effect upon being filed by the Secretary of State.

Exhibit A  
§160-XX Route 54A Scenic Overlay District

#### A. Purpose

Sometimes motorists drive for the inherent pleasure and experience of driving a scenic road. When a road passes through an attractive landscape, a considerable portion of a motorist's perceptual activity is directed to the roadside environment. The visual character of a road corridor depends on a number of factors, some of which cannot be significantly modified, such as physiographic features, while others, such as land use, are more readily subject to change. It is the intent of the Route 54A Scenic Overlay District to protect the viewshed from the road, to regulate land uses and building/site design so that they will complement rather than detract from a scenic experience, and ensure that the development of the community reflects the vision as set forth in the Town of Jerusalem Comprehensive Plan.

#### B. District Boundary

The boundary of the Route 54A Scenic Overlay District shall be as follows:

Beginning at the intersection of the centerline of New York State Route 54-A (hereafter "Route 54-A") and the extension southeasterly of the southwesterly line of lands of Gregory & Sheila Disbrow (Liber 463 of Deeds, page 12; all deed references are to the Yates County Land Records); and running thence northwesterly along said line to a point in the line that is parallel to Route 54-A and 500 feet from the centerline of Route 54-A measured perpendicularly to said centerline; thence southwesterly and keeping 500 feet from Route 54-A to the center of Williams Hill Road; thence westerly in the center of Williams Hill Road to a point in the line that is parallel to Route 54-A and 1000 feet from the centerline of Route 54-A measured perpendicularly to said centerline; thence southwesterly and keeping 1000 feet from Route 54-A to the southerly line of lands of Douglas and Susan Quade (Liber 575 of Deeds, page 131); thence southeasterly along the southerly boundary of said lands of Quade and along the extension easterly of that line to a point in the line that is parallel to Route 54-A and 500 feet from the centerline of Route 54-A measured perpendicularly to said centerline; thence southwesterly, westerly, northwesterly, westerly, and southwesterly and keeping 500 feet from Route 54-A to the center of Sugar Creek; thence southeasterly in the center of Sugar Creek to the center of Route 54-A; thence northeasterly, easterly, southeasterly, easterly, and northeasterly in the center

of Route 54-A to the center of Pepper Road; thence southeasterly in the center of Pepper Road to a point in the line that is parallel to Route 54-A and 500 feet from the centerline of Route 54-A measured perpendicularly to said centerline; thence northeasterly and keeping 500 feet from Route 54-A to the southwesterly line of lands of Joseph E. Klehamer (Liber 541 of Deeds, page 147); and running thence southeasterly along said line to a point in the line that is parallel to Route 54-A and 1000 feet from the centerline of Route 54-A measured perpendicularly to said centerline; thence northeasterly and keeping 1000 feet from Route 54-A to the centerline of Central Avenue; thence northwesterly in the center of Central Avenue to its intersection with the centerline of Route 54-A; thence northeasterly in the center of Route 54-A to the point of beginning. Said boundary line is depicted on three aerial maps to be filed in the Town Clerk's office with this local law. The Town of Jerusalem Zoning Map is amended to add the location of this district.

#### C. Definitions

Unless specifically defined below or in Section 160-5, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

Banquet facilities: Any establishment operated for profit wherein the facilities are leased on a temporary basis for private wedding receptions, meetings, banquets, and other similar events. Such establishments shall not be open to the general public and may include food preparation facilities and areas for dancing, dining and other entertainment activities customarily found in association with banquets or receptions.

Development: all structures, uses or other alterations or modifications of the natural landscape occurring above or below ground or water on a particular lot.

Development Buffer: An area of natural or new vegetation or man-made construction, which provides a visual and dimensional separation between dissimilar land uses.

Historic quality: Legacies of the past that are distinctly associated with physical elements of the landscape, whether natural or man-made, that are of such historic significance that they educate the viewer and stir appreciation of the past.

Natural quality: Those features of the visual environment, such as geological formations, fossils, landforms, water bodies, vegetation and wildlife that are in a relatively undisturbed state. There may be evidence of human activity but the natural features reveal minimal disturbances.

Roadway Buffer: The area of natural vegetation or landscaping, which is intended to provide a visual and dimensional separation between development and the closest right-of-way of Route 54A.

Rural vernacular: Relating to, or characteristic of the traditional building style or landscape of the countryside.

Scenic corridor: A roadway and its accompanying right-of-way that offers motorists the unobstructed opportunity to view scenic views and scenic sites in one or more directions, and which usually has a high percentage of open landscape within and alongside it.

Scenic resources: Are those landscape patterns and features that are visually or aesthetically pleasing and that, therefore, contribute affirmatively to the definition of a distinct community or region including, but not limited to, trees, rock outcroppings, and historic buildings. In case of a dispute as to whether a particular thing is a scenic resource within the meaning of this definition, the decision of the Planning Board shall govern.

Scenic site: A building, structure, field, resource, natural condition or other feature that has scenic qualities and which has been specifically identified by the Town in the natural and historic resources element of its comprehensive plan or other inventory and assessment as worthy of protection because of its scenic qualities.

Scenic view: Scenic resources that can be seen from Route 54-A and that lie more than one-quarter (1/4) mile from Route 54-A.

Screen: Natural vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. Screening may consist of any combination of the following, as approved by the Planning Board:

1. Fencing constructed of cedar, redwood, treated wood, or other suitable all-weather material.
2. Masonry or stone walls.
3. Plant materials or natural vegetation.
4. Earthen berms.

Setback: The minimum distance by which any building or improvement must be separated from the right-of-way of Route 54-A.

Viewshed: The surface area that can be seen from a specific viewpoint along Route 54-A.

#### D. Application and Exceptions

All new development within the Scenic Overlay District shall comply with the provisions of this Article, except for the following exempt structures and uses:

1. Farm or farm-related structures. Such structures within the Roadway Buffer are encouraged to comply with rules for the Roadway Buffer.
2. Structures and uses existing on the effective date of this overlay district, provided that expansions or additions to existing development on or after the effective date of this local law shall comply with these regulations.

#### E. Existing Conditions Analysis and Site Plan Required

1. All non-exempt development shall be subject to Article XIX: Site Plan Review of this Chapter. The development shall not be approved until the applicant therefore has submitted an existing conditions map, a site plan, and a landscape plan showing all existing and proposed features of the proposed development. When a preliminary plat is required to be filed for a subdivision in accordance with this Zoning Code, this Article shall be administered and enforced at the time a preliminary plat is filed as part of the subdivision review process by the Planning Board. In other cases, such as, but not limited to, a building permit, this Ordinance shall be administered and enforced by the Code Enforcement Officer in connection with said permitting process.
2. The Code Enforcement Officer has the administrative power to waive the Site Plan Review requirement for the development of a single-family home or a hiking trail that does not require subdivision if he determines through his application review that the proposed development meets the provisions set forth in this Scenic Overlay District.

#### F. Uses

Except where specifically modified by the standards in this Ordinance, all uses in the Scenic Overlay District must comply with the requirements of the underlying zoning district. In situations where the requirements of the Scenic Overlay District are in



conflict with the requirements of the underlying district, the more restrictive standards govern.

**Permitted**

The use is allowed by right in the Scenic Overlay District. Such uses are subject to all other applicable requirements of this ordinance, including the general standards of the underlying zoning district.

1. Single-family Dwellings
2. Hiking Trails
3. Farms and Related Farm Structures
4. Cemeteries
5. Demonstration Farms
6. Parks (non-commercial)
7. Museums Chartered by the NYS board of Regents
8. Churches and other similar places of worship, convents, cemeteries and related facilities of religious organizations recognized by the laws of the State of New York.

**Permitted subject to Site Plan Review**

The following uses, which are likely to draw significant numbers of patrons, are permitted provided that they shall undergo Site Plan Review under the provisions of Article XIX of this Chapter:

9. Breweries operated as part of a farm located in a County-adopted New York State certified Agricultural District.
10. Distilleries operated as part of a farm located in a County-adopted New York State certified Agricultural District.
11. Wineries operated as part of a farm located in a County-adopted New York State certified Agricultural District

**Permitted Accessory Uses and Structures**

Permitted accessory uses and structures are as follows:

12. Customary farm buildings and structures for the storage of farm products and farm equipment.
13. Private garages, attached or detached.
14. Home occupations.
15. Signs.
16. Swimming pools.
17. Roadside stands.
18. Any other accessory buildings or uses customarily incidental to the permitted use or structure.

**Specially Permitted**

The use is only allowed if reviewed and approved in accordance with the special permit procedures contained in Article X: Special Use Permits.

19. Hotels
20. Small business retail: Small retail service businesses having one or more buildings occupying in total less than 2,000 Square feet of land, such as beauty parlors, barber shops, antique shops, ceramics/pottery shops, neighborhood grocery stores, catering, spas, etc., that meet the requirements of Article IV, Article X and 160-26 of Article V.
21. Bed-and-breakfast
22. Assisted Living Facilities
23. Nursing Homes
24. Banquet Facilities
25. Business Offices
26. Daycares
27. Breweries not operated as part of a farm located in a County-adopted New York State certified Agricultural District
28. Distilleries not operated as part of a farm located in a County-adopted New York State certified Agricultural District
29. Wineries not operated as part of a farm located in a County-adopted New York State certified Agricultural District
30. Health Care Offices
31. Plant Nurseries
32. Restaurants
33. Municipal Buildings
34. Golf Courses
35. Senior Housing
36. Libraries

**Expressly Prohibited**

The use is expressly prohibited. These uses include but are not limited to:

37. Agricultural business establishments to service and supply farm equipment and supplies
38. Theaters
39. Motor vehicle service stations
40. Stations dispensing gasoline and/or electricity to automobiles.

41. Sale, lease or rental of motor vehicles
42. Outdoor storage or display of motor vehicles
43. Outdoor storage of unlicensed or dismantled vehicles
44. Private Airfields, Landing Strips or Related Facilities
45. Animal Hospitals and Kennels
46. Excavation Operations
47. Migrant Labor Camps
48. Mini Storage/Self Storage
49. Campgrounds
50. Race Tracks
51. Amusement Parks
52. Boat Storage (including off-season boat storage)
53. Large Business: Any commercial use not constituting a Small Business Retail, item 17 above.
54. Mobil Home Parks
55. Hospitals
56. Educational Institutions chartered by the New York State Regents.

## **G. Provisions Regarding Buildings and Structures**

### **1. Building Character**

- a. Architectural design shall avoid long unbroken planes of building frontage.
- b. Architectural design should reflect the rural vernacular character of the Town of Jerusalem.
- c. No awnings or canopy fascias shall be internally lit.
- d. Building and roof colors shall consist of earth tones, white, black, or shades of gray. Bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided.
- e. Building color schemes and shapes shall blend in with surroundings. Specifically, garish colors and unusual patterns or geometric shapes shall be avoided.
- f. Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with this section shall be achieved and approved by the Code Enforcement Officer prior to installation.
- g. Appropriate devices shall be provided to obscure as much as reasonably possible all roof-mounted equipment, roof vents, or other unsightly building appurtenances from view from Route 54A.

## **H. Provisions Regarding Site Development**

### **1. Development Setback**

- a. All developments on lots greater than one hundred eighty (180) feet deep shall maintain a minimum front yard setback of sixty (60) feet for all buildings, structures and property improvements such as parking lots, except for approved road, driveway and utility crossings.
- b. All developments on lots having a depth of one hundred eighty (180) feet or less shall maintain a minimum front yard setback of one-third (1/3) of the lot depth for all buildings, structures and property improvements such as parking lots, except for approved road, driveway and utility crossings.
- c. All developments shall maintain a minimum side yard setback of twenty (20) feet for all buildings, structures and property improvements such as parking lots, except for approved road, driveway and utility crossings.

### **2. Development Buffers**

- a. All development adjacent to a less intensive use or containing a special use shall have a buffer unless waived by the Planning Board.
- b. Man made vegetative buffers shall include a combination of deciduous and coniferous overstory and understory plants at an appropriate density to effectively form a screen.
- c. Fences and freestanding walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than two (2) feet.
- d. Buffers are required to be created at the time development is constructed.
- e. Every buffer shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen.
- f. Buffers shall be located on the site to best achieve the screening required between dissimilar uses.

### **3. Clustering**

- a. In order to minimize visual impacts, preserve green space, and protect important scenic resources, the Planning Board may require subdivisions within the overlay district to be clustered.

### **4. Development Location and Placement**

- a. Development shall be located in a manner that maintains the natural topography to the greatest extent feasible.
- b. Development shall be sited in a manner to carefully integrate the development into the vernacular landscape while minimizing the adverse visual and environmental impacts.
- c. To the extent practicable, development shall be placed as to retain existing vegetation patterns such as wooded hills, open fields, wood lots, and hedgerows.
- d. The highest point of any structure shall not visually interrupt a ridgeline or hilltop.

#### **5. Roadway Buffer**

- a. A roadway buffer of the lesser of forty (40) feet or one third of the depth of the lot shall be provided within the required development setback, abutting the right-of-way of the Route 54-A. The Planning Board may permit a modification of this provision due to unusual site conditions or circumstances.
- b. Where existing trees and significant vegetation exist within the roadway buffer, they shall be retained as determined appropriate and directed by the Planning Board.
- c. Where such existing trees and significant vegetation are sparse, the Planning Board may require revegetation.
- d. To the greatest extent practicable, vegetation within a roadway buffer shall remain within a roadway buffer. It may be pruned and/or removed only if necessary to ensure proper visibility of oncoming traffic, remove safety hazards or dying or diseased vegetation, or for other good cause as approved by the Planning Board.

#### **6. Uses Within Roadway Buffer**

- a. Signage and other minor accessory features of the development may be included within the roadway buffer if compatible with the purpose of the roadway buffer or essential to the identification of the development, subject to the approval of the Planning Board.
- b. The construction of a driveway for access to a lot is permitted. Such driveway shall be designed to minimize the clearing of vegetation.

#### **7. Exceptions to Roadway Buffer for Scenic Viewshed Protection**

- a. When the application of the roadway buffer requirement of this district would have the practical effect of screening from view important scenic sites, natural qualities or historic qualities, the Planning Board may permit a modification of these provisions

so that views of such sites or qualities are retained. The intent of this provision is to preserve lines of sight to view distant scenery from the 54A corridor.

#### **8. Exceptions for Product Viewing**

- a. For developments containing commercial uses and which require the display of goods in view from the road, the Planning Board may, upon application, permit a modification of the development setback, roadway buffer and screening requirements of this district to allow for reasonable but limited view of commercial products from the road, provided that no such product view area shall extend more than twenty (20) percent of the total length of the property frontage along the scenic corridor.

#### **9. Landscaping Plan**

- a. A landscaping plan showing all existing and proposed features, including trees, roadway buffer and other relevant features of the landscape within the development setback, shall be required to be approved by the Planning Board. Landscaping shall be installed by the development applicant in accordance with the approved landscape plan. Native plant materials are particularly encouraged.

#### **10. Utilities**

- a. Utility rights-of-way shall be shared with other utility and/or transportation rights-of-way where feasible, and shall be located to minimize site disturbance, and any adverse impacts to natural, cultural or scenic resources, and to public health.
- b. Utility corridors shall follow natural contours.
- c. All utility lines serving uses proposed or developed within the scenic district, including electricity, telephone, data and cable television, should be installed underground within the roadway buffer and development setback area.
- d. Underground utility trenches must be revegetated.
- e. Utility boxes and cabinets that are now or must, by necessity, be located above ground must be shielded from view from the scenic corridor with existing vegetation and/or revegetation. Any above-ground boxes that cannot be buried shall, in addition to being screened by vegetation, shall be painted a neutral or earth tone color or otherwise made to blend in with their surroundings.

#### **11. Roads, Driveways and Paths.**

- a. A road pattern, or characteristics of any road pattern, proposed as part of a development shall be designed and constructed to contribute to the scenic character of the landscape in view.
- b. Roads and driveways should follow natural contours in order to fit into a scenic landscape and, to the extent practical, follow existing linear features such as tree lines, stone walls or hedge rows.
- c. New roads and driveways constructed within the scenic district shall not be dominant visually and there should be only a minimal amount of road in view within the roadway buffer.
- d. All roads, driveways and paths within the roadway buffer and within the development setback area shall be stabilized and surfaced with gravel, stone, asphalt or other materials approved by the Planning Board.
- e. Shared driveways and curb cuts are encouraged.

#### **12. Walls and Fences**

- a. Walls within or along the roadway buffer shall not be allowed, except for low-lying decorative stone walls for enhancement of the scenic corridor, or walls that are needed for slope stabilization. Privacy fences shall not be permitted within the roadway buffer or development setback area. Where permitted, walls shall be located so that scenic views are maintained. Walls must consist of natural materials and shall only be of those colors that blend with the vegetation or abutting landscape features.
- b. Existing stone walls and fences that are part of the historic quality of the corridor shall not be removed.

#### **13. Parking**

- a. Unless specifically waived by the Planning Board due to unusual site conditions, parking shall be prohibited in the area between the structure and State Route 54A.
- b. All non-residential parking areas between the structure and State Route 54A shall be screened from view along State Route 54A. Parking areas to the side or in the rear of the structure are not required to be screened.

and be it further,

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Jerusalem, and to give due notice of

the adoption of said Local Law to the Secretary of State of New York.

PROPOSED LOCAL LAW B-2012 FENCE REGULATIONS

Councilor Killen will review the proposed local law with Town Attorney Bailey. This item will be placed on the February agenda.

RESOLUTION #30-13

TABLE - PROPOSED LOCAL LAW F-2012 AMENDING THE ZONING ORDINANCE TO ADOPT UNIFORM LANGUAGE IN THE VARIOUS DISTRICTS AS TO MAXIMUM BUILDING LOT COVERAGE

On a motion of Councilor Killen, seconded by Councilor Steppe, the following was

ADOPTED Ayes 4 Folts, Killen, Parson, Steppe  
Nays 1 Jones

Resolved that Proposed Local Law F-2012 amending the zoning ordinance to adopt uniform language in the various districts as to maximum building lot coverage be tabled to allow the Zoning Review Committee to complete their review of the agricultural-residential (AGR) zoning and bring forth their proposal to the Town Board.

PROPOSED LOCAL LAW I-2012 RIGHT TO FARM

- Proposed Local Law I-1012 Right to Farm has been submitted to New York State Ag & Markets for review.
- Subcommittee Chair Donna Gridley will provide a list outlining the proposed changes in Local Law I-2012 as compared to the New York State Right to Farm law.
- Councilor Folts will check into the law adopted by the Town of Milo.

PROPOSED LOCAL LAW J-2012 ZONING AMENDMENT 160-14 SIGNS

Ron Rubin stated it was the consensus of the Planning Board to work with our existing sign law. Proposed amendments will be passed to the Town Board.

RESOLUTION #31-13

KPSW TRAINING FINGER LAKES WATER WORKS CONFERENCE ANNUAL BUSINESS MEETING

On a motion of Councilor Killen, seconded by Councilor Parson, the following was

ADOPTED Ayes 5 Folts, Jones, Killen, Parson, Steppe  
Nays 0

Whereas Finger Lakes Water Works Conference is hosting the Annual Business Meeting at Club 86 located at Avenue E, Geneva; and



Whereas the cost for a pre-paid, pre-registered 2013 Conference Member for Thursday, February 7, 2013 is \$22.00/person; and

Whereas accreditation of operator contact hours will be given for attendance; and

Whereas operator contact hours are a requirement of the NYS Department of Health for recertification; and

Whereas instruction and training expenses were approved in the 2013 budget; now, therefore, be it

Resolved to authorize attendance of up to (3) people from the Water/Sewer Department to attend the Finger Lakes Water Works Conference Annual Business meeting at a cost of \$22.00/person. This cost will be split evenly between 8120.4 and 8340.4 funds.

RESOLUTION #32-13

APPOINTMENT - PLANNING BOARD MEMBER

On a motion of Councilor Steppe, seconded by Councilor Killen, the following was

ADOPTED Ayes 5 Fols, Jones, Killen, Parson, Steppe  
Nays 0

Resolved that John Wheeler be appointed to the Planning Board to fill the unexpired term of William Pringle through 12/13/2015.

RESOLUTION #33-13

ESTABLISH 2013 GRIEVANCE SECRETARY SALARY

On a motion of Councilor Killen, seconded by Councilor Steppe, the following was

ADOPTED Ayes 5 Fols, Jones, Killen, Parson, Steppe  
Nays 0

Whereas a discrepancy in the 2013 Grievance Secretary salary being lower than the 2012 salary has been identified; now, therefore, be it

Resolved the 2013 salary for the Grievance Secretary be established by increasing the 2012 salary by 2%.

With there being no further business, on a motion of Councilor Killen, seconded by Councilor Steppe, the meeting was adjourned at 9:31 P.M.

Jerusalem Town Board  
January 16, 2013

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Sheila McMichael. Town Clerk