

TOWN OF JERUSALEM  
APPROVED  
PLANNING BOARD MINUTES

June 2nd, 2016

The regular monthly meeting of the Town of Jerusalem Planning Board was held on Thursday, June 2nd, 2016, and called to order at 7:04pm by Chairman Tim Cutler.

<b><u>Roll call:</u></b>	Ron Rubin	Present
	Jen Gruschow	Present
	Jack Wheeler	Present
	Ed Pinneo	Excused
	Donna Gridley	Present
	Tim Cutler	Present
	Tom Pritchard	Present

**Others Present:** Paul Anderson/Town Board liaison, Zac DeVoe/CEO, Joe DeGeorge, Bonnie Brewer, Jerry Kernahan, and Lynn Axtell.

**Minutes:** May 5th, 2016 Minutes

A motion was made by Gridley to approve the minutes of the May meeting. The motion was seconded by Rubin and approved.

**Modifications to Agenda:**

Addition of Public Comment after Public Presentations

**Presentations:**

a). Simunek Steep Slopes Application – 10155 East Bluff Drive

Mr. Jerry Kernahan presented the following information on behalf of Robert and Ann Simunek. The property is a challenge due to it being a half acre parcel. Robert Martin/Highway Superintendent was consulted to determine the best direction to approach the property. Jim Balyszak reviewed the plan and requested they be specific about slope protection and retaining wall design but at this point the owners are unsure what materials they want to use. They want to be able to drive their boat into the basement of their house which will involve retaining walls. Balyszak recommended that the proposed deck may need to be reviewed. Dock and ramp details will be done by another company.

Rubin asked for clarification of the plans not having gutters or roof drains and if the rain has to be directed as it comes off the roof. Kernahan explained that runoff has to be taken care of to the point that it doesn't cause erosion. The rain will run off the south, north and east side of the house and on the west side it will go into a crushed stone area then drain into the culvert on the south side of the house because there is an existing culvert along the road and they will connect to that. There are other cross drains that will feed into the creek to the north. Gruschow asked if there is an aesthetic reason for not having gutters and Pritchard replied there are a lot of big trees and the gutters get clogged easily. Pritchard then inquired whether they would be maintaining as much vegetation as possible to help hold the bank as it is now; Kernahan said he agreed and has discussed it with his partner.

Pritchard asked whether the parking area will have a pipe of some kind in the ditch area and Gridley expressed concern over the truck traffic/dirt that will be trucked out unless it will be used on the project. Kernahan replied he doesn't know that there will be a huge amount and it will probably be used on the site. On page 4 of the drawings it states that additional sedimentation control may be necessary. The CEO will be involved in the approval of the type and placement of the silt fencing. Jim Coots is the Builder.

Pritchard asked if a silt fence will be necessary for the creek along the north side of the property and Kernahan responded that all the contours are going away from it. DeVoe commented that we should go into a pre-construction meeting with a set plan and Rubin asked why there are items that are still open. Kernahan replied that the owner just requested that the parking area be added and he is aware that more details are needed. Gridley expressed concern about the slope across the road and with the excessive truck travel contributing to the deterioration of the roads on the Bluff and how will the town hold those responsible accountable.

The owners will need separate approval for the dock and ramp, but they need to determine who the vendor will be for the boat design prior to the pre-construction meeting. The additional parking area on the west side needs details finalized at pre-construction meeting. Roof drainage of storm water should be detailed for remaining 3 sides that drain into the lake.

The SEQR application was reviewed line by line and was determined to have a Negative Declaration. Pritchard made the motion that the SEQR application be approved. It was seconded by Gridley and approved as corrected. All were in favor. Wheeler made the motion to approve the Steep Slopes Application with conditions and it was seconded by Pritchard and approved. All were in favor.

The following corrections should be made to the SEQR:

- #9 should be "YES"
- #14 should be checked "Shoreline" and "Suburban"
- #17b should be "NO"

b). Zimmerman Kennel Application – 3506 Adams Road

Kevin Zimmerman presented information regarding his application to construct a kennel on his property. He is proposing a pole barn type structure with pens and runs on ground level and rubber pads for the dogs to lie on. Outside runs will be 5' x 10' and inside 3' x 5'. There will be a privacy fence around the dog runs to minimize the noise. It will be inspected by the USDA every 6 months. Puppies will be sold mostly to pet shops. Plans include an 8' x 14' office. There will be many windows for lighting and ventilation and the building will be insulated. There will be approximately 25 females and 5 males.

Rubin asked how he came up with the number of 25 females and Mr. Zimmerman said it is based on the size of the building. Zimmerman thinks it will probably never exceed 20 females but would like to be safe should he want to expand in the future. Rubin also asked how many will be bred at one time and if the area for puppies is sufficient should there be large litters. Zimmerman answered there will be 5-6 bred at any one time and that based on visiting existing kennels the puppy area should be sufficient.

Breeds will be small dogs such as Miniature Dachshund, Bichon, Beagles, Welch Corgis and a new breed. Zimmerman doesn't expect any production for about 2 years. Gridley asked what happens to the puppies if they are not sold and Zimmerman responded that it is not a concern right now because there are 100 different options for pet shops and if he had to he would drop the price of the puppies. He expects to have about 20 dogs at this time next year but no puppies to sell since it will take time for the new dogs to grow up. In 2 years the potential is around 80 puppies. When the females are around age 5 they will go to a free home.

Gruschow expressed concern about the amount of noise that could bother the neighbors and asked what type of outdoor lighting there will be. There will be some outside lighting for the dog runs. Pet shops would purchase puppies from the kennel. He will not be providing boarding services.

Rubin suggested that because this is a Permitted Special Use in the town and the requirements are met this should be approved with a recommended restricted number (10 dogs) on the size of the operation. In the future Mr. Zimmerman could return with a request to increase the number of dogs. Rubin would also like to see the town put a limit to the number of operating Kennels at one time.

Wheeler asked how his operation would be differentiated from a 'Puppy Mill'. Mr. Zimmerman would consider himself a hobby breeder. Puppy Mills put out litters one right after another.

The SEQR application was reviewed line by line and was determined to have a Negative Declaration. Rubin made the motion that the SEQR application be approved. It was seconded by Pritchard and approved as corrected. All were in favor. Rubin made the motion to approve the site plan with a recommendation of 5-10 breeding females and it was seconded by Pritchard and approved. All were in favor.

The following corrections should be made to the SEQR:

- #2 should be 'YES', TOJ Special Use
- #4 should include 'Residential'
- #5a should be 'YES'

Public Comment:

Joe DeGeorge, board member of the Humane Society in Penn Yan, is concerned about this issue in terms of the health and welfare of the animals. He doesn't want to impinge upon someone's livelihood but he wants the Board to understand that taking care of that many animals takes more time than 1 part-time person can give and would affect the quality of the care. When kennels fail the Humane Society has to go in and care for those animals. Mr. DeGeorge recommends looking at the Himrod Kennel that Mr. Zimmerman has ties to.

Bonnie Brewer, board member of the Humane Society, doesn't look at this situation as a hobby based on the number of breeding dogs there would be. The current USDA officer is responsible for a large area and penalties for non-compliance are pretty lax. The USDA inspects only once a year and inspections are brief. Breeding facilities that are not as Mr. Zimmerman is describing have females with many health issues. Please consider the lives of the breeding animals when considering Mr. Zimmerman's proposal.

**New Business:**

**Committee Reports:**

- A. Agriculture Advisory Committee (D. Gridley – Chair) No Report
- B. Branchport Hamlet (J. Gruschow – Chair) No Report
- C. Comprehensive Plan Review Committee (E. Pinneo) No Report
- D. Town Board Liaison (P. Anderson) No Report

**Announcements:**

**Adjournment:**

At 9:18pm Rubin made a motion to adjourn the meeting, seconded by Wheeler. All were in favor.

Respectfully Submitted,  
Janet Micnerski/Secretary

The TOJ Planning Board grants approval of the **Steep Slope Application # 02-2016** (dated **May 09, 2016**) Subject to the Following Conditions:

- 1) Yates County Soil and Water has reviewed the erosion control plan. Any conditions as dictated by YCSW to be included.
- 2) Site boundaries and high water mark must be clearly marked.
- 3) Pre-construction meeting at TOJ Town Hall then at construction site with Engineer, TOJ CEO, Highway Superintendent, Representative from YCSW, Representative from KP Sewer&Water, PB Chairman, Owner and Contractor. Details of the proper installation and maintenance of the silt fence needs to be provided to the contractor.
- 4) Finalize at the Pre-construction meeting the company that will be handling the deck and ramp.
- 5) Identify Staging Area for removal of debris. Discuss plan 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.
- 6) Establish sediment and erosion measure per final approved erosion control plan.
- 7) If topsoil from the construction site is to be saved on site and re-used, the Contractor is to explain where it will be stored and the location should be marked on the plan and the down slope protected by silt fence.
- 8) Details need to be supplied for the parking area drainage, culvert, silt control and how to protect the slope.
- 9) Seed, mulch, and water bare ground within 48 hours after construction.
- 10) Remove all construction debris, temporary sentiment and control measures when satisfactory stabilization has occurred and vegetation is established.
- 11) Existing vegetation should be maintained as much as possible.
- 12) Roof drainage of storm water should be detailed for remaining 3 sides that drain into the lake.
- 13) A letter of certification from the certified professional must be obtained by the property owner or 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.
- 14) A final inspection by Town of Jerusalem CEO, verifying all conditions of Planning Board approval have been met.

Motion made by Wheeler

Motion seconded by Pritchard

Ayes 6

Nays 0

Date of meeting 2 June 2016