Yates County Planning Board Referral Form

Referral # County Use Only 2016-46

Date Received 09/15/2016

Revised 9/2016

Municipality and Referring Agency Town of Jerusalem Zoning Board

Project Address 3103 Skyline Dr. Penn Yan, NY 14527 Project Tax Map # 72.82-1-7.12

Zoning District Agricultural-Residential & Scenic Overlay District

Applicant (**Name & MAILING**) Stephen & Denise Simshauser (Skyline Trading Post)
3103 Skyline Dr. Penn Yan, NY 14527 Email Phone (315-536-4640)

Property Owner (**Name & MAILING**) Stephen & Denise Simshauser
3103 Skyline Dr. Penn Yan, NY 14527 Email Phone (315-536-4640)

Reason for Referral (Prox. to Cty Rd., State Rd., Muni Boundary, etc.) Within 500 ft. of County Rte 25 (Assembly Ave.) and within 500 ft. of NYS Rte 54A

Application Type

- Area Variance ☐
- Use Variance ☐
- Special Use Permit ☒
- Site Plan ☐
- Subdivision ☐
- Text Amendment ☐
- Map Amendment ☐
- Other ☐ _____

Project Description

Upgrading Special Use Permit (Phase 2) changing the Original Special Use granted in 2004 from light dining & serving breakfast along with the sale of grocery items to the addition of a bar as part of their phase 2 expansion and change of liquor license to Class C in keeping with NYS Liquor Authority.

Supporting Documents Required (IF N/A, include explanation)

- Municipal Application ☐
- Tax Map or Plat ☐
- SEQR ☒
- Site Plan * ☐
- Variance Criteria ** ☐
- Subdivision Plat ☐ For Subdivision Referrals Only
- Other ☐ _____

Copy of original Special Use that was granted showing the original listed conditions and which have been in place for almost 10 years with no complaints to the Town.

*If Site Plan Review, Site Plan **MUST** be detailed and meet the municipal requirements.

All Variance referrals (Area/Use) **MUST include detailed justifications associated with reason/s for appeal.

Certification: *With the following signature I certify that this application provides a complete description of the proposed local action and is a complete application pursuant to NYS General Municipal Law Article 12b, Section 239-m, part c.*

Elaine Nesbit / ZAP Secretary, Referring Official

Provision of required information is the responsibility of the referring agency. Failure to provide such information may result in a significant delay in processing.

Submit To: **Yates County Planning Department, tcutler@yatescounty.org or 417 Liberty St. Suite 1093, Penn Yan, NY 14527**

APPLICATION

TOWN OF JERUSALEM – PLANNING BOARD AND/OR ZONING BOARD OF APPEALS

Date 9-8 — 2016 **Fee** $100.00 **Application No.** 1080

The undersigned, being the Applicant(s) hereby petitions the Zoning Board of Appeals for

( ) Area Variance ( ) Appeal of a Decision by Building Inspector
( ) Use Variance ( ) Interpretation (X) Special Use (X) Site Plan (Inside)
Phase Update

according to the provisions of the Ordinance, Local Laws, Rules and Regulations constituting the Zoning and Planning Ordinances and Regulations of the Town of Jerusalem.

Location of Property 3103 SKYLINE DR

Tax Map No. 072.82-1-7.12 Zone District AGR & Scenic Overlay Dist.

Description of proposed request PHASE 2 of Special Use (See Attached)
Site Plan has not changed. Interior Floor Plan is being changed + noted.

Building permit application denied by Building Inspector because Article VIIIB Route 54A Scenic Overlay District Uses 160-37.9 D(14) under Special Uses allows a restaurant. Article V Ag Res District Zoning is also adhered to. Special Use Permits Article X outlines the guidelines for applying.

Date 9/9/2016 Building Inspector Zon Devoe

() Use Not Allowed; () Doesn't meet front yd. setback; () Doesn't meet rear yard setback;
() Doesn't meet one or both side yard setback(s); () Exceeds allowable lot coverage; () Exceeds allowable height.

Attached to this application is the following documentation:
(X) Site Plan ( ) Construction Plans (X) Other Floorplan

Applicant STEPHAN + DENISE SIMSHAUSER
Address 3103 SKYLINE DR
Telephone 315 536 4640
Interest in Property OWNERS
Property Owner, if other than applicant
Owner's Signature [signature]
Owner's Address 137 OGDEN ST PENN YAN 14527
Owner's Telephone 315 694 0555

NOTE: As a result of your filing this application, notification is given to the Planning Board and/or Zoning Board who will then visit the property siteprior to their review of this application. Your permission for this visit is implied by the filing of this application.

APPLICATION FOR AN AREA VARIANCE

To enable the Zoning Board of Appeals to grant an area variance, the applicant should address the five factors listed below. Attach additional sheets if necessary. The Zoning Board of Appeals will consider these five factors when balancing two elements: (1) the benefit to the applicant from the variance and (2) the detriment to the health, safety and welfare of the community or neighborhood that would occur if the variance were to be granted.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the grant of the variance.

2. Whether the benefit sought by the applicant can be achieved by some feasible method other than an Area Variance.

3. Whether the requested variance is substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district.

5. Whether the alleged difficulty was self-created.

Applicant Signature: _____ Date: _____

Application For a Use Variance

To enable the Zoning Board of Appeals to grant a use variance. The applicant must demonstrate to the Zoning Board of Appeals that the zoning has caused unnecessary hardship, which is defined to require a showing that the following four items are true. Attach additional sheets if necessary.

1. That under the applicable zoning regulations, the applicant is deprived of all econo use or benefit from the property. (the applicant must provide *dollars and cents pr

2. That the hardship is unique, and does not apply to a substantial portion of the distr neighborhood.

3. That the variance will not alter the essential character of the neighborhood.

4. That the hardship is not self created.

Applicant Signature _____ Dated _____

Phase 2 Application # 1080 original Application in 2004 #807

1 Remove Existing convenience store

2 Install new bar

3 Expand seating from 57 seats to 80 as per ceo

4 Plenty of existing parking

5Increase hours from 6am to 1130 pm

6 No live music

7We are attemping to increase our dinner traffic

8 Add liquor license to our beer and wine license

9 Continue to sell milk eggs and bread

10 Add 2 more televisions

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

STYLINE TRADING POST

Name of Action or Project:

STYLINE TRADING POST PHASE 2

Project Location (describe, and attach a location map):

3103 STYLINE DR

Brief Description of Proposed Action:

REMOVE EXISTING CONVIENCE STORE AND INSTALL A BAR WITH A LIQUOR LICENSE CHANGE HOURS TO 6:00 AM TO 11:00 PM

Name of Applicant or Sponsor:	Telephone: 315 694 0555
STEPHEN & DENISE SIMSHAUSER	E-Mail: SIMC1212500@YAHOO.COM

Address:

137 OGDEN ST

City/PO:	State:	Zip Code:
PENN YAN	NY	14527

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☐	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: NYS LIQUOR ATHORITY	☐	☑

3.a. Total acreage of the site of the proposed action? 1.006 acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? — acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	✓
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	✓	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☐	✓
b. Are public transportation service(s) available at or near the site of the proposed action?	✓	☐
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☐
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☐	✓
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	✓
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☐	✓
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	✓	☐
b. Is the proposed action located in an archeological sensitive area?	✓	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	✓	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	✓	☐

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	✓	☐
16. Is the project site located in the 100 year flood plain?	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES	✓	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: EXISTING ☐ NO ☑ YES		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	X	

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: STEPHAN SIMSHAUSER Date: 9/8/16

Signature:

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

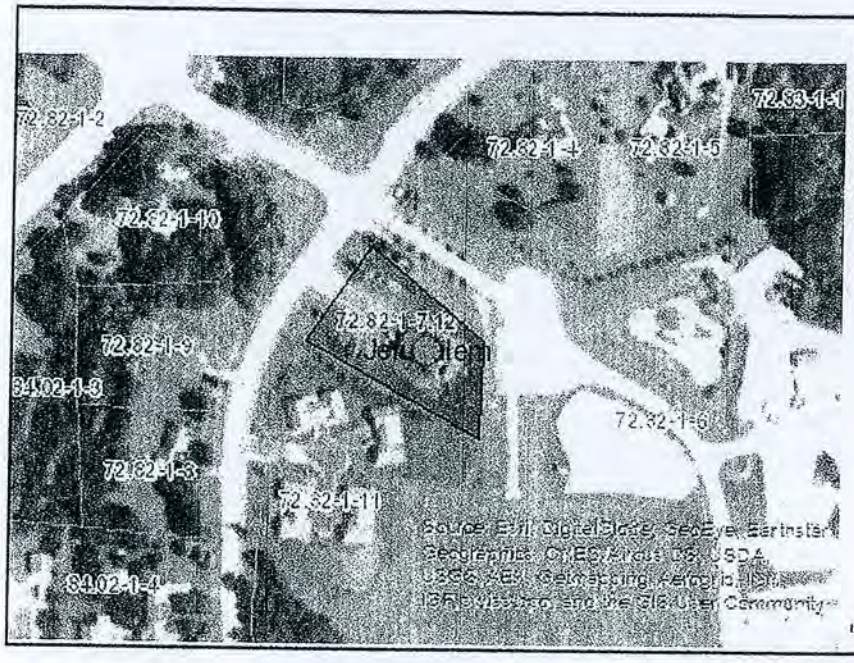
☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

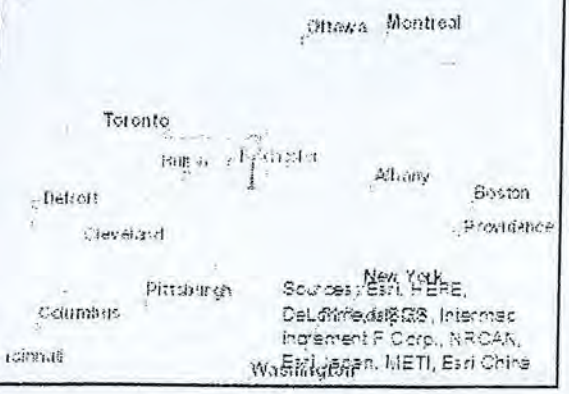
PRINT

EAF Mapper Summary Report

Friday, September 09, 2016 1:29 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

Part 1/Question 13a : The Stream shown on the DEC map is Classified as an AA Stream which means that it is protected. It is not affected directly by this project since Skyline Trading Post is located on on the east side of Skyline Dr. and Assembly Ave. and the Stream is on the west side of these roads. Skyline Trading Post is also on public water and public sewer. (see attached map from GIS).

Part 1 / Question 16 : This property is not located in the 100 year Flood Plain, See attached Flood Insurance Rate Map Panel 10 having Community No. 360959 C dated January 20, 1984. This property is located in Zone C.

n Clerk File Date: _____

ZBA Copy

NOTICE OF DECISION

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

3816 Italy Hill Rd.
Branchport, NY, 14418

Appeal # 807

At a meeting of this Board held on Thursday, 5/13/2004 your application for Special Use was granted (granted ~~or denied~~).

If granted (above), please apply to the Code Enforcement Officer to finish up any necessary paperwork and to get your building permit.

Sincerely,

May 18, 2004 — Elaine M. Neubit

Date — Secretary to Board

****

Notice of Decision
(to be posted)

NOTICE OF DECISION
IN

THE MATTER OF THE APPEAL OF Tim McMichael for property at Just past driveway of Keuka College Athletic Complex from the rejection of the issuance of a permit for the erection--~~alteration~~-maintenance of a 40' x 60' Structure on premises located at Tax I.D. # 72.82-1-7 in the Town of Jerusalem in a(n) Agricultural-Residential Zone.

PLEASE TAKE NOTICE that at a meeting of the Zoning Board of the Town of Jerusalem held on May 13th, 2004, the appeal in the above matter was allowed (allowed ~~or refused~~) and the application granted (granted ~~or denied~~) upon the following conditions: see attached

BOARD OF APPEALS

May 18, 2004 — BY Elaine M. Neubit

Date — Board Secretary

#807

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

SPECIAL USE PERMIT

BE IT KNOWN THAT pursuant to Articles V & X of the Town of Jerusalem Zoning Law, permission is hereby granted by the Zoning Board of Appeals of the Town of Jerusalem to Tim McMichael as owner of certain lands in the Town of Jerusalem, Yates County, New York, known and distinguished by Tax I.D. #72.82-1-7 south of the driveway for the Keuka College Athletic Complex in said Town to operate on said lands a Convenience Store/Diner as defined in said Zoning Law, to wit:

1. The Convenience Store/Diner shall be a building designed or used for the purpose of providing grocery items, as well as providing a place for light dining; serving breakfast, lunches (such as subs, pizza, chicken wings, ice-cream, etc.)
2. The Building will have along with grocery items, a limited indoor seating capacity along with a drive through window for take-out pick-ups.
3. There will be a provision for some outdoor seating, with total indoor and outdoor combined seating not to exceed 60 seats.
4. There will be a designated area for garbage and recycling pickup.
5. There will be a sign for advertising this facility. There will be some exterior lighting.
6. Hours of operation to be from 6 am to 10 pm.
7. Owners shall obtain all necessary permits as required (to include but not limited to) the NYS Building and Fire Code/IBC; NYS Department of Health; NYS Liquor Authority; Jerusalem Town Highway Department, and Jerusalem Planning Board for Final Site Plan Approval for this Convenience Store/Diner.
8. Applicant/Owner also reserves ability to come back to the Planning & Zoning Boards for future Phase 2 and Phase 3 plans.

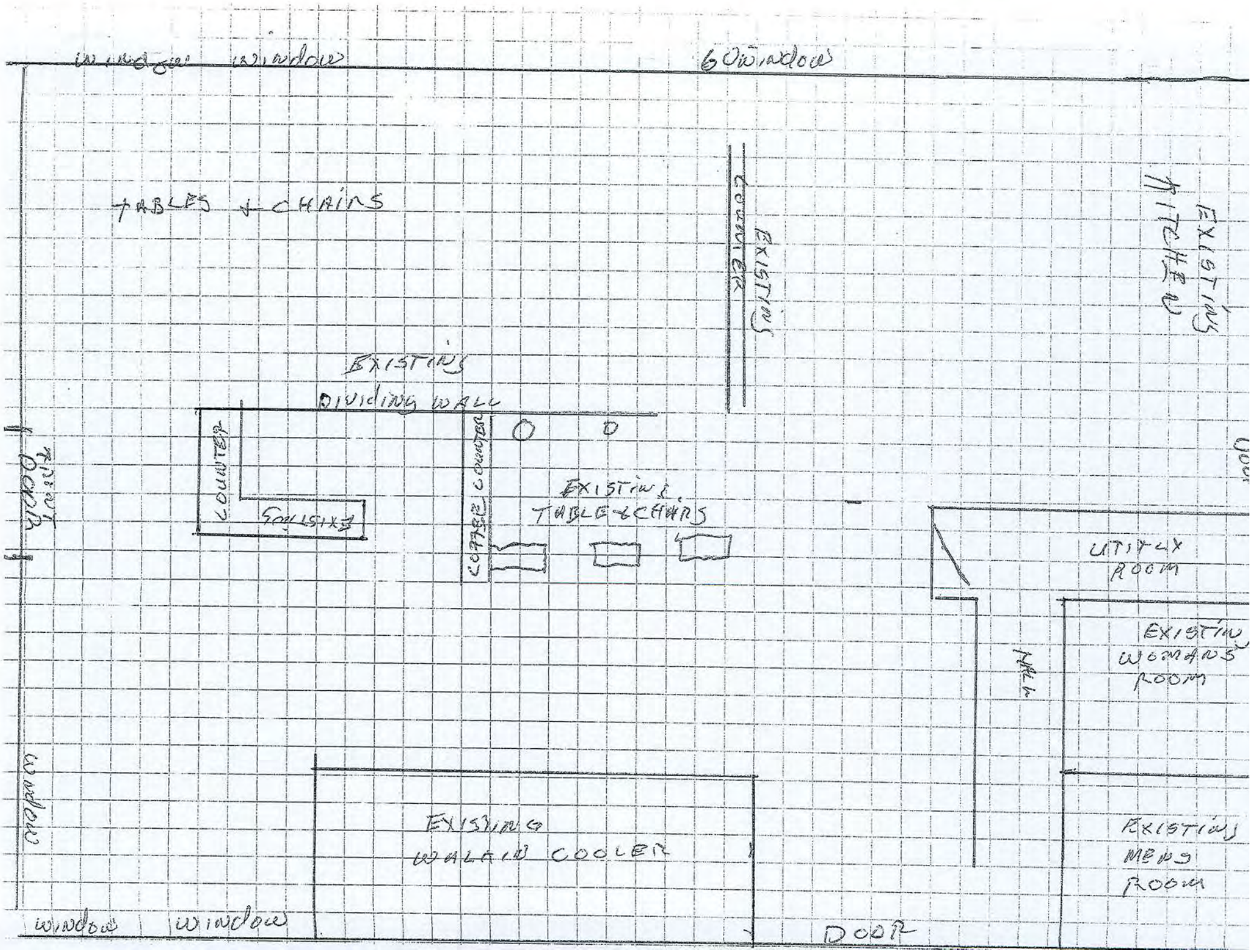
and, BE IT FURTHER KNOWN, that in the case of a violation of any aforesaid conditions, this permit may be revoked by the Zoning Board of Appeals, provided, however, that after activities under this permit shall have been properly commenced, there shall be no such revocation until substantial evidence of such violation shall have been presented to the Zoning Board of Appeals at a meeting of said Board called for the purpose of hearing such evidence on notice to the owner.

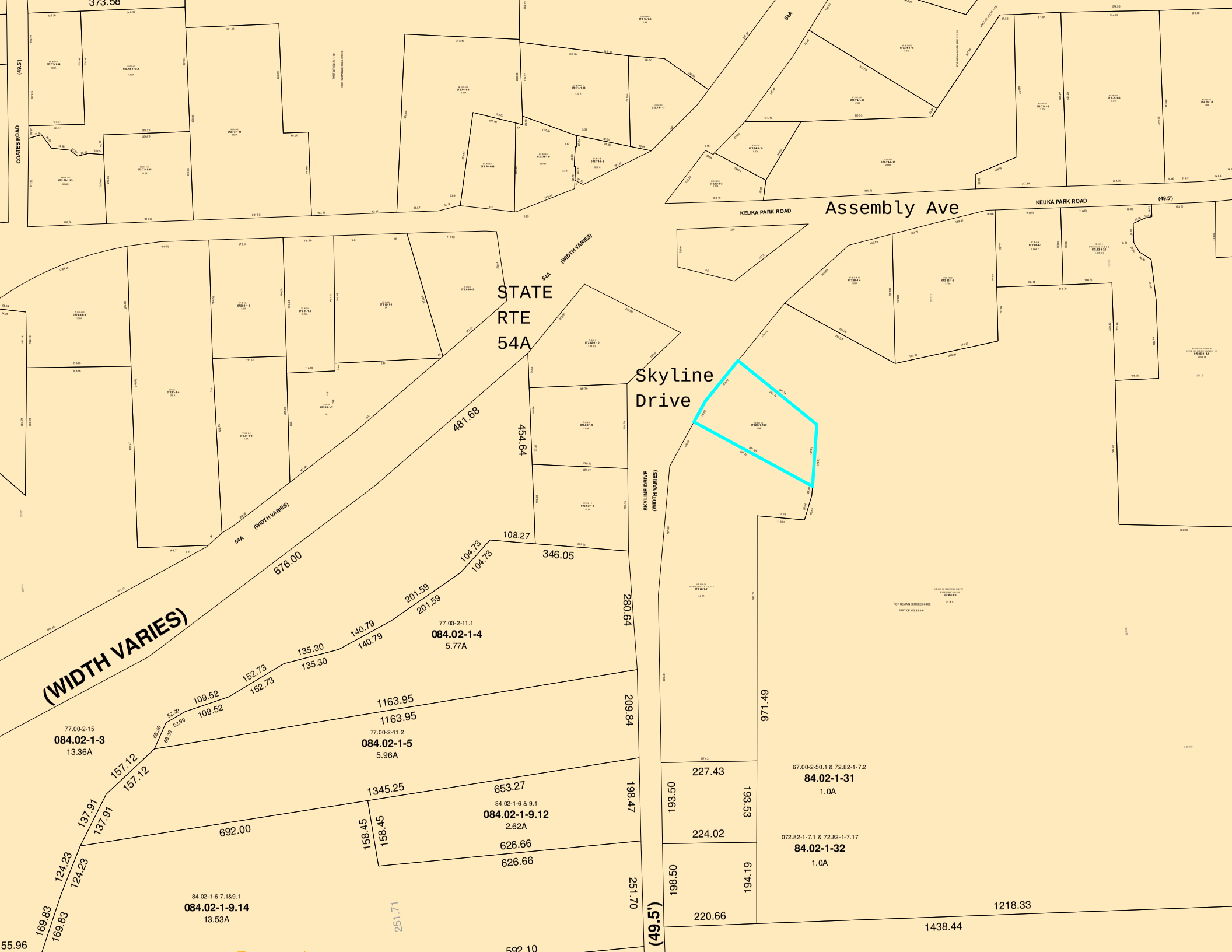
WITNESS the signature of the Chairman of the Zoning Board of Appeals of the Town of Jerusalem this 18th day of May 2004.

TOWN OF JERUSALEM ZONING BOARD OF APPEALS

By Jim Jameson Jr

Jim Jameson, Chairman Zoning Board of Appeals


window
window
6 Windows
TABLES + CHAIRS
EXISTING COUNTER
EXISTING KITCHEN
EXISTING DIVIDING WALL
COUNTER
EXISTING
COFFEE COUNTER
EXISTING TABLE & CHAIRS
FIRST DOOR
UTILITY ROOM
EXISTING WOMANS ROOM
HALL
window
EXISTING WALK IN COOLER
EXISTING MENS ROOM
window
window
DOOR


Assembly Ave
KEUKA PARK ROAD
KEUKA PARK ROAD
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COATES ROAD
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STATE
RTE
54A
54A
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Skyline
Drive
SKYLINE DRIVE
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77.00-2-11.2
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5.96A
84.02-1-6 & 9.1
084.02-1-9.12
2.62A
84.02-1-6,7.1&9.1
084.02-1-9.14
13.53A
67.00-2-50.1 & 72.82-1-7.2
84.02-1-31
1.0A
072.82-1-7.1 & 72.82-1-7.17
84.02-1-32
1.0A

CONNECTEXPLORER

map: Auto 04/25/2014 (Latest) image 1 of 5

373.58
COATES ROAD
(49.5')
KEUKA PARK ROAD
KEUKA PARK ROAD
(49.5')
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54A
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SKYLINE DRIVE
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84.02-1-32
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194.19
251.70
220.66
1218.33
1438.44
84.02-1-6.7-1 & 9.1
084.02-1-9.14
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