

**TOWN OF BENTON
ZONING BOARD OF APPEALS
OCTOBER 7, 2014**

PRESENT: Dwight James; Rich Meyer; Tom Davie; Steven Vaughan; Jim Willson and Kay Houghtaling.

Others Present: Wilmer and Irene Zimmerman; Peter and Lynda Butler; Gene and Grace Parsons; John Prendergast, Town Supervisor; Dick Harper, Town Councilman; Jayson Hoover, Code Enforcement Officer, and Karen Phillips, Recording Secretary.

James began the meeting at 7:00 p.m. with introductions.

MINUTES APPROVAL – Meyer made a motion to approve the minutes from July 1, 2014. Davie seconded the motion. All were in favor.

APPLICATION #85AV-14 – Application from Wilmer Zimmerman of 3113 Ferguson Corners Road, Penn Yan, NY 14527 for an Area Variance to locate a greenhouse ahead of the primary residence in an AR1 District (Tax Map #6.03-1-3).

James asked the Zimmerman's if there was a reason they are moving this in front of the building versus sliding it back a few feet to keep it behind the front of it. Mr. Zimmerman stated it gets crowded if it is moved back and the primary residence was at that spot.

Correspondence was received from Edward Nageldinger which stated that the Zimmerman's have been good neighbors for over 20 years and can build whatever they want as far as they are concerned.

Davie asked what kind of parking lot they would have. Zimmerman noted there is no need for a parking lot; they are basically just growing cut flowers for retail. Davie then asked how far the greenhouse is from the residence. Hoover noted it is approximately 30 ft.

There being no further questions or comments from the board, the application was closed.

APPLICATION #87AV-14 – Application from Peter Butler of 415 SR 14, Penn Yan, NY 14527 for an Area Variance for a garage addition which does not meet side yard setback requirements in an AR1 District (Tax Map #9.82-1-7).

Butler is asking to put an addition on the rear corner (east side) of the garage. They will not go in back of the house or any further south than the garage wall that is there now. That area is large enough to put his mower and snow blower for storage because they have no storage there. On the south side of the residence there is a line that runs at a bit of an angle towards the back of the property line that he

hopes to purchase at some point. It probably hadn't even been mowed before they purchased the home. They are hoping at some point to purchase that portion so they can keep it maintained.

James indicated that they are requesting 3 ft.7 inches and that may basically be within the setbacks of the dwelling that is there now. Hoover noted that the survey calls out 12 ft. 7 on the southern corner; he had it scaled off to approximately 9 ft. It wouldn't revert back to the 15 ft.; he can build up to 12 ft. 7 up to the property line which is why it is a 3 ft. 7 variance instead of going out to the 15 ft.

No correspondence was received from the neighbors.

Gene Parsons indicated he was not sure why he had received notice for this meeting. Hoover replied that for any variances it is a courtesy that the Town of Benton sends out notification letter to anyone within 500 ft. of the applicant.

Hoover stated that as seen by the pictography map, that this is wide open to the south and there are no close neighbors on that side. The normal setback is 15 ft., so if anyone were to build on that side in the future, it would be 24 to 25 ft. away.

There being no further questions or comments from the board, the application was closed.

FINAL DECISIONS

APPLICATION #85AV-14 – Application from Wilmer Zimmerman of 3113 Ferguson Corners Road, Penn Yan, NY 14527 for an Area Variance to locate a greenhouse ahead of the primary residence in an AR1 District (Tax Map #6.03-1-3).

Members of the Board went through the test questions for the area variance.

Davie made a motion to accept to approve this application as presented. Vaughan seconded the motion. All were in favor.

The Board was polled: James: Yes; Meyer: Yes; Davie: Yes; Vaughan: Yes; Willson: Yes.

APPLICATION #87AV-14 – Application from Peter Butler of 415 SR 14, Penn Yan, NY 14527 for an Area Variance for a garage addition which does not meet side yard setback requirements in an AR1 District (Tax Map #9.82-1-7).

Members of the Board went through the test questions for the area variance.

Willson made a motion to approve this application as presented. Meyer seconded the motion. All were in favor.

The Board was polled: James: Yes; Meyer: Yes; Davie: Yes; Vaughan: Yes; Willson: Yes.

NEW BUSINESS: Hoover stated that in regards to having primary structures behind accessory buildings, it may not hurt for the Zoning Board to ask the Planning Board to look at and possibly make a change in the zoning laws. It seems like every time this comes up applicants are granted variances. James agreed that it seems like we have seen a lot of them and we have not denied any in a long time. Looking at lake residential and hamlets, they have a much closer setback requirement and really in AR-1 if people want to put a shed in front of their house it will not fly because they will not meet the 80 ft. Hoover will bring this up to the Planning Board to work on this summer.

ADJOURNMENT: Vaughan made a motion to adjourn the meeting at 7:30 p.m. Davie seconded the motion. All were in favor.

Respectfully submitted,

Karen M. Phillips

Karen Phillips
Recording Secretary