

**DRAFT  
TOWN OF BENTON  
ZONING BOARD OF APPEALS  
NOVEMBER 4, 2014**

**PRESENT:** Jim Willson; Rich Meyer; Kay Houghtaling, and Steven Vaughan.

Also Present: Deb Milliman; Daniel Landis; George Alexander, Benton Planning Board; Dick Harper, Town Councilman; Jayson Hoover, Code Enforcement Officer, and Karen Phillips, Recording Secretary.

Excused: Dwight James

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

**MINUTES APPROVAL:** Vaughan made a motion to approve the minutes from the October 7, 2014 meeting. Meyer seconded the motion. All were in favor.

**APPLICATION #31SUP-14** – Application from Landis Landscaping and Design, 283 SR 14A, Penn Yan, NY 14527 for a special use permit amendment to place a pad of crushed stone for business equipment, parking and rental. AR1 District (Tax Map #7.04-1-8.12).

Hoover reported that the Yates County Planning Board approved this at their October 23<sup>rd</sup> meeting and the Benton Planning Board recommended approval with a 4-1 vote.

Willson asked if there has been any change to the size or location from the previous site plan. The answer was no. He then asked Landis what he typically would park there and Landis noted he would park existing equipment that they own that would be available for rental or an occasional piece of equipment to sell. Willson asked Landis if he would anticipate the items or equipment being parked there year around or would it mostly parked there for seasonal use. Landis replied they would always rotate pieces of equipment parked there and maybe preserve some type of equipment there year around, but he is not sure what would be there all the time.

Vaughan noted that this came to the ZBA six months ago, but then it was tabled. He asked if there was a specific reason why it was tabled. Hoover noted that it was withdrawn back in May and at the time he had told the Landis's that if they ever wanted to move forward they could.

Willson then opened the application up to the public for their input. Deb Milliman asked what type of equipment would be stored at this location; anything that is stored down there with a windshield gives her a terrible sun glare. Landis indicated he could not say that he would not put something with a windshield there, but that could be something he could work on. Milliman suggested moving the pad to the south and noted that even the metal roof is terrible from May until August making it so that she can't go out of the driveway in the morning. Landis stated that previously when they first built the building they did comply and moved the driveway further over to the left so it wouldn't shine on the neighbor's house; this is on the other side of that. Willson asked which direction the vehicles or

equipment would be facing; Landis noted most of the equipment doesn't have any glass in it at all but, if on occasion there is, he could turn the equipment around.

There being no further comment from the public or the board, Willson closed the public hearing.

Meyer made a motion to approve this application. Vaughan seconded the motion. The Board was then polled: Willson: Yes; Vaughan: Yes; Houghtaling: Yes; Meyer: Yes.

Willson asked Landis to try to do everything possible to keep in mind where reflections could occur.

**APPLICATION #103SP/AV-14** – Application from Leon Hoover of 2606 Baldwin Road, Penn Yan, NY 14527 for an Area Variance to locate the greenhouse operation in front of the primary residence, SUP: Operation is already located on property east of the dairy buildings. AR1 District (Tax Map #27.03-1-2)

This application has been tabled.

**OTHER BUSINESS:** Harper reported that he had attended a hydro-fracking committee meeting in the Town of Barrington last month. The committee didn't get into making any of the regulations but they looked into it and basically made a recommendation to the Town on whether to proceed or not to. One of the Committee members in the group was a retired geologist. He really wasn't involved in the actually drilling process, but he had fairly good knowledge of fracking and how it occurred and the whole geology behind it and the geology in this area. Harper noted that he felt this was one of the better presentations he had seen and sat through. He asked the gentleman if he would be willing to present to the Town of Benton after the regular scheduled Planning Board meeting on either November 20<sup>th</sup> or December 18<sup>th</sup>. Harper stated that if anyone is available to attend he would recommend it to gain a little more knowledge. He then noted he is not sure where the Town of Barrington stands since the presentation, but there was a recommendation that the Town proceed with the drafting of regulations for hydro-fracking . There will be training credits given for anyone who wishes to attend.

The Planning Board meeting dates for November and December will be November 20<sup>th</sup> and December 18<sup>th</sup>.

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

Respectfully submitted,

Karen Phillips  
Recording Secretary