

**DRAFT
TOWN OF BENTON
ZONING BOARD OF APPEALS
DECEMBER 2, 2014**

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

Also Present: Leon Hoover; 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 of the November 4, 2014 meeting. Willson seconded the motion. All in favor.

APPLICATION #103SUP/AV-14 – Leon Hoover of 2606 Baldwin Road, Penn Yan, NY 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)

James reported that Leon Hoover would like to move his entire operation at the east of the dairy barn to in front of their new residence, with the exception of the small 24 X 26 stand which will be used for his son's own personal use. The customers will be going to the new site instead of the old.

Willson asked if the entrance for customers and the parking area would use the existing drive. Hoover noted that is what he has proposed, but if that were to cause a problem he could change it. He may have made it a bit wider from the original plan so people could come and go together; but if it is a problem it is no big issue of his to change it.

James asked if this would be one building or multiple buildings. Hoover said it would all be connected; instead of free standing there would be the transplant building at one end and the sales area at the other end. The sales area would not necessarily be on the end, but set in between. The loading and storage area will be a pole style structure along with the sales area.

James asked if there were any neighbors present who would like to speak.

George Alexander brought up the following concerns:

1. There was one aerial review plan submitted earlier that indicated there would be a storefront in front of the building. The second proposal then came through to the Planning Board that showed a porch across the front. James noted that the one that Alexander is looking at came with the original application and the Planning Board tabled it for more information. James asked Hoover if he will still have a porch across the front; Hoover said that was his original plan and he is not sure if it was missed on the first one or not. Alexander said it was shown as a storefront. He then asked if there was going to be a display there or any type of equipment there. Alexander then asked where the 80 ft. came from. Jayson H. said that 80 ft. would be off the right-of-way. It is a town road, so it would be 25 ft. from the center line; a

total of 105 from the centerline. Alexander noted that in the first submittal it was shown as a parking area in the overhead, but he doesn't have it officially indicated as overhead on this sketch. Jayson said the front of the building will be stone and the whole front of the building will be parking.

2. Alexander then asked about the hours of operation – it was said at the Planning Board meeting it would basically be open from 8:00 a.m. to 8:00 p.m. Monday through Saturday; maybe 6:00 p.m. on Saturday. Leon said that is what his present hours are.

3. Alexander then asked what the hours of operation are in terms of the lights being in use during the indoor growing season. Leon stated his grow lights are in use from around Thanksgiving to the middle of March and he uses a timer which runs turns on at 5:00 a.m. and off at 9:00 p.m. Alexander then asked about black-out shading for the greenhouse lights in regards to light pollution in the area. He said he understands it's an expensive proposition, but would also suggest that if he didn't want to do that, possibly he would consider at least shielding the south side and the west side of the greenhouses.

4. In regards to the 80 ft. setback, could he make that 80 ft. of green space; the comprehensive plan suggests maintaining green space and this is changing the characteristics of the entire piece of land that this is sitting on.

Kim Heitmann asked if it would be possible to put in a horseshoe driveway for in and out traffic instead of one entryway. He has replaced many driveway markers from people turning around in his driveway. Leon stated he would be willing to do that.

Jayson Hoover reported that the Planning Board approved this 4:1 with the stipulation that the existing structure be torn down with the exception of the 24 X 26 ft. portion to be used for personal use.

Alexander then asked that since this is a significant increase in size of operation and a relocation of operation, does that have any bearing on the special use permit. Jayson said the application should have been marked special use permit and a variance because it is located in front of the primary residence; basically it is a review of the existing special use permit.

James asked if the Board had any further questions or comments.

Houghtaling asked what would happen to the land once the existing greenhouses were removed. Leon stated it would go back to pasture.

James asked Leon about tractor trailers coming in and out with deliveries a few times a year. Leon said there would be a few tractor trailers and it will be constructed large enough to be unloaded in the parking area and not on the road.

Alexander asked about the security lighting and will it stay on all night. Leon noted the lighting will not be on all night.

Willson asked what the proposed parking area size is compared to what they have today. Leon noted that it will be the same width and the length is about 100 ft. now and it will go to about 150 ft., about 1/3rd larger than what he presently has. The proposed parking will be about 150 ft. X 70 ft.

James asked if the sign would be lit and Leon stated that he wasn't thinking of having it lit.

There being no other public comment, the Board closed the public hearing and went through the test questions for the area variance.

Meyer made a motion to approve this application with the following stipulations:

- The driveway will need a horseshoe entrance, with the possibility of one off the main driveway into the new parking area. Hoover suggested making both drives wide enough for two vehicles; it will improve traffic.
- The setback will remain at 80 ft.

Houghtaling seconded the motion.

The Board was polled: James: Yes; Davie: Yes; Willson: Yes; Meyer: Yes; Houghtaling: Yes.
The motion as carried.

NEW BUSINESS: Hoover distributed information on upcoming trainings. He noted that there will be a meeting on January 6th; he has a few applications pending.

Harper reported that on December 18th, after the Planning Board meeting, a BP Geologist will be present to discuss hydro-fracking. He wasn't into the drilling side of things, but he understands a lot of the systems fracking. He was one of the key people on the hydro-fracking committee in Barrington and he goes through the whole hydro-fracking process in his presentation. He is fairly neutral and will be interesting for everyone to hear. The Town Board will approve members that attend to receive 4 hours training for the year.

ADJOURNMENT: Davie made a motion to adjourn the meeting at 8:30 p.m. Willson seconded the motion. All were in favor.

Respectfully submitted,

Karen Phillips
Recording Secretary