

TOWN OF BENTON ZONING BOARD OF APPEALS MEETING
JANUARY 6, 2015

PRESENT: Dwight James; Tom Davie; Steve Vaughan; Rich Meyer; Jim Willson, and Tom Goodall.

Others Present: Mike and Chris Morehouse; Earl , representative for Pealer; Eva Zimmerman; Dick Harper, Town Councilman; Jayson Hoover, Code Enforcement Officer, and Karen Phillips, Recording Secretary.

James called the meeting to order at 7:00 p.m. followed by introductions.

Hoover introduced Tom Goodall as our new Alternate for the ZBA; Kay Houghtalling has stepped down.

APPROVAL OF MINUTES:

Willson made a motion to approve the December 2, 2014 meeting minutes. Davie seconded the motion. All were in favor.

APPLICATION #116SUP-14 – Application from Kim Teresa Pealer of 338 Main Street, Apt. #1, Penn Yan, NYU. Location of the Special Use Permit 1644 SR 14A, Penn Yan, NY. Special use permit to re-open existing building as a take-out food operation.

It was reported that this is located right next to Hayes Auction Barn and will just be a prep and take-out establishment; there will be no dining and this will be open year-round. They will be using the existing building. Earl noted that they have been in touch with the state and they say they fall under agriculture marketing. There is a septic located on the premises.

Morehouse were the only neighbors present and they stated the hot dog stand never caused a problem, so this should not be a problem as well. They fall under agriculture and marketing. The hotdog stand fell under the department of health, but because this is a take-out operation only it will fall under Ag and Markets. Either way, they will need approval. If there is no on-sight consumption then it would fall under Ag and Markets jurisdiction. They will have to do the inspections before it can open. Hoover noted that Yates County Planning Board approved this 11-0 in favor with no stipulations. The Benton Planning Board approved this with the notation that they could keep the four picnic tables on premises, but they have opted not to.

No communication was received from neighbors.

Public hearing was closed.

APPLICATION #117SUP-14 – Application from Eva Zimmerman of 1026 Lovejoy Road, Penn Yan, NY for a special use permit to open a second hand store in a 14' X 30' woodtex building located at owner's home.

Eva would like to sell used clothing. A pictometry picture was distributed. Davie noted his concern is that she only has two parking spots; would there be plans for overflow parking? Eva noted they have a wide drive and the only time there may be an issue is when the milk truck comes every other day. Vaughan stated their primary business is the dairy farm and asked if there could be a chance they could make a horseshoe driveway for the milk trucks on the other side of their orchard. Vaughan then noted he has picked up milk from other places where there's a greenhouse and cars are parked on both sides of the drive and in the driveway and when the milk truck tries backing up they don't know what everyone else is trying to do. It's not a big driveway when commercial vehicles are involved. Eva said they could make two more spaces; there's a space by the front porch right by the driveway where you can drive right up to the house and they could park their van somewhere else as well if they plan on having more people during milk truck day.

Hoover noted that the Planning Board would like to see the two parking spaces run perpendicular with the building instead of parallel so someone could pull in and then back out and go. It might curb people from wanting to back out into Lovejoy.

No communication was received from the neighbors.

Hoover reported that Yates County Planning Board voted in favor of this application 11-0.

Willson noted that it looks like the front of the building would line up pretty close to the front of the porch. Hoover said it has to be behind the front line of that. It looks like there is room for two, possibly three parking spaces if they park perpendicular. Our zoning calls out for 10 X 20 parking spots and the building is almost 30 ft. wide., so you could almost put 2 ½ to 3 cars there.

Morehouse asked if the building was far enough away from the driveway to put a parking space the other way. James said he believes that is the best fit for the parking so people aren't backing out on to Lovejoy. Hoover noted that many times when he drives by Country Quest it's rarely usual to see more than 2 to 3 cars at a time. James said he believes 2-3 parking spaces would be more than adequate.

Public hearing closed.

FINAL DECISIONS:

APPLICATION #116SUP-14 – Application from Kim Teresa Pealer of 338 Main Street, Apt. #1, Penn Yan, NYU. Location of the Special Use Permit 1644 SR 14A, Penn Yan, NY. Special use permit to re-open existing building as a take-out food operation.

Willson made a motion to make the Town of Benton ZBA lead agency for the SEQR form. Vaughan seconded the motion. All in favor.

Willson made a motion to approve the special use permit as presented. Vaughan seconded the motion. All in favor.

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

APPLICATION #117SUP-14 – Application from Eva Zimmerman of 1026 Lovejoy Road, Penn Yan, NY for a special use permit to open a second hand store in a 14' X 30' woodtex building located at owner's home.

Davie made a motion to make the Town of Benton lead agency for this application. Meyer seconded the motion. All in favor.

Willson made a motion to approve the special use permit with a stipulation that the two parking spaces be turned to be on the north-south versus the east-west; perpendicular to the building. Davie seconded the motion. All were in favor.

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

ADJOURNMENT:

Davie made a motion to adjourn at 7:40 p.m. Willson seconded the motion. All in favor.

Respectfully submitted,

Karen M. Phillips

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Recording Secretary

