

DRAFT
TOWN OF BENTON
PLANNING BOARD MEETING
JUNE 23, 2015

PRESENT: Tom Rood; George Alexander; Tom Goodall, and Gary Griffin.

Also Present: Dick Harper, Town Councilman; Jayson Hoover, Code Enforcement Officer, and Karen Phillips, Recording Secretary.

Rood called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES: Goodall made a motion to approve the minutes of the May 26, 2015 meeting. Griffin seconded the motion. All in favor.

APPLICATIONS:

Hoover reported there are two referrals; one of which he believes we do not need to take any action on; it just needs sign-off from Rood. The other he is not sure if it needs action or not. On Stape Rd. and Route 14A there is a lot with a mobile home on it; on the next lot they want to add a line and create a smaller lot which will be the lot for the mobile home and then they will eliminate another line and the remaining Ag will get merged with the larger parcel that Lewis Martin owns. It is a transfer of ownership; he is purchasing this but it's getting merged with his property. He noted he doesn't believe this is a subdivision; they are moving lot lines that do not affect any curb cuts and they are technically not creating a new lot; they are simply removing a lot line and adding a lot line. The address is staying the same; it's just getting merged. Hoover noted the building will be removed so it will not be a zoning issue. As it stands, if they put the line in it will go right through it, so they are going to remove it.

Alexander noted he doesn't feel comfortable with everything that's being called a subdivision. Hoover indicated that when we develop subdivisions we put in provisions for things like this where they don't have to go through full blown subdivisions for minor lot line adjustments; versus the next referral is truly a subdivision only they are taking one lot and splitting it in two. Hoover asked if everyone was familiar with the affidavits that were developed with the subdivision regulations. There are certain criteria that they meet that don't need to go through a subdivision. One was involving farm parcels. Minor lot line adjustments that don't affect curb cuts; they are basically just moving lot lines around. The way it is written is under our discretion. If we are comfortable on these meeting the criteria, Rood and Hoover basically signs off on it and it gets notarized and it is sent with the map. It will just say that it is not subject to subdivision approval. If they are uncomfortable with it, it will be kicked back to the Planning Board. It is signed off before the lot lines are moved and through time Mary will get the splits and it will all be filed with the county clerk. The county clerk is actually are looking for these two papers at the county clerk's office. We have had three or four signed, but they have all been pretty minor lot line movements and adjustments.

Hoover noted that the second referral is an actual subdivision and if the Board wants to act on it tonight we can, but if we want to hold off a month that is fine.

On Stape Road and Lovejoy, Ed Horst bought Don Christensen's original farm and the house and owns about 44 acres total. Ed Horst is selling Don's original house so they are creating this lot for the house.

There was a lot line, he was going to create a 3rd lot, but they decided not to. They are pulling out a lot for the house and they are taking one lot and making it into two lots, which is an actual minor subdivision. The wood storage building will be moved or taken down to comply with zoning. This meets zoning and all criteria. Alexander said it would be nice to get an idea of what is going to happen with that property, such as businesses on the property. He said he would like to see them do the whole corner rather than leaving the little strip because 200 ft. isn't wide enough to do much farming on. Rood said he is not sure we have authority to control what goes on the lot. Hoover agreed, in the fact that as long as they meet what we ask for as far as zoning, he is not sure what more we can do.

Goodall made a motion to accept the subdivision as is. Rood seconded the motion. All in favor.

Hoover said he will take this back down to Don Schneider's office and he will order 7 or 8 sets without the line in it. Hoover will use the stamp and stamp every one of those. If the county gets the map without the stamp on it for a lot split they will not approve it. That is where the checks and balances come into play.

OTHER BUSINESS:

Hoover stated that Irving Hoover, who has the tractor parts business, is in the process of potentially purchasing Tear's meat market, demolishing it and putting up a new building to move his business up there. Alexander said he is all in favor of this, obviously to get the noise away from his place. He noted Hoover has a habit of road testing his tractors up and down the road all the time. When he does his layout for the buildings, etc. he needs to also give real attention to his tractor trailer ingress and egress. Hoover said they are in the process of trying to develop their plan right now.

Alexander noted he has a concern with Landis Landscaping. The Board agreed on a permit for his rental equipment to be in one spot; not all over his front yard and up and down his driveway. Hoover noted he talked with them a few weeks ago and told them they needed to get stuff pushed back. It has improved immensely from that time. Landis had a chance to buy Naples Rental, which caused things to be a mess for a short time because of them bringing a lot of equipment over. Other than that, Hoover noted that he thinks customers bring rental equipment back and drop them off. The equipment may be out there short-term, such as tonight and the next morning until they can get them to where they are supposed to be. Rood stated that we approved that area where the gravel is for the display area. We did not approve anything as far as what he could do with the rest of the land, such as storing the equipment alongside the driveway like they are doing. Hoover said that once a special use permit is in place they have to abide by these situations. Just because we didn't specifically address it doesn't mean he can do it. Harper stated that originally it started off as landscaping and he had to keep everything in the back area and then he came in for a modification where he added the display area. Harper said that if he applies to do certain things in this area that is what he can do. If he comes in and wants to add an area, he can still do all the things on the original plan, but any expansion that he didn't apply for, he isn't allowed to do. Hoover said we can't do anything about what is going on in back of the building; he can have equipment on the stone pad. Nowhere does it say he can have equipment along the driveway. Hoover then noted that he has asked them to move all the stuff from the front over, which they pretty much complied with. If he goes by and sees one or two pieces of equipment there, the next day it is usually gone. Sometimes you have to give them a little bit of slack as far as letting them operate. If he goes by and sees five or six pieces of equipment there, he will say something. Alexander said we need to honor the neighbor's desires as well. If he wants to change the rule, then he can come back and apply again.

Rood asked Hoover if he could research this stuff and bring it to the next meeting. Hoover said he is sure nothing was addressed about any equipment being allowed in the front. Alexander said he believes the permit was set up to say all activity would be behind the building with some fences up.

Alexander said his next concern is with the chicken farm that Irvin Stauffer on Lovejoy Road owns; how long the mess will be in front of the barn. The next thing is the fruit stands that we are allowing to come in; nobody is designating enough off street parking area. The most recent one that was approved, you can pull in to it, but you have to back out into the road. The same situation is happening up on Lovejoy with the lady who has the used clothing in the wood-tex building. There's not enough room in front of the building to point in toward the building so you have to park parallel to the building and that means you are backing out onto Lovejoy. Alexander said we need to be more specific when we issue permits.

Hoover stated he completely understands the rules and regulations that we set up for these businesses, but we have to have a bit of flexibility. If he starts marching into businesses when they have one more mowers or pieces of equipment than what is listed, it doesn't look good.

ADJOURNMENT:

Goodall made a motion to adjourn the meeting at 7:40 p.m. Griffin seconded the motion. All in favor.

Respectfully submitted,

Karen Phillips
Recording Secretary