

BENTON PLANNING BOARD MEETING

AUGUST 25, 2015

PRESENT: Tom Rood; George Alexander; Tom Goodall; Skip Jensen; Jerry Stape, and Gary Griffin.

Also Present: Jeremy and Susanne Weaver; Michael Short; Glenn Quackenbush, Town Councilman; Jayson Hoover, Code Enforcement Officer, and Karen Phillips, Recording Secretary.

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

MINUTES APPROVAL: Goodall made a motion to accept the minutes of the July 28, 2015 meeting with the following correction: The date of the meeting should be July 28, 2015; not August 5, 2015.

Alexander seconded the motion. All in favor.

APPLICATION #102-SPR-15: Kenneth Weaver requests to locate a 10' X 16' roadside stand 41' off right-of-way with hours of operation Monday – Saturday 7:00 a.m. to 7:00 p.m. There will be 38' X 72' parking area.

Griffin stated there is pretty restricted visibility between the curve and the hill and asked if that would be a problem. Alexander asked if they would have a sign outside. Jeremy Weaver stated they were going to have a sign out by the road. Alexander then noted that the pictometry shows they are at 38' and asked how wide the driveway was. Based on past experience, Alexander said the 38' is probably wider than the driveway, but he would suggest using gravel or stone in an area of 72' so the cars pull into the driveway and drive out of it. He suggested Weaver specify on a very clear bold sign how he wants people to park there. He then said he would like to see where the sign would be placed, in that he is very concerned about the visibility and Weaver might be restricting that. Weaver said it would be on the right side (east side) of the driveway across the driveway from where the stand is. Alexander said realistically he only has to provide parking for 3-4 cars and he believes he has plenty of space, but he is concerned about people using that space to turn around and drive back out. It is supposed to be an impervious surface. Hoover noted that most of that is all gravel with grass coming up through it. Alexander said maybe the area has to be delineated so people know where they are supposed to park. Alexander then asked Weaver, once he establishes the shed, how much outside of the display area does he intend to have. Weaver indicated about 4 X 15 ft. out front. Weaver noted he hasn't decided yet how big the sign would be, but he figures it would be about 4 X 5 ft. Alexander noted that we have had issues with an over-abundance of signs and banners and flags.

Rood asked when they would be putting the stand up and Weaver said they would like to soon. Stape asked what the right-of-way is and Hoover noted it is 66 total, but 33 ft. from the center-line. He is plenty far off the road.

Stape made a motion to approve this application including a sign pointing out where the parking area is, as well as a standard business sign. Alexander seconded the motion. All in favor.

APPLICATION #103-SPR-15: Michael Shortt of 7065 North St. Road, Auburn, NY wishes to construct a 40' X 80' building for antique shop at 1888 Stiles Road, Penn Yan with 10" side walls; barn board or metal siding; metal roof; and an 8' X 40' covered porch on front of building with no exterior lighting except by entrance door.

Rood asked if they were still putting the breezeway in between the two buildings. Shortt noted they are. Jensen asked if they are open for business now and Shortt indicated they will not be open until April of 2016. Griffin asked how far from the property line does the corner of the building have to be for a variance. Hoover noted that the sides are 15 ft. and the rear is 25 ft. This is in an ARB district. Alexander asked if there are any issues with this and Hoover indicated nothing has changed. The structure will be a pole-barn with no exterior lighting. Rood asked if there had ever been any drainage issues. Hoover noted there is a tile going into the front ditch. Mark Stokoe came in and ran field tile on the whole back side and had field tile running up on the right-hand side coming all the way down. They are half way from the building up to the road right now.

Days of operation will be Thursday through Monday, 10:00 to 5:00 from April through October.

Goodall made a motion to accept this as presented. Stape seconded the motion. All in favor.

APPLICATION #107-SD-15: Ivan Zimmerman of 2697 Havens Corners Road is requesting to subdivide his 200 X 200 ft. lot for house out of 116 acre farm.

Rood stated that the problem he has with this is that when he does this he has essentially isolated the access to the farm business from Havens Corners Road. If someone should subsequently sell the house property there would be no way to get in and out of the farm; there's no access road. Mr. Zimmerman stated he would have moved it to the west, but because of the chicken house he would have gotten too close to that if he goes back 200 ft. Zimmerman asked if it would be possible to go not as deep, like 180 ft. and go wider and then stay 25 ft. away from the east of the house. Rood noted his feeling is that he should provide some way to get to the farm. Zimmerman noted the idea was that he might need a variance if he doesn't go 200 ft. deep. He would have the square footage, but he would be only 180 ft., but then he would go 225 wide instead of 25 ft. away from the east side of the house. The driveway would then still be available there. Rood said one way he could handle that would be to get an easement in the deed when he transfers the property over, and then that gives the farm the right-of-way to get in there. It would also make it difficult to sell the property, as it would be a problem for the future buyer. Jensen noted that the simplest way for the new buyer would be to build a new driveway. Zimmerman stated they plan on keeping it in the family, but you never know what could happen.

Hoover asked if eventually the plan is to put this back with the farm. Zimmerman said the plan is to sell the house now to his son and then sell the farm to him later.

Jensen made a motion to approve this application. Goodall seconded the motion. All in favor.

PRELIMINARY APPLICATION: Edward Jansen of the corner of Earls Hill Road and Old State Road is asking for preliminary approval to potentially subdivide existing lot into up to four (4) lots. Each lot would be approximately 200 X 200 ft.

Rood stated that Mr. Jansen was not able to be present tonight. We have never had an opportunity to get into the subdivision section of the laws, so this would be the first opportunity to get into it. He noted that this is just a preliminary application for now; the land may be sold as one big chunk and not subdivided and he just wants to know if it could be subdivided. Rood stated he and Hoover looked at this and there doesn't seem to be any problems with it being subdivided as it is. There may be an Ag district to the west of this property; there's a vineyard there that could be a problem. There are clauses that need to be looked at carefully or we could get in trouble down the road. The Jansen's are getting ready to market this property, which is why he marked it preliminary. They don't necessarily want to subdivide it but they don't want to advertise it as being able to sub divide if it can't be. They may decide to make it 2, 3 or 4 lots; they're just trying to get an idea if there would be a major issue with it if they decided to go with 2 to 4 lots.

Hoover stated that he would just like to get a general feeling of this. The applicant doesn't want to advertise four lots and then someone see that and say that it hasn't been approved. They will go through the steps if required, but they are just trying to get a feel of what direction this Board would go with. Rood indicated he read through the book and he doesn't see any problems with it either.

Alexander made a motion to table this application until the applicants can meet. He suggested we all review our subdivision paperwork so that we know what we should be expecting out of this. There being no second to the motion, Alexander pulled his motion.

Stape made a motion to give preliminary approval based on what we know so far. Goodall seconded the motion. All in favor.

OTHER BUSINESS: Hoover stated Ervin Hoover thought he would have his plans for the old Tears Market tonight, but the engineer was not finished. We will most likely see those plans next month. The meat market is demolished now. Ron Stanley has the site plans for the engineering and he will be working in conjunction with Rick Ayers from Soil and Water. There is another architect who is actually working on the actual building grounds.

Alexander asked if we would see that application before the County Planning Board does. Hoover noted our meeting will be the 22nd and the County will be meeting on the 24th. Rood indicated he will be in South Dakota on the 22nd and hopes others can be available. Hoover suggested members come in prior to the next meeting to look at the larger plans, in case he can only send the smaller version through the mail.

ADJOURNMENT: Rood made a motion to adjourn the meeting at 7:45 p.m. Alexander seconded the motion.

Respectfully submitted,

Karen Phillips

Recording Secretary