

BENTON PLANNING BOARD MEETING
SEPTEMBER 22, 2015

PRESENT: George Alexander; Gary Griffen; Jerry Stape, and Skip Jensen.

Also Present: Isaac Hoover; Marvin Rissler; Adin Hoover; Erin Hoover; Jayson Hoover, Code Enforcement Officer, and Karen Phillips, Recording Secretary.

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

APPROVAL OF MINUTES: Jensen made a motion to approve the August 25, 2015 meeting minutes. Griffen seconded. All in favor.

APPLICATION #117SUP-15: Application from Nelson Weaver of 338 SR 14A, Penn Yan, NY 14527. Request for a Special Use Permit to install a sign below existing sign located at 1483 SR 14A, Penn Yan NY 14527. AR1 District. (Tax Map #37.02-1-7.11)

Currently the sign on Route 14A advertises Benton Ridge Small Engines. What Nelson Weaver is proposing is the same size of sign to be placed underneath the Benton Ridge Small Engine sign. Griffen asked if that would end up being two signs on the sign post and asked if we have that anywhere else in Benton. Alexander said he doesn't know what the process is for the double signs, but there's one again at Landis because they have more than one operation being advertised, but that is right at that location. Hoover indicated that he believes there is a special use in place for the double sign on Route 14A which is for Frog Hollow and Country Quest. Stape noted he doesn't personally see anything wrong with this, as long as they are nice looking signs.

Alexander noted the problem he has with this is that it's 5 miles from the business location. By the comprehensive plan, we are charged with keeping the Route 14A Corridor as clean as we can from advertising, etc. and NYS has their tourist oriented directional signs (blue signs) for this purpose. We approved the change of the sign from DeWick's because it was an existing sign and the changing of the lettering didn't really make an impact, but this will make an impact. Alexander then stated his objection is to add another sign and should we continue to do this down the road. Hoover said another way to look at that is that he is adding a second sign, but he is utilizing an existing sign post versus looking for another special use permit on another property and then you would be adding a second sign. Alexander noted he is concerned that we are continuing to produce precedent here. Stape asked what harm they are and Alexander said that somewhere in the comprehensive plan there is a section that says we are to basically keep it clear or lessen any impact for the commercial development for the beautification for that corridor and it's the same thing with the NYS tourists. We have things out there that we are supposed to be following. Stape stated that it's kind of a guideline and if the signs are presentable, he likes the signs. All signs aren't a nuisance and the little blue signs have no character to them; where these other signs, such as Frog Hollow, looks really nice and as long as they are off the right-of-way, there is no harm. Jensen agreed with Stape, stating that land is not being utilized for anything else; just brush growing up there. It's not a residential area. Skip noted it's a nice sign and he doesn't have a problem with it being 5 miles away from the business and it is probably a good place to have a sign to direct someone to go to that place rather than having it right across the road from your business.

Jensen made a motion to approve the special use permit for Nelson Weaver to add the existing sign on Terry Flynn's property. Stape seconded the motion. 3 members approved; Alexander was opposed.

APPLICATION #77SUP-15: Application request for Special Use Permit from Nelson Parts LLC of 2641 Baldwin Road, Penn Yan, NY 14527. Location of the SUP, 1387 Lovejoy Road, Penn Yan, NY 14527. For a new shop, warehouse, sales facility and move existing business to the new location. AR1 District (Tax Map #37.01-1-3.1)

Stape asked Ervin if they are going to maintain the same grade that is there. Ervin stated Rick Ayers from Soil and Water was there and did a land survey and basically with the required setback they are quite a bit behind from where the existing building was. The high spot where the building was will get lowered by around 3 ft. They raised it up a bit because the engineer decided it would work better if it was raised a bit. The old drain field will get dropped by about 2-3 feet and the rest will be raised up so they will all have the required grade for the storm water. Jayson noted Rick and Ron have been working on this as far as getting the stormwater management in place. Stape asked where they were expecting to put the water. Jayson noted there were a few ponds towards the back to the east towards the woods. The water will exit out the south east corner of the property. After it goes through the filtering system, it will go out towards the same outlet as the pond overflow which goes to the swamp. Stape asked what the filter system would consist of and Isaac said it would be a grass strip and then a retention pond.

Alexander asked what the traffic pattern would be for tractor trailers coming in and turning around and leaving. Isaac said there will be a loading dock. Alexander then asked if there would be enough room to make the turn. Isaac noted that they widened the driveway. Alexander said his point is that we don't want any tractor trailers on the road out front backing in or anything. Isaac said the way it's designed it won't have to be that way. They have enough room and some to spare to have tractor trailers driving off the road. Stape noted that they will pull up in front of the building on the road and then back around off the road right down through that slot. They designed it so they can do it that way; normal truckers will pull right along and then back right in. Most of the deliveries are the long trailers.

Alexander noted he and Jayson were looking at the plans and one of his concerns was with the road testing of the tractors; Lovejoy Road is a lot different than Baldwin Road and we don't have any right to restrict them, but we can make recommendations. Isaac noted they will have a laneway from his shop over to the new shop. When they do their grade they will be making a laneway. The majority of the tests they will do back there because the whole idea of moving out there is to try to separate; they want the actual tractor operating, repairing and moving around and the drive-in retail customers to be separated, so the plan is to have most of the tractor activity behind the building and the front of the storefront to be the retail customer area. He noted that occasionally there will be a tractor that they will have torn apart because of a whining noise at 8th gear. and it's hard to test a tractor in 8th gear down a field lane. Alexander asked what the plans are as far as turning around if they do have to do a road test. Isaac said he has a laneway on the far south end and the back field and also a lane to the north by the trailer there's a lane there that they farm as well.

Alexander said what he is trying to say from a personal experience is that there's a lot of noise involved in this and up at the new area they are actually exposing more residences to that noise than they are on Baldwin Road.

Griffen asked where the display of equipment would be. Isaac noted it would be on the grass area to the south of the lane. Alexander asked Jayson what our ruling is on that. Jayson said it just can't be on

the right-of-way; there's no number for a display area. Hoover said that for parking, no vehicles shall be parked, stored, or left standing within 35 ft. of the street line.

Alexander asked what our charge is for tonight on this application. Hoover replied that this Board is looking at the application and there are multiple options; table it, recommend approval or disapproval, and a myriad of options. Alexander asked if by granting a special use permit to this would negate the existing special use permit at 2641 Baldwin Road. Hoover said the existing special use permit would be basically void by lack of use. Obviously there will be a time period where the operation will be running at both places and once everything is moved everything would be void at 2641 Baldwin Road.

Hoover asked if there was going to be a number put in place for the display area. Ervin said he didn't figure the footage out and is not even sure what is available, but they will probably be using what is available at some point or another. Hoover then asked the Board if they wanted to come up with a quantity number or an area and then not be concerned with the number. Ervin said the tractors would be pointing towards Lovejoy Road. Alexander noted that the current permit said 5 units on display. Ervin noted he thought that it was changed to a maximum of 10. Jensen noted he is not proposing any restrictions, but if we do it he would rather go by linear feet and not units. Jayson said it should be confined to that parcel. Alexander said we will want to avoid having the same situation as on Pre-Emption Road with the equipment just sprawling. Jensen said he would limit it to this deeded lot. Ervin said he would be fine with just the space out in the front.

Jensen asked Ervin how many employees he would have; Ervin said that right now there are eight people working in this business and they plan on adding maybe two more employees. Jensen stated that we should do everything we can to bend over backwards to promote and encourage small businesses like this. This is the backbone of how this economy runs, and not just in the town of Benton, but all over. It's the small businesses and people like this that invest money in things like this that make the economy grow and we should do everything we can to help encourage them and make this work for them.

Alexander stated he agrees with Jensen wholeheartedly, but we also have a residential component to this township that we have to respect also. Stape said it's far enough away from people that it's really not going to have an impact. Alexander noted it's not that far away from the next south neighbor.

Griffen indicated that this looks to be extremely well thought out.

Jensen made a motion to approve this application as presented, along with the sign. Stape seconded the motion. All in favor.

Ervin said they are hoping to start the operation by spring. He then asked if it would be a wise idea to put a temporary sign on the telephone pole directing customers to the new location. Alexander noted they will want one at their existing place as well as the new. Hoover noted he would think that would be fine short-term.

OTHER BUSINESS: Hoover stated that Rubin Hoover on Baldwin Road wants to expand and move his stand to another location on the same property, except he is talking about a 28 X 32 permanent building as part of it. Hoover then noted that in his mind it needs a variance for the building and he doesn't usually have the roadside stands get a variance because they are typically non-permanent buildings. This will be a permanent building. If this was going to be a regular road stand with a non-permanent

building the Planning Board would see this, but not the ZBA. He would only send this to the ZBA because the building will be in front of the primary structure and it will need a variance. Stape suggested we see this first and then we could have a say and then send it on. If we decided against the application, there would not be a reason for a variance. The way this is proposed, the building will go almost to the west property line. Stape asked if there's an issue with the building being ahead of the house. Hoover said this would be up to the ZBA to decide. This will require two variances; it'll require that the accessory building be ahead of the primary structure and it will also require a variance because it won't meet the 80 ft. setback off the right-of-way. Alexander said he wonders if this would actually be called a roadside stand or a farm market and then said that whatever happens he needs to have a real plan on paper for us to look at. Hoover said this will be on the agenda for next month and then it will be kicked back to the ZBA.

Stape asked Hoover if he could say something to Rubin about fixing the sign; right now he has a wagon full of mums right where people are supposed to park. If he had better parking up toward the road it would be better. You can put signs up, but you can't get people to park there and he definitely needs to get a better sign.

Alexander suggested we review the Landis permit for the amount of their equipment. There was probably 10 pieces of equipment sitting along the sides of the driveway. If he wants to do that he should bring it to us if it's not covered in his existing permit. Griffen noted he thought the permit that we granted for the display area was for equipment, but he has it loaded up with landscape fabric and basically he had to move his equipment alongside the driveways. Hoover noted that he'll stop by again and say something. He then noted said there's usually one or two pieces of equipment off that display area, so he wasn't too concerned. But today there were about 5. Stape asked if we need to have him come back in and go through the motions again just to have the equipment along the driveway. Alexander said if it's not covered under his existing permit, it's kind of grown way beyond the boundaries of what we have approved, so if he wants to expand the storage he should come back in and ask for another permit to do that and then it's up to us on the request.

ADJOURNMENT: Jensen made a motion to adjourn the meeting at 8:10 p.m. Stape seconded the motion. All in favor.