

BENTON ZBA MEETING
SEPTEMBER 1, 2015

PRESENT: Dwight James; Tom Davie; Jim Willson; Steven Vaughan; Tom Goodall; David Vaughan; Matthew Zeiset; Mr. and Mrs. Henry Martin, and Charles Christensen. **Also Present:** Glenn Quackenbush, Town Councilman; Jayson Hoover, Code Enforcement Officer, and Karen Phillips, Recording Secretary.

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

APPROVAL OF MINUTES: Willson made a motion to accept the minutes of the May 5, 2015 meeting. Davie seconded the motion. All in favor.

APPLICATION #100AV-15: Matthew Zeiset of 1477 Briggs Road, Penn Yan, NY is requesting an area variance to locate a concrete manure storage facility 80' from the road right-of-way instead of the required 120' in an AR1 District. (Tax Map #36.02-1-4.1)

James asked what the reasoning was for wanting this at 80 ft. versus the 120'. Zeiset stated it's pretty much because of the lay of the land. They need the gravity pull off of the tank and they would do a lot better if they could move it down 40'. The slope of the pit will be almost at the ground and the top of the walls. James asked what type of slope they would need and Zeiset noted they figured about 2.5 ft. at this point from the bottom of the gutter to the top of the wall to the north and that's sufficient. Davie asked if there are any other plans to add on to the old barn because in the future with the manure pit there, he has killed that option. Zeiset noted that if there was going to be any new additions it would be to the new part. James asked if the channel comes out of the end of the new dairy barn. Zeiset noted it would be. Zeiset said the bottom of the pit would be all concrete as well. Zeiset then noted that he has specifications for all pits.

Hoover noted he got a letter back from Soil and Water. Everything was fine, but they were questioning the size. They require 8 months of storage, so they recommended a 12 X 80, but it was built at 12 X 72. Zeiset noted that normally these pits are built with a flat bottom, and if you're familiar with the pump at all, they probably can't pump the last 12 ft. They built it with a 4 ft. temple, so they gained that foot plus the cubic foot of the structure, so it would be 1,000 gallons with the 12 X 80.

David Vaughan asked why they would want to move this closer to the road when all they have to do is just dig the hole a little bit deeper and up closer to the barn. The closer to the road you get, there's more chances of a spill or overflowing into road ditch and then down into the creek. He then noted he has the most adjacent land and when something happens they go after him because more of his ground drains into Sugar Creek. He said he doesn't think it's a good idea to get closer to the road especially when you have a new facility and they do have the option to build the way the code says.

James noted that Hoover received a phone call from Karen Raulston from 3090 Baldwin Road in regards to this application. Hoover said they talked for about five minutes and then she said they had no

objections. Steven Vaughan stated that he used to live across the road and helped the previous owner on his farm for a short period of time and all that ground goes up the hill. With a brand new facility you would have all the opportunities to build where you don't have to have a variance. The farther up the hill you go, the more gravity you have. On the south end of the property there is a nice hard driveway. Steve Vaughan then noted that personally he would have moved it closer to the south because when you empty out the lagoon you go right up the field laneway and spread across. He noted he has seen the new driveway going in and he is hoping he can make it so the milk truck can drive in off the road; it's a lot safer than backing. The way new buildings go up, he noted he sees a lot of afterthought or more of no consideration for any of the regular trucks that go in and out. He then noted he is assuming the reason they don't want to go back further is because they will be using up more of the productive ground, but that was known when the property was bought.

Christensen asked why we are having this meeting now rather than before they started building. James said we are here for the manure pit which hasn't been built yet, not the barn. Steve Vaughan noted he agrees with Charlie. It's like there is an afterthought here. There are enough barns that have gone up in Yates County in the last 10 years and everyone knows what the restrictions are and yet we are still here having a meeting over it.

Willson asked what the elevation change is in that 40 ft. Zeiset noted it was about a foot. Willson then asked what the requirements are as far as the amount of concrete that needs to be above soil level. Hoover noted that in our town law there is none, other than we require fencing around the top, but as far as the concrete is concerned, we don't have any requirements.

James closed the public hearing.

The Board went through and answered the test questions for the area variance.

Vaughan made a motion to deny this application as presented. Goodall seconded the motion. The Board was polled. Davie – yes; Willson – yes; Vaughan – yes; Goodall – yes; Dwight – yes.

James told Mr. Zeiset he will have to move the pit back to the 120 ft.

NEW BUSINESS: Hoover indicated that he has a training coming up through the Wayne County Planning Department about subdivisions in Ag-Districts. If anyone is interested, the dates are September 9th and October 5th from 7:00 to 9:00 p.m.

ADJOURNMENT: Davie made a motion to adjourn the meeting at 7:20 p.m. Vaughan seconded the motion. All in favor.

Respectfully submitted,

Karen Phillips
Recording Secretary