

TOWN OF BENTON  
PLANNING BOARD MEETING MINUTES  
MAY 24, 2016

**PRESENT:** Tom Rood, Tom Goodall, Jerry Stape, Skip Jensen, and Herb Cooley.

Others Present: Lynn Axtell; Glenn Quackenbush, Town Councilman; Jayson Hoover, Code Enforcement Officer, and Karen Ellis, Recording Secretary.

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

**APPROVAL OF MINUTES:**

Goodall made a motion to accept the minutes of the March 22, 2016 meeting. Cooley seconded the motion. All in favor.

**APPLICATION #45-SUP-16** – Yates County Humane Society of 1216 Route 14A requests a special use permit to allow signage for other businesses on 136' X 6' fence located north of building.

Hoover stated what they are basically looking to do is to sell advertisement on the fence; no one knows yet the size of the sign, although they have discussed the maximum. Rood asked if there are any restrictions on how many signs can be on a property like that. Hoover said he doesn't think there are any restrictions; the zoning law says they are allowed "x" amount of signage for the business and then anything above and beyond that requires a special use permit. It doesn't say one or 20 signs; it just says it requires a special use permit. Stape asked if the signs would all be uniform in size.

Axtell stated that fundraisers are getting harder and harder to do and someone said to him that a lot of companies like to sponsor through signage and he has a big area to advertise. If they can do that, it would help them financially because they get nothing from the county; it is all donations, fundraisers, and whatever they can come up with. They would allow companies to advertise for a year and then they will be asked after a year if they would like to re-up. If they do not, their sign would come down and then another business's sign would go up. They would have someone design the signs, which would be part of the fee. Rood indicated that the paradox is that he is wondering what kind of Pandora's Box he would be opening up if we allow them to put signs up. Axtell noted he understands completely. Rood asked how many signs they are thinking about leasing; he does not want it looking like a ball park. Stape asked if there is a limit on how close to the ground they can go. Axtell said they would keep it up far enough so that everything is visible from the road and they are not going to be huge signs. It was noted that it cannot go any higher than 25 ft. Axtell said that if the Board limits the size of the signs they would work with that. Rood noted he is thinking of all of the fences that people would want to put signs up on. He thinks about the corners of Route 14A, Lovejoy Road and Pre-Emption Road and all of the side roads that feed off of the main drag; we really need to support these businesses as best we can, but where do we draw the line on it. Stape indicated that if a sign is presented nicely, what harm are they as long as they are back from the visual from the vehicle. Jensen said there are restrictions on the sizes of the sign that individuals with businesses can have, but there's no restriction that says you can only have one sign in one place. You can have six or eight signs on this fence and all be that size. Cooley said that the bottom line is that it needs to be done right. Axtell said that their curb appeal means a lot because if they don't take care of the place, people will not come in. They may not put that many signs

up; they don't want it to look terrible. Jensen asked Axtell if he envisions the signs all being the same size, as that might help with the aesthetics and then asked if we should require that all signs be the same dimensions. Axtell said he would like to speak with the Little League and see how they do it.

Rood made a motion to approve this application with a notation that the signs are approximately 32 sq. feet in size, no higher than existing fence and that the signs are uniform and aesthetically pleasing to the general neighborhood. There will be a minimum of 6" space between each sign. The Planning Board reserves the right to request the removal of any signs for any reason they find them objectionable. Goodall seconded the motion. All in favor.

Rood stated that the fact that the Humane Society we utilize, we like to try and help in any way we can.

**APPLICATION #44-SUP-AV-16** – David Hoover of 1045 Route 14A is requesting an Area Variance and Special Use Permit to relocate existing woodworking shop from 1045 Rt. 14A to 1074 Rt. 14A. This requires a special use permit and (2) two variances, 1. Accessory building located in front of primary residence and 2. Does not meet required front set back.

David stated he has a shop on the east side of Rt. 14A and his son will be taking over the farm eventually, so he would like to move across the road and build a shop there and do the shop work in the vineyard instead of the dairy farm.

Rood noted he looked at the stakes in the yard and it is really close to the water line, which will be almost right on the highway. Hoover said it will be about 25 ft. further west of the water line. Stape said he would be off the right-of-way and normally the water line would be right on the right-of-way. Rood noted that the first issue is that they have put the building in front of the residence. We will be working on changing that so that will not be an issue for this application, but said he would like to hear all of the Board's comments on the highway setback.

Jensen stated that the lot north in the hamlet center only requires a 20 ft. setback. Hoover noted the vineyard parcel and the parcel we are looking at is a combined parcel. David Hoover said he just bought that and combined it with the vineyard property. Jayson Hoover indicated that the vineyard is the first parcel to the south and is not in the Hamlet Center; that is in the AR-1 district. The very next lot to the north is in the Hamlet Center which drops down to a 20 ft. required front yard setback. Stape asked if he expects to have a lot of people. David stated he will have about two trucks a month maximum. The size of the truck depends on the lumber company and what they have to deliver in this area. Stape asked if he would be making the parking lot big enough to turn a tractor trailer around. David said they pull off to the side of the road in front of the driveway and lift the lumber off with his skid steer and then they leave. They also have a single axle that comes in about once a month and he backs in off the road and lifts it off the back. He comes about every six weeks and the lumber truck comes about every 4 weeks.

Jensen asked about the front setback; in the proposal, the actual setback is off the road right-of-way and the right-of-way is wider than it is in other areas of 14A. Jensen said that if the road right-of-way wasn't as wide here, the setback would be more than 20 ft. Jayson said that right now the right-of-way is right around 50-51 ft. from the center line; he will be another 20 ft. beyond that. The highway right-of-ways for town roads are 25 ft. and county roads are 33 ft. On the state roads, they just expanded them in certain spots to be able to move ditches. It's all over the place.

Jayson Hoover handed everyone an updated site plan. The only difference is that originally he was going to go with a 90 ft. drive entrance; he is going to stay with a 25 ft. curb cut like the way he has now. Other than that, the parking will be staying the same. The sq. footage meets the requirements for parking. Jayson asked about the customer traffic. David said they have 5 cars some weeks and some weeks 10. His business consists of himself and his boys in the shop. He has no hires. It is all word of mouth; he does not advertise. It's all referrals. They do a lot of kitchens, which are the larger jobs. He does not get any off the road customers, as he has no showroom. He has a finishing room in one section and a manufacturing room in another section. Jayson Hoover then indicated that the parking says one space for every 100 sq. feet which would call for 30 spaces. In that, it talks that the Planning Board has the ability to amend the parking requirements based on what they feel would be required. David said he would like to have the parking along the side of the building, which would not be designated a parking lot. He has his sign on the side of the trailer and he would like to have that parked where traffic can see it. The sign he has now is a 4 ft. X 5 ft. sign; he would like to move that.

Jensen made a motion to approve this application as requested with two conditions that this has a wider than normal highway right-of-way and this is really adjacent to the hamlet of Benton Center in which case the setback would be in compliance. Goodall seconded the motion. All in favor.

**APPLICATION #30-SUP-16** – Reuben Hoover of 2487 Baldwin Road, Penn Yan requests a special use permit to put up a single post produce and flower sign at two locations; one at Lovejoy and Baldwin Road and the other along Route 14A. The special use permit is for off the premise signage.

Rood noted this is the one that has been denied by the County because Mr. Hoover did not attend the meeting. Stape indicated it was denied because there were questions and he wasn't present to answer them. Jayson Hoover stated this was supposed to be met on at the last month's meeting. He noted that if this Board wants to proceed he can answer questions as best as he can or we can wait.

Rood indicated that he has some real issues with this location. If the sign was pointing north and south the answer would be absolutely no. If you look on the back page, the sign is 54" across horizontally and you want the sign to run east and west. Where this post is for the proposed sign, the sign will be pointing down to the bottom of the page, which would be east. He said Lovejoy Road is a major thoroughfare and this sign will be sticking up there 54" and it will be difficult to see what is coming up Lovejoy Road. Stape stated it is a problem when you pull up to the intersection with the truck to see to the north because it used to be tree limbs. He said he doesn't know if he has trimmed those trees or not, and to the south there is a hill there and it is hard to see. There is a knoll there heading to the south. Some cars are low enough so you can't see them until they start up the hill.

Rood made a motion to table this particular application and to ask Reuben to put two stakes in both places so we know exactly where the signs are going. He shows 54" in the drawing, so wherever the stake goes, then he will be 54" further. We need to take a better look at this. Goodall seconded the motion. All in favor.

**OLD BUSINESS:** Hoover reported that there has been discussion on Reuben Hoover's roadside stand. He went back a second time and measured it and he did increase the size of the parking area. His proposed parking area that was approved was 45 X 70. He wheeled it off today and it was 44 X 70. Hoover said he thinks 44 X 70 is adequate when he proposed 45 X 70. Stape said that people are pulling

straight in and then must be backing straight out because there's not really enough room. As long as he has a decent entrance and they are not parking all out on the road then he will keep quiet. Hoover said that as long as they are providing the area we can't necessarily poll how they drive. Jensen said Reuben has done what we all agreed to and approved.

Rood stated that we started to do a little work on the setbacks on the barns in front of the houses, but we haven't pursued that. He said he would like to table that until after we get into the fall.

**ADJOURNMENT:** Goodall made a motion to adjourn the meeting at 8:00 p.m. Stape seconded the motion. All in favor.

Respectfully submitted,

*Karen M. Ellis*

Karen Ellis  
Recording Secretary