

**TOWN OF BENTON  
PLANNING BOARD MEETING MINUTES  
FEBRUARY 27, 2018**

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

Also Present: Dwight Zimmerman, Applicant; Dick Harper, Town Councilman; Jayson Hoover, Code Enforcement Officer, and Karen Ellis, Recording Secretary.

**APPROVAL OF MINUTES:** Goodall made a motion to approve the January 23, 2018 meeting minutes. Jensen seconded the motion. All in favor.

Dwight Zimmerman of 936 Lovejoy Road, Penn Yan is back tonight regarding signage for his business of selling and washing/packing of produce on Lovejoy Road. The Board had asked him to come back with pretty specific dimensions for signage when he was ready to put it up. Hoover noted that they are all under the legitimate size. There is one in front of the building and then one down on the corner.

Cooley made a motion to accept the signs as submitted. Goodall seconded the motion. All in favor.

Hoover showed the original and final maps for the subdivision on Ferguson Corners. Nothing has changed. There was discussion because a small section was left. Hoover noted that his only question was that he knows the Eckard's are buying this and that Mr. Garmin is purchasing parts of it. He said he doesn't know if this will be moved; it's a stand-alone parcel now. When the Johncox's put their place there, the ZBA granted a variance for a flag lot because they didn't have the 200 ft. Hoover said he doesn't know why this was never transferred with that or if anyone ever intended to. This is an existing lot. The Garmin's are purchasing that also and Hoover said he would be surprised if they don't merge that with another parcel.

Nothing was changed, so no motion was required.

Hoover noted that the Board had a copy of the survey map for the truss business. What they are doing is subdividing; about 500 ft. is going to stay one parcel. The other will get merged into David Hoover's property.

This lot already exists. They are taking 300 ft. off the back side and merging with his multiple acres. They are basically chopping 300 ft. off the back of that and adding to the farm and the new stand-alone lot will be where the truss shop is going to be located. Nothing much has changed, we just need to stamp it.

**CODES AND DEFINITIONS CHANGES:**

Rood said we have several things coming up and there will probably need to be a public hearing to change some of these things. Harper noted that everything needs to be done at once because the process is that we will set a public hearing on all of these, which will be held at the following town board meeting. At that point, it can get written in, but it would need to be sent to a place to be codified to be put into a town code. This is where you would want it to be done all at once, because it is expensive and we don't want to piece meal it.

The zoning changes that were recommended by vote of the Planning Board are as follows:

1. The attached Proposed Zoning for Campgrounds was revised by deleting the sentence limiting recreational vehicles in excess of 40 feet was eliminated. This was questioned at the last Town Board meeting as to why this lengthy restriction was included. We could find no background for it so the Planning Board decided to eliminate this one restriction. The rest of the proposed zoning law was not changed. Jensen made a motion to accept these changes. Goodall seconded the motion. All in favor.
2. Paragraph 110-52 part (2) on page 110:a37, should be amended to read:  
Accessory building setbacks shall be as stipulated in Density Control Schedule 110, Attachment 2.  
After much discussion, it was decided to revise the setback schedule for L-R accessory buildings to fit problems associated with these smaller lots. By inserting the above change, we put all the setbacks in one place in the zoning law on the Density Control Schedule. Goodall made a motion to make the above changes. Cooley seconded the motion. All in favor.
3. The Density Control Schedule (page 110 Attachment 2:1) entitled 110 Attachment 2 should be amended as follows:
  - a. In the District column L-R should be amended to read: L-R Principle Buildings.
  - b. In the Minimum Lot Area Column for L-R Principle Buildings, the 40,000 should be changed to read: 15,000.
  - c. In the Rear (feet) column for A-R-1, A-R-B, H-C, and L-R Principle Buildings the 25 in all four columns should be changed to 15.
  - d. A new row to be added. In the District column, the new row should read: L-R Accessory Buildings.
  - e. In the new L-R Accessory Buildings row, in the Yard Requirements columns for Front, Side and Rear add: 50, 5 and 15 respectfully for front, side, and rear setbacks. The other columns in this row to remain blank.Cooley made a motion to approve the above changes. Jensen seconded the motion. All in favor.

SOLAR SYSTEMS:

Harper noted that the Town Board doesn't want to put a lot of things in the way; we don't want to discourage residential solar systems from coming in. The whole reason stemmed around commercial use applications where businesses are going to put them up and then sell it to people who are not tied to that property. It wasn't targeted to be necessarily for the residential person. Harper suggested the Board not kick a person over because they want to put up a 16 megawatt system. He suggested reading what is in this commercial system and ask yourselves if they are going to have to do a lot more than what they should be doing just because they want to serve their own property. Rood said all we are putting in here is that they have to maintain the setbacks that we have in our thing and that they have to build it to certain standards and it falls under zoning code, the code enforcement officer will need to make sure it is done right. Harper said if they are under the 110% they would stay under the minor systems. If they go above 110% they would be under this commercial application. Harper noted he sees that as a stumbling block for that residential use.

Harper asked the Board what the purpose is. If you're taking a .4 KW it will be probably 10 ft. wide and an 8.4, which would be 50 ft. long which is the footprint of a standard house. We are saying we can go ahead and put three of those up at different places that are all owned by the same person, but you can't put them in one spot. It will cost that resident more to have them put in different spots. Now you're going to have three inverters. Rood said if you can stay within the setbacks you can cover your whole yard with panels. Harper indicated that he would suggest the Board re-read the section on commercial so you realize what you will be requiring people to do, because he is not sure people can do that if they fall under the commercial.

Jensen asked if all this would be going to a public hearing before it is all done; everyone will have a chance to have their say then. Harper suggested getting this hashed out before going to a public hearing. He noted this was more for the place on 14A which is commercial. A person like himself will not put a fence up and doesn't really need to. We need to understand that the commercial facility over there will not have the same issues that a residential property is going to have.

Rood stated he is going to abandon the project. If we can't get it past Dick Harper, it won't go past the Town Board. He thought it was something that would benefit the Town.

Rood noted we will do more on the comprehensive plan next time.

**ADJOURNMENT:**

Goodall made a motion to adjourn the meeting at 8:15. Cooley seconded the motion. All in favor.

Respectfully submitted,

*Karen M. Ellis*

Karen Ellis  
Recording Secretary