

TOWN OF BENTON
PLANNING BOARD MEETING
JULY 24, 2018

PRESENT: Tom Rood; Tom Carroll; Tom Goodall; Herb Cooley, and Jerry Stape.

Others Present: Christopher Missick; Daniel Budmen; Matthew Newcomb; David Hoover; Jayson Hoover, Code Enforcement Officer, and Karen Ellis, Recording Secretary.

Rood began the meeting at 7:00 p.m.

MINUTES APPROVAL:

Goodall made a motion to accept the minutes for the June meeting as read. Cooley seconded the motion. All in favor.

APPEAL# 64SUP-18: Application for a Special Use Permit from David Hoover of 2752 Ferguson Corners Road, Penn Yan, NY. Special Use Permit to store and sell bulk and repair/sell hay equipment. AR1 District, (Tax Map #7.01-1-12.2)

Hoover stated that this is pretty much the same as what the Board saw last month. The coal bunker will have a roof so no rain water can come in. Rood said the only problem he would see would be with the drainage. He then asked David Hoover if he checked with Soil and Water. David noted he did contact them; they haven't been to the site yet, but everything seemed to be fine with them.

Goodall asked if a sign was ever to be put up, if it would be put on the gable of the barn. David indicated that he is not sure he will ever put one up. Rood noted that if he does want to put up a sign he will need to come back. If it is on the gable of the barn, he should be fine.

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

APPEAL #63SD-18: Application for a Subdivision from Elizabeth Missick of 463 Snell Road, Geneva, NY to subdivide the parcel at 468 Rt. 14, Penn Yan into three new parcels; all parcels will be used for farming.

Stape stated that the right-of-way for this goes right up through the barn. Daniel Budmen mentioned the intent is to provide access to the other properties and one of the thoughts or concerns were that if there were ever a need for a road, it would provide a 60 ft. wide right-of-way which would infringe on the barn and, as part of the easement agreement, this barn would have to come down as part of that. The intent is not to have that. There will be access to all three lots. The intent is to have a 10 ft. drive extended off to access the lots and they are for farm purposes only. That is the sole purpose of the easement, but it is wider than normal in case there is ever a need for an access road. Stape asked how it would work if this lot was sold and the others didn't want it. Budmen said it would only be in the case if there is a requirement of a normal dedicated roadway; that is why the easement is wider than it really needs to be. The purpose is really just to provide access to the two lots. It is only if it were ever needed or required to have a road back there, this would give the ability to provide a road. Stape said that even if it was narrowed up, it would still be infringing on that barn. Budmen indicated he believes there is 18.7 ft. from property line to the edge of the barn.

Goodall asked about the septic systems out there. Missick stated that within the contract he and Daniel are executing, it is a pretty firm provision on making sure the right or first offer is never outside of the circle of either family or operation. He noted he doesn't anticipate anything arising with the barn because no one would be able to buy that property unless Budmen or he assented. That would be something they all would know before any future transaction takes place. They have both had the property since they purchased it in 2014. They have essentially operated the winery and have had a lot of exciting projects. It's been his passion to have a vineyard planted and he said he needed a guy like Daniel to do that. One of the perks they came up with is that they subdivide the property and he will farm one side and eventually Budmen will farm the other. Budmen said he would farm lot 3 and eventually Missick would farm lot 2. Rood noted it is required that there be road access; you can't make it an island. Goodall asked about the septic system and water lines in lot 1. Missick said future development would require some form of remediation, but that would be of concern to the board in the future. Matthew Newcomb, the Applicant's engineer, stated that they are looking right now for the subdivision of the property. If they were to come back and want to build something there they would have to come back to this Board and show what they are proposing. This is more of a boundary survey or subdivision, not where they would divide up the property, where they would get into developing or building something on it; that would be when they would come back with a map that shows any record of information of utilities.

Rood asked if they would be doing anything with the swampy woods area on the west end of the property. Budmen said that when they purchased the property everything had been removed, so he had never seen what the property was like. Rood mentioned there's some pretty serious quicksand out there.

Rood asked if anyone has any objections to what has been presented.

Stape made a motion to approve this application. Cooley seconded the motion. All approved.

OTHER BUSINESS: Hoover noted he had extra Towns and Topics books if anyone was interested.

Rood distributed information from the Empire Center regarding wind energy in the state. This may hit us as something big sometime down the road.

ADJOURNMENT: Goodall made a motion to adjourn the meeting at 7:30 p.m. Stape seconded the motion. All in favor.

Respectfully submitted,

Karen M. Ellis

Karen Ellis
Recording Secretary