

TOWN OF BENTON
ZONING BOARD OF APPEALS MEETING
AUGUST 7, 2018

PRESENT: Dwight James; Tom Davie; Jim Willson; Rich Meyer, and Steven Vaughan.

Also Present: David Hoover; Robert Clark; Tom Goodall; Glenn Quackenbush, Town Councilman; Jayson Hoover, Code Enforcement Officer, and Karen Ellis, Recording Secretary.

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

APPROVAL OF MINUTES: Willson made a motion to accept the June 5th meeting minutes as read. Meyer 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 14527. Special Use Permit to store and sell bulk coal and repair/sell hay equipment. AR1 District, (Tax Map #7.01-1-12.2)

James asked if the bulk coal would be stored under cover. Hoover stated it would be covered. The coal will be delivered in tractor trailers. James asked if there will be enough room where they can pull off the road instead of having to back off the road. A lot of neighbors would be concerned if they were to back off from the road with all of the curves.

David Hoover said it would be stored in bunkers with concrete and wood walls. Robert Clark stated that as long as it is contained in some way and not a hazard with the trucks, he is not against anyone making a little extra money.

Jayson Hoover noted that one of the concerns that the Planning Board had was with the run-off, but he has been working with Rick Ayers from Soil and Water. James said that as long as the roof water is contained and kept away from the coal, it would be good. Robert Clark said one of his concerns was that it is the watershed for Kashong Creek, but if Rick Ayers has looked at it and if he is confident and satisfied, he would be as well.

One end of the bunker will be open to the east. There will be 3 sizes of coal. Meyer asked what the distance is from the road. James asked if 50 to 60 ft. would be enough room to back the tractor trailer in and dump. Hoover stated that is what he had planned.

Robert Clark asked if the Board would be treating the coal situation and the equipment differently as far as the special use permit. James noted that he has equipment also, and he is doing that now. He does very little selling; mostly fixes them. James asked if he would have a display area for what he is selling. David said that would be closer to the road. He noted he is trying to keep his junk out in the back.

Goodall asked if there would be a sign. David Hoover said not for the time being, and if he does it would go on the barn. James asked if there were any plans to sell bagged coal. David said he may down the road.

Robert Clark indicated that when it comes to implementing this, he would suggest the Board consider a maximum amount of equipment there, both for repair and selling. We have all seen in the past starting

with 10-15 pieces and then it ends up to being 40–50. James asked how many pieces he foresees having. David said it will fluctuate and accumulate during the summer. He tries to tear down most of it in the fall and get the hard shells and scraps out of there. Jayson noted that in April of 2018, west of the shop, there were about 23 to 25. David said that currently there are only 4. East of the shop he has probably 40 to 45 currently. James asked Hoover what he thinks his max would be in the peak season. David said around 50. He noted he did have more, but last fall he did tear 40 of them down. He accumulates more during the summer. They have been picking at it throughout the season to get it out of there. He noted he tries to keep a dumpster there at all times to put the scrap in.

Willson asked if he would have to change where he parks different units to accommodate trucks in and out for the coal business. David said maybe a little bit, but he hopes to keep dwindling at the pile and keep a lower number so that he can utilize more space for that. His ultimate goal is to sell more parts than equipment and he doesn't foresee that changing. James then asked him how many he thinks he would have out front in any given time. David said that right now he keeps the better out front; but six or less. Currently there are only 3 there for sale as of today.

Willson asked David if he would be selling coal by the ton. David said yes. Willson asked if he would have some portable scales. David said he would have a scale hopper. He could also have tote bags. David said that in the addition there will be 4 bays; three are going to be for coal storage and the 4th will be for the scales and the equipment. Willson then asked if there would be any additional outside lights. David said he has been undecided; he may put a dusk to dawn light to the east, or maybe just a motion light so that you have some lighting.

Robert asked if the new buildings would be on the north side. David said that was correct.

There being no other questions on this application, the public hearing was closed.

Motion was made by Willson and seconded by Vaughan to make the Town of Benton the lead agency on the short environmental assessment. All in favor.

The Board then went through the questions on the short environmental assessment.

It was determined that the proposed action would not result in any significant adverse environmental impacts.

James stated he agrees with Bob about the limiting of equipment and it looks like the equipment will go more to the back of the farm. He said that when he went by there today he didn't see 50. David said he tries to stack them and keep tidy rows, and they are easily moveable so he can mow it down.

Willson noted that the number we come up with would want to include for parts as well as whole units for sale so that it encompasses both whatever time of the year where you may have more or less than another. James said if it starts impeding more to one direction, we will hear about it. James recommended that if he gets a run on some good equipment just make sure everything else is turned over so we don't get into a problem. He then noted that he would certainly have the option to come back in for another special use permit. Jayson indicated that the display will be between the large parking area or drive on the east property line. There really can't be a display in that small section. There's a lot of it to the east of the barn today. Jayson suggested having just one row of equipment.

James asked how far it would be from the parking lot to the property line. David said from the edge of the barn to the property line is 140 ft. and they are taking 60 ft., so they will have 80 ft. left over.

Willson asked if a number of 60 units would be an acceptable number. James said that to him that is a reasonable number. David said that sounds acceptable to him.

It was then asked, in this case, where it is located and because there are neighbors, if they need to light the parking area to the east of the barn, if they could have downward lights. David said he hasn't decided if on what he would use for lighting.

Willson made a motion to approve Mr. Hoover's application for a special use variance for the bulk coal and sales and the repair and selling of hay equipment with the following stipulations:

1. That the number of equipment pieces would be limited to 60 and located in the areas currently shown on the attached map.
2. That any future additional lighting to be added would be in a downward lighted area to not leave the property
3. Any future signage is acceptable to current size allowances as allowed in our zoning.
4. The driveway is big enough so that tractor trailers pull in instead of backing in or backing off of the road.

Vaughan seconded the motion.

The Board was polled: James: yes; Davie: yes; Willson: yes; Meyer: yes; Vaughan: yes.

OTHER BUSINESS: Hoover stated he had more Towns and Topics books if anyone was interested.

Hoover then noted that other members of the Planning Board were interested in the fracking book. He is thinking of having training for the ones who order and reads the book. We may be able to convince the Town Board to give us to hours of credit.

ADJOURNMENT: Vaughan made a motion to adjourn the meeting at 7:45 p.m. Davie seconded the motion. All in favor.

Respectfully submitted,

Karen M. Ellis

Karen Ellis
Recording Secretary