

DRAFT
TOWN OF BENTON
ZONING BOARD OF APPEALS MEETING
AUGUST 6, 2019

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

Also Present: Dewey Hauman; Barb and Jeff Rokow; Linda and Tom Lush; Bill and Denise Youngs; Sean Cutt; Todd Lush; Dick Harper, Town Councilman; Jayson Hoover, Code Enforcement Officer; Tom Goodall, Alternate Member, and Karen Ellis, Recording Secretary.

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

MINUTES APPROVAL: Meyer made a motion to approve the July 2, 2019 meeting minutes. Vaughan seconded the motion. All in favor.

APPEAL# 68AV-19 – Application for an Area Variance request from Jeffrey Rokow of 447 Newlanders Cove, Penn Yan, NY. Area Variance to construct an addition on existing cottage within the required front yard setback.

Rokow stated they are proposing an addition to the east side of the cottage; the width is about 4 ft. deep and extending out 10 ft. to the direction of the lake. The addition on the side is a stairway that would connect the upper level and the middle level. The septic tank is further over. They would like to complete this in the fall.

One neighbor asked where their parking is going to be once it is completed. Rokow stated they would be parking in the same place they are parking now. Neighbor then noted that when they park there, it doesn't give room for any emergency vehicles that needed to come down through. She said she could see a problem down the road if they park there permanently. She is just concerned of the narrow passageway from Rokow's place to get to their place and the old Todd's place. Neighbor said there is such a small area there for any of them to be building. When they built their deck, they built the existing stairway down and then built it back; they were not allowed to put the deck out any further from what it is now. When their addition goes up, they will not be able to see anything to the north as well. She then stated she is not against this; she just needs to know how variances come about.

James said it looks like this will be set on piers, so they will be able to look underneath it. Rokow stated that below the addition it would be open at the lake level. Meyers noted that this is an improvement for sure.

Hoover stated that if you put 10 ft. on the front of the Rokow's, they are basically going to be even with the front of the Lush's deck. James noted that the addition on our drawing is about 10.3 ft. going towards the lake. Presently he has an open deck on the front side. He asked if that 10.3 ft. includes that or is it in addition to that deck. Rokow stated it is incorporating that. He noted that they are 10 ft. from the furthest point of the house right now. The addition will be 10 ft. from the front of the deck out. The deck is within the wall of the house and it doesn't stick out. They are coming out 10 ft. beyond the deck.

No communication has been received from any neighbors.

James indicated he is assuming that we are also into a lot coverage issue. It says the lot is 1,650 sq. ft. He then asked where the septic system is located. Rokow noted it is to the north of the existing building, but beyond where the staircase is. The leach lines are in the back yard and the addition is going over the leach line, but that is why it is open on the level and it doesn't go down to the ground. The addition is at the second level. James stated that they are really cutting back on evaporation when they start building over top of it. Rokow said there is already a patio there now. James asked if the old mobile home is in the right-of-way. The answer was yes.

James asked if there were any other questions or comments from the Board. Meyer stated he would like to see some more detail on this, especially with the stairwell. Willson asked what the lot coverage of those lots would be. Hoover noted it is 25% and, not including the stairway, he is at about 25-25.5% and if you include the stairway it is right around 30%, give or take a little bit. They are looking at between 0-5% overage. It was noted that on the survey map, the trailer is completely off the property, even though it is not a good situation.

Public Hearing was closed.

APPEAL #69AV-19 – Application for an Area Variance request from Seneca Sea Glass LLC of 115 Locust Grove, Penn Yan, NY. Area Variance to locate new storage shed within the required rear yard setback. (LR District) (9.49-1-8.1)

James asked Cutt where this is going in relation to the house; is it going in the graveled area on the site plan? Cutt noted it was. The house sits to the north. The parking lot is at the start of the wooded area, which is a forever wild tree. It drops off, which is why he wants to push it into that setback the 15 ft. that is required because it starts to drop off. It is a woodtex shed, so it's a 10 X 12 sitting on gravel bed. Their neighboring lot is a double lot, so it's the only thing on the lot next door. They combined them. It is 100 ft. off from the neighboring driveway.

No correspondence was received from neighbors. Cutt stated he talked with the neighbors to make sure they knew what was going on.

James asked if there was anymore discussion from the Board.

Public Hearing was closed.

James re-opened the public hearings for the following:

APPEAL# 68AV-19 – Application for an Area Variance request from Jeffrey Rokow of 447 Newlanders Cove, Penn Yan, NY. Area Variance to construct an addition on existing cottage within the required front yard setback.

The Board went through the test questions for an Area Variance.

Meyer made a motion to table this application for more information on the leach lines. The Board would like them all marked out so the Board members can go down and take a look at it. Davie seconded the motion.

The Board was polled:

James: yes

Willson: yes
Meyer: yes
Vaughan: yes
Davie: yes

APPEAL #69AV-19 – Application for an Area Variance request from Seneca Sea Glass LLC of 115 Locust Grove, Penn Yan, NY. Area Variance to locate new storage shed within the required rear yard setback. (LR District) (9.49-1-8.1)

The Board went through the test questions for the Area Variance.

Willson made a motion to approve the Area Variance as presented. Vaughan seconded the motion.

The Board was polled:

James: yes
Willson: yes
Meyer: yes
Vaughan: yes
Davie: yes

James asked Cutt to let Jayson know when it is all marked out and located so that they can go down and get an idea of what it looks like; the top looking down was quite deceiving.

UPCOMING TRAINING:

Hoover reported there is a training coming up on November 4th in Rochester on land use law, current issues, subdivision and zoning. James suggested Hoover show it to the potential new member.

OTHER BUSINESS: James thanked Willson for his years of service on the Board. He has had very good input. Willson encouraged the group to continue on with good common sense. It's a nice balance between being supportive of the neighbors and their opinions and staying within the zoning laws as we have. Also keep in mind the business and tax revenue for the Town.

ADJOURNMENT: Vaughan made a motion to adjourn the meeting at 7:50 p.m. Willson seconded the motion. All in favor.

Respectfully submitted,

Karen Ellis
Recording Secretary