

**TOWN OF BENTON  
PLANNING AND ZONING  
COMPREHENSIVE PLAN**

**Town of Benton  
Yates County, NY**



**Typical Benton Farmsteads**

**Prepared by:**  
**Town of Benton Planning and Zoning**  
**Comprehensive Plan Committee**

Revision as approved by Benton (12/18/12) and Yates Co. (12/19/12) Planning Boards  
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## **Introduction**

The Town of Benton Comprehensive Plan is the guide for the efforts of the Town to regulate development in the best overall interest of the community. The original version of the comprehensive plan was produced in 1991 and revised in 2001. In 2011 the Town Board brought together members of the Town Board and members of the Town Planning Board with interested members of the public, to form a new review committee.

The growth of the Finger Lakes wine industry has created an influx of tourists. Tourism has become one of the largest industries in the region. This factor, and the passing of years, prompted a review of the Comprehensive Plan and the Zoning Laws.

## **Benton as a Community**

Benton and neighboring towns in Yates County are somewhat unique communities in the heart of the Finger Lakes Region. They are viable farming towns with steady agricultural operations. Benton has rich soils and excellent drainage on gently sloping land. It has an efficient town and county road network. It has long scenic vistas over open countryside, rolling hills and picturesque farms. The Town has small hamlets and an attractive lakefront along Seneca Lake.

Benton's approximately forty square mile land area is located in the northeastern corner of Yates County. New York State Routes 14 and 14A traverse the central and lakefront areas of the Town, connecting it with Geneva and Routes 5 & 20 to the North and with the Village of Penn Yan, the Yates County seat, to the South. The northern portion of the Village of Penn Yan is located in the Town of Benton.



**Typical Benton Landscape**

Dairy farming and production of field crops, along with several road-side farm produce and plant stands, are the chief agricultural activities of Benton. There is a range of agricultural service uses.

The predominant land use in Benton is agriculture, as reflected by the fact that over 90% of the Town's land area is included within a county-adopted, state-certified NYS Agricultural District (Yates County Agricultural District #1). See map D-1. It appears reasonable to state that agriculture is central to the community's way of life, physical organization and economy. It also appears reasonable to state that the preservation of viable agriculture in Benton requires business activity be allowed to take place. The issue is how much of it should be allowed, where, and under what kind of limitations would it serve the best overall interests of the community as a whole. These are the reasons why American communities have zoning laws and the reason why the Supreme Court has consistently upheld the reasonableness of the purpose of zoning.

Because of its attractive environment, Benton is also attracting a smaller but significant number of new residents from more urban and suburban places in the Finger Lakes Region. Many of these new Benton households also bring other forms of economic activity with them into the countryside.

The original plan and this plan revision identify a need for special planning attention in some areas (relative to the current and potential scale of activity in the Town as a whole). These areas include the Seneca Lakefront (east of the railroad paralleling Route 14) and to the areas generally centered on Routes 14, 14A, Pre-Emption Road, the hamlets, and the perimeter of the Village of Penn Yan. The major influences are the powerful appeal of the waterfront for additional development and the activity on these main thoroughfares through the Town.

There are natural gas facilities, owned by NYSEG, which serve the Town. One natural gas line runs along Route 54 between the Villages of Dresden and Penn Yan. There is a gas line which extends into the Route 14 area from the north, and a line along Pre-Emption Road.

There are three municipal water districts currently formed in the Town. District One serves the Seneca Lakefront residential area; District Two serves Route 14A north of the Village boundary through Benton Center; and District Three serves the Hamlet of Bellona and a portion of Pre-Emption Road to the south. Additional expansion and the creation of new water districts are possible based on the desires of the landowners to take on the assessments that would facilitate this growth. This would hold true for an interest in creating sewer districts as well. There is also an 8" water line owned by the Village of Dresden that follows a similar route to the gas line along Route 54.

The Town of Benton is generally a rural community. Housing is dispersed along countryside roads, in the hamlets of Benton Center and Bellona, or clustered along the two-mile stretch of Seneca Lake waterfront within the town. While Benton is a small rural township and is not faced with pressures for large amounts of development, it is experiencing important changes compared with the past. Its population growth, changes in the economic environment in the Town and Yates County, and increasing development of small businesses and houses, require planning and zoning attention.

### **Land Use**

Benton's zoning law and map were first established in 1991, (See Map D-1). The Town is almost entirely zoned Agricultural Residential (AR1), with permitted 40,000 square foot minimum lots. The two hamlets of Benton Center and Bellona (zoned HC) have established residential and business-industrial use districts within them. The Seneca Lakefront east of the railroad track is zoned Lakefront Residential (LR).

A portion of the Village of Penn Yan, which is north of North Street, is included within the boundaries of Benton. As is always the case with the portions of a town inside a village, this area is within the planning and zoning jurisdiction of the Village. This area includes two important countywide facilities, Soldiers and Sailors Hospital and the Penn Yan Industrial Park, as well as an established Village neighborhood along Liberty, Main, Hamilton and North Streets. Since 2000 there has been a modest amount of residential development in this area.

The Northview Drive residential subdivision located off of County House Road and Route 364, which is within the Town of Jerusalem, was annexed to the Village. This subdivision enjoys views out over Keuka Lake, which will also be a motive for developer interest in Town of Benton land within the same vicinity.

The northern portions of the Industrial Park and a small area between Liberty and Main Streets, which are within the Town of Benton, have been annexed to the Village in recent years. There may be additional requests for annexation in the future, because of the utility services which can be obtained in this manner. Several individual homes were built on scattered lots within the Benton sections of the Village. One retirement-oriented cluster development has been established on North Street near Hamilton.

The existing zoning map accurately reflects the traditional developed character of Benton, and corresponds well to the land area designated as Yates County Agricultural District #1. Benton's zoning has been placed under pressure by the trends identified in this report. The zoning law has been strictly enforced in Benton.

Agricultural growth continues to occur because of the migration of new farm families to Benton. As noted, this has resulted in a trend to smaller farms. The crops, which typify Benton's agriculture, include corn, wheat, red beans, hay, oats, cabbage, sweet corn, string beans, soybeans, and fruits in approximate order of emphasis. There is extensive dairy farming, including the breeding of dairy and beef cattle. The prices available to farmers for their products continue to present challenges to the profitability of small independent farmers.

Residential growth is taking the form of single-family home development on scattered roadside lots or small subdivisions.

Benton's Historical Sites and Scenic Vistas should be protected for future generations to enjoy. A listing of these locations is provided in Appendix C.

**Demographics**

A Profile of Growth - The following table shows the Town's growth, including the portion of Penn Yan within the town, from 1980 thru 2010 (According to the United States Census):

<u>1980-1990</u>	<u>1990-2000</u>	<u>2000-2010</u>
1,981 to 2,380 (20.1%)	2,380 to 2,640 (10.9%)	2,640 to 2,836 (7.4%)

The 1990 Census reported that the Town contained 904 households; in 2000 there were 864 households. Counter to national and area trends, average household size has been increasing in Benton, from 2.59 persons in 1980, 2.63 persons in 1990, 2.82 persons in 2000 and 3.19 persons in 2010.

Based on the size of the land area included within Town boundaries, 41.5 square miles, Benton's overall population density is 68.3 persons per square mile - which on an acreage basis means 0.1 persons per acre (or, conversely, 10 acres per person).

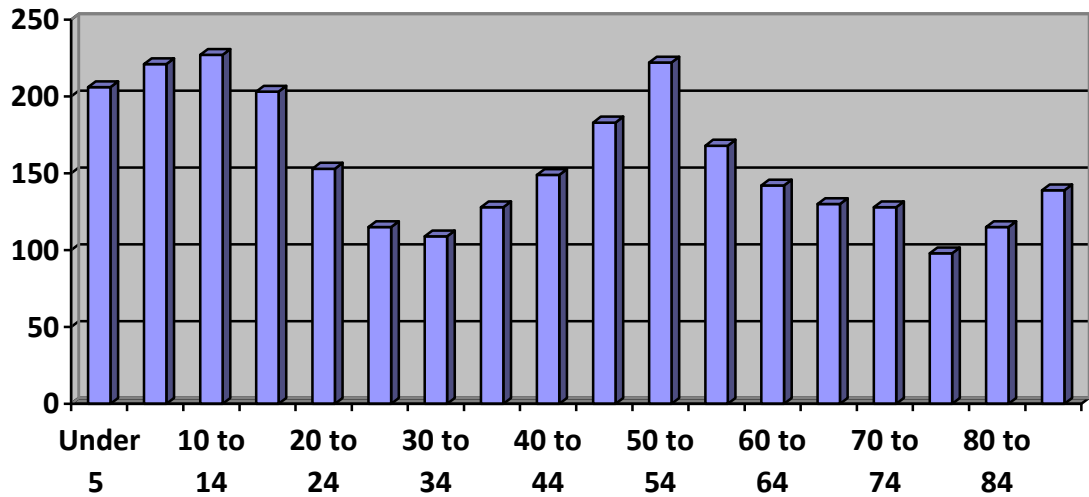
While the total numbers involved in Town growth appear small, it is important to note that Benton's population has grown by approximately 43.2% from 1,881 in 1980 to 2,640 in 2010. This rate, which averages 1.4% per year, is higher than the national average growth of approximately 0.96% per year. By comparison, Yates County grew by 18.1% over the same thirty-year period from 21,459 in 1980 to 25,348 in 2010 or 0.6% per year.



**Mennonite Family on NY Rt 14A**

The Yates County growth rate is typical of rural areas in Upstate New York; the Benton growth rate (1.4% per year) is somewhat higher. There is every reason to believe that Benton's population trend will continue over the next ten years, for the same reasons which are operating now.

During the 1990's Benton had an influx of farming families into Benton and Yates County. The children of these families are now coming of age to seek their own occupations in the area. In 2012 Benton's total Mennonite community involves approximately 150 families. The chart below shows the age distribution of all Benton's residents.



Age Distribution in Benton (2010)

**Economy**

The newest farming families in Benton have typically purchased farm properties smaller than the average and are operating farms on 100 acres or less. In order to make ends meet with acreage this small, it is often necessary for these families to undertake secondary business activities in addition to farming. Some of these other business activities include woodworking and cabinet making, breeding and sale of small animals, greenhouse grown crops, roadside stands selling vegetables and horticultural products, bicycle sales and repair, and a variety of farm equipment-related services.

It is important to note that this business trend is not isolated in one or two areas of the Town but present throughout the agricultural areas of the Town.

Along with the on-farm businesses there has been some limited business growth and an increasing amount of interest in non-farm related businesses. With the arrival of the newer farming families, and general contemporary trends toward the location of new activities in the countryside, this development of business uses is intensifying.

Travel and tourism has become a thriving industry in the Finger Lakes Region. The Planning Board and Zoning Board of Appeals should carefully investigate all proposed business operations to ensure that long term negative environmental impacts will not occur to the scenic vistas, rural character or present life style within the Town of Benton.

**Business Growth**

Traditionally, business uses in the Town gathered at the smaller hamlet crossroad of Benton Center with population in the 100-150 range. There is a need to safeguard property values and uses within the hamlets, as they are important assets to the Town of Benton. The 2012 survey results indicate an overwhelming interest in controlling development to maintain the town's rural character.

**Agriculture** is important in Benton. The predominant land use in Benton is agriculture. Benton's rich soils with excellent drainage on gently sloping land provide for excellent basic farming operations. Since agriculture is central to the community's way of life, physical organization and economy, the preservation of agricultural lands, and related agricultural operations and services, is paramount for Benton's future.

**Commercial Business** can be defined into several categories and can range from office buildings, shopping centers, warehouses, hotels, resorts, apartment complexes, and car parking lots to small single retail outlets and road side vegetable stands. Just about any real property (except single family homes and building lots) could be considered commercial. Each new proposal should be examined in detail by the planning board to ensure that it fits into the scenic and rural character of the Town of Benton as it relates to the land use for preservation of scenic, agricultural, residential, recreational and tourism uses in the town.



There are currently no super markets within the Town. Residents shop for food at the two supermarkets located on Liberty and Hamilton and at various convenience/mini-markets in Penn Yan, or they shop in nearby Geneva or Canandaigua.



**Fox Run Vineyards Rt 14**

Existing Commercial businesses in Benton include a used car dealership and automotive center, auction house, restaurant (closed and for sale), trucking business, veterinary clinic, hardware store, ATV sales, lawn and garden equipment, irrigation pipe and related supplies, dry goods, bulk food stores and several farm markets. The majority of the businesses in Benton are located along Route 14A. The railroad spur through Bellona Station is now inactive.

**Light Industry** is usually associated with manufacturing facilities that assemble partially processed materials into finished products or consumer goods. It usually is more consumer-oriented than heavy industry. Light industrial facilities typically have a smaller environmental impact than those of heavy industry. However, some light industries may have a significant environmental contamination risk depending upon the materials used for manufacturing or processing. Electronic products, for one example, may use lead-based solder and chemicals for cleaning or degreasing. Examples of light industries might include such things as the manufacture of foot ware, clothing, house-hold fixtures, and consumer electronics.

Presently, light industry in the town of Benton is concentrated in the Penn Yan Industrial Park on North Avenue and houses six tenants. Major uses include manufacturing and processing functions by: Silgan Plastics (200 employees), ARC (100 employees), Castner Automotive (3 employees), Marchionda Terminal (no regular on-site employees), and Hot Bed La Crosse (2 employees). There is an area of 60,000 square feet available for future use.

It is recommended that the Planning Board thoroughly research any proposed light industry in the Town of Benton to determine if any potentially harmful chemicals would be used in their manufacturing processes and to review carefully their plan for safe handling, storage, use and waste disposal of all such chemicals and other by-products.

**Heavy Industry** uses or operations are defined as those that include at least two of the following impacts at any time: substantial surface or subsurface disturbance; production or presence of deleterious substance; high-frequency, high-impact truck traffic (agricultural, military, buses, highway repair and maintenance and vehicles driven in a daily commute or delivery or pick up are exempt); operations conducted at any and all times of day or night; open air industrial use; enclosed liquid or gaseous storage; flammable or explosive materials; large scale water use; construction of more than 45,000 sq. ft. of impervious surface; construction of a staging facility, construction of a truck parking area; and natural gas pipelines, compressor facilities, roadways and other infrastructure.

The scenic vistas and rural character of the Town of Benton as they relate to the use of land in the town for agricultural, residential, recreational and tourism uses, and the possible negative impacts by any heavy industrial uses should be taken into consideration by the Planning Board for all such special use applications.

**Institutional** uses include the Town Offices and adjacent Town Garage and the Yates County Highway Complex, all located on Route 14A in Benton Center. The Town Office building is a former Grange Hall and serves as a recreation center as well as a town hall.

There are two volunteer fire department halls in Benton, one in Benton Center and the other in Bellona. They are also important social facilities for the community. There are several churches in the community, including the historic Benton Center United Methodist Church at Route 14A and Havens Corners Road in Benton Center; the Bellona Presbyterian Church on Pre-Emption Road in Bellona; and two Mennonite churches - one on Baldwin Road and one on Platman Road. The Yates County Humane Society is located on Route 14A just south of Benton Center.



**Schools** that serve the Town of Benton are primarily those in the Penn Yan Central School District, with a small portion of the northwestern part of the Town served by Marcus Whitman Central School District in Ontario County. There are five Mennonite schools in Benton. Mennonite schools typically only go through the eighth grade level of education.

### **Areas Expected To Experience Development Pressures**

These are the Seneca Lakefront, the perimeter of the Village of Penn Yan, and the areas served by municipal water.

The Seneca Lakefront area is currently unaffected by commercial developments, unlike other areas of Seneca Lake, the hillside facing the lake has lake views as far west as Johnson and Ridge Roads in many areas, an area two miles in width. It has to be anticipated that there will be mounting pressure for various types of development on this hillside in the decade ahead. A planning goal should be to attempt to balance and control the commercial and residential development to enhance the beauty of the area.

The Village of Penn Yan perimeter is also experiencing small amounts of development for residential, commercial and institutional uses in the area between Hamilton and Flat Streets and Route 14A. Other accessory business uses of the types usually referred to as "home occupations" are also occurring, often associated with Route 14A and Pre-Emption Road, with their major traffic flow through Benton.

The areas served by the municipal water districts are most likely going to see an increase in development pressure as well. The availability of quantities of water from a municipal treatment plant as opposed to wells is sure to attract development of both residential and commercial type uses.

While the pressures for growth in the Town are not leading to large developments, they are resulting in proposals that strain the traditional development patterns of Benton, as well as Benton's current zoning law and regulations. The challenge to Benton is to maintain controlled residential and business use development at locations where it is consistent with nearby services and roads yet preserving the town's unique scenic vistas, agricultural community and quiet residential lifestyle.

### **Environment**

Appendix D presents a series of physical conditions maps for the Town, which depict Town zoning and property boundaries (Map D-1), Topography (Map D-2), Watersheds and wet lands (Maps D-3, D-4, D-5), and Land Use (Map D-6). The primary soil associations in Benton's land area are loams of the Honeoye-Lima, Lansing and Kendaia types, with slopes predominantly in the 3-10% range and good depth and drainage.

Benton's land generally slopes downward from the northwest to the southeast, with the highest elevation at 1100' in the northwest and 450' at the Seneca Lakefront. The Town contains two important stream valleys, one containing Kashong Creek (Seneca Lake Watershed) in the northwest and one centered on Flat Street and containing Jacob's Brook in the east central portion of Benton.

Reflecting the glacial formation of the land, the predominant ridge lines are oriented north-south, and so are the major transportation routes (Routes 14 and 14A, Pre-Emption Road, Flat Street and Lovejoy Road).

Within this setting Benton has developed as a land of farmsteads, with two small hamlets: Benton Center and Bellona. There are approximately 254 active farms cultivating 21,711 acres in Benton. This represents 20 percent of the property parcels and 83 percent of the town's total acreage.

### **Transportation**

New York State Routes 14, 14A and 364 are the main highways through Benton particularly Route 14A, which is in the center of the Town. Route 14A is the main north-south thoroughfare and gives the Town its character of a rural area of hamlets, scattered houses, barns, silos and a few businesses.

Pre-Emption Road is the major town alternative route connecting Penn Yan and Geneva. It is heavily traveled. Although it has not seen any significant interest in development at this time, it is not out of the realm of possibility in the future. Extensions to Water District # 3 are possible, as is the possibility of increased interest in developing the section south of Bellona that is currently serviced by water. The other consideration is that Pre-Emption Road is a major thoroughfare to Geneva and beyond and this trend will likely increase over the next decade. The same principles for development along the Route 14A corridor should be applied to Pre-Emption Road as well.

Route 14 is the highway link from Exit 42 off I-90, through Geneva to Watkins Glen and on to Elmira. It parallels Seneca Lake for its entire length. Several scenic panoramas of Seneca Lake are available along its route within the Town. In addition, there are nearly two dozen farm wineries along this corridor. The only winery in Benton, Fox Run Vineyards, is along Route 14.

Route 364 is the corridor leading generally from the greater Rochester metropolitan region to Keuka Lake. While it has some businesses along its route, it has not seen much interest in development and this could change in the near future. Some of the topography along this route does not lend itself to any large scale development.



**Bicycles on Town Line Rd**

The Lovejoy Road Corridor has become an active alternate north-south commuter route through the town, leading access to the Keuka Lake area. At the present time it is generally spotted with farms and a few residences. The only business on this road was small family-run meat market now closed and for sale.

The remaining roads of Benton provide a high degree of accessibility. This is a large-scale grid, which serves the community well. Besides the normal over-the-road traffic, Benton has a very large number of bicycles and horse-drawn buggies from the Mennonite community. These slow moving forms of transportation may become a hazard should large amounts of heavy truck traffic be encountered.

The five major traffic corridors (Routes 14, 14A, 364, Lovejoy Road, and Pre-Emption) will all be looked at through the revision of the zoning laws to allow the economic development sought by the citizens of the Town of Benton. The key will be to balance this development with the desire to also preserve the rural flavor of the Town and its scenic beauty.

## **Plan Goals and Objectives**

### **Introduction**

Benton goals and objectives are based on values held by the community. As conditions change goals may change. This Comprehensive Plan should be viewed as a policy guide - one that will evolve as the needs of the Town of Benton change.

The goals of the Town of Benton relate to: agriculture, residential development, economic development, community character, and quality of life.

### **Agriculture**

#### **Goal 1.**

Preserve the prime agricultural soils that cover 80 percent of the Town.

Objective 1. Develop a Mission Statement for agricultural-residential zoning district (AR1) that recognizes agriculture as the primary land use.

Objective 2. Develop land use regulations that steer commercial and light industrial development to areas in or near existing hamlets or adjacent to the Village of Penn Yan.

Objective 3. Develop subdivision guidelines to ensure that new residential lots created in agricultural areas are sited in a manner that would be least disruptive to agricultural operations.

Objective 4. Develop zoning provisions that help preserve the agricultural lifestyle of the Town and allow it to co-exist with residential, controlled commercial and light industrial expansion.

Goal 2.

Preserve the agricultural landscape of the Town of Benton through economic viability of the agricultural community.

Objective 1. Protect important agricultural land resources through non-regulatory means.

Objective 2. Provide for farm-based businesses on farms that provide supplemental income and employment opportunities limited in terms of ownership, and size.

Objective 3. Permit commercial retail and service enterprises that serve the needs of the agricultural community.

Goal 3.

Preserve ground water resources for future generations.

Objective 1. The Planning Board and Zoning Board of Appeals should carefully review all permitting and special uses to ensure that proposed activities will not endanger Benton's ground water resources.

### **Residential Development**

Goal 1.

Ensure that future residential development minimizes the cost of public services relative to revenue generated.

Objective 1. Adopt land use regulations that steer higher density residential development to the general hamlet areas of Benton Center and Bellona or adjacent to the Village of Penn Yan.

Objective 2. Ensure that residential development densities take into account environmental constraints such as slope, soils, vegetation and scenic views.

Objective 3. Encourage where appropriate the preservation of prime farm land from non-agricultural production uses.

### **Economic Development:**

Goal 1.

Maintain and enhance the local economy through close-to-home employment opportunities for Town residents by considering Town life and growth as they can reasonably be anticipated over the next ten years (2013-2023)

Objective 1. In collaboration with the Finger Lakes Economic Development Center, promote the development of commercial and light industry, and tourism-oriented businesses, in suitable locations within the Town

Goal 2.

Balance the need for residential, commercial, light industrial, tourism, and agricultural land uses through land use policies that promote residential and business development while protecting agricultural land resources.

Objective 1. Encourage new business development to locate in the vicinity of already existing retail and services activities.

Objective 2. Establish standards and guidelines for the design of light industrial and commercial development and revise as necessary to mitigate potential adverse impacts and minimize conflicts between incompatible land uses and to ensure safe and attractive commercial development site designs, including standards for traffic circulation, parking, pedestrian facilities, buffer areas, landscaping, site coverage, signage and outdoor lighting design.

Objective 3. Establish zoning regulations for commercial and industrial liquid and solid waste.

Objective 4. Establish zoning regulations for small animal breeding.

### **Community Character**

Goal 1.

Preserve the agricultural landscape of the Town of Benton, and the natural beauty created by this landscape.

Objective 1. Support private land trusts and similar organizations in their efforts to protect significant scenic and ecological resources within the Town.

Objective 2. Develop zoning regulations that reflect preservation of unique landscapes, buildings and hamlets.

Objective 3. The Planning Board and Zoning Board of Appeals should take into consideration all such special use applications that might affect the scenic vistas and rural character of the Town of Benton as they relate to the use of land in the town for agricultural, residential, recreational and tourism uses, and the possible negative impacts by any heavy industrial uses.

Goal 2.

Protect the scenic and open space resources of the Town for the enjoyment of present and future generations.

Objective 1. Collaborate with other communities to maintain Seneca Lake as a high quality recreational resource.

Objective 2. Determine whether additional types of zoning use districts, with different density standards, may help to regulate anticipated Town developments.

Goal 3.

Protect the historic and cultural heritage of the community.

Objective 1. Encourage the restoration and adaptive re-use of historic structures.

Objective 2. Work to identify and preserve history and landmarks within the Town of Benton.

### **Quality of Life**

Goal 1.

Protect the quality of life from the adverse impacts of incompatible land uses and increased traffic.

Objective 1. Establish standards and guidelines for the design of light industrial and commercial development to protect adjacent residential areas from potential adverse impacts such as noise, dust, odors, lighting, and traffic.

Objective 2. Develop regulations that provide for open spaces, historic, aesthetic, cultural and scenic amenities in future land uses.

Objective 3. Continue working with the other agencies and the public on completing a watershed management plan for the Seneca Lake Watershed.

Objective 4. Consider affording SEQR Critical Environmental Area Status to the most environmentally sensitive areas in the Town.

Goal 2.

Ensure the provision of a comprehensive system of fire, police and emergency services to protect life and property throughout the community.

Objective 1. Work with County and local emergency management services.

## **Special Areas**

The largest area of Benton, which is predominantly agricultural with residential and some limited business additions, would continue to be treated in this fashion, but with new zoning regulations governing controlled development and variances.

Each of these designations would be carried out through revision of the existing zoning law with reasonable measures to regulate, encourage or control development in the interest of the Town as a whole and the protection of property value.

This section describes policy recommendations for the following special areas:

- A. The Hamlets (Benton Center and Bellona)
- B. Seneca Lakefront and Route 14
- C. Village of Penn Yan Perimeter
- D. Agricultural Areas
- E. Route 14A, Route 364, Preemption Rd and Lovejoy Rd Corridors

### **The Hamlets**

The two hamlets of Benton Center and Bellona are identified as mixed-use residential and agricultural areas with smaller permitted lot sizes or as mixed residential, business, and service and institutional areas.

The Plan will protect the character, health and property values of the hamlets by encouraging modest amounts of additional residential, business and light industrial development within and around them. The compact, mixed-use character of the hamlets should be preserved through zoning which allows a continuation of small lot sizes and, within limits, a mix of residential, public, educational and business uses. The zoning map will reflect this approach. The edges of the hamlets will be closely examined to determine whether zoning for residential, agricultural, public, institutional or business uses should be developed.



It should be emphasized that it is not expected that there will be large amounts of new development in the hamlet areas. The approach should rather be to allow **Bellona Mill 1821-25** for some new development, and to avoid situations where there is neglect of these traditional town centers.

### **Seneca Lakefront and Route 14**

The plan recommends that residential and limited, controlled commercial development be permitted in the Route 14/Seneca Lakefront area. This is an area in which future pressures for development are viewed as inevitable and unavoidable. The Seneca Lakefront area is encouraged as residential in future uses, but in a way which should encourage the continuation of farming activity on the hillside leading to the Lake. Controlled and well thought out commercial development would be allowed.

Permitted development should be low density and designed with landscape, site and setback standards, which are appropriate to preserve this scenic area. Careful attention needs to be given to this area, in order to protect its special environment for all citizens, and also to enable public views and access to the lake.

As Route 14 travels south its distance from the lakefront increases, this area may warrant some separate consideration from the northern end. The northern end becomes close enough to consider it as the same as the lakefront.

Through revised zoning regulations the Town should seek to protect the views between the hillside and the lake by providing for the continuation of farming activity, cluster development and business uses which will enhance the resort/tourist trade and complement the beauty of the area.

### **Village of Penn Yan Perimeter**

A mixed agricultural, residential, business and industrial designation is currently in place for the Village perimeter area. There is every likelihood of additional individual residential (including subdivisions), institutional and business developments in the Route 14A area north of the Village boundary. In the Hamilton/Flat Street area, between the northeast corner of the Village and the intersection of Pre-Emption Road and Route 54 and along Route 364 in the Widow Hill Road area, it is important to protect the character of these areas while still allowing for growth outward from the Village.

### **Route 14A, Pre-Emption Road, Route 364, and Lovejoy Road Corridors**

The plan recommends that residential and business development be permitted but in a way which should encourage the continuation of farming. Controlled and well thought out commercial development would be allowed. Permitted development should be low density and designed with landscape, site and setback standards, which are appropriate to preserve scenic areas. Through revised zoning regulations the Town should seek to protect the scenic views between the hillsides by providing for cluster development and business uses which will complement the beauty of these areas.

Tourism oriented businesses would be most appropriate along the five main traffic corridors. Any additional industrial or commercial development should be limited to areas that will not be threatened environmentally or will not detract from the aesthetics of the Town's landscape.

### **Implementation**

The implementation of the plan will be carried out through revision of the Town's Zoning Law and Map. Critical features of this work will be the definition of farm, business and/or home-related occupational uses and the treatment of uses. With respect to these uses, it is envisioned that there will be four categories: 1) Uses which are permitted uses within the district in which they are located; 2) Uses which are identified as conditional uses within the district in which they are located and are subject to special planning and zoning review by the Town (i.e. only by "special permit"); 3) Uses which are allowed under the categories of "home occupation" or "farm-related occupation" within the districts; and 4) Uses which are not allowed as permitted uses and which, if they are desired by property owners or land developers, would continue to need to be approached as appeals for variances by the Zoning Board of Appeals.

It is desired to encourage future development in the Town of Benton to include agricultural uses, single family homes, and small businesses (light industrial and commercial) that preserve the scenic and rural character of the town and to discourage any development that may hinder or endanger that life style.

### **Citizens and Boards**

The enlistment of citizen volunteers, committees and boards is extremely important in carrying out the Plan, as the development of the Town in future years will ultimately be a matter of cooperation among neighbors and needs to be approached as such.

### **Evolution of the Comprehensive Plan**

The review process began when the Town Board appointed members from the Planning Board, the Town Board and interested community members to form a Comprehensive Plan Review Committee. The committee members were Tom Abraham, George Alexander, Larry Christensen, Gary Griffin, Becky Jensen, Karen Pinneo, Glenn Quackenbush, Tom Rood and Alan Tomion. This committee met numerous times and reported to the Town Board its progress and proposed changes. The proposed revisions were reviewed by the Town's legal counsel, referred to the County Planning Board and subjected to a SEQR environmental assessment.

In addition, a major public meeting was held at the Benton Town Offices on May 3, 2012. The review committee then contacted numerous public agencies, including Yates County, the Soil Conservation Board and the New York Department of Health to discuss planning for the Town of Benton.

840 surveys were mailed to every registered property owner along with a postage paid return envelope. 446 (51.9%) responded to the Town. The compiled results are included as an appendix to this plan revision. (See Appendix A).

We believe that this revised Plan continues to reflect the spirit of the thoughts and suggestions expressed by board members, survey respondents, and the public. Like the original Plan, this revised Plan presents a description of the Town and the planning issues affecting it currently, a profile of statistics and land use trends, physical condition maps, goals and objectives, a discussion of special areas and a land use plan designed to guide planning decisions during the next decade ( 2013- 2023 ). The revised Plan will be applied immediately as a guide to the Planning Board to review the existing Zoning Laws and recommended updating as necessary for consideration by the Town Board.

The revised Comprehensive Plan was reviewed with interested members of the community at a joint public hearing held by the Planning Board and Town Board on **Month, day, 2012** and was adopted by the Town Board on **Month, day, 2012**. The Compressive Plan Committee wishes to express its sincere appreciation to members of the Benton community for their assistance and other support in producing this document.

### **Appendices**

- A. Town Survey Results
- B Survey Summary
- C. Historical Sites and Scenic Vistas
- D. Maps
  - D-1Benton Zoning Map
  - D-2Benton Topography
  - D-3Town of Benton Watersheds ..
  - D-4 Federal Wet Lands
  - D-5 NYS Wet Lands and Listed Streams
  - D-6 Benton Land Use

### **Appendix A.**

#### **TOWN OF BENTON – April 20, 2012 - Town-wide Survey Final Results**

In the interest of updating the Town of Benton's Comprehensive Plan, in March of 2012 840 survey questionnaires were mailed to everyone on Benton's property tax data base. 446 surveys were returned in postage paid envelopes for a total of 51.9 percent return ratio. The questions and answers are listed below. A few selected typical comments from the returned surveys are added where appropriate. A complete list of returned survey comments is available in a separate document. The Comprehensive Plan is a community driven document that identifies priorities for Town government and acts as a road map to guide the Town's policies relating to zoning, development, preservation, character, capital investments, and other important issues. Answers to survey questions will aid the Comprehensive Plan committee in planning for and responding to the current needs of our community as well as future growth. A public hearing is scheduled for May 3, 2012 for Town residents to voice concerns/questions pertaining to the update of the Town's Comprehensive Plan.

1. Please check the area where your home, business, or property is located:  
**13%** Village of Penn Yan   **8%** Hamlet of Benton Center   **6%** Hamlet of Bellona  
**15%** Seneca Lake Shore   **58%** Rural areas of the Town
2. Do you own your own home?   **99%** Yes   **1%** No
3. In what type of housing do you live?  
**89%** Single family   **3%** Mobile (relocatable)   **1%** Multi-family  
**7%** Manufactured/Modular (Non-relocatable)



4. Do you (check your answer):  
82% Own property in and live in the Town of Benton    12% Own property in Benton but live elsewhere  
6% Own a business in Benton
5. Is your Benton residence: 93% Year round    7% Seasonal
6. How long have you lived in the Town of Benton?  
12% Less than 5 years    10% More than 5 years but less than 10 years  
19% More than 10 years but less than 20 years    60% More than 20 years
7. Which of the following reasons was the **most influential** in your decision to reside in the Town of Benton?  
13% Convenient to work    3% Reputation of the community    5% Recreation resources  
14% Close to friends or relatives    19% Country like atmosphere    24% Born or raised here  
11% Reasonable priced housing    5% Good schools    6% Other (please specify) (See separate list)
8. If you are not planning to remain in your current residence, what would cause you to move:  
3% Larger dwelling needs    12% Smaller dwelling needs    14% Retirement  
4% Desire to live in a more rural area    2% Desire to live closer to work    4% Another job  
4% Need for better community services    15% Other (Please specify) (see list)    42% No response
9. What is your age? 13% 18 to 40 years    49% 41 to 65 years    37% over 65 years
10. What is your current employment status? 53% Full time    7% Part time    34% Retired    3% Unemployed    3% Other
11. Please indicate place of employment? (Indicate the number of people living in your residence who work in each location): 21% Town of Benton    25% Other Yates County    33% Elsewhere  
22% No response
12. Presently, the Town of Benton maintains 49 miles of Town designated highways. Please indicate your opinion of Town road system in regard to quality and safety. 23% Excellent    73% Good  
4% Poor  
Comments: (See separate list)
13. Assuming that there will be some further residential growth during the next 10 years, what type of new housing would you prefer to see? (Check all that apply)  
65% Single family home    12% townhouses, condos (single family units)    7% Apartment complexes  
16% Special group homes (handicapped, senior citizens, etc)
14. What business would you like to attract to the Town of Benton (please indicate all interests):  
18% Restaurants    7% Hotel/motel    10% Grocery store    11% Convenience store  
6% Craft shops    4% Museum    3% Art Galleries    7% Wineries

**7%** Antique shops service shops      **2%** Laundromat      **11%** Gas station      **3%** Auto  
**8%** Coffee shop      **5%** Other (please specify) (see separate list)

15. In order to achieve a balanced land use program, should we have more forms of local commercial development and industry?

**25%** Yes, commercial development      **11%** No commercial growth  
**15%** Yes, industrial development      **16%** No industrial growth      **33%** No responses to question 15

16. The following subjects are under discussion in many towns today. Do you agree or disagree that the Town of Benton should establish regulations for the following? Check all that apply.

	AGREE	DISAGREE	NO OPINION
Geothermal Heating	29%	25%	46%
Noise	56%	19%	25%
Odors	57%	20%	23%
Seneca lake structures	44%	14%	42%
Small Animal Breeding	67%	17%	16%
Gravel pits	43%	19%	38%
Scenic vistas	44%	15%	41%
Historical sites	46%	16%	38%
High volume hydraulic fracturing	65%	21%	14%

Selected written responses from individual surveys for question 16:

- Small Animal Breeding – up to a certain size operation
- Small Animal Breeding – NO NO NO
- Hydraulic Fracturing – NO NO NO NO NO!!!!
- Hydraulic Fracturing – Agree Yes! Except wells that were drilled pre-2010.

17. Should the Town of Benton consider improving or adding the following services? Check all that apply.

	AGREE	DISAGREE	NO OPINION
Existing Natural gas service extension	47%	12%	41%
Hi-speed internet cable	58%	11%	31%
Sewer	42%	24%	35%
Water	54%	12%	34%
Recycling or transfer station	58%	14%	29%

Selected written responses from individual surveys for question 17:

- "Natural gas service extension"*- Agree with adding existing natural gas service extension if natural gas to homes- not pipe lines for hydraulic fracturing
- "Recycling or transfer station"*- similar to Town of Seneca

18. Please check the column that best reflects your opinion regarding each of the statements:

	AGRE E	DISAGRE E	NO OPINION
The well water quality in my area is good	52%	21%	27%
Business in rural areas should be limited in size to protect the	63%	23%	15%

Town's rural character and prevent nuisances for residents			
Tourism is an important industry in the Town and should be encouraged	71%	12%	18%
The Town should promote the concentration of retail business within existing business districts and hamlets	62%	17%	22%
Multifamily housing, such as townhouses, condominiums, or apartments, should be encouraged where utilities are available and density is compatible	48%	32%	20%
New residential developments should incorporate a vegetated buffer near agricultural uses in order to minimize excessive odors, dust, noises, and other resident agricultural conflicts	69%	13%	18%
The Town should adopt site design standards to reduce the visual impact of hillside residential subdivisions on the Town's rural character and scenic views	62%	16%	22%
The Town's policy should be to promote agriculture and related agribusinesses	72%	10%	18%
Water quality is important to me. The Town should require any development to include natural buffers, erosion control and subsurface and ground water protection	87%	4%	9%
The rural character of the Town should be maintained	79%	6%	15%
The Town's policy should promote the retention of agricultural lands	70%	19%	20%
Light pollution and/or glare from exterior lighting pose a concern or nuisance in my area	16%	51%	33%
Seasonal flooding of flooding during heavy rainstorms is a concern in my neighborhood	20%	56%	24%

19. Are there any concerns about zoning or code issues that need to be reviewed? Please specify (See separate list)

**64%** Didn't respond

Selected written responses from individual surveys for question 19:

- Zoning only seems to be enforced when someone complains
- An agricultural zoning restriction should be implemented as New England does to save farm land – no farmland can be put into housing there.
- Enforce the zoning and codes already in place
- Too many laws to be complied with
- Kennel regulations
- Cars for sale on home lots
- There are so many zoning and code rules now that leads to too many variances making codes worthless
- Unsightly junk filled properties
- Update/initiate leash law for dogs not on owner's property!!

20. Are there other areas that you believe the Town of Benton Planning Board should consider regarding future development within the Town? If so please specify (See separate list) **70%** Didn't respond

Selected written responses from individual surveys for question 20:

- No dog breeding facilities
- Enforce zoning and code laws
- Water quality

- Do not allow hydrofracking
- Be cautious about fracking
- Keep the rural and agricultural theme of the town

21. What is the most important issue facing the Town of Benton? (See separate list) **48%** Didn't respond

Selected written responses from individual surveys for question 21:

- High taxes drive retirees out
- Taxes too high
- Hydrofracking
- Small animal breeding
- Maintaining rural character

**Questions for Horizontal drilling with hydraulic fracturing (high-volume hydraulic fracturing)**

22. Do you currently have a "gas lease" for your property? **8%** Yes **78%** No **14%** Prefer not to answer

23. Are you aware of the differences involving high-volume hydraulic fracturing versus conventional vertical drilling? **77%** Yes **23%** No

24. If the NYSDEC rules in favor of limited drilling using high-volume hydraulic fracturing, which areas of the Town of Benton would you believe might be suitable for high-volume hydraulic fracturing? (Check the answer that best answers the question.)

**8%** West of Rte 14                      **4%** West of Ridge Rd    **74%** None  
**5%** West of Pre-emption Rd    **9%** West of Rte 14A

25. Do you have any general comments you wish to make regarding the issue of high-volume hydraulic fracturing within the Town of Benton? (See separate list)

Selected written responses from individual surveys for question 25:

*For hydrofracking:*

- With testing and studies there should be no problem
- If it is safe, I am for it; haven't seen where it isn't
- Still monitoring issue, need to protect environment and countryside but we need to progress
- If DEC thinks it is ok, it is ok, so do I
- When the DEC says it is safe, then we are all for it
- When it can be done safely, land owners should have the right to benefit
- Not opposed to HVHF as long as the quality of the water in Seneca Lake is not affected
- Not opposed if environmental safeguards are in place
- The state is capable of studying the issue much better than local groups. Those with opinions at

this point may not have all the facts or even care about facts. Be intelligent- look for facts (pro and con) before forming an opinion.

*Against hydrofracking:*

- While I think energy development is important and appropriate – here in some of the nation's best aquifers (Finger Lakes) is not the place to frack or develop garbage dumps. Also land is valuable for agricultural use. Land is a non-expanding resource.
- I was not informed fully at time of signing gas lease
- The establishment of these drilling pads will destroy the property values, environment & quality of life here.
- This is the only thing that would make me consider moving from the area.
- Ruin the land and cause earthquakes
- I'm afraid fracking is promoting only the acquiring of gas and not admitting all long range known and unforeseen problems.
- Tourism and agriculture are complete juxtaposition to hydrofracking. It would be difficult to

develop these areas of growth either during or after hydrofracking.

- The financial gain is not worth the sacrifice of our beautiful land and town
- I don't feel there is enough scientific data on long term effects to make any decision- therefore

no to hydraulic fracturing

- Who will furnish water to households when the system fails, and it will sometime
- This gas has been there for thousands of years; I think we can wait for a safe method of

extraction

- It is one great way to discourage residential growth in this town and Yates Co.
- Without our wells and potable water, our homes will be worthless
- No matter what it could bring to the town – not worth giving up our rural beauty
- Be careful, you can't undo negative outcomes once it happens
- Long term affects of fracking are unknown. The people and companies making money now will

not be the same folks that have to pay for and live with the consequences.

26. Given all of the information that has been published about the process of high-volume hydraulic fracturing, are you in favor of allowing this type of natural gas removal to be developed in the Town of Benton?

**18%** Yes      **61%** No      **21%** No opinion

## **Appendix B.**

### **General Summary Town of Benton 2012 Town Wide Survey**

1. 840 surveys were mailed in SASE with 446 returns for a 51.9% return ratio.
2. 79% of the respondents have lived in the Town of Benton for over 10 years.
3. The general consensus from what we see in this survey is similar that compiled in 2001. Both surveys indicate overwhelmingly our people want to maintain and protect the rural/country-like character of our town and keep the town solidly on an agricultural footing.
4. The property tax burden was another key issue we saw written in the comments portions on the surveys. A large portion of our town's tax burden is not under the control of the Town but comes from mandates by other state and county agencies and the increase in property values.
5. There wasn't a large interest in attracting new commercial or industrial expansion within the town even though that would help alleviate the tax burden. There was more interest for commercial and industrial growth in 2001 than today. The desire for commercial growth decreased from 34% to 25% and industrial development decreased from 29% to 15%. Generally what new commercial business the town sees should be on the small side, preferably located in one of the existing business sites or hamlets and mostly tourism or agriculture related. There was a high interest (71%) for promoting tourism within the town.
6. Protecting the town's underground water aquifer was implied by an 87% positive response to the question on water quality. Water quality is a corner-stone issue for any potential HVHF operation and the high response for this question must reflect on that issue.
7. New residential growth should be single family homes (65% positive response) as opposed to apartment complexes or townhouses.
8. Other issues that will need some attention in future zoning regulations include noise (56%) and odor

(57%) control. High speed internet was another item that town people would like to see more distribution.

9. The town does have a recycling center open on Saturday's at the Town Hall. However, response to the transfer part of the question is interesting. It implies the interest for that type of operation, probably because there is currently no such site north of Himrod in the county.

10. 67% of the respondents wish to see some sort of control over small animal breeding within the town. The planning board is currently looking into this issue in view of revising the existing zoning ordinance for kennels.

11. The issue of High Volume Hydraulic Fracturing is a hot issue looking at the large number of people who felt interested enough to write numerous responses regarding this issue. The numbers against allowing HVHF in the town are certainly instructive strongly on the negative side by a 3-1/3:1 ratio against.

### Appendix "C" Scenic Resource in Benton

The Town of Benton contains the highest concentration of agricultural land and ranks second to Jerusalem in geographic size within Yates County. Due the presence of excellent soils found throughout much of the Town, it is almost entirely designated as part of agricultural district 1. Situated in the northeastern corner of the county, Benton is a 41.5 square miles in area, about 32,345 acres. Seneca Lake forms the eastern border of the town, Torrey to the southeast, Milo and Jerusalem to the south, Potter along the west and Ontario County marks the northern boundary. The village of Penn Yan is located near the south central border.

Benton settlement was originally plotted at a crossroads location in the geographic center of the Town and was appropriately named Benton Center. Farming and related agricultural businesses have always been important economic activities in Benton. The many farmsteads that spread out across the township are proof of the excellent soils that make for exceptional cropland, orchards, vineyards and pasturelands. Interspersed with the active agricultural lands are woodlots, forests and wetlands. Other important activities in the early development of the town include brick making, fruit farming (especially apples) and the milling of flour and wood from water power on the Kashong Creek. Much of this mill activity occurred in the little hamlet of Bellona in the northeast section of Benton.

Today, the overall character of Benton's landscape is one of vast open space with gently rolling hills and valleys, overlaid by an irregular grid network of roads and farm plots. The surface elevations range from a high of 1100 feet in the western hills to a low of 445 feet at Seneca Lake. A number of small communities can be found at various crossroads. With the arrival of many Mennonite families into the Town of Benton the community continues to reflect its enduring agricultural traditions.

The plateau-like topography in Benton with its gently rolling agricultural fields is the site of many extensive farm complexes with their barns, silos and outbuildings. The southwest quadrant of the town is characterized by low relief and numerous wetland areas. Benton contains two significant valleys, that of Kashong Creek and the Flat Street Valley though which runs Jacob's Brook.

This region also has a significant number of Mennonite farm steads and institutional buildings. Together with the tabletop landscape, these orderly establishments contribute to a strong Midwestern flavor. Where the topography does fall away, distant views are possible, but still retain a relatively flat character.

Benton contains four of the more significant cobblestone houses, an architectural style unique to the Finger Lakes and surrounding regions.

**Town of Benton: Partial List of Scenic & Historic Resources**  
**Historic Resources**



William Nichols cobblestone house 1844 (1980 Alexander Road)  
National Register of Historic Places

Bellona Presbyterian Church 1894 (Pre-emption Rd)



Jepthah Earl's Bellona Mill 1821-25 (Pre-emption Rd Bellona)

DeBartzch-Barton rear portion of house 1787-92 (Old Route 14)







Jepthah Earl cobblestone house (1845-50) Old Route 14 & Earls Hill Rd  
National Register of Historic Places

Angus family cobblestone house 1831-34 (612 Route 14)  
House and Barn National Register of Historic Places



Benton Methodist Church 1855 (Route 14A Benton Center)

George Barden cobblestone house 1843 (2492 Fergusons Corners Rd)  
National Register of Historic Places



School House No. 6 1864 (Route 14A and Baldwin Rd)



David Brenton tavern 1790's (430 Preemption Rd)



McAlpine barn c. 1800 (1970 E. Havens Corners Rd)



Eli Wood Y-shaped house 1849 (87 Pre-emption Rd Bellona)



Barn with double cupolas 1880's ( 1898 E. Havens Corners Rd)



Jeremiah Ringer house c. 1825 (1556 Carroll Rd)

Abner Woodworth House- c. 1830 (1328 Flat St) National Register of Historic Places



### **Scenic Resources**

**Flat Street Valley Scenic District-** This area follows the Flat Street and Havens Corners Road corridors. It permits views down into the agricultural landscape

**Johnson Road Scenic District-** This area responds to the notable lake views possible from this eastern section of Benton. The view includes a background of the low hills in Seneca County.

**Baldwin/Lovejoy Road Scenic District-** These corridors comprise a scenic area directly northwest of Penn Van . Included are vistas of the flat agricultural fields and the generally undulating topography of the Flat Street Valley, in addition to a cluster of Mennonite farmsteads and buildings.

**Kashong Creek Scenic District-** This district shows the typical, but noteworthy, agrarian landscape of Benton. Of special interest here is the coarser texture and visually "busier" character of the site owing in part to smaller fields, more hedgerows and a slightly more varied topography.

The most visible natural features in the Town of Benton are the branching patterns of streams and wetlands which slice diagonally through the landscape. The predominantly flat topography contains a few areas of steep slopes along the Kashong Creek and Sucker Brook. This entire system of streams and wetlands drains eastward into Seneca Lake, which also marks the northeast town border.

The dominant resource in Benton is productive farmland on excellent soil conditions. Forestlands, although sparse, are generally located in the western and eastern portion of town. The relatively small amount of transitional land is mixed in with traditional forest. The combined non-agricultural lands are commonly found in the centers of the large land blocks as defined by the gridiron road pattern. The intensity of farming activities is visible in the large numbers of farmsteads that are dotted along state, county and town roads. At the center of the town is the hamlet of Benton Center and south of it is the Village of Penn Yan. Bellona, another hamlet, is sited in the northeast sector of the township.