

TOWN OF BENTON  
ZONING BOARD OF APPEALS MEETING  
SEPTEMBER 1, 2020

**PRESENT:** Dwight James; Tom Davie; Rich Meyer; Dewey Hauman, and Steven Vaughan.

Also Present: Glenn Quackenbush, Town Councilman; Dick Harper, Town Councilman; Andrew Kosa, CPL; Thomas Bock, CPL; Samuel Shirk; Tom Fulkrod, Code Enforcement Officer, and Karen Ellis, Recording Secretary.

James began the meeting at 7:00 p.m. followed by introductions.

**MINUTES APPROVAL:** Vaughan made a motion to approve the minutes of the August 4, 2020 meeting with the following correction: Appeal#20SUP-19, under second paragraph, should be Tom Eskildsen instead of Steve Eskildsen. Meyer seconded the motion. All in favor.

**APPEAL #124 SUP-20:** Application for a Special Use Permit from Scenic Grove Church of 721 Thistle Street, Penn Yan, NY 14527. To add a cemetery to the rear end of the lot. (Tax Map #18.03-1-12.2) AR1 District.

Davie asked how big the cemetery would be. James noted it would be 90' X 330' and it is at the very rear of lot of the new church. Fulkrod stated that if you pull in there its all set off and staked what they plan on using. There is a section there for an add-on in the future if they ever need it. The church property is very large.

James asked Shirk if he is asking for approval of the entire 330' X 90' or for half of it. Shirk said he would guess approval for all of it. It still has not been all cleared, but they are intending to.

James asked if the Planning Board did a site plan review on this and, did they have any problems with this. Fulkrod said there were no concerns. They wanted to see the new dimensions, which held this up. Army Corp of Engineers had no issues as well.

Harper noted that there is a Dept. of Health regulation regarding how close to the well this should be, and it cannot be any closer than 100 ft. It is more like 130 ft.

James closed the public hearing and went through the SEQR process. Meyer made a motion to adopt the Town of Benton ZBA as lead agency. Davie seconded the motion.

The Board went through the questions for the SEQR. Meyer made a motion to check the second box indicating there is no negative impact. Vaughan seconded the motion.

Meyer made a motion to accept Appeal #124 SUP-20 to grant this special use permit with no stipulations. Davie seconded the motion.

The Board was polled:

James: Yes

Davie: Yes

Meyer: Yes  
Hauman: Yes  
Vaughan: Yes

**APPEAL #146 SPR-20:** Application for a Site Plan Review for Yates Cultural & Recreational Center located at 467 North Main Street, Penn Yan, NY 14527. For a parking lot and recreational fields. (Tax Map # 49.02-1-1.113) ARB District.

Tom Bock, the project engineer, stated they were hired by YCRR for the design of the new recreation complex. In the first phase, there is a multi-use field, stone dust walkways, basketball court, playground, additional parking and then about a 6,000 sq. ft. building addition. Future phases will consist of additional fields and a larger building addition. The SEQR form was submitted for full build-out, which is just the site. Bock noted last week the Planning Board gave them contingent site plan approval, given that the ZBA accepted the project.

Andrew Kosa, the project manager for CPL, said they just want to make sure they get the correct lead agency for the SEQR process and just move through. The one field is multi-use. One is set up for soccer/lacrosse. They are interchangeable.

Davie asked what the object is for having two different fields; there is one located over at the school. Kosa said the Resource and Cultural Center someday would like to be able to hold tournaments there. The original plan had 3 or 4 fields but based on the engineering and the level of grading they had to scale that back. Fulkrod stated the school charges all the youth organizations an extreme amount of money to use the fields. Right now, when they have practice, they could either use the fairgrounds or up here, but there were so many different teams that they had to spread out. The old little league field for football and soccer does not work. The holes started coming in from the old dump from everything settling and it was not safe for kids. They started using the field near the bottom and that is when it started looking like they needed more fields. They were using the fields behind Iron Age for lacrosse until it was turned into parking lots. The school charges so much to use those fields that the communities started getting together and it started getting so large, there were just no fields. They can use the college, but it is not convenient, plus they also charge. They are trying to put the money back into the community plus have the ability for the kids to use these fields. They are hoping to turn one into a hockey rink in the winter.

Fulkrod indicated that this is located in both the Village and the Town of Benton. They want to do this all in one SEQR. The Village would like Benton to take over the SEQR because Benton has a much larger piece. Currently it is in as a Site Plan Approval but ultimately this will have to be a special use permit. Packets were way too large to send out to the members. James asked if there would be any capability of sending us a map in a PDF form. This all must be reviewed. The Yates County and Soil should look at this as well.

Kosa stated that the SEQR covers the entire full build-out where the designer plans are just for phase one. They do have a grant through Parks and Recreation which is how they formed Phase 1. James asked if this was advertised to the public. Fulkrod noted it was in the paper, but no neighbor notifications went out. He will have to put the entire plan out there for next month, because they basically cannot get the grant money until we do the SEQR. He then noted he would get the PDF along with everything else out to everyone. If anyone wants to come and look at the full set of plans, they can come to the office.

James asked Harper what he feels about the idea of doing the SEQR on the whole project but only approving half the project. It was noted that if they are going to come back for Phase 2, why wouldn't you just do another SEQR. Kosa noted that the intent of doing it all at once is to avoid segmentation of the project and even though phase one triggers the full long form EAF, it is just by the nature of the process. They wanted to have it all in one to look at the whole project on site as a complete build-up and look at everything up front.

Harper noted his comment would be that if Penn Yan is asking Benton to become the lead agency he would make sure it was in writing and also make sure that they are reviewing the final project before it is approved. James agreed that we should have something in writing from the Village of Penn Yan because we do not want someone saying the Town of Benton approved this and did not run it by the Village. It should come from probably the Planning Board or the Zoning Board or both.

Kosa indicated that they have been in touch with the Planning Board and made their submission to the Village. Fulkrod noted he talked to the County on it and basically where it is located, they did not need to be involved. James noted they should be because they are within 500 ft. of the Municipal line. Harper noted he believes it is 500 ft. from a County Road.

Hauman asked if there would be night lighting and bleachers. Kosa noted that was not in Phase 1. It's in a potential future phase, but not Phase 1.

Harper asked why the SEQR must cover all phases. Kosa said they do not want to segment the projects. You have two separate projects, but you are not looking jointly at the impacts. When you are looking at the full project you are looking at everything up front, stormwater for the entire design, lighting, energy use, and water for the entire project. That way you are not segmentation by the law, so that is what they are used to. Even though they are only doing a site plan for the Phase 1, they have collectively looked at the entire projects for the environmental impacts. Harper noted they came originally to the Town Board two or three years ago when they were looking for funding for this project. The Town Board wrote a letter supporting the project, etc. They finally got the funding. Phase 1 is different than what was described to the Town Board. Not significantly different; the overall project was to put in fields, etc. but the project has changed over the course of that 2 years. If they did the SEQR right now they do not have the funding for that. If they decide to go out and try to get funding for Phase 2 down the road and things change, it does not do any good to look at it. Kosa said that was correct, if you were within the thresholds of establishing SEQR you could still move forward if the intent was still the same and there were no additional impacts. A SEQR could be amended in the future. There might be minor changes in the project, but not significant enough to redo the entire SEQR process. Their thinking was to either amend the SEQR or make sure Phase 2 fits in the scope of what they intended for the entire SEQR. James said the funding would only be for Phase 1.

James stated his feeling is that the SEQR should be for Phase 1 only because down the road who knows what the funding will be; it could be 5 or 10 years. If some regulations change, that might just throw us.

Kosa stated that to get reimbursed for the Phase 1 grant cost, they must have the SEQR form completed. If they go back to apply for another grant and they can prove the SEQR was done for Phase 2, and they are well within the scope of what Phase 2 was intended to, they could sign off on SEQR and get the funding. Harper stated that the SEQR right now only covers Phase 1. Kosa noted they have not applied for Phase 2 yet. When they set up Phase 1, they had to pretty much grade the entire site, so they know

that Phase 1 and 2 goes together. They are kind of building it into a design which is why they just assumed they would do the SEQR on the whole thing.

James asked what this is set up for, Phase 1 only? Kosa indicated that stormwater for the pond is set up for Phase 1. All the piping and everything that would lead from Phase 2 is set up for the entire design. When you build Phase 2 you would have to expand on the pond.

James noted that just to be clear, we do not have a stormwater on Phase 2, yet we must complete the SEQR on Phase 2. He said if he does not have complete plans for Phase 2, how can he look at it from the standpoint of the SEQR? He said that obviously we are not going to do anything with this tonight, but he would need a motion to table this.

Davie made a motion to table this application for further information. Meyer seconded the motion. All in favor.

James asked to give this information to Rick Ayers and if the Board could be sent the PDFs and anything else they have, that would be the first step.

Kosa asked if the Zoning Board or the Planning Board would be the lead agency. Fulkrod stated that if it is a special use permit it would go to the Zoning Board.

**ADJOURNMENT:** Davie made a motion to adjourn the meeting at 7:40 p.m. Vaughan seconded the motion. All in favor.

Respectfully submitted,

*Karen M. Ellis*

Karen Ellis  
Recording Secretary