

**TOWN OF BENTON
ZONING BOARD OF APPEALS MEETING
NOVEMBER 3, 2020**

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

Also Present: Christian Thompson; Dick Harper; Glenn Quackenbush; Tom Fulkrod, Code Enforcement Officer, and Karen Ellis, Recording Secretary.

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

MINUTES APPROVAL:

Meyer made a motion to approve the meeting minutes for October 6, 2020. Davie seconded the motion. All in favor.

APPEAL #161AV-20: Application for an Area Variance from Christian & Sarah Thompson of 165 Old State Road, Penn Yan, NY 14527. Location of the property is 447 Newlanders Cove, Penn Yan, NY 14527. Area Variance to build a new 24' X 24' dwelling on existing lot slightly less than 2' off the property line to the south and 10 X 7 off the property line to the north and 3 ft. 4" closer to the lake. The Site Plan Review is for placement of the new building.

James noted Christian has presented us with new plans. Christian stated that last month it was agreed that being 2 ft. off the property line was not a good idea; the neighbors were concerned about their flower bed. They went back and looked and at being 6 ft. away they would not be damaging the neighbors flower beds and would be outside of the fire code restrictions. They found a 20 X 24' plan that worked for them, so they are now 4 ft. narrower but still the same depth. The drawings have the setbacks which show 10 ft. 9" to the north from the house and from the house to the south. At this point they have a plan for some small porches and those are 5 ft. which takes them even with the neighbor's deck and how far it comes out.

James asked if it was the same sized porch from the last time. Christian said yes, 29 ft. from the back-property line to the very end of the deck. A set of steps have been added down to the beach on the north side. The current steps are to the south. Fulkrod noted they will be 4 ½ ft. off the property line. They are allowed 5 ft. for the added structure and they would only be 4 ½ ft. so they would be asking for a 7" variance.

Fulkrod then noted that on the drawing he handed out tonight, they added a platform to go over where the septic is. That is why the stairs go out a bit further.

James asked if there was any feedback from the neighbors. Fulkrod noted that Todd Lush had called and asked if there were any new plans and said he would be here. At the time Lush had called, Fulkrod did not have plans to show him; however, when Tom received them, he had called Lush to let him know he had the plans and gave him the measurements. Lush never stopped in to look at them; however, he did say he was going to come in just to have a look at them. Fulkrod then noted that he told another gentleman, named Bill, who was at last month's meeting that they dropped 6 ft. and he seemed satisfied. He also told him they were going 3 stories now instead of 2.5. He did not get anyone fretting

the height because it is already so low down in there. Davie noted he does not believe that will hurt anything down in there.

James asked Christian if he was happy with what he was submitted this evening. Christian said he thinks this will work well and they are happy with it. They did not want to do any digging to damage the neighbor's property.

Meyer made a motion to approve this application with the idea that setbacks were maximized from the sides to the full extent they could be and the revised plan being 24' X 20' along with the double set of staircases and the removal of the mobile home in the back. Davie seconded the motion. The Board was polled:

James: Yes
Davie: Yes
Haughman: Yes
Meyer: Yes
Vaughan: Yes

Harper asked if there had been any consideration into putting in a larger landing in case emergency personnel needed to get a gurney down the stairs. Fulkrod said that with the new set of plans there is a large landing about 2/3rds down where the second floor comes out.

ADJOURNMENT:

Vaughan made a motion to adjourn the meeting at 7:20 p.m. Davie seconded the motion. All in favor.

Respectfully submitted,

Karen M. Ellis

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Recording Secretary