

DRAFT
TOWN OF BENTON PLANNING BOARD MEETING
OCTOBER 26, 2021

PRESENT: Tom Rood; Tom Goodall; Steve Hullings; Rich Meyer, and Jerry Stape.

Also In Attendance: Terry Donohue; Lynn Axtell; Glenn Quackenbush, Town Councilman; Dick Harper, Town Councilman; Tom Fulkrod, Code Enforcement Officer, and Karen Ellis, Recording Secretary.

Rood called the meeting to order at 7:00 p.m.

MINUTES APPROVAL: Goodall made a motion to approve the minutes from the September 28, 2021, meeting. Hullings seconded the motion. All in favor.

APPLICATION #167 SUP-21: Humane Society of Yates County, 1216 Route 14A, Penn Yan requests a Special Use permit to place a digital marquee sign on their property.

Rood noted that the only section we have in our zoning law is page 110, paragraph 51, Section 8, and it says that marquee signs are not permitted except as a special use permit. The definition of a marquee sign is a sign with or without internal lighting and removable letters. All we really must go on is what is in our zoning other than the fact of the size and the placement on the property.

Rood indicated it is an impressive sign. The only question is that we have never had a sign of this type with a picture on it, other than the temperature and the time and announcements. Axtell said the sign has the capability of a picture; it doesn't necessarily have to be on constantly. Rood stated that if we adopt this sign, we may be setting up a precedence for the future of this type in this town. He said that whether it is important enough to block this sign by a negative vote, he would leave it up to the Board to talk about it.

Donohue noted that the Humane Society was offered a donation of the sign to bring it up to date with the look of the area and to be able to update the community just by the sign itself. The purpose is really to communicate to the community more of what they are doing and just the fact that the whole shelter has been revamped from a generous grant from New York State and a matching donor from a foundation. The money for this sign is from a donor also.

Axtell stated that with the sign they have now, it is hard to change it as quick as they need to. They will be putting in a surgical suite at the Humane Society for spades and neuters which is helping the community. If it wasn't for the two LED lights on the sign now, they had no way to light the shelter at night. This is another way to light up the shelter and still let the public know what they are doing. It does come with dimmable features. They don't want it looking like Las Vegas. They are here to help the community and still get the word out on what good the shelter is doing.

Donohue asked if the design of the sign bypassed the precedent that the other two digital signs had. Would it have some bearing on them being able to put the sign up, because there are already two digital signs in the area. Hullings noted that the Fire Department's sign has more verbiage digitally and Twin Pines has the capability to. Right now, they are advertising steel equipment as well as capabilities of verbiage. Rood said if that is true, this is not establishing precedent. Fulkrod noted that in their special use permit it does say words only. Fulkrod stated they will have the ability to put pictures of the pets

that are up for adoption. He said he doesn't see this being anything negative. Any sign someone is going to look at, so if they are worried about someone staring at it because there is a picture up there. A picture can be looked at faster than a three-lined sentence.

Stape asked if the only lights were the ones in the sign. Donohue indicated that there are no overhanging lights or anything that will cast a shadow. Everything on it is coming through the lights in front of the sign itself and it is all LED.

Stape then asked what the right-of-way is. Fulkrod said they are putting it in the same spot as the other sign. Donohue said that if you go by, there are two cones there. Its not being moved far; just being moved north of where the sign is now. Fulkrod noted he looked at where the current one is. Donohue said his understanding is that it will be back further than the one that is there now and a little bit north.

Rood indicated that if we look at this sign with the animal on it, it really performs a public service. If we put that in the motion it is covered by any sign that comes down the road in the future. If it doesn't present something for the public interest, that is something that could give us an out. This would be in the public interest to help people buy an animal.

Hullings stated that his only thought is now that he is hearing the sign will be approved, anytime there is new construction the requirements will be different. It won't make a difference because we are not modifying a sign, but we are now putting in a new sign. He asked if that would make a difference. Fulkrod noted that if this is passed tonight and it doesn't fall and when it gets to the ZBA it will be stated that it doesn't meet zoning requirements off the right of way. The problem is that the right-of-way moves every 10 feet. Donohue asked if it is close to the right-of-way, could they just move it back towards the shelter a bit so that it conforms to the right-of-way.

Rood stated this is a county-wide facility and it does provide a public service in helping find the animals new homes, which is what this sign is promoting. Rood noted that he doesn't think it establishes a precedent for this type of marquee and recommended we approve this application with that in mind. Hullings seconded the motion. All in favor.

TRAININGS:

Fulkrod noted that he and Jerry Hoover are working on setting up a four-hour meeting on a Saturday in January.

OTHER BUSINESS:

The County is wanting to put up a county antenna on Johnson Road. The original place they looked at the engineering company was concerned with proximity with some of the power lines. There was concern about some of the potential noise. They went farther to the north and on the corner of Johnson Road and Angus Rd. they have a deal with the owner to cut out a portion of their field. There is a certain lot size and an easement area around that. The tower that was going up in the Town of Italy and Barrington is farther along and have property purchased. They went to the Code person in Barrington, and he wanted to have the county deal with it on their zoning. It would override any town zone. The county's lawyer says that whatever they do, they need to deal with them all the same way. By having the county deal with it and sign off on their building permit, that removes all the liabilities for the Town. That is why he requested to have Barrington done that way. Harper said he wanted to get

Benton's feelings on this; are there any issues with that if the county just proceeds on their own. They have the capability to just say they can do their own thing and have the county sign off on it. They were trying to go through with a different town to follow through their zoning, but that is not the way two of the other sites wanted to go. Harper said he thinks it will take the liability out of the town. Right now, the county has the responsibility because they are the ones that will issue the actual permit. We can gladly give them the site plans and any engineering data but having the county deal with it could have some advantages to it. Harper said he is not sure how tall this tower will be, but it would be designed to fall within the square footage that they own. They won't fall over; they will be designed to break in a certain spot on the tower. They did get an easement around that as well.

Harper said that they were in the process of looking at this whole thing, there is a tower on the other side of the lake that they are looking to tap into. That would then shoot across the lake and may even take out the need for this. That is still up in the air. This tower doesn't have quite the urgency that the other two did, because they are trying to pull off the towers in the Town of Italy and Dundee. They were originally trying to do all three because there is some geo digging things that must be done for historical artifacts.

ADJOURNMENT:

Goodall made a motion to adjourn the meeting at 7:30 p.m. Meyer seconded the motion. All in favor.

Respectfully submitted,

Karen M. Ellis
Recording Secretary