

DRAFT
TOWN OF BENTON PLANNING BOARD
JULY 26, 2022

PRESENT: Tom Rood; Tom Goodall; Jerr Stape; Rich Meyer; Steve Hullings, and Crystal Tomion.

Also Present: Jeremiah Horning; Dick Harper, Town Councilman; Glenn Quackenbush, Town Councilman; Tom Fulkrod, Code Enforcement Officer, and Karen Ellis, Recording Secretary.

MINUTES APPROVAL: Goodall made a motion to approve the minutes of the June 28, 2022 meeting. Stape seconded the motion. All in favor.

APPLICATION #82SUP-22 – Horning Auction Company at 1644 State Route 14A for a two-unit tenant house and to re-open the Auction Barn.

Fulkrod noted that this was a grandfathered business that had been in business before special use permits, but the fact that it had been down for over a 12-month period due to COVID that is why it is being run through this time as a special use permit. The business will be run the same way and there will not be a lot of changes, other than it has always been a two-unit house with the auction barn, but before it was an owner occupied two unit and now it will be a two-rental unit.

Hullings asked what would happen with the Italian food business next door. Horning noted that they never really had any agreement. They just told them that if it got sold with the building there it would not be there. He spoke with them the other day and they feel that if they have their permits, etc. their attorney was going to draft up an agreement saying that if the building is there when it gets sold that they will not get the building and they will lease it from the land it sits on. They were under the assumption that they needed to get out, yet when they talked it sounded like they would like to stay. Fulkrod noted it would have to be added to the special use permit. Fulkrod noted that the stand was there before and if it is going to be allowed, it will need to be added to the special use permit. There is a separate septic system there and electric. Harper stated that DiColas had their own special use permit. Horning stated they never shut down for COVID. Fulkrod then noted that they were not allowed to have on-site consumption there. Horning then stated that if that becomes an issue with their business, they will not allow it to happen. Rood then indicated that they came through as a separate entity, because we approved it. Fulkrod indicated he would pass on to the County that the DiColas may be staying on there a year as a rental.

Tomion asked if anyone has gone through the buildings to look them over. Fulkrod stated they must go through permits. After all three boards approve them, then they go in and do fire safety. They have already asked for building permits because they have remodeling on the inside. There will be work done.

Hullings made a motion to accept this application as presented with the inclusion with the DiColas rental space. Rood seconded the motion.

Fulkrod noted he will pull all the permits to see where everything stands before the ZBA meeting and the ZBA can make the decision on whether they should go. If this Board passes it there will be a statement that we will look into it going forward. Rood noted that it really falls under the ZBA anyway.

All members were in favor of the motion.

SEPTIC SYSTEM DISCUSSION

The Board held a lengthy discussion on updating the Septic System laws.

ADJOURNMENT:

Goodall made a motion to adjourn the meeting at 8:02 p.m. Hullings seconded the motion. All in favor.

Respectfully submitted,

Karen M. Ellis
Recording Secretary