

DRAFT
TOWN OF BENTON PLANNING BOARD
OCTOBER 25, 2022

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

Also Present: Michael Peacock; Nelson Weaver; Michael Horning; Meredyth McMichael; Matt Osgood; Lawrence Horning; Andrew Silvent; Glenn Quackenbush, Town Councilman; Richard Harper, Town Councilman; Tom Fulkrod, Code Enforcement Officer, and Karen Ellis, Recording Secretary.

APPROVAL OF MINUTES:

Goodall made a motion to approve the August 23, 2022 minutes with the following corrections: Under Town of Benton Wastewater Law/Wastewater Policies and Procedures, second sentence: Rood noted that the reason we are into this is because the *Zoning Code Enforcement Officer* (not Zoning Law) *has requested that we do something about inspections, particularly during property transfers*. The last two sentences that stated, *“We are not trying to get into people’s houses on a routine basis”* and *“We are trying to make sure we do not get into making people make a lot of changes”* were removed. Hullings seconded the motion. All in favor.

Meyer made a motion to approve the September 27, 2022, meeting minutes with the following correction: Fulkrod respectfully submitted these minutes and not Karen Ellis. Goodall seconded the motion. All in favor.

Fulkrod reported that Appeal #151SUB-22 for James Horst is now not on the agenda. It was approved under the zoning laws for a subdivision.

Fulkrod then noted that if everyone wants to go through every appeal this evening that is fine; however, in our zoning law it states that any change to a business that has a special use must come back in front of the board. In a lot of towns, if there is a slight change or an addition (which the first three things on our agenda they want to add to their business). If it were not a business, he could just permit it. None of them will be visual to the public. The first three Appeals are for the exact same thing and since no one is doing anything crazy, he should be able to just approve, and these people should not need to be here. Rood suggested they be sent to us anyway.

APPEAL #137SUP-22: Nelson Weaver of 338 Route 14A, would like to build an addition to the bike shop.

Rood indicated all Mr. Weaver is going to do is add an addition to the back of the building and it would not be visible to the highway. Since it was sent to us, we need to talk about it. Meyer asked if there is plenty of room to the back line. Fulkrod said there is plenty of room, as there is a big field behind the building.

Meyer made a motion to approve Appeal #137SUP-22 as presented. Stape seconded the motion. All in favor.

APPEAL #141SUP-22: Meredyth McMichael LLC is asking to build an addition of a maintenance shop.

Fulkrod reported that this is just a small addition. Rood asked if they are taking down the horse shed and putting in a 32 X 40 maintenance building. Fulkrod noted that the purpose of it is just for lawn

mowers and the stuff that they will be using there to maintain the property. This way, they will not have to be bringing stuff over every time.

Hullings made a motion to approve this application as presented. Goodall seconded the motion. All in favor.

Appeal #142SUP-22: Benton Ridge Truss is adding 16 X 30 to a building and removing a 32 X 32 building.

Fulkrod noted he does not have the drawings attached, but there is one large copy if anyone wants to look at it. Other than the one thing he is doing that the others are not, is that he is tearing down the same amount of square footage that he wants to add because the building where it says demo at the end that he wants to take off, is right in line with where the trusses come off. He wants to add a truss stacking station there, so that is why he needs the room where he is going to add the lean-to all the way through.

Stape made a motion to approve this application as presented. Meyer seconded the motion. All in favor.

Appeal #143SUP-22: Andrew Silvent of Relative Risk Brewing would like to add a 3 X 5 sign for a brewery and change their hours of operation.

Rood questioned why the address on the application says the land is located at 165 Old State Road, but the brewery is on Earls Hill Road. Fulkrod noted he wants to put a sign down at the corner of Earls Hill and Route 14 on Christian Thompson's property. If Christian owned that property, he would not have to come to the Board, but because the sign is on someone else's property, he needs to get a special use permit to be able to do that. That is why he sent a permission slip from Christian Thompson saying he could put a sign there. 165 Old State Road is the address of that entire piece of property. Fulkrod noted he does have a movable sign that he approved, which is just a fold-up sign that he picks up on the three days he is not running. There will be no lighting on the sign. Fulkrod noted that the other thing is that the sign is way under what the allowable is.

Fulkrod noted that when Andrew came to us before, he asked to have his hours at a certain time. After being opened, he has decided that he would like to extend his hours. His current hours are 11:00 a.m. to 6:00 p.m. from Wednesday through Saturday. He would now like to stay open from 11:00 a.m. to 8:00 p.m. and add Sundays. Rood asked if there were any stipulations in the original request. Fulkrod said no, because we stated what days he would be open and closed in the application. Rood stated that we should be more diligent in watching for that when these come through, so it does not cause problems. This is our fault for not catching this.

Goodall asked how close to the road this sign would be placed. Fulkrod stated that it would be off the right-of-way by about 3 ft. on both sides.

Stape made a motion to approve this application as presented. Meyers seconded the motion. All in favor.

Appeal #149SUP-22: Michael Horning would like to place a business sign at 14A and Bellona Station Road.

This will be the same sign as what Country Quest had up. Horning will be taking the one side that Country Quest used and the other sign which is for the Iris' is up for about 3 months. Horning said they are not changing the sign, just adding his business on. Hullings said he does not have too much issue with the sign, because we already set a precedent in the Town that we are allowing signs. On the other end of Bellona Station Road, we allowed it. When we allowed the Iris ladies to use it before, it was an existing used sign. The store was open and in operation, so the sign was already existing. We allowed them to put a temporary sign there. That sign is no longer in use and its way into the right-of-way. Fulkrod noted that the NYS Highway has said that its existing, the posts are still there, and the Iris sign has a special use permit and its still an active business. Because the poster is still there and it still has an existing current special use permit on it, that is why. If Country Quest had closed and the Iris company had closed before someone had put in, that would have to come out of there.

Goodall made a motion to approve this application as presented. Meyer seconded the motion. All in favor.

Fulkrod thanked every applicant for being here tonight. He then noted that on Thursday night is the County meeting, but he will not be able to be there. He asked Hullings to represent for him.

Rood stated that concludes the business end of the meeting and thanked everyone for coming.

Appeal #151SUB-22: James Horst, to subdivide 215 feet deep, by 225 lot wide off the main farm.

Rood noted this was a subdivision that was signed in Fulkrod's office.

Fulkrod noted that James Horst is going to subdivide off a 225 X 235 section of the house and the garage. He is going to subdivide that off in December and sell it to his son. January 1st his son is buying the rest of the farm and its all going to be put right back together. It saves them about \$26,000 in capital gains right now. They are paying the Town to do a subdivision and paying the County to do the subdivision just to save that capital gain. It all fits in our zoning laws because he has a big enough lot. There is no buildings and no encroachments with the way we did it and, at the end of the day, he has a signed letter from the family stating that they are going to dissolve it all back together. Stape asked if the driveway needs to be included with that. Fulkrod noted it is. Fulkrod stated he and Rood took care of this, but he wanted everyone on Board to be comfortable that they were not taking something away from the Board if they wanted to be part of it.

SHORT TERM RENTAL LAWS:

The Board had a long discussion on the short-term rental laws and discussed changes they would like to make to take to a public hearing.

ADJOURNMENT:

Goodall made a motion to adjourn at 8:30 p.m. Meyer seconded the motion. All in favor.

Respectfully submitted,

Karen Ellis
Recording Secretary