

TOWN OF BENTON ZONING BOARD OF APPEALS
JULY 5, 2022

Present: Tom Davie; Rich Meyer; Dewey Hauman, and Steven Vaughan.

Also Present: Matthew Perry; Nelson Horning; Roy Sensenig; Allen Johnson; Bob Clark; Glenn Quackenbush, Town Councilman; Alan Tomion, Town Councilman; Crystal Tomion; Tom Fulkrod, Code Enforcement Officer, and Karen Ellis, Recording Secretary.

Davie called the meeting to order at 7:00 p.m. followed by introductions.

MINUTES APPROVAL:

Meyer made a motion to approve the June 7, 2022 meeting minutes. Hauman seconded the motion. All in favor.

June meeting: Meyer made a motion to approve the May 3, 2022 meeting minutes. Hauman seconded the motion. All in favor.

APPEAL #68SUP-22: Roy Sensenig of the Finger Lakes Clothing Center, Inc. has requested a Special Use permit to operate the Finger Lakes Clothing Center at 2801 Ferguson Corners Road, Penn Yan, NY.

Sensenig stated that they will be bringing some work into the area; They will be getting used and some new clothing together and then sending it to Cumberland Clothing Center in Pennsylvania. At the Finger Lakes Clothing Center, they will package relief kits to send out to countries who have greater needs for clothing than we do. They will be getting clothes in, sorting, bagging and sending them off without being paid for the work that they would be doing. Volunteers will be running the business. People will bring clothing into this location from the Syracuse or surrounding areas with their personal truck or a cargo trailer. There will also be a drop center at that site. Some clothes will be coming out of Jefferson County. The 501C3 has not been granted yet, but it is a non-profit corporation.

Fulkrod noted that the Yates County Planning Board saw this, and it passed 14 to 2. There was discussion on the area of this and it ended up being seen that the area there has much more of a view than even coming off Lovejoy Road. It is not like it is encompassing anything. It came to our Board, and it passed 4-1. There was a large amount of discussion about the area taking up farmland, etc. but it meets every bit of our zoning laws and there is nothing in our plan that states that we can't have this there. Mr. Harper talked to the Planning Board and told them that if they plan to vote this down, then they must have a reason. It meets every requirement that it needs to meet for our Town laws.

Fulkrod indicated the pictures show a great view of how far you can see once you are in the lot and the picture shows how far off the road it is, and how large the parking lot would be. They are making it big enough so that if box trailers or even if a tractor trailer came, the trailer could pull in off the road, do its turn around and then pull back out.

Hauman asked about the leach field which is close to the water ditch. Fulkrod noted that it was engineered.

Bob Clark stated that he is under the understanding that this isn't considered a commercial business because its non-profit. He then noted that his concern was that it was zoned agricultural-residential and

wondered if a commercial business could be put in an agricultural residential area without a permit from the Zoning Board. Fulkrod noted that by our current zoning laws, a commercial business could go anywhere in the Town of Benton. Clark noted he believes it is a worthwhile endeavor for them but was wondering if it would be a commercial business, would it be taken out of the character of the area being agricultural residential. Clark said it's a big building and if they can legally put it up there and do business, the more power to them.

Quackenbush asked who owns the land. Fulkrod noted that the Finger Lakes Clothing Center Corporation will own it. Mr. Horning is donating the land to the non-profit and they are going to own it themselves.

Fulkrod stated that there would be little car activity, a few times a month. It doesn't sound like there will be any kind of large amount. Stuff coming in would come in box trailers maybe twice a month in the wintertime. During the summer, there won't be a lot of activity because most people are busy, and they can't get volunteers. There will be more activity in the fall and early spring.

Public hearing was closed.

APPEAL #70SUP-22: Titus Zimmerman of 780 Ridge Road, Penn Yan is requesting a special use permit at 1227 Angus Road, Penn Yan for building a small HIP Camp area of three sites plus the cabin, with a maximum of two cars per site and four people per site.

Fulkrod reported that there is someone from the public here, so if the Board wants to go through this application so that he doesn't have to come back in they can. Davie stated that we would have to postpone this application until the owner can be here. Johnson, neighbor, indicated he is not in favor of this. It seems like they bring tourism into agriculture and there's nothing but problems waiting to happen. He indicated he doesn't have a problem with businesses because no one spends the night. He said he already has had trash in some of this fields that came from one of his houses.

Meyer made a motion to table this application until we have a representative at the meeting. Hauman seconded the motion.

The Board was polled:

Davie: Yes

Meyer: Yes

Hauman: Yes

Vaughan: Yes

APPEAL #68SUP-22: Roy Sensenig of the Finger Lakes Clothing Center, Inc. has requested a Special Use permit to operate the Finger Lakes Clothing Center at 2801 Ferguson Corners Road, Penn Yan, NY.

Vaughan made a motion to make the Zoning Board the lead agency for the SEQR. Meyer seconded the motion. All in favor.

Vaughan made a motion to check the second box that the proposed action will not result in any significant environmental impact. Meyer seconded the motion. All in favor.

Hauman made a motion to accept this application as written and added a stipulation that this should only be used for its intended purpose. Vaughan seconded the motion. All in favor.

The Board was polled:

Davie: Yes

Meyer: Yes

Hauman: Yes

Vaughan: Yes

OTHER BUSINESS: Fulkrod noted that next month we will be discussing Hayes Auction Barn. It is going to be reopened. It was closed for over 3 years, so the special use permit is now void. Half of what they are doing will be changed; the name will be changed and the path of what they are doing will be changed. They will also be using more than just the barn.

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

Respectfully submitted,

Karen M. Ellis

Karen Ellis

Recording Secretary