

**TOWN OF BENTON  
ZONING BOARD OF APPEALS MEETING  
MARCH 1, 2022**

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

Also Present: Harling Sensenig; Glenn Quackenbush, Town Councilman; Richard Harper, Town Councilman; Tom Fulkrod, Code Enforcement Officer, and Karen Ellis, Recording Secretary.

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

**APPROVAL OF MINUTES:**

Meyer made a motion to approve the minutes with the following correction: Page 1, third paragraph up from the bottom: remove the last sentence and add that James said we do not want to create a liability issue. Vaughan seconded the motion. All in favor.

**APPEAL #5SUP-22:** Centerburg Housing, LLC for an auction house/event center at 2861 Route 364, Penn Yan, NY.

James indicated that it appears that only one neighbor had concerns about this at the Planning Board meeting in February. Mr. Christensen was not unhappy; he just had some questions about having “No Parking” signs put up along the road. James indicated the best thing to do is to let the law enforcement handle this. If they are not parked over the fog line, they will not do anything unless signs are posted along the road. James asked Sensenig if he had talked with the state about this driveway opening. Sensenig said Bill Groves from the state is going to be looking into this. He knows better about which permits need to be sought after.

Members of the Board had much discussion about the parking as well as what type of surface would be required for the parking lot. Sensenig asked if the Board would want this to be all hard or stone surface or would they be allowed to keep some grass. Wherever the buggy parking is, there will be parking rails, so it will be obvious to those people driving. James asked how Mr. Groves has it planned out and then asked what our laws say about parking. Fulkrod said it does not say if it must be stone surface. His question was with how they do it at the Windmill and, if the grass surface will hold up in wetness. Sensenig asked, with regard to storm water retention system along the north side of the boundary, if it would be possible to include the hard surface overall area and, if possible, could they leave the back 200 ft. on the south side grass surface to use as overflow parking. If it turns out they need to make it all hard surface, they would have to do the whole stormwater system.

Hauman asked if they would need sidewalks around the building so that when people walk to the parking lot they can step onto something. Harling stated there would be a sidewalk along the outer edge.

James read our law where it noted that parking areas, with the exception of single residences, should be surfaced with a suitable all-weather dust free surface. He then asked if buggies would be able to park on this if we get three inches of rain the day before the event. Sensenig stated that the largest section would be hard surface already and then the new part would be for the horse and buggy side. James asked Fulkrod if we meet the code with parking spaces on just this lot, which is for 200 parking spaces.

Fulkrod noted they must have 300 hard surface parking spots because of the occupancy. With 780 spots, you would have to have 360 parking spots because it's supposed to be a spot for two people, but both Benton Planning Board and the County Planning Board say that so many of those could potentially be Mennonites with horses and buggies that that is why they cut it down on spaces.

James said his point is that he wants everyone to agree with him that we may not need two per person. James asked what the Board thinks about using this as overflow parking.

Vaughan asked Harling if he would want to do the overflow now with the rest of it or do it later. He suggested running drain tiles up and putting stone in. That way if you had heavy rain, it would drain it out quicker if it were used frequently.

James indicated that by reading our zoning laws, it looks like it meets our zoning laws. He then stated he has never seen the state parking code. Fulkrod noted that with it being on a state road and for the number of people and needing 400 parking spots, that is not accounting for the fact of how many people will be in horses and buggies. James suggested that Fulkrod check with the engineer to see if she would require something different. The most strictest law applies.

Sensenig asked the Board if they would be able to prepare the site and build the pad beforehand so he does not get behind the contractor to start building before the driveway. Fulkrod noted that the only thing he would suggest is until the State approves the driveway he would not build anything. Fullkrod said he can give a permit to put a pad in, but if the State comes in and says he is not having a driveway there or that the parking lot isn't going in, there will be a pad there that won't be used. He noted he is not saying he cannot do it, but he is setting himself up.

Meyer asked about the retention pond. James said it is designed so that the water goes down gradually and released.

Davie made a motion for the Benton ZBA to be the lead agency on the short environmental assessment. Meyer seconded the motion. All in favor.

James then went through the test questions for this special use permit.

Meyer made a motion to check the second box indicating that based on the information and analysis above and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts. Vaughan seconded the motion. All in favor.

Meyer made a motion to approve Application #5SUP-22 with the stipulation that the overflow parking be stone for drainage and laneways and, if additional parking is needed, it will become gravel. Hauman seconded the motion.

The Board was polled:

James: Yes  
Davie: Yes  
Hauman: Yes  
Meyer: Yes  
Vaughan: Yes

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

*Karen M. Ellis*

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Recording Secretary