

## YATES COUNTY PLANNING BOARD MEETING

NOVEMBER 12, 2009

**PRESENT:** James Ritter; Kevin North; Rob Rubin; Lane Clute; Dave Christiansen; Judy Wiltberger; Doug Skeet; Charles Mitchell; Jerry Stape; Marilyn Scharf; and John Sawers.

Also Present: Matt Hamilton; Ray Hamilton; Kevin Bailey; John Griffin; Fran Dumas; Loujane Johns; Amanda Folts; Gerald Colf; Sara Purdy, Yates County Legislator; Shawna Bonshak, Yates County Planner, and Karen Phillips, Recording Secretary.

The meeting was called to order at 7:00 p.m.

### **APPROVAL OF MINUTES:**

Mr. Mitchell made a motion to approve the October meeting minutes with the following corrections:

1. Under Old Business, paragraph at bottom, fifth line down starting with the word negative- It credited Dave for going to Bath and having a booth, but it was John Sawers that did.
2. Mr. Skeet was listed as having talked during the windmills, but he wasn't present. It should have been Lane Clute.

Mr. Christiansen seconded the motion. All in favor.

### **CONSIDER GML 239 REFERRALS:**

**2009-59** – Town of Benton. Local Law amending the Wind Energy Facilities Overlay (WEF) District Regulations in the Town of Benton Zoning Law.

John Griffin stated that they had some town concerns and one thing that spurred this was that they had no height restriction as far as the tower was concerned. It was thought they could go as high as 407 ft., so if they had been approached by a company they would go back to the 20 ft. height on an accessory building, so everyone would have had to have a variance.

Mr. Mitchell said this is a minor but significant change and made a motion to approve this local law. Mr. Sawers seconded the motion. 10 members were in favor of the motion. Mr. Stape abstained from the deliberation and the vote.

**2009-60** – Ray and Matthew Hamilton, 225 Main Street, Village of Penn Yan; use variance to construct a mini-storage building.

The Hamilton's reported that they own a piece of property in the village that they would like to put a storage unit on. It is in a zone called residential transition and storage units are not allowed. They applied for a permit through the Village and were denied, so they then applied for a variance through the ZBA which is how it came to this board. They tried to describe in a brief narrative the history of the

property and issues with the property and how difficult it is to try and make it a viable property in terms of them making some money in various municipalities and gaining more tax revenue.

Mr. Christiansen asked where the access to the property is. Mr. Hamilton referenced the map on the back of the referral. There is a cross hatchet area that comes off of Main Street to the south of the florist shop. That would be a 24 ft. wide driveway easement across that which is currently a variance in existence already. It would be an easement. The Hamilton's own the Florist shop, so the easement would be put into a deeded structure. It is currently a paved parking area now and there is a curb cut in place there that would have to be widened off of Main Street. They would extend the parking area drive to the lot.

Mr. Rubin asked how many storage units were being proposed. For the first phase they are only looking at doing one building, which is a 30 X 100 sq. ft. building, which is 3000 sq. ft. There are 21 units in that one building. Mr. Christiansen asked about signage and Mr. Bailey indicated that they do plan to have signage out in the front. That would come later in the ease of process; they are only in the use variance process right now. Mrs. Bonshak noted that if this is approved we will see this again in more detail.

Mr. Skeet asked why the Village turned this down previously. It was noted that it was because it is not a permitted use in the zoning code. Mr. Skeet said the narrative said something about a residential transition. Mr. Mitchell stated that it is zoned as residential transition. Mr. Mitchell said the use is not listed, which means they need a use variance in order to operate since that use is not listed.

Fran Dumas stated that when this historic district was born, this property at 225 Main Street was part of it. She asked if anyone in the Village mentioned this because it has never been separated. Mr. Bailey said they are just dealing with the use variance, so as far as conformance with historic it should not be an issue at this time. Ms. Dumas said that this makes it harder. The whole piece of property was all included when the historic district was born. Since then it has been split, but that doesn't affect the fact that it was there as part of the historic district. Mr. Bailey stated that the property was in a dilapidated state when the Hamilton's purchased it many years ago and they put significant time and money into improving this site to where it was not a hazard any longer and they are looking to further improve the property. Mr. Hamilton distributed pictures from before they cleaned the property up until now. There were ten greenhouses in the back that were abandoned. So far they have \$50,000 in this.

Mr. Rubin asked Mrs. Bonshak at what point we would talk about the ingress and the egress from Main Street. Mrs. Bonshak said that is a consideration in granting a use permit and how it will change the neighborhood traffic, any characteristics of the neighborhood, so that is something that this Board should consider when looking at the impacts and it is also something that the Village Board would consider. Mr. Christiansen said it doesn't appear to him that it would be a detriment to anyone back there as far as the amount of traffic. As far as the positioning of it back there and the gully that runs behind it, it wouldn't bother anyone in the backside and doesn't look as though it would be any big problem.

Mrs. Wiltberger asked the Hamilton's if they were thinking of putting up any visual barriers for the neighbors, such as fencing. It was noted that could be a possibility. This will be under the site plan

review portion and wouldn't fall under the use variance portion. It is fairly heavily wooded behind the property adjacent to it and it wouldn't be very visual to the street or the neighbors. Mrs. Wiltberger said you can see it coming down Main Street when you're headed towards downtown. She then asked if they are thinking of a traditional storage unit. It was noted it would be the normal metal storage unit. Shawna said that when a use variance is granted, you can add conditions to the approval.

Mr. Ritter asked why a chunk of run-down land would be put into the historic district. Ms. Dumas noted that she would guess it was part of the 225 Main Street and the green barns there are contributing structures; obviously the greenhouses weren't. Both of the barns are on the 2.2 acres in the back. The plan is to take those down.

Mr. Christiansen noted that anything that would help a business in the community and its economy should be encouraged.

Mr. Stape asked what is proposed for the water that would be generated. Will it be blacktopped around it? The site plan would address that and there is enough slope to go back to \_\_\_\_\_; he assumes a retention pond would be required.

Ms. Dumas asked why the Village didn't include this as a permitted use. Mr. Hamilton said he doesn't know. He was on the Village Board when they rezoned it, but he has no recollection of the property at the time. It was done in the early 1990's. Mr. Hamilton stated they racked their brains to the terms of what would be permitted and the only viable thing they could see would be housing, but then you look at the north side of the jail and they can't picture anyone wanting to live next to the jail; thus they came up with this idea as being the least offensive.

Mr. North stated this would certainly be a positive thing to clean this whole area up.

Mr. Rubin made a motion that the use variance be permitted as proposed, but noted his concerns as to the landscaping and at what point that needs to be placed as a condition to the proposal. Mr. Mitchell seconded the motion. Mr. Ritter noted that as far as the landscaping, that would be taken care of with the site plan. All in favor.

**2009-61** – Kevin and Kimberly Royston, 5960 North Vine Valley Road, Town of Middlesex; Site Plan Review to construct a single family home.

Mr. Colf was present for his daughter. Mr. North asked if anyone from Middlesex had any problems with this. The answer was no. Mr. Ritter stated they have already addressed the grade and where to put the driveway to keep it from the lot lines.

Mr. North made a motion to approve this application as submitted. Mr. Christiansen seconded the motion. All in favor.

**2009-62** – Connie and Barry Disbrow, 1956 State Route 54, Town of Benton; Subdivision review to divide parcel into three (3) lots.

Mr. North stated that the Disbrows would like to subdivide his lot where his house is right now.

Mr. Christiansen asked if the Town of Benton has a one acre minimum limit to build. Mr. Griffin stated it is 40,000 square feet. There has been some discretion to the east side that does meet the 40,000 square foot but on the eastern side the lot it is 113 ft. It is just shy of an acre. Mr. Griffin noted that all those lots meet the requirements. They all have water so they are not as pressed with keeping the well away from the septic. Mr. Griffin said the only discretion they have is whether or not they should send this for an area variance to the ZBA. He said he has no objections if they do.

Mr. Ritter asked if all three lots meet the minimum size. Mr. Griffin said the one doesn't because of the side lot. They meet the road frontage, but one of the side lots does not have the 200 ft. Mr. Ritter stated that typically or at least most of the ones they deal with, they can't create a nonconforming lot.

Mr. North made a motion that the Yates County Planning Board has determined that this proposed action only has considerations which are of significance to the Town of Benton. This action appears to have no significant countywide or inter-community impact. Mr. Mitchell seconded the motion. 10 members were in favor. Mr. Stape abstained from the deliberation and the vote.

**2009-63** – E.B. Martin, 2845 State Route 364, Town of Benton; Special Use Permit amendment to expand an existing structure used in a metal roofing manufacturing and sales business.

Mr. Griffin stated that Mr. Martin is building an addition onto the side of the office, which is an existing structure that is already there.

Mr. Christiansen made a motion to approve this special use permit. Mr. Clute seconded the motion. 10 members were in favor of the motion. Mr. Stape abstained from the deliberation and the vote.

#### **COMMUNICATIONS:**

Mrs. Bonshak reported that the Ag and Farmland Protection Workshop will be valuable this year if anyone can attend. It is through Peter Landre' at Cornell.

#### **OLD BUSINESS:**

None.

#### **MEMBER REPORTS:**

None.

#### **NEW BUSINESS:**

Mrs. Bonshak stated that she has included in everyone's packet copies of agreements that are in place now with the municipalities. This will be a project we will start to look at if we want to revamp this and

update some of the redemptions, for instance site plan approvals for single family residences. If everyone wants to review the material this month, it will be placed on the agenda for December. These are dated from back in 2001. Maybe we could send letters asking them for reasonable actions that they might not want to refer. Mr. Griffin from Benton noted that sometimes what the Town of Benton will do is send it in as a site plan review if they don't want to send it to the County, such as signs or farm stands. The Planning Board is given the discretion of the subdivisions and site plan reviews and they are the determining force. It would typically go to the Planning Board and then the ZBA. Even with the special use permits, it will go to the County, the Benton Planning Board and then final approval to the ZBA.

The December meeting is scheduled for December 10<sup>th</sup>.

**ADJOURNMENT:**

Mr. Christiansen made a motion to adjourn the meeting at 7:37 p.m. Mr. Stape seconded the motion. All in favor.