



Yates County Planning Board Referral Form

Referral # _____
County Use Only _____

Date Received _____

Revised 1/2014

Municipality and Referring Agency Town of Benton

Project Address 1330 rt 14A Project Tax Map # 27.81-1-5

Zoning District AR1

Applicant (Name & MAILING) Benton Ridge Small Engines
1330 rt 14A Email _____

Property Owner (Name & MAILING) Lamar Sauder
Email _____

Reason for Referral (Prox. to Cty Rd., State Rd., Muni Boundary, etc.) _____

Located on state road

Application Type

- Area Variance
- Use Variance
- Special Use Permit (amended request)
- Site Plan
- Subdivision
- Text Amendment
- Map Amendment
- Other

Project Description

amend current special use permit
to increase display limit
front display change 5 to 20
rear display change 15 to 30

Supporting Documents Required (IF N/A, include explanation)

- Municipal Application _____
- Tax Map or Plat _____
- SEQR _____
- Site Plan * _____
- Variance Criteria ** _____
- Subdivision Plat For Subdivision Referrals Only _____
- Other _____

*If Site Plan Review, Site Plan **MUST** be detailed and meet the municipal requirements.

All Variance referrals (Area/Use) **MUST include detailed justifications associated with reason/s for appeal.

Certification: *With the following signature I certify that this application provides a complete description of the proposed local action and is a complete application pursuant to NYS General Municipal Law Article 12b, Section 239-m, part c.*
 _____, Referring Official



Provision of required information is the responsibility of the referring agency. Failure to provide such information may result in a significant delay in processing.

Submit To: Yates County Planning Department, Sbonshak@yatescounty.org or 417 Liberty St. Suite 1093, Penn Yan, NY 14527

TOWN OF BENTON

PLANNING BOARD - ZONING BOARD OF APPEALS APPLICATION

Application No. 3 sup-15 Date 1-13-15 Fee 80⁰⁰

Name: Benton Ridge Small Engines LLC phone 315-694-7007

Address: 1330 State Route 14A Penn Yan email _____

Applicant is applying for the following:

- | | |
|--|--|
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Interpretation |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Special Use Permit | <input type="checkbox"/> Site Plan Review |

Other _____

Location of Property 1330 RT 14A Penn Yan N.Y.

Tax Map No. 27.81-1-5 Zoning District AR1

Describe Action requested:

Having two years of healthy business behind us, we feel the need to expand our roadside display to accommodate the great selection of mowers we need to sell this spring.
One point of concern - In the past we heard comments from valued first-time customers like, "I go by here regularly and didn't know your here" and "The five mowers out there look like someones hobby."
I would propose to expand the existing limit of 5 at the roadside to 20 and the 15 at the horse trail to 30. Thanks for your consideration!

Area Variance Information:

	Required	Actual	Variance Request
Frontage:	_____	_____	_____
Front Setback:	_____	_____	_____
Side Setback:	_____	_____	_____
Rear Setback:	_____	_____	_____
Lot Size:	_____	_____	_____

Attached to this application is the following documentation:

Site Plan Construction Plans SEQR Other _____

Property Owner Lamar R Sander Telephone 315-694-7007

Address 1330 State Route 14A

Signature Lamar R Sander Date 1/06/2015

Scale 1" = 50 Feet.

Hand drawings are approximate.

Title: Benton Ridge Small Engines

Applicant: Lamar R. Sauder

1330 RTE 14A

Penn Yan NY 14527



996.48

29.76

400(S)

HADDON'S ROAD

ROUTE 11A

57

58

58

1

302.67

145.47

037.02-1-1

25.00-2-3

26.8

NA



THIS PLAN HAS BEEN PREPARED BY THE PROFESSIONAL ENGINEER AND DESIGNER OF RECORD FOR THE PROJECT AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF SEWALL ENGINEERING INC.

DATE	ISSUE BY	REVISION TITLE
037.02-1-1		COMPLETED ADDITIONS
25.00-2-3		

SPECIAL DISTRICTS	DATE	REVISION TITLE
SCHOOL		
WATER		
SEWER		
STORM		

LEGEND	SYMBOL	DESCRIPTION
Property Line	---	Property Line
Setback Line	---	Setback Line
Lot Line	---	Lot Line
Right-of-Way	---	Right-of-Way
Utility	---	Utility
Water	---	Water
Sewer	---	Sewer
Storm	---	Storm

7

7

131

DRAFT
MEETING MINUTES FOR
TOWN OF BENTON
ZONING BOARD OF APPEALS MEETING
DECEMBER 11, 2012

PRESENT: Dwight James, Frank Kenney, Jim Willson, Keith Davis, and Steven Vaughn.

Also Present: Francis Wright; Leisa and Lamar Sauder; Adam Hoover; Dave and Shannon Eichenhofer; Margaret and Donald Eichenhofer; Daniel Martin; Pat and Richard Lotempio; Andrew Leja, Attorney; Kim and Tim Hansen; Aaron Martin; Matthew Perry; Dan Sauder; Jerry Stape, Tom Rood, and George Alexander, Benton Planning Board; Glenn Quackenbush, Town Councilman; Richard Harper, Town Councilman; Bob Clark, Town Supervisor; Jayson Hoover, Code Enforcement Officer, and Karen Phillips, Recording Secretary.

Dwight James called the meeting to order at 7:00 p.m. and made introductions.

MINUTES APPROVAL:

Mr. Kenney made a motion to approve the minutes of the November 6, 2012 meeting. Mr. Willson seconded the motion. All were in favor.

APPLICATION #SU-129-12 :

Lamar R. Sauder is requesting a special use permit for a small engine/power equipment sales and service at 1330 Rte. 14A, Penn Yan.

Mr. James stated a lot of people are present and he wants to give everyone a chance to speak if they want to. If we start hearing the same thing twice, he may limit the discussion, but we do want everyone to be given a chance.

Mr. and Mrs. Tom Hansen, owners of Miller's Essenhaus, submitted a letter to the Board stating that they would be against the operation of a lawn mower/repair and sales garage at 1330 Rte. 14A. They believe it is a nice, clean residential area and would like to keep it that way; they respect a person's right to do business in appropriate areas.

Attorney Leja introduced himself as Counsel to David and Shannon Eichenhofer who reside in the property immediately to the south of the applicants on Route 14A. He noted he assumes that by now the members of the ZBA have had a chance to review the voluminous amount of minutes from the previous Planning Board meeting. He indicated that there has been considerable amount of discussion about this application. He feels he needs to revisit some of the facts and arguments with this Board tonight because they are the deciding Board for the special use permit. He reminded everyone that the special use permit is a brand new review in this case. There was a permit issue for the person that owned it several years ago (Mr. Spears) for an auto body repair shop out of his back garage; that permit

Mrs. Phillips polled the Board on the above questions.

Mr. James – No; Mr. Willson – It will not in context with the rest of the overall area; Mr. Kenney – if the phrasing is potentially large and significant he will have to say will not; Mr. Vaughn – Will not; Mr. Davis – will not.

The Board, along with Mr. Leja, Mr. Sauder, and Mr. and Mrs. Eichenhofer then marked the map to specify the location of where the 200 ft. long hedge should be placed.

Mr. Hoover suggested that a discussion be held on the western and northern fence for clarification. Mr. James stated that there is a 6 ft. high fence along the west property line and he also has a 6 ft. high fence running from the south-west corner of the building and they have already agreed that the fence along the parking lot is only until the hedge comes into flourish ion. Mr. James then paraphrased the list of conditions in Attachment 2 of the draft of the November 27th minutes, as suggested by the Planning Board:

- A six-foot high fence, approximately 75 feet long, is to be installed along the south side of the parking area beginning near the south-east corner of the building.
- The site for engine testing is limited to the rear or north of the building.
- Repair and/or disassembly of engines and transmissions must be accomplished on a leak proof pad or floor. This should be done inside.
- Display area should be reduced to 25 X 45 ft. **and no more than five small engine equipment.**
- **An additional display of 15, along the hitching post.**
- Future signs on the buildings will require a permit in each instance.
- Existing lawn and vegetable garden around the residence should be maintained as lawn or garden.
- Future outdoor lighting shall be directed downward and away from neighbors. The practice of manually controlling perimeter and other security night lighting to be continued.
- Storage of any type of used oil and petroleum products will be inside (except for diesel or gasoline tank, which must be outside) should have less than 1,100 gallons.

Mr. Alexander asked if the EPA or DEC would be brought in to this business for initial inspection for petroleum products, as well as battery storage and disposal. Mr. Hoover noted they would only when required. He said he will have to do some research, but whatever threshold he is under would determine which regulations he would fall under.

Mrs. Eichenhofer asked how often this would be monitored to make sure these are being carried out. Mr. James stated that if anyone sees something that is not in accordance with this document, it is to be brought to Mr. Hoover's attention. Mr. Sauder stated he wants to be friends with everyone and he would like their feedback if something is negative to them so he at least knows how they feel and he can at least try to improve the relationship.

Mr. Vaughn made a motion to approve this application as long as Mr. Sauder goes along with the Planning Board's regulations in Attachment 2, pages 14-17 in the draft of the November 17th meeting minutes; the living hedge shall be planted at the recommended minimum distance to accomplish the goal of making visual and noise barriers. The said hedge needs to be placed to meander around the northern most drip-line of the trees and maintained by June 1, 2013. The storage of any type of used oil and petroleum products, (except for a diesel or gasoline tank, which must be outside) will be inside and should be under 1,100 gallons. Mr. Willson seconded the motion.

Mrs. Phillips polled the Board:

Mr. James – yes; Mr. Willson – yes; Mr. Kenney – no; Mr. Vaughan – yes; Mr. Davis – yes.

Mr. James thanked everyone for their input and time and effort. He said he knows this is a difficult position for everyone to be in, but we want everyone to be good neighbors.

OTHER BUSINESS:

Mr. Hoover noted that the Yates County Humane Society has had a donation of some fencing. They would like to extend directly to the north and the picket fence that is there now is only for dog runs, it is not for any additional dogs. His question is whether or not he should issue a permit or would the ZBA like them to come back in and amend the special use permit. There are outside cages in existence for daytime uses where the dogs are in the cage for 2-3 hours at a time. None of that is expanding; it's just one single fence basically for more dogs to run. It's an open area, not per se a run. They are not 100% sure on the size because they have having the fence donated. Mr. Hoover said he doesn't believe time is that big of a concern, but if the Board wants to see a special use permit he would want to get it on the January's agenda. It was left that Mr. Hoover would look at the original application to see if there was a size on the dog runs.

Mr. Hoover stated that Bucky Lane has purchased the Clinton Street Mobile property on the corner of Stiles and Route 54. They will be pulling the tanks and he owns the property south of Ross Newcomb's near the sand pits. He would like to bring the "dirty dirt" to this site. They would line plastic and dump it and till it every so often basically for evaporation for the fuel. This is monitored by the DEC and after a certain amount of time they would test it again and when it's ready it's basically top soiled. He noted he can't find anything where it requires any permitting. Mr. Harper said he is not too familiar with this, but he guesses that other than DEC permitting, we do not have any regulations.

ADJOURNMENT:

Mr. Willson made a motion to adjourn the meeting at 9:30 p.m. Mr. Davis seconded the motion. All were in favor.

Respectfully submitted,

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: <p style="text-align: center; font-size: 1.2em;">3 sup-15</p>							
Project Location (describe, and attach a location map): <p style="text-align: center; font-size: 1.2em;">1330 RT 14A</p>							
Brief Description of Proposed Action: <p style="text-align: center; font-size: 1.2em;">Amend current sup.</p>							
Name of Applicant or Sponsor: <p style="font-size: 1.2em;">Benton Ridge Small engine/Leamer Sander</p>		Telephone: 315 6941 7007					
Address: <p style="font-size: 1.2em;">1330 RT 14A</p>		E-Mail:					
City/PO: <p style="font-size: 1.2em;">Peen Yan</p>		State: <p style="font-size: 1.2em;">N.Y.</p>	Zip Code: <p style="font-size: 1.2em;">14527</p>				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: <p style="font-size: 1.2em; text-align: center;">Town of Benton ZOA</p>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? 2 acres b. Total acreage to be physically disturbed? Less than 1/2 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2 acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: <u>NA</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Gregar Sander</u> Date: <u>1-13-14</u></p> <p>Signature: <u>Lamar R Sander</u></p>		

Project:

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

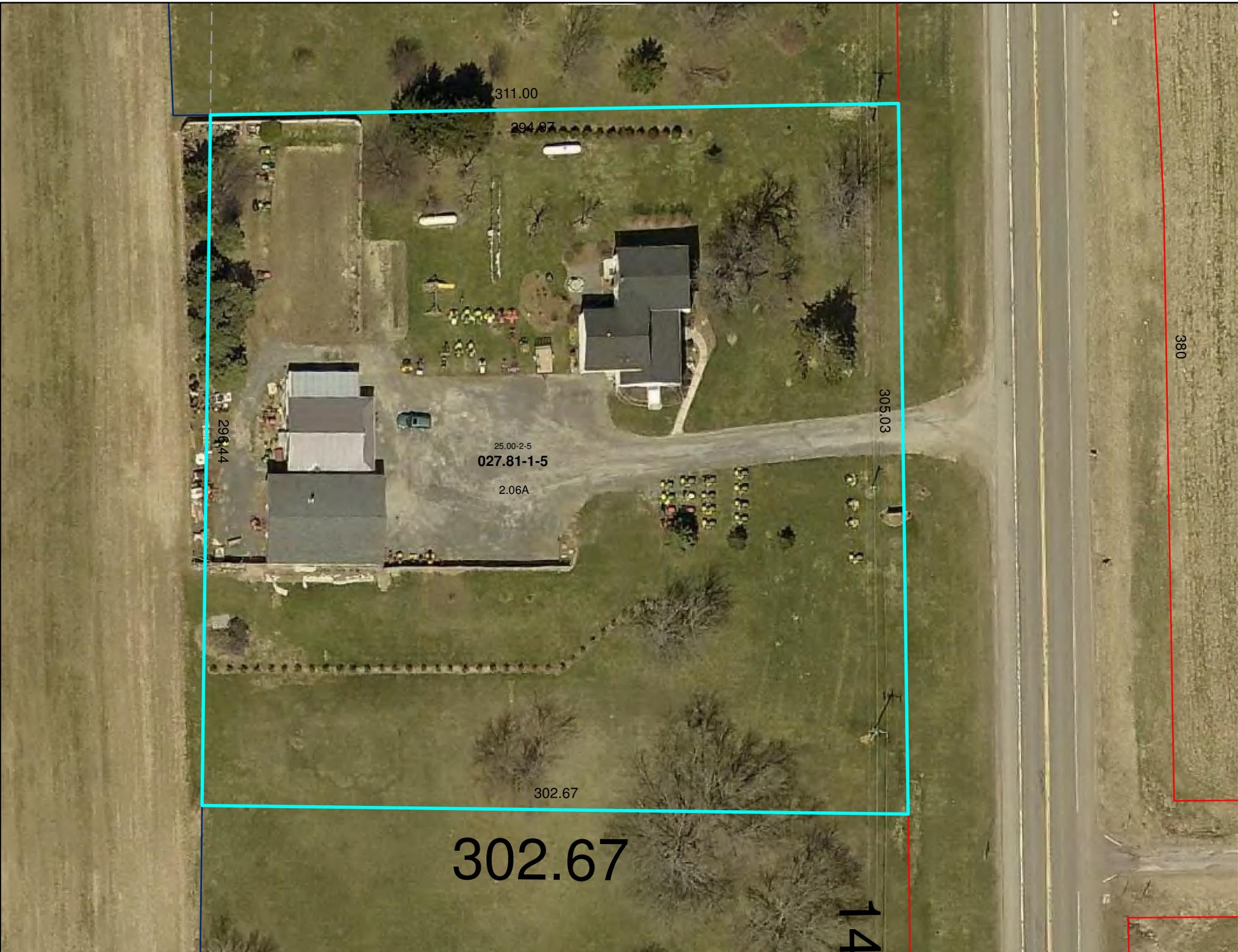
Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



311.00

294.07

296.44

25.00-2-5
027.81-1-5

2.06A

302.67

302.67

305.03

380

14

400(S)

259.90

027.81-1-3
0.46A
126.80
126.80
150.24
150.24
134.70
119.36
250.17

027.81-1-4
1.41A
311.00
027.81-1-5
2.06A
302.67

037.02-1-1
1.91A
273.92
145.47
299.86
299.86
299.86

ROUTE

027.81-1-6
0.68A
61.20
58.99
145.17
200.00

380

7