

Torrey Zoning Board of Appeals
March 5, 2012

Public Hearing on applications of
01-12 Ivan Eberly, Use Variance for Parochial School
07-12 Ray Zimmerman, Special Use Permit for Cattle Auctions
08-12 Ray Zimmerman, Area Variance for sign

Present: Tony Cannizzaro, Chris Hansen, JM Cougevan, Marty Gibson, Pat Hoke
Others: Floyd Hoover, Sam Selwood, Ron Kenville and 14 citizens.

Chairman Cannizzaro opened the public hearing at 7:05 PM and read the order in which the hearing was going to proceed.

Application 7-12 of Ray Zimmerman 2456 Rte. 14 for a Special Use to operate Cattle Auctions in an existing barn on his property in an Agriculture District. A special use is needed as this is a commercial operation in an agriculture district.

Mr. Zimmerman presented certified and/or receipts of notice for the following property owners directly affected by proposed application.

Alvin Zimmerman 509 Long Point Rd Penn Yan, NY 14527
Scott & Lisa Reinard 1871 Perry Point Rd Penn Yan, NY 14527
Arthur Zimmerman 2375 Hazard Rd Penn Yan, NY 14527
Bruce & Lisa Henderson 2453 Rte 14 Penn Yan, NY 14527
Kent Humphreys 522 East Leach Rd Penn Yan, NY 14527
Camp Whitman 2266 Rte 54A Penn Yan, NY 14527
T. James Bond 2474 Rte 14 Penn Yan, NY 14527

Mr. Zimmerman stated his case. Would like to hold once a month cattle auctions on his property. He has attended the town planning board meeting for his application review. Issue of vehicles and cattle haulers attending his auction in February. Many were parked on the sidings of Route 14 creating a hazardous situation. He told the board that he just held another auction on March 2 and all vehicles were in his parking area, none on the main road.

Ron Kenville- Town Code Officer, reported that he attended the last auction and found no issues or concerns.

Tony read the Town Planning Board recommendation letter dated 2/21/12 which approved the application with the following stipulation

1. The number of auctions shall not exceed one regularly scheduled auction held one day per month plus emergency auctions as approved by the code enforcement officer;
2. Off-street parking shall be provided for all auction attendees;
3. The permit must be renewed on a yearly basis and renewal shall be contingent upon:
 - a) Continued compliance with the Town of Torrey Zoning Law;
 - b) Prior auctions have not become a nuisance or adversely impacted the neighborhood or the town.

Yates County Planning Board has scheduled this application for review on March 22, 2012.

Tony asked if there were anyone to speak in support of this application.
The following names and addresses of supporters who offered support of # 07-12

Floyd Hoover - 1793 Ridge Road Town of Torrey
Aaron Martin- 2811 Route 14 Town of Torrey
Alson Garman- 769 Hewett Rd Town of Torrey
Ivan Eberly-2015 Route 14 Town of Torrey
John Zimmerman- 1350 Townline Road Town of Torrey
Ray Martin 889 Flat Street Town of Benton
Sam Zimmerman- 2407 Hazard Road Town of Torrey
Amos Nolt – 2959 Route 14 Town of Milo
Henry Martin – 625 North Flat Street Town of Benton

No one spoke in opposition to this application.

Tony presented application # 08-12 of Ray Zimmerman 2456 Rte. 14 for an Area Variance for a 2' x 18' sign identifying his farms as "Lakeview Holsteins" on the side of an existing barn on his property. An area variance is needed because the sign is 36 sq.', Torrey zoning code § 98.128 allows 32 sq' per side of a two sided sign - 64 'sq. total.

Mr. Zimmerman presented certified and/or receipts of notice for the following property owners directly affected by proposed application.

Alvin Zimmerman 509 Long Point Rd Penn Yan, NY 14527
Scott & Lisa Reinard 1871 Perry Point Rd Penn Yan, NY 14527
Arthur Zimmerman 2375 Hazard Rd Penn Yan, NY 14527
Bruce & Lisa Henderson 2453 Rte 14 Penn Yan, NY 14527
Kent Humphreys 522 East Leach Rd Penn Yan, NY 14527
Camp Whitman 2266 Rte 54A Penn Yan, NY 14527
T. James Bond 2474 Rte 14 Penn Yan, NY 14527

Mr. Zimmerman stated that he has already installed the 2' x 18' on the side of his barn which is set back from the road 250'.

Discussion on interpretation of the code.

JM stated that he feels this sign does not require a variance because it is located on the side of the barn. He read § 98.128 C. The total sign face area allowed for any lot, parcel or use is 64 sq'. Chris agreed that total sign face is 64 sq.' then Mr. Zimmerman's sign 36 sq. ' size is under what is allowed.

Sam Selwood stated the code reads the 32 sq.' is per side and Mr. Zimmerman's sign is 36 sq.'

Pat asked if there would be any other signs on the property for the auctions.

Mr. Zimmerman stated that temporary auction signs were used out by the road entrance at the first auction but are not needed now.

After a lengthy discussion it is the determination of the board that Mr. Zimmerman present 2' x 18' sign "Lakeview Holsteins" located on the side of his barn is in compliance to the Town zoning code. Although an area variance is not needed, he must obtain a building permit for the sign per zoning code. § 98-128 Signs- A. "Permanent Signs".

Motion made by Tony 2nd Pat , Determination that the area variance application #8-12 for Raymond Zimmerman's 2' x 18' Lakeview Holstein sign is not necessary, as this sign is in compliance with Town zoning code. Pursuant to said code, a building permit is required for this sign. Carried by all.

Tony presented application # 01-12 of Ivan Eberly for a use variance for a parochial school on 1.5 acres of land owned by Wilber Hoover located at 2850 Rte. 14 Town of Torrey. A use variance is required in an Agricultural District. Mr. Eberly is the Chairman of the school board and acting representative for this application.

Mr. Eberly presented certified and/or receipts of notice for the following property owners directly affected by proposed application;

David Andersen 3025 Norris Rd Penn Yan, NY 14527
Gordon Andersen 3054 Norris Rd Penn Yan, NY 14527
Arthur Zimmerman 2375 Hazard Rd Penn Yan, NY 14527
Amos Nolt 2969 Route 14 Penn Yan, NY 14527
John & Esther Earle 2770 Rte 14 Penn Yan, NY 14527

He stated the need for a new school is due to a larger enrollment in fall. The schools on Ridge and Hazard all full capacity. NYS allows only 24 pupils per instructor. Many of the new students live along Route 14 and area. They will be bussed by Penn Yan School District.

Tony read the Torrey Planning board recommendation letter dated 2/20/12 approving application with following stipulation

- More detail be added to the responses to the questions on the application form
- The name of the land owner and the applicant be corrected on the first page of the application
- The children will be bussed to school when the public school busses are available, i.e., when the public schools are in session
- A turn around for the school bus will be provided and will be shown on the site plan.

Tony read the Yates County Planning Board recommendation letter dated 2/23/12 approving application.

Tony asked if there were anyone to speak in support of this application.

The following names and addresses of supporters who offered support of # 01-12
Floyd Hoover - 1793 Ridge Road Town of Torrey, stated the increase in area population growth
Aaron Martin- 2811 Route 14 Town of Torrey
Sam Zimmerman- 2407 Hazard Road Town of Torrey
Amos Nolt- 2969 Route 14 Town of Milo
Henry Martin - 625 North Flat Street Town of Benton
Nathan Nolt- 2058 Swarthout Road Town of Torrey
Alson Garman- 769 Hewett Road Town of Torrey

No one spoke in opposition to this application.

Tony asked the audience if they anticipate a higher enrollment in the near future to necessitate the need for more schools in Torrey? Many attendees replied definitely yes.

Tony thanked all present for their interest and input and asked for any closing comments.

There being no further question on the applications presented Tony closed the hearings at 7:35PM

Respectfully submitted,

Betty M. Daggett