

Town of Torrey Zoning Board of Appeals
July 6, 2020
Public Hearing

Present: Acting Chair- Bob Constantine, Mark Gifford, George Dowse

Excused: Chris Hansen, Tony Cannizzaro

Others present: James Bond, Raymond Zimmerman, Edwin Zimmerman Dwight James Code Officer

Chairman opened the public hearing at 7:03 PM. He asked the secretary to note members present.

Special Use Modification # 20-03 Raymond R Zimmerman DBA Lakeview Holsteins is requesting a modification to his original permit to enlarge the footprint by adding a 70' x 120' building on the property to hold horse auctions. Hearing is required due to the modification of an existing Special Use Permit # 7-12.

Town Law Section 267 Art.16 All property owner(s) within 500' of property line of 2456 Route 14, being land affected by a requested zoning change must be notified.

Notices sent to the following by clerk:

Arthur & Arlene Zimmerman 2375 Hazard Rd Penn Yan, NY 14527
Scott & Lisa Reinard 1871 Perry Point Rd Penn Yan, NY 14527
Alvin & Anna Zimmerman 509 Long Point Rd Penn Yan, NY 14527
Bruce & Lisa Henderson 2453 Rte 14 Penn Yan, NY 14527
James & Louise Bond 2474 Rte 14 Penn Yan, NY 14527
Edwin & Ellen Zimmerman 510 east Leach Rd Penn Yan, NY 14527
Margaret Henderson c/o Jim & Steven Henderson 930 Leach Rd Penn Yan, NY 14527
Deanna Lamborn 497 Long Point Rd Penn Yan, NY 14527
Curvin Zimmerman 2347 Rte 14 Penn Yan NY 14527

Torrey Planning Board on June 15, 2020 recommended approval of this modification.

Yates County Planning Board determined June 24, 2020, that this modification would not have any countywide impact.

STATEMENT OF THE CASE Special Use # 20-03 application

Raymond Zimmerman presented his case. Due to the closure of horse auctions in Canandaigua there is now a local need. He is requesting to build a 70' x 120' building to hold horse auctions in. The horse auction ring will be larger than his cattle auction as the horses will be harnessed to wagons for display. This building will be located on the north side of existing barns.

He has removed a manure pit and made a larger parking lot for off road parking. He holds cow auctions one Friday a month, equipment consignment auctions annually.

There was no one to speak in support of this application.

James Bond 2474 Route 14, a neighbor to the south property line appeared with several concerns. On the new parking area, he inquired if there were engineered plans used. What is the erosion control, runoff plan? He feels that another barn is not necessary. Mr. Zimmerman has the other barns

to use for horse auction. Suggested looking into former Freedom Village property for horse auctions, the horse ring is already there. Has a lawsuit pending over a septic issue at Mr. Zimmerman's residence, he presented a cover letter to copy for the board. His attorney had mailed the ZBA a copy last Friday July 3rd, which was not received to date prior to this hearing.

Board members agreed that this lawsuit has no bearing on the application before the board. The application is for a barn structure, the lawsuit is an issue with the private residence. Mr. Bond stated that excavation work has already begun on site for the new building.

Mr. James stated due to COVID 19 restrictions he gave Mr. Zimmerman the OK to start ground work for the new building. Last year they had discussed the removal of the manure pit converting into additional parking area. He advised Mr. Zimmerman to contact Colby Petersen of Yates Co. Soil & Water for the runoff concerns.

Regarding the new building, Mr. Zimmerman stated they had looked into Freedom Village property but the cost and extensive repair to buildings, discouraged consideration on that property. It was not what he has envisioned for his horse auction. The horse auction ring must be larger to accommodate horses drawing wagons. Springtime there is a great need for horses, as there are many local Amish in the area using only horses for farm work. He would like to possibly hold 6 horse auctions per year.

Asked if there will be bathrooms in the buildings for auctions, he stated they use port a johns. Asked if the new building will meet setbacks, Mr. James stated this is a large parcel, no issues with meeting setbacks.

With no further questions. Mr. Constantine thanked all the attendees and closed the public hearing at 7:38PM

Respectfully submitted
Betty Daggett ZBA Sec

Town of Torrey Zoning Board of Appeals
Regular Meeting minutes
July 6, 2020

Present:, Mark Gifford, Bob Constantine, George Dowse

Excused: Chairman Chris Hansen, Tony Cannizzaro

Others present: James Bond, Raymond Zimmerman, Edwin Zimmerman, Dwight James Code Officer

Bob called meeting to order at 7:42 PM

Special Use Modification application 20-3 of Raymond Zimmerman.

Motion by George 2nd Mark to accept the application as complete carried by all.

Secretary read the questions on the short form of the New York State Environmental Quality Review Assessment (SEQRA) on how this project impacts the environment.

She read each question out loud for the board members decision.

Each item was read and a negative finding was determined.

Motion by Mark 2nd George to accept the completed SEQRA and its finding a negative declaration that the proposed action will not result in any significant adverse environmental impacts. Carried by all.

A brief discussion on the application, Bob made the motion to Grant this application 2nd by George

Roll Call vote Constantine – Aye Gifford- Aye Dowse – Aye 3 Aye 0 Nays

Granted with one new stipulation

1. The number of horse auctions shall not exceed Eight (8) per year.

To follow all original stipulations of SUP # 7-12

1. *The number of cow 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;*

Bob offered the following resolution 2nd Mark, carried by all.

WHEREAS, an application was received on 4/18/20 from Raymond Zimmerman for a Special Use Permit Modification at 2456 Route 14 to construct a 70' x 120' building to operate a horse auction, in an Agricultural District as defined by the Town of Torrey Zoning Ordinance, filed with the Town of Torrey Zoning Board of Appeals (hereinafter ZBA) , and

WHEREAS, after due public notice of public hearing on said application was held by the ZBA on July 6, 2020 at 7:00PM in the Town meeting room at 56 Geneva Street, Dresden, Yates County, New York and at this time information was presented on the applicant's behalf, and

WHEREAS, at said hearing, all those desiring to be heard, having been heard. And

WHEREAS, this application involves a Type II action as defined by the State Regulation for Environmental Quality Review (SEQRA), so that no further environmental assessment is required, now

THEREFORE, BE IT RESOLVED, that the application of Raymond Zimmerman # 20-3 for a Special Use Permit Modification to construct a 70' x 120' building for horse auctions that exceeds original footprint of SUP # 7-12 at 2456 Route 14 in a Ag District is hereby **GRANTED** with the following stipulation

1. The number of horse auctions shall not exceed Eight (8) per year.

There being no further business before the board, Bob made a motion to adjourn 2nd by Mark carried at 7:55PM

Respectfully submitted