

TOWN OF BETHANY

PLANNING BOEARD MEETING

19 NOVEMBER 2009

Chairman Bill Williams call the Planning Board meeting to order at 7:30pm.

Planning Board members in attendance:

Bill Williams
Dave Carli
Ray Cipriano
Fran Brunner
Jim Phillips
Dan Street
Kennedy Wilson

Town Officials in attendance:

William Gick
Town Douglas

Discussion concerning the search for a new secretary, Kennedy Wilson will act as the board secretary.

The reading of 11-5-09 Planning Board minutes was directed by Chairman. A motion to approve the meeting minutes as submitted made by Kennedy Wilson and 2nd by Dave Carli, the motion passed unanimously.

Open Public Hearing

At 7:40pm Chairman opened the public hearing for the Town of Bethany's applications TUP-09-01 and SPR-09-03. (Applications to allow for the leasing of the Old Town Hall for a business use)

The Town of Bethany's applications were reviewed by the Genesee County Planning Board at their 11-12-09 meeting.

Tom Douglas addressed the meeting by explaining "retail" use in the Town of Bethany. He expressed the Towns plan was to participate actively in the roll of "land lord". The object is to be sure the town maintains control over areas of potential concern including, signs, traffic and parking, maintaining the historic nature of the property and hours of operation etc.

Tom Douglas also read and explained some information from a proposed business plan for the Old Town Hall site.

Alan Borlaug is a neighbor and discussed his concerns with the use of the Old Town Hall as a business. Mr. Borlaug has bedrooms directly across form the parking lot and noted that steady traffic would be a significant change in the use of the Old Town Hall site. He also discussed concern about adding lighting for any signs and increased traffic.

Ms Tonisha Price, who is part of a group that submitted a business plan, addresses the meeting. She articulated that having lived in Bethany she appreciates the rural nature of Bethany, the concerns of neighbors and does not want to cause any conflicts. She hopes to contribute to the community. Further she clarified that normal hours of operation would be in the 7:00am to 8:30pm range. Some days the total hours of operation would be less. Ms Price noted that grocery / food sales are secondary in their business plan.

There was some general discussion relating to Bethany's need to lease this site to reduce the cost of maintaining the building. Further discussion revolved around the possibility for some later closing times to allow for special activities including classes or programs of some type.

Tom Douglas recommended that any parties with comments or concerns should put them in a letter and submit it to the Town Board. He also stressed that this input would be taken into consideration by the Town Board.

Tom Douglas made a clerical change and initialed the drawings for the Town of Bethany's applications. The change was an error in the size of the parking lot (12 x 20 = 12 parking spots) should have read (120' x 20' = 12 parking spots). This change was also detailed in a letter from Mr. Douglas to the Genesee County Planning Board prior to the Counties meeting where they considered the applications.

Jim Phillips asked if the Planning Board had received answers to the 5 questions they had asked at the 11-5-09 meeting. During this general discussion it was explained that the Town Board would address these questions as part of their TUP review process.

During the discussion possible answers were put forth:

- 1) What is the source and quality of water for the Old Town Hall? At this time water at the building is from the highway department and the highway department subsequently gets their water from the fire department well(s).
- 2) What is the location and condition of the septic system? A storage tank type arrangement might be approved.
- 3) Will the kitchen shown on the plan be used by the tenants to prepare food for sale? This might be allowed but the Health Department would need to be involved before an approval could be granted.
- 4) Are there handicap accessibility issues? There probably is and the site will need to meet all Federal, State and local codes.
- 5) Are there any Fire Code issues? Yes there probably is and the site will need to meet all Federal, State and local codes.

The review relating to questions 4&5 has not been completed but these issues are in the process of being identified and these concerns will need to be properly addressed prior to any opening of the site.

The use of water from the Fire Departments well(s) has not been discussed at a Fire Department meeting as of yet. The thinking is that any concern the Fire Department might have will not be about the volume of water but rather any Public Health liability issues for the Fire Department.

The general discussion led to an understanding that these questions will be answered and addressed by the Town Board as their review process moves forward.

The County Planning Boards concern about cars backing out onto Bethany Center Road was discussed. The parking in the front of the building will need some adjustment to allow for handicap access.

Chairman asked if there were any other questions or concerns, there were none and Public hearing was closed.

Public Hearing ended at 8:28pm

Start of new Business

A SQER for Site Plan application was done with Bill Gick answering for the Town of Bethany

Motion to accept Site Plan Application 09-03 by Dave Carli and seconded by Fran Brunner

Motion passed unanimously

Discussion concerning the Town of Bethany's TUP as part of the Old Town Hall took place. As requested during the 11-5-09 meeting the Town Clerk contacted property owners within 250 feet of the Old Town Hall. Also discussed was the County Planning Board's recommendation that the TUP have a sunset; perhaps six months after the initial one year approval.

Chairman asked Tom Douglas whether there had been any changes since the 11-5-09 meeting to the TUP 09-01; there not been any changes made to the application.

SQER done for TUP 09-01 with Bill Gick speaking for the Town of Bethany

Bill Williams made a motion for approval:

Motion to approve the Town of Bethany's application for a TUP 09-01; also we hereby request the ZEO issue a TUP 09-01 to the Town of Bethany when the Town has complied with all Federal, State and local requirements and is ready to enact the retail use of the building. The TUP 09-01 shall be for a period not to exceed 12 months and allow it to be reissued once for an additional consecutive period not to exceed six months.

The above motion was seconded by Ray Cipriano

The motion passed unanimously.

The Town Clerk is requested to notify the ZEO and the Town Board that the Site Plan had been approved and the TUP application had been approved with the stipulations detailed in the TUP motion as stated above.

Richard Barie; Land Separation Application 09-03

The application was reviewed at the 11-5-09 Planning Board meeting. It was noted that there was a pond with a set back from a boundary line of only 35 feet while 100 feet is required.

At the time of this meeting the applicant has not made any changes to the application that would allow the approval process to move forward.

During discussion the question of whether or not a survey would need to be completed prior to moving the application forward. It was thought the Town Board would need to see an updated application with at least a preliminary drawing reflecting the required set backs to consider moving the application forward.

No motion made on this application

Kennedy Wilson Special Use Permit Appl. 09-01

Kennedy Wilson property owner and Planning Board member excused himself from the Boards table.

Plan had been approved by the County Planning Board and there are no changes to the application.

SQER done

Dave Carli made a motion for approval of the application

Seconded by Bill Williams

Passed with six in favor and an abstention by Kennedy Wilson

The Town Clerk is requested to send a letter to the applicant, the Town Board and the ZEO notifying them that the Planning Board approved the site plan and recommends issuance of the Special Use Permit.

A motion to adjourn the meeting was made by Ray Cipriano and seconded by Jim Phillips.
Motion passed unanimously.

Meeting adjourned at 9:16pm

Minutes Respectfully Submitted by
Kennedy Wilson
Acting Planning Board Secretary