

**TOWN OF BETHANY**  
**REGULAR PLANNING BOARD MEETING**

**November 3, 2011**

Chairman Francis Brunner opened the November 3, 2011 Regular Planning Board meeting at 7:30 pm.

**Planning Board Members in Attendance:**

|                                  |              |
|----------------------------------|--------------|
| Francis Brunner Chairman         | Ray Cipriano |
| Jim Phillips                     | Dan Street   |
| Kennedy Wilson                   | Jeff Fluker  |
| Tim Leary (alternate Dave Carli) |              |

**Town Officials in Attendance:**

|             |            |
|-------------|------------|
| Bill Gick   | Councilman |
| Tom Douglas | ZEO        |

**Other Attendees:**

Steve Bennett & Ann Wilson 10065 East Rd. E. Bethany, NY 14054

**Minutes:**

A motion was made by Kennedy Wilson to accept the October 6, 2011 regular Planning Board minutes as submitted and was seconded by Dan Street. The motion carried with all in favor 7-0.

**New Business:**

**AV1102 – Steve Bennett 10065 East Rd. E. Bethany, NY 14054**

1. To erect a garage, breezeway and storage room on existing SFD.
2. ZEO Douglas submitted pictometry and explained the proposed project.
3. Existing dwelling has a grandfathered setback of 18' and new construction has a 35' setback.
4. Letter of approval received from GCPB citing no significant impacts since the home has a smaller setback than the new construction.
5. Motion was made by Planning Board member Jim Phillips to recommend approval of the project to the Zoning Board of Appeals and was seconded by Chairman Brunner. The motion carried with all in favor 7-0.
6. Public hearing to be held by ZBA 12/1/2011 @ 7:30 PM.

**SPR1103 – Joseph Barniak 10667 East Rd. Pavilion, NY 14525**

1. To erect a manure storage facility 135' in diameter by 30' in height on an existing farm in Ag District #1
2. Letter of approval received from the GCPB citing no significant impacts since it is considered a "sound agricultural practice" by NYS Dept. of Ag and Markets.
3. Structure is above ground.
4. Conservation Plan and statement of work from Natural Resource Conservation Service submitted with detailed construction and maintenance plans.
5. All setbacks are within recommended guidelines.
6. Project meets all Site Plan criteria set forth in the Zoning Law.
7. The SEQR was read and completed without issue.
8. Motion was made by Planning Board member Dan Street to approve the site plan and was seconded by Jeff Fluker. The motion carried with all in favor 7-0.
9. No public hearing is required.

**AV1103 – Kenneth Barniak 10667 East Rd. Pavilion, NY 14525**

1. To create a lot of record with no road frontage, but with a 30' ROW for agricultural purpose.
2. ZEO Douglas explained.
3. Letter of approval received from the GCPB citing the property is in Ag Dist #1 and should not pose any significant impacts. GCPB further recommends that the applicant sign a statement acknowledging that a zoning permit for a NON agricultural building cannot be issued by the Town of Bethany ZEO without another variance from the Town of Bethany and a variance from NYS Town Law 280-a.
4. Letter received from the law office of David DiMatteo recommending approval by the ZBA stating the same language as depicted in item #3 above and further details of how the decision should be filed with GC Clerks office.
5. No SEQR is required.
6. Motion was made by Planning Board member Dan Street to recommend approval of the variance to the ZBA with the stipulation that " this land is for agricultural purposes only and there shall not be constructed on this property a building unless solely and exclusively for agricultural purposes". Was seconded by Dan Street and carried with all in favor 7-0.
7. Public hearing to be held by ZBA 12/1/2011 @ 7:30 PM.

**Old Business:**

**LS – 1103 Moodie**

ZEO Douglas explained that the signature block on final survey has not yet been received. No action taken.

**Closing Comments:**

Discussion ensued around the need to review the Town's Comprehensive Plan and possible amendments to the zoning law in the near future. No solid date set.

**Adjournment:**

Motion was made by Planning Board member Ray Cipriano to adjourn the meeting at 8:50 PM and was seconded by Chairman Brunner. The motion carried with all in favor 7-0.

Respectfully Submitted,

Tim Leary  
Planning Board Secretary