

## TOWN OF BETHANY

### REGULAR PLANNING BOARD MEETING

05 JUNE 2008

Chairman Williams opened the June 5, 2008, Regular Planning Board meeting at 7:30 p.m.

Planning Board Members in attendance:

Bill Williams  
Ramon Cipriano  
Jim Phillips  
Dan Street

Town Officials in attendance:

William Gick  
Tom Douglas

Several others were in attendance.

Planning Board Members absent:

Dave Carli  
Jeff Fluker  
Ken Wilson

Motion made by Bill Williams and seconded by Ray Cipriano to approve the minutes of the May 1, 2008, Regular Planning Board meeting. The motion passed with all in favor.

### NEW BUSINESS

**Gerald Fox LS-08-02** – Property owner is Gerald Fox and Applicant is David A. Mullin. No land separation has been done in the last 3 years. Per Tom Douglas, ZEO, area, frontage, and minimum lot area requirements are met. Question raised by Chairperson Williams regarding the merger requirement. Site Plan approval wording on the map is required and will be submitted for addition to the survey.

SEQR read and approved. Motion made by Bill Williams and seconded by Jim Phillips for preliminary approval contingent on proof of official survey of parcel no. 6-1.28.1 to be merged with property of David A. Mullin. The motion passed with all in favor, 4 yes, 0 no.

**Randall Bow – AV-08-02** – Application submitted to erect a 12 x 36 lean-to addition on existing barn (34' from right-of-way). The addition will be inside of footprint of original foundation. The house sits approximately a couple of feet from the right-of-way.

Jim Phillips requested to abstain from voting based on conflict of interest. The Planning Board will not officially act without 4 members present: lack of 4 voting members present with the abstaining vote of Jim Phillips. The ZBA can make decision without the recommendation of the Planning Board. The public hearing will be held June 25, 2008. Discussion follows. The Town Clerk needs to submit letter to

ZBA advising 4 members present, 1 abstaining vote. Per Chairman Williams, legally, Planning Board could not action on recommendation. No recommendation will be forwarded to ZBA. The Planning Board will act on the application in the future if necessary.

**April 3, 2008 Planning Board Minutes** - Chairperson Williams submitted corrections/changes to the 4/3/08 Planning Board Minutes regarding the Town Adopted Amendments to Zoning Law. Motion made by Bill Williams and seconded by Jim Phillips to accept amendment to the minutes. The motion passed with all in favor.

### **OLD BUSINESS**

- 1) Update on Routes 63 and 20 travel corridor – none.
- 2) 2008 Training request - none.
- 3) Items for discussion with the Genesee County Planning Board – none.

### **CORRESPONDENCE**

1) Per the request of Supervisor Gayton, Tom Douglas, ZEO, submitted information on Accessory Apartments (section 414) from the Village of Bergen. This information was submitted to the Planning Board for future use in the event a request is received for an Interpretation Variance that may require a possible change to the Zoning Laws.

2) Correspondence received from Town Clerk Douglas dated 5/15/08 addressed to All Planning Board and Zoning Board of Appeals Members regarding the Area Variance Application (AV-08-01) from Ken Diehl and how the vote of the Planning Board should be interpreted. Respectively submitted as follows: Memo from ZEO Douglas, to Attorney David DiMatteo dated 5/6/08; letter from Attorney DiMatteo to ZEO Douglas dated 5/12/08; memo from Bill Gick to Attorney DiMatteo dated 5/13/08; letter from Attorney DiMatteo to ZEO Douglas, Supervisor Gayton, Planning Board Chairman Williams and ZBA Chairwoman Burke dated 5/14/08; memo from Attorney DiMatteo to Lisa Perez dated 5/13/08.

### **ADJOURNMENT**

A motion was made by Bill Williams and seconded by Jim Phillips to adjourn the meeting at 8:45 p.m. The motion passed with all in favor.

Respectfully submitted

Cynthia Schafer  
Planning Board Secretary