

TOWN OF BETHANY
SPECIAL SESSION PLANNING BOARD MEETING
MAY 24, 2010

Chairman Bill Williams opened the May 24, 2010 Special Session Planning Board meeting at 7:30 pm.

Planning Board Members in Attendance:

Bill Williams	Francis Brunner
Jim Phillips	Dan Street
Kennedy Wilson	
Absentee: Dave Carli	
Ramon Cipriano	

Town Officials in Attendance:

Bill Gick	Councilman
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Other Attendees:

None

Opening Comments:

None

Minutes:

Chairman Williams pointed out that the April 01, 2010 minutes should note that Ray Cipriano did not arrive until 7:46 PM and so did not vote on the acceptance of the March 04, 2010 minutes. The minutes vote should read 5-0.

A motion was made by Bill Williams to approve the April 01, 2010 planning board minutes as amended and seconded by Kennedy Wilson. The motion passed all in favor 5-0.

Correspondence:

1. Letter dated 5/14/10 received from the Genesee County Planning Board, Zoning Referrals Notice of Final Action on T-1-BETH-4-10 Kistner site plan approved. The proposed storage shelter should not pose any significant impacts.
2. Memo dated 5/24/10 from TOB ZEO Tom Douglas regarding the Kistner site plan BSP-10-1 and NYS Building Code 3201.1 and Code 3202.3.3 Encroachments into a right of way.

New Business:

Kistner site plan BSP-10-1 was discussed in depth.

ZEO Douglas was unable to attend the Planning Board Meeting but per the ZEO's memo, pre existing building setbacks were grandfathered to old standards and setbacks did not apply to overhangs so they would not be an issue. The ZEO's memo also stated that NYS codes 3201.1 and 3203.3.3 regarding encroachments into a right of way are permitted and not limited provided only they are a minimum 15 feet above grade.

The setbacks raised several questions among the Board and it was determined that additional information would be required from Mr. Kistner. The Board concluded that the following information would be required to continue.

1. Distance between the building and all adjoining property lines drawn out on the tax map(s).
2. Distance between the proposed roof edge and all adjoining property lines drawn out on the tax map(s).
3. Height of the lowest part of the roof made clear on the drawings
4. Year that the crane was built.

A motion was made by Kennedy Wilson and seconded by Bill Williams to draft a letter to Mr. Kistner requesting the information. The motion passed all in favor 5-0.

Chairman Williams will share the boards concerns with ZEO Douglas and ask for his input as to whether anything else should be included in the letter to Mr. Kistner.

The Planning Board indicated that they could review the site plan at the regular planning board meeting scheduled 6/3 if the above listed items can be submitted by Thursday 5/27. Should this not be sufficient time, the planning board could hold another special session at a later date to review the plan. Members would like Mr. Kistner to attend the meeting to answer questions about the application.

Board members expressed their desire to make sure that all exceptions to the Town's Zoning Law are identified and documented for the Record/File as to why they are exempted from the law. The Board felt this would help avoid claims of contradictions in the Board's actions with future applications.

Finally, it was determined that a public hearing for the Kistner site plan would not be required. Motion was made not to hold a Public Hearing by Jim Phillips and seconded by Kennedy Wilson. The Motion passed all in favor 5-0.

Old Business:

Nothing to report.

Adjournment:

A motion was made by Fran Brunner to adjourn the meeting at 9:25 PM and seconded by Kennedy Wilson. The motion passed with all in favor 5-0.

Respectfully Submitted,

Tim Leary
Planning Board Secretary

Note: The kistner letter was delivered directly to the E. Pembroke post office, postmarked and deposited in Mr. Kistner's P.O. Box @ 9:50 am 5/26.