

TOWN OF BETHANY
REGULAR PLANNING BOARD MEETING

JULY 1, 2010

Chairman Bill Williams opened the July 1, 2010 Regular Planning Board meeting at 7:30 pm.

Planning Board Members in Attendance:

Bill Williams	Francis Brunner
Jim Phillips	Dave Carli @ 7:40
Dan Street	
Absentee:	
Ramon Cipriano	
Kennedy Wilson	

Town Officials in Attendance:

Louis Gayton	Supervisor
Tom Douglas	ZEO / CEO
David DiMatteo	Town Attorney

Other Attendees:

Steve & Traci Wells	East Rd. E. Bethany
William Kistner	East Rd. E. Bethany
Bill Baskin	Creek Rd. Batavia

Opening Comments:

None

Minutes:

Chairman Williams made a motion to approve the May 24, 2010 minutes as submitted and was seconded by Dan Street. The motion passed with all in favor 4-0. Planning board member Dave Carli was not present at the time of the vote.

Correspondence:

Letter dated 6/28/10 to the Planning Board from the town's attorney David DiMatteo regarding the Kistner Site Plan SPR1001 was received by members via e-mail from Chairman Williams on 6/30. Members reported that they did not receive this letter in the mail.

Old Business:

William and Michael Kistner, 10056 East Rd. SPR 1001 dated 4-9-2010
Chairman Williams recapped the site plan.

On 6/11 the town attorney, Dave DiMatteo, received Mr. Kistner's e-mail response to the planning boards request dated 5/25 for a Tax Map including the proposed building / roof, distances to adjoining property lines and height of the lowest part of the roof.

Mr. DiMatteo and ZEO Douglas confirmed that the crane structure was built prior to the 1985 Town Zoning Law concerning required distances from property lines.

Town Attorney DiMatteo sent a letter to the Planning Board dated 6/28 responding to Supervisor Gayton's and PB Chairman Williams' request dated 6/11 for recommendations on what legally had to be done to be in compliance with the Bethany Zoning law. Chairman Williams responded to the letter via e-mail on 6/30 that the Planning Board was acting within the 62 day period specified in the Town's Zoning Law and confirming what action the town attorney was recommending.

Per state Municipal Law, the Genesee County Planning Board did review the Kistner application prior to any action being taken by the Bethany Planning Board.

The Bethany Planning Board did, at its special meeting 5/24, approve not to hold a special public meeting regarding this site plan.

Notice was given to property owners contiguous or directly across from the proposed site as per the Town Clerk's contact list dated 6/1.

Chairman Williams read and completed the SEQR without issue.

Motion was made by Chairman Williams to approve the site plan contingent upon the ZEO documenting in the town's Kistner Application File that the cost of the new construction does not exceed 50% of the assessed value of the entire structure and contingent upon proof that the two parcels the structure is located on are merged into one and the deed filed with the Genesee County Clerks Office. The motion was seconded by Dan Street and passed with all in favor 5-0.

A letter of approval with contingencies noted will be sent from the Planning Board Secretary to the ZEO with a copy to the GC Planning Board, Town Clerk and Town Board.

New Business:

Steve Wells, 10340 East Rd. SPR1002

Genesee County Planning Board to review the site plan 7/8. The Bethany PB will act on the application at a special meeting 7/14.

Site maps were reviewed by the board and signed off on by Mr. Wells.

No new driveways will be built and are pre-existing

Notice was given to property owners contiguous or directly across from the proposed site as per the Town Clerk's contact list dated 6/8.

Motion was made by Chairman Williams to not require a public meeting and was seconded by Jim Phillips. The motion passed with all in favor 5-0.

Susan Blackburn, 9778 Creek Rd. SPR1004

Genesee County Planning Board to review the site plan 7/8. The Bethany PB will act on the application at a special meeting 7/14.

Site maps were reviewed by the board and signed off on by Bill Baskin.

The Board requested of Mr. Baskin that he supply a drawing / rendition of the barns for the special meeting 7/14.

No new driveways will be built and are pre-existing

CAFO already received from NYSDEC

Notice was given to property owners contiguous or directly across from the proposed site as per the Town Clerk's contact list dated 6/7.

Motion was made by Chairman Williams to not require a public meeting and was seconded by Jim Phillips. The motion passed with all in favor 5-0.

Richard Barie, 10171 Bethany Center Rd. SPR1003

Mr. Barie not present at the meeting

Tax maps will need to be reviewed and signed off on, ZEO Douglas will obtain the sign off.

The Planning Board could act on the Site Plan at the Special PB Meeting 7/14.

Notice was given to property owners contiguous or directly across from the proposed site as per the Town Clerk's contact list dated 6/9.

Motion was made by Chairman Williams to not require a public meeting and was seconded by Jim Phillips. The motion passed with all in favor 5-0.

East View Farms, 10171 Bethany Center Rd. LS1005

ZEO confirms only one separation in 3 year period

Board member Dan Street pointed out that it appears additional property tax map 43.2 may be involved with the separation in addition to 8-1-44.21 and 8-1-44.11. Further, the separation would lead to a non conforming parcel being created.

The Planning Board cannot act on the separation due the above listed anomalies

ZEO Douglas advised he will send Mr. Barie a letter regarding the matter.

Motion was made by Jim Phillips to table the separation pending input from East View Farms and was seconded by Dave Carli. The motion passed with all in favor 5-0.

Adjournment:

A motion was made by Fran Brunner to adjourn the meeting at 9:05 PM and seconded by Jim Phillips. The motion passed with all in favor 5-0.

Respectfully Submitted,

Tim Leary
Planning Board Secretary

