

**TOWN OF BETHANY**

**REGULAR PLANNING BOARD MEETING**

**NOVEMBER 4, 2010**

Chairman Bill Williams opened the November 4, 2010 Regular Planning Board meeting at 7:35 pm.

**Planning Board Members in Attendance:**

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

**Town Officials in Attendance:**

Bill Gick

**Other Attendees:**

Doug Beatty

**Minutes:**

October 7, 2010 Minutes

Dan Street noted that item #3 under New Business should read "All frontage and setback distances are within guidelines". Motion was made by Chairman Williams to accept the minutes as amended and was seconded by Jim Phillips. The motion passed with all in favor 7-0.

**New Business:**

LS1008 Lor-Rob Assoc. III 10171 Bethany Center Rd. East Bethany, NY 14054

- Separate 16.724 acres from 7-1-39.1 separating woods from crop land.
- Chairman Williams walked the property personally and verified TOBZEO Tom Douglas's assessment of the pond. The pond was found to be less than one eighth of an acre and therefore does not qualify as a pond.
- Per ZEO Douglas's letter dated October 7, 2010 and accompanying pictometry, all setbacks are within guidelines.
- There have been no other separations of the property in the last three years.
- Chairman Williams read and completed the SEQR without issue.
- Official Mylar survey has been received by the Planning Board.
- A motion was made by Jim Phillips to give final approval of the Land Separation and was seconded by Kennedy Wilson. The motion passed with all in favor 7-0

### Resolution #1, Zoning Law regarding Land Separation Survey Requirements

- Chairman Williams opened discussion about whether or not existing Zoning Laws need to be amended with regards to survey requirements for ponds and proper setbacks around them.

Current laws regarding Land Separation surveys do not indicate ponds and structures need to be taken into account.

- Chairman Williams will talk with ZEO Douglas and Town Clerk about providing the public additional information that ponds be depicted within 100 feet of a new boundary line.
- It is the recommendation of the Planning Board that Land Separation Zoning Law be amended to include the following survey requirement, that ponds and structures be depicted within 100 feet either side of a newly proposed boundary line.
- A Motion was made by Chairman Williams to approve the resolution and was seconded by Kennedy Wilson. The motion passed with all in favor 7-0.

### Resolution #2, Providing public with interim instructions for LS Survey requirements prior to amendment

- A Motion was made by Chairman Williams that, in the interim period of time between now and the time of final approval of the new Land Separation guidelines, the Town Clerk provide the additional information to the public. Specifically, that ponds and structures be depicted on surveys within 100 feet either side of a newly proposed boundary line. The Motion was seconded by Kennedy Wilson and passed with all in favor 7-0.

### **New Business:**

### Resolution #3, Zoning Law Art. VI Sect. 612 regarding Cellular Towers

- Chairman Williams opened discussion as to whether or not current Zoning Law needs to be amended regarding changes to existing Cellular Towers.
- Currently, all changes to Cell Tower Plans, no matter the scope, must be examined by the Planning Board.
- The Planning Board members discussed several scenarios and their impact on the public, the contractors and the Planning Board.
- It was the recommendation of the Planning Board members to leave the Zoning Laws as stated in Article VI Section 612 unchanged.
- A motion was made by Fran Brunner to approve the recommendation and was seconded by Dave Carli. The recommendation passed with all in favor 7-0.

Resolution #4, Structures in front of a Primary Residence.

- Chairman Williams had spoken previously with Genesee County Planning Dept. Director Jim Duval regarding other Town's zoning laws with regard to structures placed in front of a primary residence.
- Jim explained to Chairman Williams that all Genesee County Towns have adopted the same laws except for the Town of Byron.
- The Planning Board members discussed several scenarios and the potential problems that could arise should the Zoning Law be changed.
- A motion was made by Kennedy Wilson to leave the current Zoning Law unchanged and was seconded by Fran Brunner. The motion carried 5-2 with Dan Street and Jim Phillips opposed.

Chairman Williams asked the Planning Board members if there was a need to amend Zoning Law Article 2 Section 208 B 1 to notify the Town Board, via letter, of action taken regarding Site Plan Reviews. After a brief discussion it was determined that no action is needed since the issue is covered under Article 2 Section 208 C 10.

**Adjournment:**

A Motion was made by Fran Brunner to adjourn the meeting at 9:30 PM and was seconded by Dan Street. The motion passed with all in favor 7-0.

Respectfully Submitted,

Tim Leary  
Planning Board Secretary