



Town of Bethel
Planning Board

PO Box 300, 3454 Route 55
White Lake, NY 12786

The Town of Bethel Planning Board held a Work Session on January 5, 2015 at 7:00 pm at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. A regular meeting of the Planning Board followed on the same date at 7:30 pm.

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, Michael Cassaro, Susan Brown Otto, David Biren, David Slater, Walter Norris, Alternate, Vicky Vassmer-Simpson, Councilwoman, Daniel Sturm, Supervisor, Jacqueline Ricianni, Attorney, Michael Weeks, Engineer, Bette Jean Gettel, Code Enforcement Officer, and Jannetta MacArthur, Recording Secretary

Pledge to the flag

Daniel Gettel: Let the record show that Willy Hughson is absent from tonight's meeting and that I will be seating Walter Norris in his place

Motion to approve the minutes from the November 11, 2014 meeting by Steve Simpson second by Walter Norris.

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: Tonight we have a Public Hearing for the Yasgur Road Reunion, proposed by Jeryl Abramson. In a minute I will open up this meeting for a Public Hearing. It does not appear that we have a presenter in the audience. Please keep in mind that this application was originally scheduled for a Public Hearing in December and we cancelled that meeting due to weather conditions. At the time we rescheduled the hearing we did not know that the applicant would not be available to make a presentation the night of the rescheduled meeting. As a board we have reviewed this project a number of times in past years and the applicant indicated at our last meeting that she intends to operate this year's event as she has in the past. We are all familiar with this operation.

If anyone in the audience would like to speak at this public hearing please raise your hand and I will ask you to step up to the microphone at the front of the room and make your comment. This is a Public Hearing. This is not intended to be a question and answer period, nor is it intended to be a public debate. We are simply here to listen to the public.



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- 1) ***Public Hearing for site plan review and license to operate a transient campground with occasional or temporary commercial outdoor recreational facility, from August 14-16, 2015 located on Yasgur Road, known as Bethel Tax Map #: 25-1-14.1 & 15, proposed by Jeryl Abramson Howard.***

Motion to open the meeting up for a Public Hearing by Susan Brown Otto second by Steve Simpson.

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: BJ, for the record do you have the proof of mailing receipts?

Bette Jean Gettel: Yes.

Daniel Gettel: What we are doing tonight is reviewing this application under Section 120, the Camping Code as revised and approved by the Town Board as Local Law #1 of 2014, as well as Section 345, the Zoning Code, which was also revised and approved as Local Law #2 of 2014. The primary changes of those codes impacted camping and outdoor recreation, both of which are proposed as part of this application. We review a site plan and the accompanying documentation, and upon our approval we approve a license. We are reviewing a transient campground with a temporary commercial recreation facility. The applicant has indicated that she is not seeking any waivers from Health Department and has also indicated that the only change from last year is the change in dates.

We did receive 239M responses from both the State and the County. The State does point out that there is to be no parking within the bounds of NYS Route 17B, that there are to be no signs placed within the road bounds, and that a permit would be required if the applicant were to have anyone assigned to direct traffic within the bounds of the roadway. None of that is part of this proposal. The County does note that there may be an impact on traffic, but the letter also states that this reunion has successfully been held in the past, and this should be a local determination.

Motion to receive and file the 239M responses by Mike Cassaro second by Susan Brown Otto.

All in favor – 7

Opposed – 0

Agreed and Carried



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Daniel Gettel: Would anyone in the audience like to comment on this application?

No response from the audience.

Daniel Gettel: If there are no comments from the public I would entertain a motion that we close this Public Hearing and go back to our regular meeting.

Motion to close this Public Hearing and go back to our regular meeting by David Slater, second by Susan Brown Otto.

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: The applicant has completed a Short Environmental Assessment Form. This form has been on file with the Town for over a month so I will not read Part 1 into the record. Part 2 is the Impact Assessment, which is our responsibility to complete as Lead Agency. I will read through Part 2 at this time.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

No, zoning allows for this use.

2. Will the proposed action result in a change in the use or intensity of use of land?

No, this site has been used for this use in the past.

3. Will the proposed action impair the character or quality of the existing community?

No, this is only proposed to happen over a long weekend.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

No, there are none in the Town of Bethel.



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5. *Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?*

No, there may be a short-term increase in the level of traffic, but the local roadways have been shown in the past to accommodate this use. There shall be no impact on mass transit, biking, or walkways.

6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?*

No, there shall be no increase in energy usage.

7. *Will the proposed action impact existing:*

a. *public / private water supplies?*

No, there are no public supplies and as in the past potable water will be provided.

b. *public / private wastewater treatment utilities?*

No, porta-johns will be provided and there shall be no impact on public or private systems.

8. *Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?*

No, this does not involve the use of a historic building or resource.

9. *Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)?*

No, there shall be no disturbance of wetlands or waterbodies.

10. *Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?*

No, this is an existing site and no additional improvements are proposed.



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11. Will the proposed action create a hazard to environmental resources or human health?

No, there shall be no hazard to human health.

Daniel Gettel: None of the questions resulted in an answer that was moderate to large and the reasons for the findings were clear. I feel there is no need for us to complete Part 3 of this form.

Motion to grant this application a negative declaration by Steve Simpson, second by David Slater.

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: Again, the applicant had indicated in the past that this event shall be operated as it was last year. I would suggest that in the event this application is approved it be approved with the same conditions placed on it in the past by this board. These conditions would include:

1. This license shall be valid for a one-concert series with camping to be held on specific dates, August 14th, 15th and 16th.
2. The applicant shall maintain liability insurance covering the event and camping. The applicant shall provide the Town of Bethel with a Certificate of Insurance naming the Town of Bethel as a co-insured party. The amount of said insurance shall be no less than \$1,000,000, as referenced in the Management Plan.
3. The contract information regarding security services, trash disposal and collection, sanitary services, potable water, EMTs and other service providers listed in the Management Plan shall be provided to the Town of Bethel prior to July 14, 2015.
4. The applicant shall obtain, no later than July 14, 2015, all required Town, County, State and other Governmental Agency permits and approvals. This shall include, but may not be limited to, the New York State Department of Health, the New York State Department of Transportation, and the Town of Bethel Town Board.



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5. The applicant shall, no later than July 14, 2015, provide the Town of Bethel with copies of, or e-mail links to, all ticket sales literature or sites which shall clearly indicate that fireworks, glass containers, illegal drugs, and pets shall not be permitted on the site.
6. The applicant shall otherwise comply with all other requirements previously imposed by the Town of Bethel and the courts.
7. The applicant shall, as necessary, act to insure that traffic movements on NYS Route 17B are not impaired by enacting the traffic control procedures outlined in the Management Plan.
8. The applicant shall permit the Town of Bethel Building Inspector and the Town of Bethel Constables to conduct site inspections to insure the conditions set forth in the Management Plan, the Site Plan, and this license are being honored and that all vendors possess appropriate licenses.
9. No open-air music events shall take place within 150 feet of any property line and shall be screened from adjoining dwelling uses. Any speakers shall face to the east, away from immediately adjoining homes and agricultural buildings and shall be angled down towards the ground. Amplified music shall not be permitted earlier than 10:00 am, nor later than 2:00 am.
10. The applicant shall take affirmative steps to mitigate any impact on agricultural uses by:
 - A. Ensuring that there is no trespassing onto adjoining properties.
 - B. Monitoring the buffer zones along any adjoining farmland to ensure that they are unoccupied by persons, vehicles, or debris of any kind.
 - C. Prohibiting the use of fireworks or creation of other similar noises likely to disturb farm animals and enforcing these restrictions at all times.
 - D. Erecting temporary fencing, only as required, to restrict entry to the site from adjoining properties and vice-versa. This shall be completed no later than August 4, 2015.



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- 11. The site and surrounding properties shall be fully cleared of all event and camping related debris, equipment and temporary structures (including any stages) no later than August 24, 2015.
- 12. No temporary structures shall be constructed or installed within the bounds of the buffer zone for the wetland which exists on this property.
- 13. All fees shall be paid to the Town of Bethel prior to the issuance of this license.

Daniel Gettel: If there are no comments from the board I would entertain a motion that we approve this site plan for camping and outdoor recreation for the open air concert and approve the license for transient camping with the conditions as mentioned earlier.

Motion to approve this site plan for camping and outdoor recreation for the open air concert and approve the license for transient camping with the conditions as mentioned earlier by Susan Otto Brown, second by Steve Simpson.

Roll call vote:

- Mike Cassaro: Yes***
- Susan Brown Otto: Yes***
- Steve Simpson: Yes***
- David Biren: Yes***
- David Slater: Yes***
- Walter Norris: Yes***
- Daniel Gettel: Yes***

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: BJ, I will have to get you Part 2, I don't have it with me.

Bette Jean Gettel: No problem.



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2) *Application for subdivision and SEQRA review located on Plum Beach Road, known as Bethel Tax Map #: 31- 3-17.1, proposed by Shaya Boymelgreen. (Jonathan Farber, Landscape Architect, Pamela Richardson, Attorney, Timothy Gottlieb, Engineer)*

Daniel Gettel: If you just want to stick to what has changed since the last meeting, to what has been resolved. I understand there are some waivers you are going to be asking for, just so the board is aware of it.

Jonathan Farber: We just received comments from the town engineer. One of the issues was whether or not there is acceptable water supply. Our engineer is Tim Gottlieb, and he will give you that information. There is a change that appears on one of the drawings, note 2 on sheet 1 has been changed from a major subdivision to a minor division. The driveways, yes we are asking for a waiver, which we went through as per the minutes from the last meeting. We will need an answer.

Pamela Richardson: We did submit a request for a waiver to allow us to use the driveway as opposed to a private road. That is the shared driveway for Lots 3 & 4, crossing over Lot 2. We did submit that, based upon the condition of the property, because if we were to come in Lakeview Drive, directly onto Lots 3 and 4, as opposed to coming around the back. The slopes on this side of the property are significant, and would require much more impact on the hillside and the natural appearance of the topography, which would then of course increase the cost, and also the service area.

Jonathan Farber: There was a question of common open space.

Pamela Richardson: When we were last before the board we talked about the recreational amenities. They will be replacing the existing tennis court, handball court as well as the pool, which is located on Lot 1. The tennis court and handball court are on Lot 2. We talked about making those amenities available to all of the lots in the subdivision as shared open space recreation. Since the last meeting, and having seen the comments that came in from the engineer, we have had some conversations about possibly presenting this as an alternative to the board. Instead of making those amenities shared amongst all of the lots, rather than doing that, perhaps pursuing making a payment under recreation, based on provisions of the town code. We would want to find out exactly what that schedule is and consider that as an option.

Daniel Gettel: In my opinion, and I am not speaking for the board, that does make for a cleaner application, instead of deeding rights for one person to go onto someone else's property, then



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down the road they sell Lot 2, I do think it is cleaner. The recreation fee is \$250.00 per lot. That is a one-time fee, which would be a condition of your approval.

Pamela Richardson: If it is acceptable to the board, we would like to go back and tell the client so they can consider the options and then give you a yay or a nay, either of the two, when we come back for the next meeting.

Daniel Gettel: Michael, I feel that is a good alternative, I think it would be a much cleaner application.

Michael Weeks: Yes, I agree.

Jonathan Farber: There was another comment on the technical review about storm water runoff, and we submitted a revised SWPPP, I think about 2 months ago?

Michael Weeks: Your EAF, that section was blank, there was nothing filled in.

Pamela Richardson: We can fix that. There was also a comment on page 7 of the EAF, paragraph K. We had left that blank but in fact that portion of the EAF is not applicable because it isn't either commercial or an industrial project.

Michael Weeks: Yes, that is correct. That should be blank. I have one more comment. There must be provisions on the plan about the shared driveway.

Pamela Richards: We will take care of that.

Daniel Gettel: During our work session we did discuss the shared driveway. Do you have a set width on the driveway?

Jonathan Farber: We had said 10 feet, and then I heard a comment that you would prefer 15 feet.

Daniel Gettel: We would like 15 feet. We would like you to accommodate a fire truck. If you would make it wide enough to accommodate a fire truck, we are fine with that.

Michael Weeks: That would also give two cars the ability to pass.

Jonathan Farber: Would that be 15 feet plus 3 foot shoulders, making it 21 feet?



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Michael Weeks: No, we are looking for a passable 15 feet. If you wanted to do 11 foot with 2 foot shoulder widths that could still support vehicle traffic.

Daniel Gettel: In that case, make sure the fire truck can turn around in the cul-de-sac.

Jonathan Farber: Sure.

Daniel Gettel: Again, it is not a public road. These are not two bedroom houses. They are going to be substantial houses. We want to make sure the fire department can get right through.

BJ Gettel: And the driveways are extremely long, with that being said...

Daniel Gettel: If you can get through Beechwoods, you should be able to get to this lot. Michael, have they pretty much ran through your comments?

Michael Weeks: The biggest thing that is outstanding is the water supply. This needs to be addressed. Everything else is quite minor in nature.

Daniel Gettel: And you have a minimum driveway standard that they are going to build from that?

Michael Weeks: They have a detail on the plan, so I think if they just need to widen that up to what we talked about.

Daniel Gettel: You are okay then with the details on the plan? Just to clarify, these are substantial houses, but are still single-family houses. We recognize that there are other uses permitted in this zone, but if they are labeled houses, we must assume they are single-family houses.

Pamela Richards: Yes.

Daniel Gettel: We did declare our intent to be lead agency at our last meeting, two months ago. Jacy, or Michael, is there an issue that you aware of, is there a deadline for that now that they have to follow now that we declared our intent to be lead agency?

Jacqueline Ricciani: No, the deadline is just when we have had a public hearing, once we open the public hearing.



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Daniel Gettel: Public hearing is the next step for this. You will be responsible for the certified mailings, as you did the last time, return receipt requested. Are there any comments from the board?

None

Motion to schedule a Public Hearing for February 2nd, at 7:30 pm by Steve Simpson, second by Susan Brown Otto.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: The only other comment I would have is that whatever submission you make to us please send the same to Michael (Weeks).

3) Application for a Special Use Permit with Site Plan review to allow for boat sales to be located at 1063 State Route 17B, Mongaup Valley, known as Bethel Tax Map #: 38-2-89, proposed by Boat Wise, Inc. (Al Chase, Surveyor)

Daniel Gettel: This was submitted in time for the December meeting. Mr. Chase, if you would please tell us what Mr. Payne is proposing.

Al Chase: I am representing John Galligan's office. John (Payne) wants to have a sales lot right off of Route 17B. It would be on the southeasterly side of the existing buildings. It is in the shaded green area shown on the map. It is an existing plateau that he (John Payne) filled in with gravel and shale to make a parking area. He wants to display boats there to sell. He told me about a month ago he might want to do consignment of boats. He will improve the driveway between that sales lot and the two buildings, eventually getting a DOT driveway permit approval from the State for access coming off that driveway, and then the proposed parking area for parking if people want to stop in to take a look at boats.

Daniel Gettel: Wouldn't you get the State's approval first before you put the driveway in?

Al Chase: It is an existing driveway. He probably improved upon it somewhat, but it was an old roadway that leads up to the top of the hill where he stores his boats. It has been there. There is a catch basin out front designed to catch the water coming down the hill because the driveway



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was there. I am sure he is going to improve upon it. He told me he doesn't want to use the existing building. He doesn't want a sales office. He just wants to sell boats.

Daniel Gettel: Is that going to be by appointment then?

Al Chase: Yes, he is talking about putting a sign out front where he would just write down his phone number. Maybe attached to the boats that are out front that he wants to sell. They would contact him that way if they want to meet on site.

Daniel Gettel: Are you talking about hanging a sign on the boat where you could rip the little tag off the bottom?

Al Chase: I don't know. I'm sure he will have a sign somewhere. He told me he doesn't want any kind of any official sales office. I know that is going to be a stumbling block, but that is how he wants to do it.

Daniel Gettel: In the past, I think you realize that we have had a number of issues with this applicant.

Al Chase: Yes.

Daniel Gettel: Problems with conforming to the conditions that we set in the prior Special Use Permit. I would like to say that Mr. Payne originally asked us to have a pre-application meeting before he proposed the relocation of his business. We had a pre-application meeting. Mr. Sturm and I were kind enough to go to the site. He told us what he wanted. We let him know what he had to do, the minimal amount of work that he had to do, to make his business a permitted use. I think I crafted a Special Use Permit with conditions that met everybody's needs. I think it is very apparent, to the people on this board especially, that he did not meet the conditions of the Special Use Permit. There are some court proceedings now going on that have to be resolved through the courts. I don't know if it necessarily..., correct me if I am wrong Jacy, this has to be worked out with the court to get into compliance with the Special Use Permit?

Jacqueline Ricciani: The court proceeding, the enforcement proceeding in the local court, has been adjourned to give Mr. Payne an opportunity to come into compliance. He has already, according to the violation charges that are filed in court, done quite a bit of site work without getting approval from this board, which is a violation of the town code. Those proceedings have been adjourned to give him an opportunity to come into compliance which means working through this process in front of this board with timely submissions and to go to Public Hearing to



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see whether the application to actually do the sales can be approved. I think the next court date is February 23rd. That court date was originally selected with the anticipation that we have been through the Public Hearing process. Because we didn't have a meeting in December it will probably take a little bit longer. He needs to move a little bit more urgently than he has in the past. The Town proceeding is going to come to a point where we can't delay it anymore. It has been going on since September.

Al Chase: You will give him direction of what he needs to do?

Jacqueline Ricciani: He will get direction from this board, to change this application, to provide information. He will need to work with the engineer to make sure it is a well designed project that this board can vote on. I do have a question. There are a number of notes in the upper left hand corner (of the map). It states that the hours of operation will be 8 am to 7 pm. Is that during any particular month?

Al Chase: I can't speak for him personally. He is in Florida in the wintertime.

Jacqueline Ricciani: That needs to be specified. If the hours of operation are going to be open during those hours he needs to submit some kind of narrative or operational plan so this board has an understanding of how this is going to operate being open for 11 hours a day with no sales office.

Daniel Gettel: And with no lighting. He has no lighting, no security lighting. It is a valid question. The reason I pointed out that we did come up with a lot of conditions that he did not comply with the last time is I don't want to take that route again. If Mr. Payne wants to operate his business in a certain way he needs to spell it out himself. Let us know what he needs to do to run his business so we are not involved in saying put this sign here and how this sign is going to look. I don't want to get involved in that. I do have some questions based upon my preliminary look at this. I agree with Jacy. I think a lot of this can be addressed in a narrative or a management plan. I think some of the questions need to be addressed on paper. Jacy did mention there are actually two places excavated without any permits and no approvals from the town. There is a large excavated area behind the present sales office. Nobody knows why that was excavated. Is the intent to clean it up, dress it up, to stabilize the bank he excavated? Why did he create that bank? I do think since there was a disturbance that it should be put on the plan. We issued him a negative declaration with the idea that he wasn't going to have any site disturbances. He needs to address that. My question to you is, did the State approve the excavation of the sales lot, and how much of that is in the state right of way? He completed work in the state right of way, and he can't do that. Would you say it is fair that the bank itself is



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in the state right of way?

Al Chase: Only a portion of the bank is in the state right of way. You have to cross through the state line, to get to the proposed parking area. The majority is behind the state property line, the boundary line. Once you are behind the boulders you are clear.

Daniel Gettel: You know as well as I do that you can't make any changes in the State right of way, without a state permit. I would like an explanation of that.

Al Chase: I think he excavated behind the existing building to get the shale to spread out on that plateau. I don't know.

Daniel Gettel: I would like a specific answer on that. It was a violation of the code. Exactly how much land was disturbed as part of the clearing process? Can I get an actual number from the surveyor?

Al Chase: The area itself is less than 2/10ths of an Acre.

Daniel Gettel: If that is the case that needs to be on the plan.

Al Chase: I can't say how much was excavated.

Daniel Gettel: What is the site distance for the driveway he cut in? We are talking about the sales lot.

Al Chase: That would have to be done with the State DOT permit.

Daniel Gettel: You realize that there is a problem with site distance. The reason I am proposing it to you is that you may have enough property to be able to improve your own distance, but it is a question. We will talk about Glenn Smith reviewing the project later. It will have to be addressed at our board also. If someone comes to the site to look at the boats how do they know where to park, how are you going to direct them off of Route 17B? We do have a problem with people parking directly on Route 17B, especially in this case where the sales lot is directly bordering Route 17B, if not right on Route 17B. Will the boats for sale only be located on that clearing, or scattered all over?

Al Chase: Theoretically it should be just on that cleared area.



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Daniel Gettel: Mr. Payne's management plan will then state that he is not going to have boats scattered all over the property.

Jacqueline Ricciani: The plan states there are 25 boats to be displayed in that area? That is going to be tight. I am assuming it is in that green area? Other than kayaks...

Al Chase: The green area goes a little beyond, a little bit southeast. The green area is just the shale area that is disturbed.

Daniel Gettel: You need to justify this on the site plan, placing 25 boats there.

Al Chase: It might be tight.

Daniel Gettel: We want you to justify that you have enough room to park 25 boats.

Jacqueline Ricciani: What kind of boats, pontoon, etc?

Daniel Gettel: Going back to what I said at the beginning of this application, if you intend to light it, how are you going to light it without spilling light onto Route 17B since it is directly adjoining Route 17B. If he is going to operate until 7pm he is going to need lighting. As part of the initial application a year ago, signs were supposed to be installed on the building, are those signs going to be installed? Will additional signs be required to address this new business? BJ can only approve a certain amount. In this instance we want to know what signs are going to be proposed for the new business as well as the existing, and the location of the signs.

Susan Brown Otto: Is that part of the violation?

Daniel Gettel: The signs weren't put up. I think that is a minor part of the violation, but it is one of them.

Jacqueline Ricciani: It is the general violation. I believe that the operation has not conformed to the site plan that this board approved.

Daniel Gettel: Going back, does the applicant intend to install banners and pennant flags to draw attention to the sales lot, like a used car sales lot, or can we assume he is not going to take that route?

Al Chase: I don't know.



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Daniel Gettel: I would like that to be stated on the map. A lot of those (signs) don't meet the town code. I would like him to spell out what he intends to do. Are there any questions from the board?

Susan Brown Otto: Is Mr. Payne in compliance with his escrow account?

Daniel Gettel: He currently has a credit in his escrow account. Please advise him that it is dwindling fast. He should probably replenish it now instead of waiting for a final review and approval, assuming he goes to final review and approval.

Susan Brown Otto: What happens, as I recalled the prior application, we weren't supposed to see any boats, the boats in storage way up on the hill. How is that going to be rectified?

Daniel Gettel: I don't believe you can see them this year. They were just pulled back away from the bank. As long as they are not visible, we don't have an issue with it because he is in compliance. This year he is in compliance. The first year they pushed them too far over the bank and they were visible. I don't believe they are visible this year. When it snows they are less visible.

BJ Gettel: They are not visible on this lot but on another lot that Mr. Payne has they are very visible.

Daniel Gettel: Which is not a lot that is in front of us.

BJ Gettel: Correct.

Susan Brown Otto: With the prior application weren't there supposed to be a set number (boats) close to the road in the summer time, like two or three, and yet there were a number of boats parked along the driveway along Route 17B?

Daniel Gettel: I don't know that there were a set number that were allowed to be there, but clearly.... The permit was issued with the idea that occasionally he could park a boat or two. How many boats he actually tried to sell off this lot, I can't tell you. I do believe it was more than one or two at a time. I do believe parking the boats were parked a little haphazard. Moving forward I would like to see gates installed instead of parking a pickup truck in the driveway so we have to look at the truck all winter. He uses a pickup truck as a gate. That's his security system.



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Susan Brown Otto: What about putting signs on trailers on wheels, and moving them around?

Daniel Gettel: Yes, there is a section in the code you may want to look at. Portable signs cannot be within a set distance of the right of way of the road. Clearly when you excavate right up to the right of way of the road, then place a sign on wheels there, that sign is not very far off the road. I don't know if it is 200 feet, I don't know the number off the top of my head. There is a section in the code that talks about portable signs and where they can or where they cannot be located. Mr. Payne should be aware of that. He's not the only one that has portable signs. Political signs are exempt. Clearly these are things you have to address. I would like a management plan.

Jacqueline Ricciani: It needs to be submitted 14 days before the next meeting. We are now meeting the first Monday of every month.

Susan Brown Otto: Is that Martin Luther King Day?

Daniel Gettel: I think if they come through with a legitimate plan, we will take it from there. They are clearly not ready for a Public Hearing. I would suggest that you work closely with Mr. Smith. We did discuss during the work session that we had originally suggested Michael Weeks would be better reviewing this, but I understand there is a little bit of a conflict with that, so we are okay with Mr. Smith reviewing this, our other engineer. Work closely with Mr. Smith. I will give him an idea of what we are looking for. I think in the past you were at a meeting when I ran through what sections of the code should be addressed. There are at least three sets of minutes you can go through to review the conditions. He should be able to address the section of the code that needs to be addressed.

Al Chase: Is the management plan something that he writes up, or is it something that needs to be on the map?

Daniel Gettel: It is something that he would write up, as a supplement to the site plan. Since there has been an issue with this property in the past, I do think that is something that needs to be done.

Jacqueline Ricciani: Whatever documents he puts together as far as his management plan, it does become part of this application.

Daniel Gettel: He has opened up some areas on this property; I do believe that if Mr. Payne is



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not going to install any landscaping, he should put on the plan that he is not going to install landscaping on the plan. It is something that he has promised in the past, minor landscaping. It never amounted to anything. If you make a submission to us please forward the same directly to Mr. Smith as well. I would suggest that you try to work some things out with Mr. Payne and Mr. Smith before you come back to this board. I would like some of these addressed before you return, not just present another survey map.

- 4) *Application for a Special Use Permit with Site Plan review to allow a commercial use in the C-17B District located at 1095 State Route 17B, known as Bethel Tax Map #: 38-2-93.4, proposed by Schoch Revocable Trust & Linda Forte. (Andrew Forte, Applicant, Timothy Gottlieb, Engineer)***

Daniel Gettel: If you want to tell us what you are proposing, what the use is.

Timothy Gottlieb: The property is located at 1095 Route 17B, just east of Airport Road and the Ballard Road intersection. There are two existing single-family residences on the property. The applicant is proposing to change these to commercial. One would be an antique store, I'm not sure what they want to do with the second, but they would like to get the approval for a commercial use for that piece of property as well.

Daniel Gettel: That is a little difficult because commercial is a very broad statement. We are not talking about McDonald's, correct. We could perhaps restrict the use, but that is some thing we would have to figure out how to do.

Jacqueline Ricciani: Retail is permitted.

Timothy Gottlieb: It wouldn't be a McDonalds, a Dunkin Donuts, or a TGI Friday.

Daniel Gettel: If the plan says retail, it would probably work better for us.

Timothy Gottlieb: Okay. We would like to use the entrance that is there now, one-way in and one-way out. We do have a slight issue with some of the site distance. I would like to get the approval from the NYS DOT before we get too far into the plan if that is okay with the board.

Daniel Gettel: That is one of the concerns we had earlier today.



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Timothy Gottlieb: It is 50 mph coming towards Bethel, and right at the western entrance it changes to 55. We are in two speed zones, 55 coming towards the property and 50 coming from Monticello.

Daniel Gettel: Can you give us an idea of how much of a change we are going to notice at the property?

Timothy Gottlieb: Probably not much of a change, other than just some parking areas.

Daniel Gettel: I think that is my point. It is going to be minor.

Timothy Gottlieb: There is going to be very minor work on the property. Nothing will change substantially to the building other than probably a new entrance, sidewalk and steps within the bounds of the property. Another handicap accessible ramp, there is one there already, but that has to be updated. Other than that there is nothing that is going to change. We have an updated site plan with topography and the existing trees. It came in too late before I could get it here that is why you don't have it now.

Daniel Gettel: That is fine. Glenn (Smith) will need that of course.

Jacqueline Ricciani: Is there going to be a sign?

Timothy Gottlieb: Yes, there is going to be one sign. We don't know where yet.

Daniel Gettel: You should look at your site distances before you place the sign.

Timothy Gottlieb: Yes.

Daniel Gettel: Just so the public is aware, most of the public that is here is here for this application, I believe. We are looking at one-way traffic through the existing driveway network, there is an in and an out. That may help them address the site distance question and the problems from the past. I am sure the applicant is aware that there is a little bit of a problem with some of the businesses in this area where people park on the road. We would be pretty leery of having flea markets on the site in addition to the antiques, which one of the people directly across the street does. It is kind of a night mare, if I can say that. The church (across the street) used to have flea markets, the State shut them down. Fiddlers next door to the church used to have flea markets, they shut them down also. We may just make that a condition of approval.



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Timothy Gottlieb: I don't think that is going to be a problem.

Jacqueline Ricciani: You may also want to address the outdoor display of merchandise. It is something that the board may want to consider. I don't know what their plans are, but having too much stuff outside can also be something to attract people, to just stop on the side of the road and take a look.

Daniel Gettel: As far as parking goes, I think you have plenty of parking, does it meet the code?

Timothy Gottlieb: For the two buildings the way they are you need 9 spaces. We have 12 for consumers and 4 for the employees.

Daniel Gettel: As far as existing utilities?

Timothy Gottlieb: Right now they are planning on maybe having 3 employees.

Daniel Gettel: BJ, do you have any comments?

Bette Jean Gettel: No. Whatever interior design changes they are going to make, that is independent from this board. The buildings do need to be handicap accessible.

Daniel Gettel: Which it looks like they are providing.

Bette Jean Gettel: Our management plan handled the required hours of operation.

Daniel Gettel: We usually say if the lighting is residential in nature, we usually don't have a problem with it. We aren't going to ask for a management plan like the last applicant for an operation such as this.

Jacqueline Ricciani: No one is going to be living here, right?

Timothy Gottlieb: Someone is living there now.

Jacqueline Ricciani: When the store is operated?

Andy Forte: No one is going to live in the store.

Timothy Gottlieb: Right now it is a single-family residence. I believe the plan is to keep that for



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right now. (The building closest to the road, the northeast corner)

Andy Forte: If I could be recognized. I am the owner. There are two existing buildings on the property. The larger one is vacant. That is the building we would like to convert to an antique store, similar to the one across the street. The smaller building is occupied for residential use, there is a tenant there, for the time being, and in the future it may also be converted to an antique shop.

Jacqueline Ricciani: You will have to come back for that.

Andy Forte: It is my understanding that this is included in this application.

Daniel Gettel: At the beginning of the meeting I questioned how do we can do that. We will have to get back to you on that. The side yard is substantial. One of the buildings is close to the road. We aren't going to ask you to move the building, it is grandfathered in. Are there any other comments from the board?

Susan Brown Otto: I have a comment, specific to the signage. We try to request the applicants to have a stonewall planter underneath it, similar to others in the area. If you could would you consider that when you are designing your sign?

Daniel Gettel: They submitted a short environmental assessment form. Even though Michael (Weeks) is not the reviewing engineer, he likes us to declare our intent to act as Lead Agency, even on the short form.

Bette Jean Gettel: This will also require a County and State 239M review.

Daniel Gettel: Down the road they will.

Timothy Gottlieb: I spoke to DOT in Binghamton. They said they typically don't like to us to discuss things with them until it is part of the State 239M. If I could get permission that it is okay to talk to them?

Bette Jean Gettel: Speak to Christine Klein.

Daniel Gettel: You can tell them you have an active application in front of us and we are reviewing it. We would like their input before we approve anything. I would like to entertain a motion to declare our intent to act as Lead Agency.



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Motion by to declare our intent to act as Lead Agency by Steve Simpson, second by Susan Brown Otto.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: I would like Glenn Smith to be part of this. I think it is a simple application as far as site disturbance. I would like to keep it that way. I would like him to be part of the discussion on the site distance because that is something this property has always had a problem with. I don't know how much traffic you will have. It is not like you are proposing a bank. Once the driveways are addressed and the signage is addressed we can go toward a Public Hearing. When you hear from the State would reach out to Glenn? It would probably be easier if you keep him in the loop. I will send Glenn an email to let him know to expect something.

Jacqueline Ricciani: Owner's proxy?

Timothy Gottlieb: It is done, it is in the file.

5) Administrative

Daniel Gettel: We have one more item on the agenda, it is administrative. We discussed this during the work session. I don't think we have the need to go into executive session.

Reappointment of Michael Cassaro

Motion to recommend to the Town Board that they reappoint Mike Cassaro for another 7 year term with the understanding that his credit hours are up to date by David Biren, second by Susan Brown Otto.

Mike Cassaro: Abstain

Susan Brown Otto: Yes

Steve Simpson: Yes

David Biren: Yes

David Slater: Yes

Walter Norris: Yes

Daniel Gettel: Yes



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All in favor – 6 Opposed - 0 Abstention - 1 Agreed and carried

Reappointment of Chairman and Vice Chairman

Motion to recommend to the Town Board that they reappoint Daniel Gettel as Chairman of the Planning Board and Steve Simpson as Vice Chairman of the Planning Board, by David Slater, second by Walter Norris

Mike Cassaro: Yes

Susan Brown Otto: Yes

Steve Simpson: Yes on Chairman Appointment, Abstain on Vice Chairman Appointment

David Biren: Yes

David Slater: Yes

Walter Norris: Yes

Daniel Gettel: Yes on Vice Chairman Appointment, Abstain on Chairman Appointment

Vice Chairman Appointment:

All in favor – 6 Opposed - 0 Abstention - 1 Agreed and carried

Chairman Appointment:

All in favor – 6 Opposed - 0 Abstention - 1 Agreed and carried

Daniel Gettel: Vicky and Dan (Sturm), is there anything from the Town Board?

Vicky Vassmer Simpson: Our meeting is this Wednesday. It is our reorganization meeting. It will be the appointments for the year.

Bette Jean Gettel: There is one other thing, training. If you have not signed up, there is a 2-hour webinar tomorrow night at the Youth Center. It begins 6pm and ends at 8pm.

Daniel Gettel: Dawn Ryder will be coordinating it as the liaison to the Zoning Board. It is a zoning webinar, but it is for planning board members as well. She would be the person to contact.



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Bette Jean Gettel: January 13th is a planning webinar. It begins at 6pm and ends at 8pm. On January 14th, at the Lodge in Rock Hill, there will be a 4 hour seminar on SEQRA. There are different instructors with different viewpoints. You need to sign up if you intend to attend.

Daniel Gettel: If anyone from the Planning Board is going to go, please contact BJ.

Motion to adjourn by Steve Simpson, second by David Biren.

All in favor – 7

Opposed – 0

Agreed and carried

8:42 pm

Respectively submitted,

Jannetta MacArthur
Recording Secretary