



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 February 16, 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, Glenn Smith, Engineer, and Bette Jean Gettel, Code Enforcement Officer

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. Jannetta MacArthur, Recording Secretary is excused.

***Motion to approve the minutes from the January 5, 2015 meeting by Steve Simpson second by David Slater.***

***All in favor – 7***

***Opposed – 0***

***Agreed and Carried***

Daniel Gettel: Tonight we have quite a few items on the agenda. For the record our Operating Procedures state that the Planning Board meetings are restricted to three hours. At the time the procedures were developed we did not have a scheduled work session so I believe the intent was that the meetings are to adjourn at or around 10:30 pm. At 10:30 pm we as a board must decide if the application being reviewed should be completed or deferred to our next meeting. We do have some options. We can continue reviewing applications if we feel the remaining items can be expected to be completed within an additional 30 minutes or that the deferral of a project would cause one or more items to exceed the regulatory time limits and the applicant is unwilling to waive the relevant time. We can also elect to schedule a special Planning Board meeting, prior to the next regularly scheduled meeting, to address the remaining agenda items. If the meeting runs to 10:30 we will make that decision at 10:30.

Daniel Gettel: Tonight we do have a Public Hearing for the Boymelgreen subdivision, in a moment I will open up the meeting for a Public Hearing and we will ask the applicant to make a presentation to the audience. We have seen this application a number of times and are familiar with the application. There is a quirky part of the subdivision law which has been interpreted to say that we need to run through SEQRA prior to receiving public comment on a subdivision application. We therefore need to run through Part 2 and Part 3 of the Long SEQRA Form after



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the applicant's presentation but prior to receiving public comment. It may sound a little bit backwards, but that is what we are required to do. As BJ said, if anyone in the audience would like to speak at the Public Hearing I assume you signed your name on the list that was in the back room. As soon as the meeting is opened up for public comment I will call the names on the list in the order in which they appear. I will ask that person to step up to the microphone at the front of the room, the podium, state their name for the record and make any comments. Due to the fact there are a number of items on the agenda tonight I would ask for two things. First limit your comments to five minutes. I want to make sure everyone that wants to be heard is heard but also want to be fair to the other applicants on the agenda. Secondly, I would ask that if someone makes a point that you agree with, simply state you agree with that statement. I don't think it is necessary for everyone to restate the same point. 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 or a shouting match. This is not the Town Board. Hopefully some of your questions or concerns will be addressed during the applicant's comments, but they may not. We are simply here to listen to the public. I would like to also make a short statement that may touch on some of the concerns of the public.

Daniel Gettel: As a Planning Board we are a regulatory board. We do not have the power or authority to determine property rights. We cannot determine who has the right to use which road, who has the right to go here, who has the right to go there. We also cannot determine what certain deeds allow certain people in a community to do or have on their property. We are not a court of law. We do not have the power or authority to make those decisions. We regulate zoning. With that being said, I would entertain a motion that we open this meeting up for a Public Hearing.

***Motion to open this meeting up for a Public Hearing by Steve Simpson, second by David Biren***

***All in favor – 7***

***Opposed – 0***

***Agreed and carried***

- 1) ***Public Hearing for a subdivision with SEQRA review located on Plum Beach Road, known as Bethel Tax Map #: 31- 3-17.1, proposed by Shaya Boymelgreen. (Gottlieb)***

*Certified Mailing receipts have been received.*

Daniel Gettel: Prior to the applicant making a presentation, I also want the public to be aware that this applicant has requested a waiver of one section of our subdivision regulations, Section 300-5 of our code permits the board to grant waivers, and the applicant has specifically requested



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that we grant a waiver to Section 300-21B, paragraph 6, which states: The driveway access to a lot shall be provided from the front line. We will discuss this request as a board during our regular meeting, but I wanted to insure that the applicant does discuss this waiver request during their presentation. Ms. Cassidy, if you would please.

Elizabeth Cassidy, Attorney: Thank you Chairman Gettel. The applicant is proposing a 4 lot subdivision in the Plum Beach area. This application as you know has been before you several times. This time around we have modified the access. The homes are located in the same location, however the access has changed. Lot 1 we propose to access via Naylor Road. At present the applicant is under contract to purchase this lot in order to accomplish that. Remaining Lots, 2, 3 & 4, will be accessed via Lakeview Drive. With regards to the waiver request, the driveway needs to be on the front lot line. In the case of Lots 3 & 4, the front lot line has very steep slopes. You can see the steep slopes shaded in gray on the plan. We simply ask that instead of coming in this way for these two lots, that we would be able to come up and around and down where the topography..., it is much more available for a driveway access for those two lots. These properties will be served by private septic and wells. The septic systems, because of the nature of the soils, we are proposing, as stated in our septic report, alternative mount systems and trench systems, which I will let the report speak for itself. If you have any questions, I'll refer those to our engineer Tim Gottlieb for further comment, but those are what we propose to use. Those septic systems have a 24 hour electronic monitoring system, so if they were to fail, an alarm goes off and a company is called and they take care of it fairly quickly. If the board wishes, I will open up to public comment and I would reserve the right to respond to any public comment in writing after this hearing.

Daniel Gettel: As I said, as a board we do have to run through Part 2 before we take public comment. Part 1 of the long EAF has been on file with the Town for quite a while now, so I do not feel it is necessary to read that into the record. Part 2 and Part 3 are the parts we have to complete as a board, and I will run through Part 2 at this time.

Part 2

*1. Impact on Land: Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site.*

Yes, most projects we review will have some impact on the land. Most not to the extent listed in the examples.

*b. The proposed action may involve construction on slopes of 15% or greater.*



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That would be a small impact. There are a number of areas within the bounds of the development where the driveways have been proposed on slopes of 15% or greater to gain access to the proposed lots and homes. The developer has demonstrated that these disturbances shall be kept to a minimum.

*c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.*

This is also a small impact. There is a potential for bedrock being exposed during construction but the developer has proposed a project where the vast majority of the improvements avoid areas of exposed bedrock. I believe that exists along the Naylor Road side of Lot #1.

*2. Impact on Geological Features: The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual landforms on the site (e.g., cliffs, dunes, minerals, fossils, caves).*

No, there are no dunes, caves, or unusual landforms.

*3. Impacts on Surface Water: The proposed action may affect one or more wetlands, or other surface water bodies (e.g., streams, rivers, ponds or lakes).*

No, wetlands do exist on the parent parcel, but not in close proximity to any of the proposed disturbances.

*4. Impact on groundwater: The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.*

Yes, municipal water services are not available in the area, and any residential use would result in a need for an additional use of ground water.

*a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.*

Small impact. Four individual wells shall be installed to serve the needs of the proposed homes, but these wells shall be residential in nature and the casings shall



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be sealed to insure contaminants are not introduced to the groundwater, as required to meet today's codes.

*5. Impact on Flooding: The proposed action may result in development on lands subject to flooding.*

No, the homes have not been proposed in areas that are subject to flooding. The applicant has provided a SWPPP plan to address drainage and runoff.

*6. Impacts on Air: The proposed action may include a state regulated air emission source.*

No, not to the extent listed in the examples.

*7. Impact on Plants and Animals: The proposed action may result in a loss of flora or fauna.*

No, the applicant has submitted a habitat study in the past for this parcel.

*8. Impact on Agricultural Resources: The proposed action may impact agricultural resources.*

No, this is not an agricultural area.

*9. Impact on Aesthetic Resources: The land use of the proposed action are obviously different from, or are in sharp contrast to current land use patterns between the proposed project and a scenic or aesthetic resources.*

Yes, although this is a residential area, the lots we are reviewing are wooded and there is a potential that the proposed homes will be visible.

*c. The proposed action may be visible from publicly accessible vantage points:  
 i. Seasonally (e.g., screened by summer foliage, but visible during other seasons)*

This is a small impact. The developer has proposed a project where natural buffer zones are to be maintained, but there is a potential that the homes may be visible from a state boat launch and the lake, especially during the winter. These are state run facilities. Existing homes in the area are readily visible from these



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vantage points year round and the heights for the proposed structures are restricted by zoning.

*10. Impact on Historic and Archeological Resources: The proposed action may occur in or adjacent to a historic or archaeological resource.*

No, none of these exist.

*11. Impact on Open Space and Recreation: The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.*

No, this is not a parcel that is open to the public, no it is used for recreation.

*12. Impact on Critical Environmental Areas: The proposed action may be located within or adjacent to a critical environmental area (CEA).*

No, none exists in the Town of Bethel or in Sullivan County.

*13. Impact on Transportation: The proposed action may result in a change to existing transportation systems.*

No, not to the extent listed in the examples. We are talking about four proposed homes, one with access along Naylor Road, and three with access along Plum Beach Road. An existing lot on Naylor Road is to be annexed to Lot #1 and a single driveway will be constructed crossing that newly annexed parcel. We are not a judicial board and we do not have the authority to determine that the existing lot on Naylor Road does not have road access. We also cannot assume that if the present owner of the lot on Naylor Road had filed for a building permit, which would include construction of a driveway, that the permit would simply have been issued. Three of the lots are to have access along Plum Beach Road via Lakeshore Drive. Judge Meddaugh, in his decision on access, stated that the Boymelgreen's retain their ability to subdivide their lot in a different way that provides access to the subdivided lots by creating roads or drives through their property to Plum Beach Road. This is what they have proposed for three of the lots. Access and use to this development would be no different than that enjoyed by any other single family residence in the immediate area.



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*14. Impact on Energy: The proposed action may cause an increase in the use of any form of energy.*

No, not to the extent listed in the examples.

*15. Impact on Noise, Odor, and Light: The proposed action may result in an increase in noise, odors, or outdoor lighting.*

No, not to the extent listed in the examples. The town restricts during which hours construction may occur and the applicant has further indicated that construction shall not be completed on Saturday or Sunday. This is a residential development where the natural buffer zones are to be maintained and all amenities conform to zoning setbacks. The applicant has also indicated that none of the private recreational facilities shall be illuminated for night use.

*16. Impact on Human Health: The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.*

No, they are not located within 1,500 feet of a hospital, nursing home, nor are we dealing with hazardous waste.

*17. Consistency with Community Plans: The proposed action is not consistent with adopted land use plans.*

No, this is permitted by zoning and the proposal conforms to existing zoning.

*18. Consistency with Community Character: The proposed project is inconsistent with the existing community character.*

Yes, some may say that the project is inconsistent with community character.

*e. The proposed action is inconsistent with the predominant architectural scale and character.*

That would be a small impact. The scale of the proposed homes are greater than some of those in the vicinity, but the proposed lot sizes and proposed building setbacks are greater than those of adjoining homes. The buildings are residential in nature and their sizes are larger than some of the buildings in the area, but not



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larger than what would be permitted on any of the adjoining lots as long as those proposals also conform to existing setbacks. Again the building heights would further be restricted by zoning.

Daniel Gettel: That is the end of Part 2. Jacy, your thoughts on the EAF whether or not we should vote on it during the public hearing, or after?

Jacqueline Ricciani: You should vote on it before the Public Hearing, keeping in mind that some of the comments you are going to hear may address some of the elements of the environmental review. Based on those comments you may need to come back and revisit whatever your determination is.

Daniel Gettel: Like I said earlier, it is kind of a quirky law. We can thank Liberty for it.

Daniel Gettel: Reading Part 3 of the long EAF.

None of the impacts we have determined to be moderate or large, but I do like to complete Part 3 even though it is not required under the reasons for determination. I like to address each item that we answered yes to, and present a reason for our determination. While preparing this Part 3 I listed the reasons I mentioned previously. This is an unlisted action and we have completed Parts 1, 2, and 3. We are given three choices when completing a declaration and only one states that we have determined the action will not have a significant adverse impact on the environment. This will be choice "A", which states the project will result in no significant adverse impacts on the environment and therefore an environmental impact statement need not be prepared. Accordingly this negative declaration is issued. Glenn, I know this isn't your review, your project, but you have read some of Michael's notes, and are a little familiar with the application. I don't see that an environmental statement would be required for a project of this size.

Glenn Smith: I agree.

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

***All in favor – 7***

***Opposed – 0***

***Agreed and carried***



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Daniel Gettel: At this time I would open this meeting up for public comment. I will read the names off the list.

Daniel Silva: I reside on 26 Plum Beach Road. I will be extremely impacted by this. They are up on a hill. The drainage in that area is non-existent. Plum Beach Road, from Hemlock on up is a disaster. It has been for a number of years. We have had discussions with Mr. Boymelgreen about replacing it, repairing it, and have gotten absolutely nowhere. I urge you not to permit this until the drainage is repaired because what you are asking here is to have trees removed, erosion on the property, and water just goes down to the road or onto my property, and causes problems. Especially in the fall and winter when it freezes, it is impassive. Secondly, I did not receive a notice of this meeting. I question why. Additionally if this is going to be treated as a residential property I want to be reassured that it will not be used for commercial purposes. I want to make sure it is not utilized as a camp. I would urge you to at least delay this so I could hire an engineer on my own to see what the impact would be on my property. Thank you.

Jim Bacon, Attorney: Thank you for this public hearing. Our first concern is that we would like to have a chance to hire an engineer to look at the SWPPP, look at the septic plan. We haven't had a chance to do that. This board knows, I'm not sure if this is exactly the same configuration as the board was three years ago, but there was litigation on this parcel and as the board knows I was here at the time. Hopefully everyone read that decision. Now I did read the minutes from the board from the last couple of meetings and what concerned me was the discussion about waivers that had been granted by the Town Board back in 2011 with regards to septic systems on some of the lots. I wanted to draw the board's attention to the minutes from January 2014 and just reference a couple comments by the board's attorney. I did reach out to your attorney and I also spoke to the town attorney about it. I'm not sure we have a meeting of the minds, but I want to reference this to the record. This is from January 14, 2014; this is a discussion by Ms. Ricciani as to where the lawsuit was. It says: "So we had a conference with Judge Meddaugh, because initially the neighbors had said well that is great that Judge Meddaugh and the Appellate Court both agree that they don't have access, we also want a ruling about whether the Planning Board was proper, and whether or not the Town Board was proper. Even though it is all-moot, because the subdivision doesn't count anymore, we still want everybody to waste their time and energy and we still want a decision. So we had conference. I think Judge Meddaugh in a very diplomatic way explained to the attorney for the neighbors that it really wasn't to anyone's benefit to continue to litigate this where they essentially already had a victory because the subdivision couldn't happen anyway." I don't have transcripts of our meeting with Judge Meddaugh. My recollection of that meeting was that the entire subdivision was going to go back to square one. That means that the waivers granted by the Town Board in 2011 are moot. Those waivers are part of the SEQRA review by this board, and that all became moot. I think in



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fairness square one means, square one. I don't want to waste anybody's time or money and go back to Judge Meddaugh, but again that is why I am asking this board to give a little bit of consideration to that issue, perhaps talk to the Town Board what their recollection might be, or interpretation of that is, because I assure you Beechwood would not have withdrawn, would not have walked out of Judge Meddaugh's conference knowing that there was some element of this project that somehow survived the lawsuit. I wanted to make that clear. Again, the neighbors need time to look at this project, we would like to hire our own engineer to inspect the septic plans and SWPPP, and safety issues, and I think the board really owes it to us, it is a big project, it is going to affect that area for years to come and I don't think they need to rush into anything.

Mr. Nickau: This is my first time doing this. I see there is going to be an actual parking lot on Naylor Road. I mean a parking lot. One of the reasons we bought up here 31 years ago is to avoid this type of thing. Now all of a sudden something like this is happening here. I have a real problem with the fact that there are four houses and one is accessible to Naylor Road, and the other three to Plum Beach. Suppose they put all the families there, they go for that thing they don't have to pay any taxes. What assurances do we have against that? Like I said we moved up here 31 years ago, we love it in the summer. Something like this would not be good. That's about it.

Glen Fodor: Members of the board, I am Glen Fodor. I would just like to add, I have done a lot of the septic systems on Plum Beach Road. It is a sensitive system to begin with. I can tell you the road conditions, surface conditions, ditching areas and drainage is deplorable. We are really concerned with pre and post construction after it is done, what kind runoff is going to run down onto Plum Beach and affect the septic systems, which is very sensitive.

Joseph Bak, President of Beechwoods: I would like to read you a quick letter, addressed to your Planning Board. This letter to the Planning Board is to address the concerns of the Beechwood Community Club of White Lake as to the construction of several large homes in the adjacent area known as Plum Beach. This land is owned by a developer by the name of Boymelgreen. Beechwood filed a lawsuit against Mr. Boymelgreen. Because of a lawsuit won by Beechwood against Mr. Boymelgreen, all traffic must use Lake Shore Drive to get to Mr. Boymelgreen's property. As determined by a court of law, all traffic for construction must use Lake Shore Drive. This is shown in Plum Beach deeds since the 1920's providing an access easement for Plum Beach through Beechwood on Lake Shore Drive. The concern we have as a community is the excessive wear and tear on Lake Shore Drive, not only for the initial construction but also from normal use in the future. Beechwood presently has a DEC permit to fortify the shoreline along Lake Shore Drive because of excessive erosion. In numerous locations there is minimal earth between the road edge and shoreline. There is also considerable erosion that has occurred



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under the road. Crushed rock has been installed to fortify the road and to minimize the shore erosion. To date 110 tons of rock has been placed mostly by the Beechwood residents along our shoreline. In many respects this is a quick fix but in our minds if this stops the erosion, it should be sufficient for normal traffic. Our major concern is that the expected heavy truck traffic required for the proposed subdivision will overburden Lake Shore Drive. This road is the only access to 17B for all Plum Beach residents, and also for Beechwood residents. Our main concern is the potential danger and liability from some type of road failure. There are two things that I would like to discuss. Beechwood Community requests that before the Town of Bethel Planning Board issues a permit for construction it requests a performance bond, guarantee for repairs posted by the developer for Lake Shore Drive. Beechwood also requests an engineering analysis be performed by an engineering firm selected and agreed to by both Beechwood and the Bethel Planning Board to determine Lake Shore Drive status, analysis costs to be paid by the developer. We also would like to insure a road maintenance agreement is established between Beechwood Community and Mr. Boymelgreen. I would like to state that there is no agreement, nor has there ever been a road agreement, between Beechwood's and Boymelgreen. To close, Beechwood is not looking to get a free upgrade for Lake Shore Drive. We would prefer that traffic stay as is. It is the position of Beechwood that these requests are made only to protect both Beechwood and the Bethel Planning Board from litigation due to road failure or any adverse affects resulting from a building permit issued by the Bethel Planning Board. Thank you for your time.

Thomas Randazzo: I own a home on Hemlock Road, directly behind Lot #1. In reviewing the site plans, I have some questions. The parking pad or lot is sited for three spots. If this is drawn to scale, it looks considerably larger than three spaces. Do you have the dimensions and will this be lit? It faces the back of our house, where our bedrooms are located. Having read the Planning Board minutes from November, it is clear that there was concern about the major or minor classification. Why did no one mention that this could be further subdivided two more times? Why this isn't considered relevant? No roads, only driveways, further subdivision. Are you setting yourself up for disaster if there is ambiguity in case of an emergency? How is this addressed on the 911 map? The only one interested in code appeared to be Mr. Weeks, the town engineer. It was extremely distressing to see that the Planning Board attorney say not to worry about code because it can always be waived for hardship, without actually addressing if a hardship actually occurred. And when you do not meet code is that a hardship? Why then have codes if you waive them when they can't be met. Lastly, in the minutes of the last two Planning Board meetings, there was discussion about shared recreational facilities and putting it on the deeds. Why would you do that when there are deeded restrictive covenants that run with the land that prohibit shared facilities? His deed states that it is subject to any restrictions but he removed them from the deed making it look like there were none. The greater question is why? The



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answer is quite simple. He knew they would be a problem for his shared recreational facilities. So if you have a deed that runs with the land, in an already established community that has restrictive covenants, the same covenants are not only on all of the deeds in Plum Beach, but also on all the deeds in Beechwood and equally established community that shares the same access road, why would you ignore them? You do not have the right to waive them. Why not honor them? We realize that in projects before this board a single residence could be grander in scale than what was presented when these deeds were filed. But that is not the case here. Plum Beach is already an established community. There was a vision that excluded what Mr. Boymelgreen wants to do. He owns three other homes in Plum Beach with the same restrictions. He knew they would not be allowed, so he buried them. Not as drastic as what he did in our community by actually adding rights to the deed. The reason we know so much about the restrictive covenants is that they are all present on our deeds in Beechwoods as well. There was a homogenous plan to keep our homes and community quiet, not to be waived because a very wealthy and influential man wants his way. We are asking you honor the restrictive covenants. There is also one other thing. I mentioned that the last time, a couple of years ago, that if you look in the deed it says the property lines... it is now determined by court that it is 75%. In conclusion please do not issue any permits until these issues have been resolved.

Lucille Cordovano: Lake Shore Road is not just an access road to Plum Beach, it is where I live. It is the only access to my home. I own a home on Lake Shore Road with my two brothers Anthony and Steven Cordovano. We grew up there. My daughter and son grew up there and now my granddaughter is growing up here. Everyone in Beechwood, all 51 homeowners, on all three roads access their dock space at Lake Shore Road. So when we became aware of the erosion situation and potential danger the Club took action. Safety is a grave concern for all. Beechwood is in the middle of a 5 year plan to stabilize the roadbed and shoreline. The Army Corps of Engineers granted permits and 110 tons of rock has been literally hand placed with expectation of placing the balance of 110 tons over the next 2.5 years. You have been advised of a potential danger. I believe in being proactive. I have worked exclusively in the insurance industry for over 40 years as a licensed insurance broker. I understand the difference between being insured against damages that might occur and culpability when you have been advised of a potential danger. If you think insurance is your quick fix answer it is not. Having a Bond is just insurance, it doesn't make you less culpable. We have no way of knowing if the weight of a fully loaded 90 ton cement truck or the vibration of constant construction vehicles driving back and forth over Lake Shore Road for the entirety of their development will compromise the work already completed or if it will interfere with the ongoing project. Will it damage the repair already done to the roadbed? Could it create a sinkhole environment? The only way to do this is to require an engineer report, one that specializes in this type of stress evaluation. Not to be hired by Mr. Boymelgreen or Beechwood, someone that is totally neutral. You required an



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environmental impact statement, why wasn't this noted. I would remind all that his lawyer told this board there was a road maintenance agreement in place, when it was not and still is not in place. He presented altered deeds that had road rights added. He removed restrictive covenants from his deed that would question his ability to build shared recreational facilities. He failed to cite serious road issues that would delay his project if known. Please do not grant a permit until our community's safety is considered and there is an actual road maintenance agreement in place for the damage he will cause to our road. It is unacceptable to me and my entire Beechwood family that you are considering yet again granting a permit when there are clearly safety issues in play.

Frances Randazzo: We have a bunch of pictures that is a general picture of the erosion we have. My brother and I own a house in Beechwood directly behind Lot #1 and I have some questions about this application. I am a bit perplexed that this is at the Public Hearing phase when there are so many obvious unresolved issues. Also rescheduling this because of weather is the prudent thing to do, but rescheduling this meeting on a legal holiday when your offices and the offices in Monticello are closed is not really fair. We did not have the opportunity to view documents. We would like to see the plans for the 12,000 square foot house because, quite frankly, we don't believe it is just a house. It looks more like a school or meeting place. When you add this much additional square footage it is as if you are building two additional 4,000 square foot houses or nine more Beechwood homes. As far as the pending issues, there is an erosion problem. We are working on it, but it is more significant because it is on our shoreline and abuts the most frequently used road in our community. Since it is his access road you should have been advised and it should have been part of his EAF and should definitely be addressed in SEQRA. I honestly don't believe the Board was aware of the bank stabilization project on Lake Shore. I'm not sure how he could justify not knowing, he uses this road to get to his three other homes in Plum Beach and it is easily seen from the lake. That being said, I hope you will listen to our president and require a bond. It is for your protection but more importantly I hope you will require an engineers report on stress evaluation. Liability and culpability are not the same thing. We need to be safe, not just insured. What concerns me is that this can be further subdivided two more times. I have not seen this considered. It is important. My understanding is that SEQRA requires a hard look at the environmental impact and future impact. To ignore this future development when it is already part of the plan is not acceptable. Looking at the site plan I have another question. Access was resolved by Judge Meddaugh's decision, which was upheld on appeal. Why then do we see access to Lot #1 off Naylor? This subdivision is in Plum Beach. That is the address on the application, yet Lot #1 has no access point from Plum Beach, either road or driveway. Mr. Gettel asked if combining lots from two different subdivisions was a problem in the minutes. Great question since this was a major issue in the Article 78. While Ms. Richards, the counsel to Mr. Boymelgreen, said it was not, Judge Meddaugh felt differently.



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You cannot combine lots from different subdivisions and equally important easements and rights of way cannot be combined from owned lots in two different subdivisions. Those rights remain with the lot, not my opinion, not another Boymelgreen attorney opinion, but the Courts opinion. Years ago, in the prior application, Mr. Gettel, said access was a threshold issue. It still is, but the court already interpreted his deeded access and it is not Naylor Road. In conclusion, please do not issue permits until the road safety issue is addressed in Beechwood and the road access issue is addressed off Naylor.

Daniel Gettel: Ms. Randazzo would you like me to receive and file the photos as part of the record?

Frances Randazzo: Yes please.

Daniel Gettel: Thank you, we will do it at the end.

Laird Klein: Good evening. I have already submitted four letters from people on Naylor Road who are strongly in opposition as well as the rest of our community to this project. Naylor Road and White Lake Homestead are sustaining communities. We suffer tremendous affects from heavy rainstorms, from the excessive flooding and things that go on that we have to fix ourselves. I am going to read you a letter from one of the people that has been there close to 90 years. Our property is on Naylor Road, both sides of it, extending to the lake for more than 88 years. Over these years, every spring there is a washout of the shale road, installation of extensive blacktop, an annual repair to fill washed out holes, ruts and complete sand beach wash away. Continued investments to maintain and upgrade our drainage system have provided limited relief. The rainfall continues to plague our homes, which lie along the area for which this approval is sought. Which this approval is .....I find it amazing that there is no environmental evaluation process. We strongly request that this project be denied access from Naylor Road. The soil erosions storm water damage that this Naylor Road access will create will damage the retaining walls, home foundations, and septic systems. Current White Lake Homestead owners have continued to invest a sum of money each year to retain the use of Naylor Road and process rain water. Allowing access to the proposed project on Naylor Road will be a detriment to all homes in our area. Wetland restrictions should be reviewed and appropriate. Approval for this project is not the best benefit of the contiguous property or the town. To avoid future exasperation of the mentioned problem, and to protect the tax payers who will suffer from this proposal do not allow this project to move forward. I have three similar letters that go along with this. Simply, Naylor Road cannot handle it. I don't know what the process is for you guys; this is not my primary residence. This house is nothing to me, but everything to me. I have worked my entire life, and have four generations before to maintain the quality of life that we



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have on that street. We are passionate about our community; we are passionate about our environment. We are not happy. We have enough trouble every time it rains; we pay and pay and pay. This is going to create a mess in our community, and it has to be stopped. This subdivision was required one access point. The access point was to be through Plum Beach. Plum Beach, Beechwood, and all the people that belong there, fought it and won. I don't understand why we are here. I don't understand why we are back here again. It is just not the right thing to do. I could go on and on about it, but it is a ridiculous thing for a community such as Beechwoods who have fought like they fought and spent the money they spent and win, and then for us to be back here with the same proposal all over again. I also would like clarification of what is a minor project, what is a major project. You have a house that has 15 bedrooms, what do we do about that. It's not right, it's just not right. Thank you.

Harry Takourium: My wife is Cathy Takourium, my sister, my brother in law; we own the house on 518 Naylor Road. The first thing I would like to do is take a look at this map right here, if someone could assist me with that. Is this the access road, Naylor Road?

Daniel Gettel: Yes that is the only access through Naylor Road, correct.

Harry Takourium: Are you all familiar with this map. I take it as a yes. There is a strip of land here that they are crossing to get into...Gary Takourium's property into the applicant's property. That strip of land is my strip of land. I pay the taxes on it, and have been paying the taxes on it. I just want to know is the board aware of them crossing this strip of land?

Daniel Gettel: Yes we are.

Harry Takourium: I see a lot of confused faces over here. I would like to know is everyone aware of that?

Daniel Gettel: It is indicated on the map.

Harry Takourium: Since I pay the property taxes on this, I find it odd this is going forward without consulting any of us. Rumor has it that I signed off on this; nothing could be further from the truth. My wife, my sister, my brother in law, we support our neighbors on Naylor Road; we support our neighbors in Beechwood also. I am a little confused about what happened at the last meeting. There is a quote here from Mr. Daniel Gettel. We had approved the project before and then there was a ruling made on access that made it necessary for them to come back. I'm not sure what that is, if someone could enlighten me on that. Perhaps you people, so I get a clear understanding that I want to prevent from happening in my community. Like Laird said, I



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am not sure what a minor or major subdivision is. It seems like this project....my community and I feel like we are getting .....He purchased this property for privacy that was his choice. Whether he wanted to go through Naylor Road, or go through Beechwood Community, that is his choice because he had to go through one lane through Beechwood Community. It's not my choice to give him access. That strip of land is a reserve and he is asking to cross that strip of land just because it is convenient for him to get into his property. That is not why I bought that, and that is not why it was sold to me. It is for what I want to do with it, not what he wants me to do with my property. That is really about it, I am a little disappointed in the board, and some of the things I think are going on here. One of my concerns is let's face it; I want to see that property remain on the tax role, because I do pay my taxes. That is basically all I want to say, if someone could tell me why I should give up my lot for him to have clear access just because it is convenient.

Linda Takouriun: We did not receive the official notice of this meeting. I was just notified by my brother Harry. I am also at 518 Naylor Road. I just want to comment regarding the construction of the property, and the amount of traffic that is going through this small community. This project will take over a year to construct. It will increase the traffic, the noise and the environment. It will also increase the amount of water that is penetrating down Plum Beach, which is an area that has been repaired several times by the Naylor Road community. My concern is he going to be able to have access through Plum Beach, and have access through Naylor Road. This way he has two accesses. In terms of our community, the roads will not be able to handle so much traffic on the community. He wants to cross over this land to enter into the community. He presently does not own. The Homestead Community has several houses in our area and also needs repair. We want to remain a community, an area in the country with natural beauty. Thank you.

Steve Bianco: I am writing to you in response of my notification of a Planning Board SEQRA Hearing for a proposed four lot subdivision application identified on the Town tax map, Section 31-3- 17.1 and Section 27B-5-1.1. For the record I object to this subdivision plan in whole along with sub division code variances given to the applicant. The following negative impacts should be considered for this applicant project to be rejected. The foreseen and unforeseen negative impacts that would affect my property and my community, (Homestead) and neighboring community of Beechwood are environmental, community character, and access and deeded property rights. The environmental conditions have a direct negative impact for the following reasons: Excessive ground and surface water runoff, the applicant incorrectly answered the full EAF form part #1, questions D.2.bi-v; D.2.eiii. Problems, my home noted on Tax Map 31.1.18 is located about 90 feet away from the proposed driveway, road access coming in off Naylor Road. The stripping out 23 foot wide and over 190 foot of vegetation and topsoil to construct a



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roadway would only increase excessive water runoff onto my property and into my community. There is about a 30 foot drop of elevation from the proposed access road to my backyard. Spring time runoff and flash storm flooding from surface water and ground water. The result is major flooding in my back yard. My private well has been affected with soil sediment from the excessive water runoff. My backyard has a drainage swale that diverts water away from my basement and well. The swale cannot handle the volume of water because of the elevation difference the water runoff cuts around both sides of property and enters a shallow drainage basin to a culvert pipe that terminates to my community beach. In addition, there is drainage ditch that starts at the top of Naylor Road that takes the excessive water runoff and empties to shallow basin adjacent to my driveway. Below my house are my neighbors. There is about a 20 foot difference in elevation the water runoff slides off of the surface around the north and south sides of my property running onto their property affecting their independent septic design system and wells. Due to natural ground and surface water run off numerous times throughout the year my community suffers in beach erosion. Also, a section of our paved roadway has developed a sinkhole that had to be repaired last summer. Please refer to the attached photos. Due to this natural water runoff neighboring trees on and near my property lines have been up rooted due to erosion. The effects of the lost trees have a significant impact to ground and surface water conditions. Please review the attached plot plan indicating the flow direction of water runoff. Encroachment onto wetlands, the applicant mistakenly answered that only White Lake would be affected. What about wetlands on Lot #1 and #2? Has the Army Corp of Engineers received, reviewed and approved this subdivision plan so that water runoff would not affect these sensitive areas and also the lake? If not, I request that the applicant contact them for proper permitting prior to approval of this subdivision. Storm Water Pollution Plan, I requested a copy of the applicants SWPPP from the Town Clerk and the Building Department. To date I have not received a copy of the plan. What will be the techniques used to prevent point discharge, provide onsite runoff control and replicate preconstruction hydrology? I request that the Planning Board utilize an independent engineering consultant and review the applicant's SWPPP to see if the plan is in compliance with hydrologic and hydraulic analysis for all structural components of the storm water system for applicable design storms. The analysis should include existing condition analysis for time of concentration, runoff rates, volumes, velocities, and water surface elevations showing methodologies used and supporting calculations. Proposed condition analysis for time of concentration, runoff rates, volumes, velocities, water surface elevations, and routing showing the methodologies used and supporting calculations, final sizing calculations for structural storm water management practices including contributing drainage area, storage, and outlet configuration, the applicant would be required to pay for this independent report, he has an escrow account with the Town, for this subdivision. It should come out of his funding. The findings from the independent review would be used to answer EAF part 2's applicable questions. Community Character, with the construction of four residential homes ranging from



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4,000 to 12,000 square feet it appears that on Lot #1 a 5,000 square foot home is to be constructed. The footprint of this structure and the amenities associated with building lot has the appearance of a recreation compound. I am not comfortable with the layout of all four building lots. I am concerned that the property use and occupancy type will be changed. It appears that additional building lots can be subdivided and arranged around each driveway circle into a cluster development arrangement. I feel also that this property will eventually turn into a religious compound. Eventually the property and buildings would be taken off of the tax rolls. I urge the Planning board to rescind their decision and make the applicant refile this minor subdivision plan back to a major subdivision. All conditional variances also need to be rescinded. Access and deeded property rights, I am opposed of the merging of TL 27B-5-1.1 into Lot #1. An Article 78 decision from Judge Meddaugh's Appellate Court says you can't combine lots from different maps. And if you own one lot from one map, easements and rights of way do not transfer to a lot owned from another map. A quote from Judge Meddaugh: "Boymelgreen cannot tack on the rights appurtenant to those lots in Beechwood to property beyond the filed maps borders. A right of way granted in connection with one parcel may not be used for the benefit of any land other than that to which it was made appurtenant when it was granted. He cannot defeat the filed maps by using lots as through roads or driveways because once a common plan is established the grantor and his successors must be stopped from proceeding in derogation of that plan, allowing any other lot within a common development a reciprocal right to subdivide their respective lot by dedicating a different entrance to the development would be absurd...affirming a restrictive covenant prohibiting use of a residential lot for a road or driveway rather than a residence." TL 27B-5-1.1 is boarded by a 16 foot reserve strip identified as TL27B1-1.8. Once again a reserve strip has entered the picture. The Board should reject this access point because of the past history and legal decisions made on reserve stripes of land. Naylor Road back in history during the 1930's was subdivided with small building lots. The intent was that a lot would have front access to their lots. No easements or right of ways are shown on this plot plan. The Board should maintain the original intent of the frontage of these parcels. Why can't the applicant construct a proper road into his property? Using an economic hardship for a reason for variances is not a suitable excuse when you're building four single family residential homes in a size range of 4,000 to 12,000 square feet. In closing, I urge the Planning Board to reject this plan in its entirety. I ask you as a taxpayer and also as a resident. If this project were going to be built abutting your home and property lines along with an applicant who has an incredulous background, would you approve of this plan? I also urge the Board that most all of the environmental questions for Part 2 of the EAF should be considered and checked off as moderate and large impacts. This is a poor plan that affects two neighborhoods. If approval is given again another lawsuit will most likely develop. Thank you for your volunteerism and service to the Town of Bethel.



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Marcia Salton: I am a full time resident. My husband's families have been summer residents since 1929. He and I retired up here 20 years ago. Because Mr. Bianco is in construction I assume you appreciate his personal experience and knowledge he has given you tonight. I did go through the minutes of the last Planning Board meeting. I looked at the SEQRA questions and comments you are required to fill out. Going back to Part 1 which has already been completed, I believe it is number 17 where it says does the storm water discharge flow through adjacent properties. Does it ever. I am here in the fall and in the spring. I am here when the snow falls. There is runoff down Mr. Bianco's property, down the road where ice forms. We are literally one, I can't drive on the road, I am land locked, until I can get DPW to come in and do something about it. I can't walk on the road, and quite frankly that is the reason why I had to stop walking my dog up that way, because it is impossible to walk down that road. It is a danger. Then I went into Part 2 that you are looking at tonight. The amount of land to be graded and cleared will cause a huge impact and cannot manage without interfering with the existing storm water drainage now. Upper Naylor Road, it is not adequate to handle the potential traffic. The developer is doing this thing, he may not be able to get out through Beechwood, now I am going to take another turn and try and get out through Naylor Road. It will be an adverse affect on Naylor Road. It is now open land, zoned, as I understand it, as single-family homes. There will be substantial increased traffic, and this is what I am expecting. The construction will destroy the road and increases the possibility for erosion, more flooding, more drainage problems. I understand he may apply for three more lots on Naylor Road. Naylor Road can't handle that. Either the upper level that is owned partially by the town or the lower level, we cannot handle it. It will obviously be an adverse affect. Number 9, it will be an adverse change to natural resources. Number 10 increases the possibility for erosion, for flooding, and drainage. There is another thing, which is safety. The upper part of Naylor Road, that White Lake Homestead doesn't maintain, is a narrow road, it is an unpaved road. In the spring it is a muddy mess, in the winter it is snowy, and icy. At this point there have been numerous near misses because of the curves and the hills on Naylor Road. Even if one goes slowly, you have to stop and pullover, and if there is a construction truck in the way there is barely room. I know that because when the DPW is working up there, or other trucks come through, it is a real problem getting two vehicles to pass each other on that road. If they are moving without concern for what is coming their way, we could have some dangerous accidents, and I don't want to see that. I do have some additional questions for the board, I don't know if you can answer them now, or if you need time. The lot that is going to have access to Naylor Road, I understand is zoned residential. Can a piece of land without a home on it be allowed to use that as a driveway and/or can they use it as a roadway if it is zoned strictly for residential homes. Can a residential home be changed to a House of Worship in the future without going to the Planning or Zoning Board for approval? That kind of makes me nervous. Someone already mentioned the home was supposed to have about 6 bedrooms, with 12 or 18, I don't know what the town can do about that, and I don't



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know what can be done to prevent a similar change in the future. That is a concern that we all have. I am not opposed to Houses of Worship. The septic system that was mentioned, if that septic system fails will sewage go into the lake until the company that is supposed to repair it gets there, and how will that affect our beautiful White Lake that we swim in, boat in, fish in, and do all of those things. And again I will reiterate that the applicant stated previously that a maintenance agreement existed between him and Beechwood for the road, and apparently that agreement doesn't exist. How can you trust the word of this applicant?

Stacey Cohen: I would like to invite the entire Town Board to my mother's house on top of Naylor Road. The Town of Bethel knows it is a terrible spot, getting up and down it is in grave condition. The snowplow guy knows my road. My mother lives there, she is disabled now. So it has wheelchair access, and in bad weather, every time it rains, in the summer, in the winter, there is a big problem. It is under a set of cliffs, you go through the woods on Naylor Road which is the side that is in question, there are problems, big problems, you look in the Town of Bethel, and you'll see there has always been a problem there. So the Environmental Impact seems obvious to me. I don't know why it would be looked over. Also we are like a wildlife preservative. That is why we all live there. I know the deer by name. There is deer, turkey, fox, every day, and we love that. That is obviously going to be impacted. You can answer a question for me, if it was your field, and your land, and someone had a four lot subdivision, three on one side that doesn't affect you, and one on the other side and they were going to go through your field to access it and they were already at the Town Board being approved, I don't understand that. How did it get this far when there is no legal access to the piece of property on the four lot subdivision? How do you get a subdivision this far when you don't own the land off the road? There is a piece of land in between the road and the lot. Can you explain that? I don't understand that. We are all going to be looking at that. This is a parking lot, there is an impact on the wildlife, on the environment, on the storm water, all of those things are greatly affected there and I am very concerned that the only reason why this fourth lot is here is to be a short cut for the entire development. Who is going to be there to enforce.....I think that is the intent of the subdivision? I love everybody and everybody has a right to build and do their thing, this affects where I live, this affects all my neighbors that is why we are here. I would beg you to reconsider because we are all concerned. The road is terrible right now, it can't handle any more, and a private driveway is one thing, but anything else... Thank you.

Mrs. Colpoys: My family has been part of the community for over 70 years. My child is 3<sup>rd</sup> generation there and we are not there the longest. A lot of my friends and neighbors have been there for five generations. It has always been a private area, and always served us well as children and now as adults, and many of us are grandparents to the children who keep coming back. There are several things I wanted to address. According to our deed, Beechwood deeds,



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private recreational facilities are not allowed. Secondly, any major construction, including 4 homes one of which is 12,000 square feet, 12,000 square feet is beyond my comprehension of a size of a home. It's not for me to say that they can't utilize 12,000 square feet as a single-family home, which will encompass 14 to 15 acres to single family homes. Another point I heard here tonight is that this wouldn't affect the environment. It is so obvious; at least one home that is 12,000 square feet, to say that it wouldn't affect the environment...you are all living in la la land. In order to accommodate a 12,000 square foot home many trees would have to come down. Now, what people had to say about access, I can't believe that after all we have heard that access is another point. Harry is not giving up his land to allow access to Naylor. They can't get through there through the back way because it was already disapproved, and yet they are trying to do it again. If you have a property like this, and you can't come in here, and you can't come in here, then we are all standing here for no reason at all, because it cannot be accessed. Also any such development I don't care it is completely inconsistent with the environment. Most of our homes are 800 to 1,000 square feet. There may be an exception here or there. Twelve bedrooms, that is a hotel. I can't imagine that is not considered a hotel. The community will be seriously affected with four homes encompassing 14 to 15 acres. One side by a tennis court, another side by a parking lot that some people want to call a driveway, speaking of which we are talking driveways versus roads. A minor versus a major subdivision. This is all the same point. Four homes, 12,000 square feet for one, 14 something acres, a parking lot, a pool, a tennis court, these are not allowed in our bylaws, within our covenant, our deeds, they are not allowed. The community will be irrevocably altered. There is a meeting hall during Friday's and holy holidays I observed numerous people, men, walking through Beechwoods on Lake Shore Drive into Plum Beach to worship. I also heard music and chants from my house. Another thing I don't understand is how Boymelgreen can create the hardship and then ask for a waiver. Anyone else that needs to build would go in on the Lake Road, and then make a driveway. Well I guess he doesn't want to obscure the view by having driveways directly in front of his house and perhaps ruin the continuity from the house to the lake, so it looks nicer, it is more impressive to have the driveway behind the house. However, access is right there along Plum Beach Road, make your driveway or your road go straight up in the front, in the front of the house and access the homes that way. Also, about this meeting, I realize that you have to respond timely to a request for a meeting particularly regarding permits whatever. I am pretty sure that this has been going on for a few years and that Mr. Boymelgreen and company has known that they wanted to do this again, despite the fact he has already lost a lawsuit, but we are standing here, the few of us that are here tonight from Beechwood Community and from Naylor because 90% of our community live out of state, it is a summer residence. You can't get into our community in the winter. The roads are not good; there is no maintenance or nothing. The summer community and I are standing here in the middle of February trying to address everything, which could easily have been addressed in May, April, March, when the rest of us are back here. Why have a



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meeting in February when every resident in our community are out of state? Many of my friends have not been notified. I just want to sum up. Most of us were not given notice about the meeting. To reiterate, a summer community who is not in residence doesn't belong standing here in the dead of February following a snowstorm in the middle of nowhere to conduct a meeting, and for those residents who can't be here. I really do feel that is the point. I think that having it this way is underhanded and it's not the first time. There were meetings in January 2014, October 2014, this is underhanded and sneaky. Thank you.

Mr. Colpoys: I think the folks that are here have expressed all of the reasons why the Planning Board should just seriously take another look at this and I will simply say if this is the way you want Bethel, the Town of Bethel to look like that someday, all of that, something is wrong. And this proposal you are looking at is completely outrageous.

Gary Takourian: I am a present property owner. On November 10<sup>th</sup> two correction deeds were filed in the County Seat and signed by all five property owners. This is a map drawn by Mr. Grant Decker of Monticello. He is a surveyor in Monticello. Like I mentioned on that date, the ex-property owners and the present owners signed corrected deeds, Harry Takourian, Cathy Takourian, Stephen Bianco, Salton Family, Burt Mogul, and Mr. C, have correction deeds. These correction deeds say they do not own the property running down Naylor Road. They only own the property here. That is when these correction deeds were filed, two of them for both properties. My property is down here. I have title insurance for the property and my title insurance says I can go onto the property and leave the property at will and I can transfer that to whomever I want to when I sell the property. Recently we had this looked at by the County. The County had said please be advised that these folks had been made aware of the errors and on Map 27B, that Harry Takourian or Cathy Takourian own that strip of land. It also was sent to the town, and the town has acknowledged that it is not their property, and a correction will be made and the tax bills will go to the rightful owner, it shouldn't affect me in any way because my title insurance states that I can go on the property any time and cross it anytime because I own it. Twenty-five years ago the road which is called, I believe, 133 which is Town Road Naylor. I am a full time resident of Homestead Community and have been for twenty-five years. I also was a member of the Beechwoods Community and past president of Beechwoods Community three times and I am presently second in charge of the Homestead Community for the last twenty years, so I know a little bit about the runoff. The reason there is runoff at Homestead is because for 25 years I cleaned the drains. Nobody else, I did. Now, no one is cleaning them so it is running down the hill. I also have a letter here from the town stating that the town maintains the road, it is Road 133 and it is a Town Road. That being said this project has been before you guys quite a few times, they have bent over backwards to meet your demands. It is a Town Road, a town road is supposed to be used by everybody. I have to be honest, I have been a builder for 25



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years, I have worked with the Corp of Engineers, and I have worked with everybody, and never seen materials fall from the sky. Let them use the road.

Jacqueline Ricciani: Mr. Takourian what you handed me seems to have been recorded in 2013, I'm not sure if this is what you meant to give me. You said there are correction deeds. Let me give you these back. If you have something more recent...

Daniel Gettel: Are we receiving or filing anything?

Jacqueline Ricciani: I have a letter dated February 9, 2015 from the County that I will hand down to you.

Daniel Gettel: We will receive and file as part of the record. That is the last name on the list for the public hearing. Yes, Marcia?

Marcia Salton: I need to correct some of Gary Takourian's statements.

Daniel Gettel: Marcia you realize you can't argue back and forth?

Marcia Salton: I'm not going to argue. There is nobody in charge of the Community. We all do what we can. Gary is not second in charge. I am still the owner of all those properties, including on the Takourian Bianco side of the road. I just wanted to correct that.

Daniel Gettel: That is the last name on the list. We did receive a number of written comments for this application both through email and through regular mail.

1	Beechwood Community Club	2/2/2015
2	Irwin & Poznanski, LLP - Email	1/29/2015
3	Garchik, Evie	1/1/2015
4	Serini, Cynthia & Warenik, Raymond & Colleen	1/29/2015
5	Randazzo, Francis	2/1/2015
6	Benton, Curtis	1/30/2015
7	Payne, Kate & Colpoys, Kevin	10/27/2014
8	Randazzo, Frances & Thomas	1/23/2015
9	Wakneen, Fern & Emile	1/28/2015
10	Beechwood Community Club	1/29/2015
11	Irwin & Poznanski, LLP - Mail	1/29/2015



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12	Reich, Cynthia	1/1/2015
13	Miller, Laura	2/1/2015
14	Tucker, Robert	2/2/2015
15	Beechwood Community Club	2/5/2015
16	Lucille Cordaovano	2/16/2015
17	Thomas Randazo	2/16/2015
18	Fran Randazzo	2/16/2015
18A	Fran Randazzo - Pictures	2/16/2015
19	Stephen Bianco	2/16/2015
20	Gary Takourian	2/16/2015
21A	Mrs. Takourian	2/16/2015
21B	Mrs. Takourian	2/16/2015

*Motion to receive and file the above letters by Susan Otto Brown, second by Walter Norris*

*All in favor – 7*

*Opposed – 0*

*Agreed and filed*

Mr. Bacon: For clarification there has been some discussion about the White Lake Summer Homestead in this file around July 11, 1951. I have a detail of that that shows the area and that there is no connection between that development and the Plum Beach neighborhood.

Daniel Gettel: We will add it to receive and file as item #22.

22	Mr. Bacon - Map	2/16/2015
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Daniel Gettel: Jacy, your thoughts on the public hearing as far as keeping it open?

Jacqueline Ricciani: If you want to keep it open for the purpose of receiving additional written comments, and if you want to hold it open for the next meeting for additional public comment, that is up to you.

Daniel Gettel: Ms. Cassidy I believe you wanted time to address the public comments. What are your thoughts on a timetable for the public hearing if we are to keep it open? I don't want to



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keep it open until the next meeting and then not have anything resolved. The next meeting is in two weeks. It is hard for me to set a date. I can close the public hearing then reopen a public hearing.

Jacqueline Ricciani: If you leave it open for 10 days for additional written comment, then that is not going to give Ms. Cassidy enough time to respond to them before the next meeting, because this was rescheduled from two weeks ago.

Daniel Gettel: So we are looking to have this Public Hearing kept open until the April meeting?

Ms. Cassidy: I'm just thinking, subject to your approval, 10 days for the public comment, and from that time on for me to reply.

Daniel Gettel: Are you willing to renotify the property owners within 500 feet? If you are not prepared for the April meeting, we are all going to show up for nothing to discuss. That is my only concern.

Ms. Cassidy: Assuming the applicant doesn't mind not being on the agenda for March, we can skip the March meeting.

Jacqueline Ricciani: Skip the March meeting, have the written comments and Ms. Cassidy can put together her responses two weeks before the April meeting.

Daniel Gettel: I don't have an issue with that as long as you can live with that time frame. You have a dozen people in the audience that are now being told they are going to have an April meeting where they can speak. I want to make sure you are prepared for that. Our April meeting is April 6<sup>th</sup>.

Susan Brown Otto: I think we should keep it open. A number of people commented that they were not notified. And the fact that this meeting got rescheduled, and there is only two weeks.

Daniel Gettel: The public also has to be aware this room is not available whenever we want it. We have Monday's that are set aside for the Planning and Zoning Boards. That is why we have Monday meetings.

Ms. Cassidy: Just for the record, we did provide notices to the adjoiners within the code.

Daniel Gettel: I realize that.



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Ms. Cassidy: If we close the public hearing tonight subject to written comment, give the public 10 days to give written comments, that gives me time to respond to that public comment in writing so the public would have that as well, then we could have discussion at the April meeting.

Jacqueline Ricciani: Unless you want to keep the public hearing open and have more public comment in April. You are going to have to give Ms. Cassidy time to respond to that.

*Motion to take a 5 minute recess by David Biren, second by David Slater*

*All in favor – 7*

*Opposed - 0*

*Agreed and carried*

*Motion to keep the public hearing open until our April 6, 2015 meeting and return to regular meeting for board discussion by Susan Brown Otto, second by David Slater*

*All in favor – 7*

*Opposed - 0*

*Agreed and carried*

Daniel Gettel: This will be a Public Hearing that will kept open so there will be no new notifications out there. Please check the town website, if things change between now and then. We will still accept written comment.

Daniel Gettel: Mr. Gottlieb, you are in receipt of Michael (Weeks) comments?

Tim Gottlieb: Yes, I am.

Daniel Gettel: Is there anything on there that you need to discuss tonight and you and Michael can work out?

Tim Gottlieb: No, most of the comments were housekeeping. We have taken care of them and we will have them for the next meeting.

Jacqueline Ricciani: So this application is not going to appear on the March agenda? Is that correct?



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Daniel Gettel: That is correct, it is not. If it does, it is not going to be reviewed. One comment that I do have are some of the standard notes that should be placed on the map, whether they are on there or not, is that no parcel shall be further subdivided without the approval of the Town of Bethel Planning Board. That is a standard note. As far as the proposed driveway going through Lot #2 to service Lots 3 and 4, Jacy has asked for a driveway maintenance agreement in the past and I believe that we need to either build or bond that driveway according to Michael. I also want the map to indicate that there shall be no extension of the driveway from Lot #1 to allow for vehicular access to any other lot. The reason you propose that is because of the slopes. We want you to stick to that.

Ms. Cassidy: Someone wrote that one driveway is just a driveway to serve that.

Daniel Gettel: I realize that. At the last meeting we spoke about recreation fees. You intend to, in lieu of providing recreation, pay a fee to the town. We are going to have to have an agreement on the recreation fees at \$250.00 per lot. The recreational facilities that are shown on the plan, they have indicated in the past, are not to be shared between the lots. In that case the town is required to take a \$250.00 fee per lot fee to add to the town's recreation fund because any development like this may impact the town recreation if they don't provide their own recreation. Mr. Gottlieb you spoke to Michael about the well log I believe.

Tim Gottlieb: Yes I did.

Daniel Gettel: The location of wells you provided information for, are they shown on the map?

Tim Gottlieb: No

Daniel Gettel: Can they be shown on the map so we have some kind of reference as to where there are?

Tim Gottlieb: I can show on a tax map that is the best I can do because the one lot is on the Rubino parcel which is down here, and the other one it didn't give an address.

Daniel Gettel: If you would should provide some kind of location so we can identify where that is.

Tim Gottlieb: Yes.



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Daniel Gettel: I know Michael had an issue of where that is. Regardless of whether the sewer plants are considered alternate systems or not, we are going to require the Health Department be given the opportunity to review them prior to any building permits being offered. I know there is some dispute at the Building Department whether that needs to be done or not. We are going to take a lead on that. Susan you had a question about Section 322 D for the two lots and the shared driveway? It was originally a number that was a mistake in the minutes if that is what you are talking about?

Susan Brown Otto: No.

Daniel Gettel: Oh, it was Jacy?

Jacqueline Ricciani: That was part of the written waiver request that the board had received?

Daniel Gettel: It was two sections of the code then.

Jacqueline Ricciani: Correct.

Daniel Gettel: Okay. Just to clarify the applicant has requested that we grant them a waiver of Section 321 B, paragraph 6, and 322 D of the same section. We will have to address that at a later meeting and look at the reasons for that. Are there any questions from the board while we are in our regular meeting?

*None*

Daniel Gettel: Ms. Cassidy is there anything from the applicant you would like to discuss at this time? Mr. Farber you are pretty quiet tonight.

Ms. Cassidy: Not at this time.

Daniel Gettel: If that is the case, we are going to move onto Item #2 on our agenda, if that is okay with the applicant and the board.

***2) Application request for an extension of a Conservation Subdivision with a Site Plan approval for a 8.90 Acre parcel located on NYS Route 17B, known as Bethel Tax Map #: 40-1-6 and a portion of Bethel Tax Map #: 40-1-7, proposed by Redwood Estates, LLC. (Wasson)***



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Daniel Gettel: For the record I did ask this applicant to appear tonight. I thought this would be an easy extension. Conditional subdivision approvals expire within 180 days unless the conditions are met. All approved site plans expire within one year. Either way we feel this approval should have been extended as they were in the past. Like I said we thought this would be an easy submission. Originally when Redwood was presented to us it was presented to us being made up of two tax parcels, tax lot section 40-1-6 and a portion of tax lot map of 40-1-7. Our understanding was that when those two lots were combined that would allow for the construction of 13 units. Those lots were never combined into a single ownership. Then we were told that tax lot 40-1-9 would be attached to those two, creating a conservation subdivision with a total area of 9.23 acres, I believe, which would allow for the 14 units to be constructed. That lot was also not conveyed to Redwood. At this time we have three different tax lots and three different ownerships so we do have a problem with the conservation subdivision. New Sunflower LLC, which is the parcel we knew as Redwood, owns one parcel, the people who own Sunflower Bungalow Colony own another and one is owned by Redwood Estates. In any case we approved the project that consists of 9.23 acres of land, the amount of land that was demonstrated to be required for 14 units, and at this time the land does not exist in any common ownership. Mr. Wasson if you would please. Is there anything you would like to add to that Mr. Kalter?

Ivan Kalter, Attorney: I was unaware that was a problem. My understand talking to Jay (Zieger) was that we needed a transportation corporation, a driveway easement maintenance agreement, and a conditional condominium declaration, which has been drafted, which will be ready in a week or two once we get some input from the client. Jacy tipped me off a little bit earlier that there was a little bit of a problem here. I was not aware of it before I got here.

Daniel Gettel: What I would suggest, and we did speak about this during the work session, is I would entertain a motion that we would reapprove.... that we grant an extension of the conditioned approval of the site plan with conservation subdivision for 30 days to let you get your act together, with the conditions being combine the three tax lots, 40-1-6, a portion of 40-1-7, and 40-1-9, that we were led to understand would be combined into a single ownership and tax lot to support the construction of 14 Redwood Estates Condominium units. Jacy, are you okay with that?

Jacqueline Ricciani: Yes. So Mr. Kalter is aware, and I have the documentation somewhere, a new corporation was formed.

Daniel Gettel: That was my next condition. Let me run through the conditions first.



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Jacqueline Ricciani: There was a new corporation and there was a conveyance of property, so there are three different entities involved that need to get straightened out.

Daniel Gettel: Reading the list of conditions:

- 1) *Combine the three tax lots (parcels 40-1-6, a portion of 40-1-7 and 40-1-9) that we were led to understand would be combined into a single ownership and tax lot to support the construction of the fourteen unit Redwood Estates Condominium Project.*
- 2) *Provide the Planning Board and the Planning Board Attorney with documentation indicating who the Applicant, Condominium Sponsor and Owner of the combined parcel project will be and under what name the project is to be known as.*
- 3) *Provide the Planning Board, the Planning Board Attorney and the Town of Bethel Town Attorney with a Condominium Offering Plan.*
- 4) *This approval is not intended to supersede or modify any conditions of a previous approval granted by the Planning or Town Board.*

Daniel Gettel: I don't know how the board feels about that, but giving them 90 days to resolve that should be enough time.

Ivan Kalter: Jay is currently working out of his house these days. They won't let him drive for 30 days.

Daniel Gettel: I might have said 30 days, but I did intend to say 90 days. My intent was this approval would run out at our May meeting. It is not exactly 90 days, because we are between meetings right now. The intent of the approval would be that it would be extended until May 4, 2015. Randy there was some question of what was actually built. Can you give us an idea of what infrastructure is existing?

Randy Wasson: They built a water operations building with disinfection equipment, with a storage tank, so they can supply water to the development. All water mains are in, as are the sewer mains.

Daniel Gettel: Are you connected to the town?



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Randy Wasson: Yes. There are, I believe, eight buildings that are built. Numbers 3-10, I believe, and the storm water basin is in. Most of the roadway was paved, not completely. I take that back, the lower section was paved. The infrastructure is in. They really just have to build the remaining buildings and cleanup.

Daniel Gettel: You know there are other outstanding issues I think we need to discuss moving forward as far as the fence and the gate. There is a fence, but there isn't supposed to be a gate. There are a lot of little things we need to address. I just want to get this back on track as far as the approvals go. That was a condition of a previous approval that was never really abided by.

Randy Wasson: That's right. That was a condition but it was never on the plan. We added that on the plan. That property line fenced from end to end, and also I think a note addresses' that.

Daniel Gettel: Just so the board is aware we did require a stockade fence along the back of the property and the condition was that the fence be installed but not a gate, and it was installed with a gate which allowed access into Black Lake Homes, and the people in Black Lake Homes complained. That went against what was said at the public hearing.

David Biren: That is what we had specifically asked for in 2011. That there be no gate there. Let me ask a question here? How did you get permits to build if we don't know who the applicant is?

Daniel Gettel: Redwood Estates was given permits to build 14 units as per our direction, in the name of Redwood Estates.

David Biren: Now we don't know who the owner is. How did you build, under what name?

Daniel Gettel: That's why we have to work this out.

Randy Wasson: I think what happened is the ownership changed during the course of the construction.

David Biren: Why weren't we notified?

Randy Wasson: I can't answer that. I wasn't aware of the situation.

David Biren: Isn't this an inappropriate time to notify everyone? Wouldn't you notify the Building Department when ownership changes?



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Randy Wasson: I don't even know which owner owns which piece myself.

David Biren: Who are you representing?

Daniel Gettel: The owner should have notified BJ that there was a change in ownership and the permits that were issued should now be issued under a different name. That probably did not happen.

BJ Gettel: Right.

Randy Wasson: The builder is the same, but there are different corporations.

Daniel Gettel: I believe there was a mortgage involved so one of the parcels was conveyed so they could raise funds so they could continue the project. I don't believe it was anything that was done on the sly. It is just something that should have been handled.

David Biren: But it is an HOA?

Daniel Gettel: It is not an established HOA.

Ivan Katler: That is what we just discussed with Jacy. We will try to put them together in one owner.

David Biren: It was also presented as a conservation subdivision, so how did they subdivide this?

Daniel Gettel: It wasn't subdivided, it was just never combined.

David Biren: I thought the project should have all been intact before we moved forward with anything.

Ivan Katler: I can't say how this originated. There was a time when I represented the one owner and the adjacent owner, I came in late. I can't tell you how this application ended up in three separate parcels or at least the ownership. The only thing I can tell you is by the next meeting we hope to clear it up.

David Biren: Before they can sell anything they have to have everything in order.



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Daniel Gettel: They can't get a CO until a condominium offering is in hand. That is the point.

David Biren: I am a little leery of it, they have been building all along, and we have just been notified.

Ivan Katler: I don't think anything has been sold yet. It will be cleaned up.

Randy Wasson: These are built over here.

Daniel Gettel: Until the condominium is approved they can't sell off the units anyway.

David Biren: But you don't know who is building what?

Susan Brown Otto: Two properties you can see that are under construction or maybe there are three from 17B. Where are they located on this map?

BJ Gettel: They should be units 1 & 2.

Randy Wasson: All these are built (showing on map).

Susan Brown Otto: Over in the direction where Lyndon Lilley lives?

Daniel Gettel: Those two are framed.

Susan Brown Otto: Which ones are the ones you can see from 17B?

Daniel Gettel: Units 1 and 2.

Ivan Kalter: In other words we are on a time issue, which may be a little sloppy at this point. This point what does it matter, we are cleaning it up, so when the units are sold it will be legal.

David Biren: It should have been legal before you do this.

Ivan Kalter: Well with the assistance of counsel who brought it to my attention we are hopeful we will be in proper shape.

David Biren: But that is not how it is supposed to work.



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Daniel Gettel: It's not an ideal world either.

Ivan Kalter: We can't go backwards. I can only go forwards and clean it up.

Daniel Gettel: All we can do moving forward as a board is to ask them to clean it up or not give them any further extensions. I think we give them until May and see what they can come up with. Just for the record I gave Randy a copy of the tax map that shows the parcels that are involved and the parcel that is lacking from Sunflower. I think it is pretty evident. In Randy's defense this is when Wes Illing was presenting not Randy.

David Biren: Randy it is your project now, right? Not Wes Illing's, right? I say don't work until all ducks are in a row. If someone gets hurt, who gets sued?

Daniel Gettel: The buildings are being built with building permits that were issued by the Building Department. They have valid permits that were issued to Redwood Estates and the insurance would be under the builder. If in fact building permits were issued under Redwood Estates, and I believe they can be transferred, correct Jacy? It probably should have been handled better.

Jacqueline Ricciani: Recordkeeping should be able to straighten that out. Like Mr. Kalter said nothing has been sold, nobody has been prejudiced. It is still under the construction phase.

Susan Brown Otto: Will we be able to see these properties from 17B?

Daniel Gettel: We did approve this with landscaping that has not been put in yet, and there are buffer zones that are not put in yet, but they have to be put in before any CO's are issued.

Susan Brown Otto: And where is the landscaping going to be?

Randy Wasson: It is not on this particular plan. It's in here (showing on map).

Susan Brown Otto: You can still see those two new buildings that are going up. I can see them on 17B.

Daniel Gettel: Susan, the landscaping has not been put in.

Randy Wasson: There are mature pine trees that are kind of here, and we are going to provide screening behind them and extend the screening down as far as we can down the property line.



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Daniel Gettel: They have an approved landscaping plan that they have to follow or bond. Or bond and install. As far as being visible from the road, the reason for the conservation subdivision is so they would pull the buildings back from the road with the idea they have to landscape in the front. Clearly the landscaping isn't in on the front yet.

Randy Wasson: The houses are 400 feet back from the front.

Daniel Gettel: Where they could have been 40 feet from the front.

***Motion to extend the site plan with a conservation subdivision approval for a period to expire on Monday, May 4, 2015 with the previous referenced four conditions by Mike Cassaro, second by Steve Simpson***

***Roll call***

***Mike Cassaro – Yes  
David Biren – Yes  
Daniel Gettel – Yes***

***Susan Brown Otto – Yes  
David Slater – Yes***

***Steve Simpson – Yes  
Walter Norris – Yes***

***All in favor  
Agreed and carried***

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

Tim Gottlieb: Good evening. I spoke to DOT the other day.

Daniel Gettel: Just for the record, this is an existing driveway that is going to be improved. I believe in Glenn's (Smith) review letter he referenced that site distances are adequate for the speed limit.

Glenn Smith: That is right.

Daniel Gettel: I believe you changed the flow though, and you are not using both driveways?



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Tim Gottlieb: We changed that because there was a site distance problem here (indicating on map) so we just kept that for the residence.

Daniel Gettel: So for the record that is the one to the southwest, most southwesterly driveway.

Tim Gottlieb: The one on the westerly side will be the commercial driveway that will be in and out. We are proposing a gate to prevent any cars going from the antique shop to the residence. We have Mr. Smith's comments.

Daniel Gettel: And the existing residence will use the existing driveway?

Tim Gottlieb: Yes.

Daniel Gettel: Glenn, do you want to run through your review comments. Or do you want me to run through them?

Glenn Smith: The site distance on the west side driveway seems to comply with the speed limit posted out there. My second item was the 17B Gateway standards, Section 345-18B 4C, recommends a minimum of a 10 foot wide landscaped buffer, a hedge row or earth berm or combination to screen the parking area from the adjacent road. This is a change of use occurring from a residence to a business. I notice the parking lot is shown about 40 feet back from the highway bounds, and 65 feet back from the edge of the pavement and there are only three proposed pine trees 10 foot on center shown for screening. The board could consider requiring either a more dense, thicker landscaping screen or having the applicant shift the parking lot farther back on the parcel to increase the setback from the highway. It is up to you. At a minimum I would suggest more landscaping because the intent is to screen the parked cars.

Daniel Gettel: Before you proceed can I ask why you located the parking lot where you did?

Tim Gottlieb: Just for access to the antique shop.

Daniel Gettel: My comment on the access is that you show... I don't know how many parking spaces.

Tim Gottlieb: There are nine.

Daniel Gettel: There are nine and one handicap accessible space that is set off from the others.



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Tim Gottlieb: At the rear of the building.

Daniel Gettel: If you do that, you are going to have to put up signage to indicate that there is a handicap space along the rear of the building I suppose. Did you give any thought to shifting the parking lot back?

Tim Gottlieb: What we proposed to do was to take one space, take it from the front and put it to the back and add two more pine trees.

Daniel Gettel: At this time it is open so it's....

Tim Gottlieb: It's wide open. We are not cutting anything down.

Daniel Gettel: So Glenn that will push it back to 50 feet?

Glenn Smith: More plantings will make a bigger difference. If they can move it back 10 or 15 feet and put in more plantings.

Susan Brown Otto: Are there wires there? Are there like electric wires there where the trees will be going?

Tim Gottlieb: No. The electric comes in off of 17B.

Daniel Gettel: In between the two units, not along that side. My only question is why did they push it so much closer to the road and put the other lot in the back? It does make sense. This application I believe does have planting details for the trees. If you want to move it back and plant more trees, I think it would address that concern.

Tim Gottlieb: As Glenn said, it is easier to build it there, then go back, trying to keep a minimal disturbance.

Glenn Smith: There is no site lighting shown on the site plan, I assume the business will operate during daylight hours. That should be verified.

Tim Gottlieb: We are proposing a 9 to 5 operation. We would like the ability to be open 7 days a week. It will be open 7 days a week.



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Daniel Gettel: Do you think it will be seasonable?

Tim Gottlieb: It may be. Obviously in the winter they are not going to be open during the week.

Daniel Gettel: It does get dark before 5 pm in the winter. If you can't safely get from the building to the parking lot at 5 pm in the winter, we could limit the hours.

Jacqueline Ricciani: We are going to need at least a brief management plan.

Daniel Gettel: Let's see what the applicant has to say.

Linda Forte: We will install lighting. It will be put on the building to light the entrance area. We are going to operate seasonally although there may be times during the year, holidays, like today a federal holiday, we would want to open to the public, obviously the tourism in the area is here and we would like to be able to accommodate them. There may be time where we would like to be open later in the evening. Most of that will be during the summer months. Again, there may be a federal holiday where we might be open later during the winter. We will install additional lighting to insure that everyone is safe.

Daniel Gettel: That's fine. You understand our point, if it is going to be open during the winter you do need additional lighting, it is just not shown on the plan. It is mostly residential in nature it's not going to need to be commercial lighting.

Glenn Smith: That kind of goes with the sign detail, 4 feet high by 12 feet long which seems to meet the threshold of the section. I know there are some comments about that. The board doesn't want something too big and too opposing for the proposed use, so you might want to scale that down a little bit.

Daniel Gettel: Mr. Gottlieb your thoughts on the size of the sign, or how you came up with that size?

Linda Forte: You wanted stonework and gardening and so in order to do that we made the structure to fit the requirements, but if it needs to be made slightly smaller we are certainly happy to do that. We just wanted it to be a structure that you would be proud of.

Daniel Gettel: Our comment is that the size of the sign that is shown is going to over power the business for this type of use and the scale of the building is going to be overpowering in our opinion. Mike Cassaro does work for a sign company, we are not saying use Mike or anything



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but we do turn to Mike for advice on signs. Mike if you don't mind just speaking a little bit about the sign.

Mike Cassaro: I think the oval sign itself and the attraction piece underneath are fine. It looks to me to be about 32 inches by 7 feet, or 36 inches by 7 feet, which is fine. I think the piers and the amount of stone work around it might be overpowering. It is similar to the Jeff Bank sign. The other signs that are along 17B might be a couple of feet smaller. Like I said what you have is approvable, it is just a suggestion.

Linda Forte: Thank you

Jacqueline Ricciani: Is it illuminated?

Tim Gottlieb: What we will have at the next meeting is landscaping along the sign and then some ground lights, oval lights.

Susan Brown Otto: How close is this to 17B is the sign itself?

Tim Gottlieb: It is right along the property line. It's 40 feet probably.

Susan Brown Otto: The reason why I ask with regard to the landscaping that you use is to have something that the deer don't like to eat, attracting deer to 17B.

Daniel Gettel: Glenn you okay with that?

Glenn Smith: Yes.

Daniel Gettel: Jacy, you mentioned a management plan. I'm not sure how much detail you are looking for.

Jacqueline Smith: Some idea of hours of operation, seasonal is kind of a general term, April 1<sup>st</sup> through October 30<sup>th</sup>, just to give us an idea.

Linda Forte: We are going to be open year round. During the cool weather months we might just be open on the weekends.

Tim Gottlieb: We will prepare something.



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Jacqueline Ricciani: It doesn't have to be extensive, but that being the case, lights on the building might not be enough if you plan on being open in the winter time on the weekends. You don't want people walking out to the parking lot in the dark.

Tim Gottlieb: We can put some walkway lights on the walkway.

Jacqueline Ricciani: Something that was brought up at the last meeting we said it would be further discussed if you plan on having any outdoor displays of your merchandise. That should be included in your management plan, if you don't plan to have any outdoor displays.

Linda Forte: During the daytime there may be something that we put outside, but taken in, in the evening.

Jacqueline Ricciani: Are we talking about a dozen chairs?

Linda Forte: Probably not. I will give an example. Flowers during the fall months, mums for sale, maybe pumpkins for sale, and brought in the evening. There will be no permanent display outside is what I am trying to say.

Jacqueline Ricciani: Will there be other antiques to be brought out, chairs, tables, and dressers to attract passersby.

Daniel Gettel: They become kind of a safety issue with people on 17B, people hitting the brakes when they see something new alongside the road. It is something you should be aware of.

Jacqueline Ricciani: As you are putting together your management plan, these are some of things you need to think about. Do you plan on having employees, or will it be operated by yourself. You identified yourself as a contract vendee, is there a family relationship with the owner?

Linda Forte: Of the property? No.

Jacqueline Ricciani: Do you have a written contract?

Linda Forte: At this point we do not.

Jacqueline Ricciani: Do you plan on purchasing it?



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Linda Forte: We plan on purchasing it but it is all contingent on obtaining your permission of changing the use.

Jacqueline Ricciani: So you plan on purchasing the entire parcel with two houses?

Linda Forte: Yes.

Jacqueline Ricciani: Got it. Oh, and employees should be in the management plan.

Daniel Gettel: Any comments from the board?

*None*

Daniel Gettel: There are a couple of things we need to address. First, Michael (Weeks) likes us to declare our intent to be lead agency, even on the short forms.

***Motion to declare our intent to be lead agency by Steve Simpson, second by David Slater***

***All in favor – 7***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: Mr. Gottlieb just so you know, I did ask BJ to jump the gun a little bit and submit to the County and State for the 239M review, since our last meeting was canceled. I do feel you have a complete application, these slight amendments that you are making now we can always forward to the County as a supplement to that. I did want to get that process moving. The next step for this project would be to have a public hearing. I would suggest that we do the public hearing March 2, 2015 at 7:30pm. Is there any board opposition to that?

***Motion to grant application a public hearing for March 2<sup>nd</sup> at 7:30pm by Susan Brown Otto, second by Mike Cassaro***

***All in favor – 7***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: I think you have a great plan going and you are moving in the right direction. Mr. Gottlieb you will be responsible getting the addresses from BJ to do the certified mailings.



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Steve Simpson: There is a concrete walkway that goes straight to the road that exists. Is that going away? The reason being, you see my point, I am very familiar with the property. That is a safety issue. We wouldn't want people walking down towards the road. That would entitle people to park on the side of the road, and walk up the walkway up to the site instead of parking in the parking lot.

Linda Forte: I don't think it makes it all the way to the road, so you are asking for it to be taken out?

Tim Gottlieb: It doesn't go all the way. It goes to the property line.

Steve Simpson: Something to think about. People have a tendency to park on the side road.

Jacqueline Ricciani: Do we anticipate getting some revisions to this site plan for the public hearing moving the parking, landscaping, lighting, etc?

Tim Gottlieb: Most of it's done. You can have it tomorrow.

Daniel Gettel: It doesn't have to be tomorrow, but it does have to be five days before the meeting.

***4) Application for a Special Use Permit with a 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. (Payne)***

Al Chase: I have been in contact with John Payne. He is in Florida. He is willing to move the boulders off of the shale parking area off the State right of way so there are no issues. I dropped off an application for him to the DOT on Thursday so we are moving forward with the DOT approval for the driveway.

Daniel Gettel: I believe by eliminating the boulders off of 17B, you no longer have to enter into an agreement with the State for maintenance of that portion that encroaches onto 17B. That just eliminated one of the permits that you needed. You still need a driveway improvement permit I believe for the proposed driveway.

Al Chase: That is correct.



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Daniel Gettel: That is what was submitted on Friday?

Al Chase: Right, that is correct. The only thing, I wasn't 100% sure on if John wanted to leave some of the boulders at the beginning of the driveway until you get to the sales lot, but Ed Mall recommended not to because it is a liability for the state. If someone runs off the road, and runs into a boulder they are responsible.

Daniel Gettel: I assume the State will address that on their review on the driveway. Is that shown on the plans still, or no?

Al Chase: I added, just recently, a note on the plan that the boulders be moved back off the right of way onto the sales lot area.

Daniel Gettel: Just to clarify one thing Mr. Chase, we understand the application is by Boatwise Inc, but I think a lot of people on the board have been contacted by people from Interstate Boats, people we have never heard of. Is the applicant Boatwise Inc., and who should we be addressing our concerns to? Are there a limited number of people we should be speaking to or is it open ended?

Al Chase: It is only John Payne that I have been dealing with.

Daniel Gettel: I do get emails from a Mr. Fischer.

Al Chase: I got one of those the other day too, and I said what's with that? I'm not sure.

Daniel Gettel: Glenn is getting calls from people identifying themselves as Interstate Boats who we do not know, and I believe Mr. Cassaro has gotten calls from people from Interstate Boats who we do not know. Should we be addressing these people?

Al Chase: It's all John Payne as far as I know.

Daniel Gettel: How about if you need to address the board we just go through you. I think that clears up a lot of it. We don't know who most of these people are. I don't know your thoughts on that Glenn, I know you said you were contacted too, and it is all different people. I believe John is the one that makes the ultimate decisions. Is John going operate this operation?

Al Chase: Yes, he is the only person involved in it.



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Daniel Gettel: Glenn, I know that you were originally provided with a plan that was not updated, and you were not given the opportunity to review it. Obviously Mr. Chase has a different plan in his hand than we were provided.

Glenn Smith: I originally got the November plan which I provided comments to the board on January 29<sup>th</sup>. I don't have a copy of the recent one.

Daniel Gettel: You don't have a recent one that shows the boulders being removed?

Al Chase: That I just put in within the last few days

Jacqueline Ricciani: The only change is that the boulders are gone?

Al Chase: No, everything in red that you have in front of you are all of the revisions that were made.

Jacqueline Ricciani: The one I have is dated January 20<sup>th</sup>.

Al Chase: The 20<sup>th</sup> was, with the exception of the boulders, there were two notes that Glenn Smith had addressed that I put on. John is going to use a seasonal port a john. The notes that I added, the off-season boat storage will not be permitted in the proposed boat sales lot. The notes above address the hours of operation. No exterior lighting will be used. Boats for sale will only be allowed on the proposed boat display sales lot. There will be individual signs attached to each individual boat. There will parking signs for customer parking spaces. Signs in regard to parking exist on the shoulder of 17B. There are already signs out front that prohibit parking along the shoulder of 17B. Business will be conducted by appointment only. Those are some of the notes. I have added off season boat storage will not be permitted in the proposed boat display sales lot, and the maximum number of boats are 25. I don't think he can fit 25 boats in that lot, but that is the maximum he is asking for.

Daniel Gettel: Can we ask you to measure the existing field and tell us how many could be placed there?

Al Chase: What I did was the proposed customer parking spaces they are 10 x 20. I was able to fit 16 of those along ....

Daniel Gettel: 16 additional spaces, or 16 clusters?



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Al Chase: I was trying to measure; I don't know how large these boats are.

Daniel Gettel: No, I'm asking individual spaces, or clusters of spaces. There is a cluster of 5, you are not saying 16 x 5. You are saying 16 spaces?

Al Chase: No, 16 individuals. I just tried to use that as a measurement, 10 foot x 20 foot, I was able to fit 16 along that plateau area. That is a rough estimate. Just so you have an idea.

Daniel Gettel: Are you proposing he is going to stack them?

Al Chase: No.

Glenn Smith: We don't know what the size is, is what he is saying.

Daniel Gettel: The maximum he is saying is 16, but they want to fit 25. I'm just curious how he gets the extra 9.

Al Chase: I don't know how large the boats are that he is planning to place there. They could be rowboats for all I know. I was just using that as a basis, to what I think could fit on there, but I don't know the exact number. I'm just saying he wants a maximum of 25. That is all he is applying for, a maximum of 25. I was going through some of Glenn's comments, his comment #4, summary location in the shale area will have to be moved back a little bit to move the boulders off the state right of way.

Glenn Smith: That seemed to be a DOT issue also, to have that in the display area out in the right of way.

Al Chase: He is going to have to move those boulders. He is trying to keep any kind of grading to as minimum. He is trying to use the existing plateau there. Comment # 7, he was hoping to waive #7. It is about the 15 foot buffer that would pretty much take half of the display area.

Glenn Smith: The zoning requires the landscaping strip. I don't know if he would need a waiver.

Daniel Gettel: He would formally have to request a waiver, and we would have to vote on a waiver on the landscape requirements.



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Al Chase: That would cut the area right in half. He wouldn't have room for parking. I'm not sure about note #5, notes on the site plan indicating a requirement about having work done inside the building.

Glenn Smith: Any repairs done inside the building?

Daniel Gettel: That is a condition on the prior permit to service boats. Especially things like welding.

Al Chase: He is trying to do as little design work as possible. He is working around this plateau.

Daniel Gettel: I agree with Glenn you can't review drainage with 20 foot contours. Glenn, would you be comfortable with.....

Glenn Smith: John has done quite a bit of digging behind that building recently.

Al Chase: All we are addressing now is the sales lot area.

Jacqueline Ricciani: That is the point. You need to give more than just the sales lot. You can't just do what is shown in green.

Daniel Gettel: What he is questioning is what about the disturbance behind the service building, I believe, that we know nothing about.

Al Chase: I don't know if you received this. He sent me some kind of a management plan. He said he had to clear behind the building. There were all sorts of growths and trees.

Daniel Gettel: John did submit a management plan. He then told us it wasn't a management plan. We did read it. It wasn't a management plan. It doesn't address very much about the operation.

Al Chase: I guess he tried to explain why he did the excavation behind the building.

BJ Gettel: He has made that bank now, and it is unsafe. That lot now is unsafe.

Daniel Gettel: That was raised at a meeting a number of months ago. That has never really been addressed. Glenn, if you are more comfortable with topo for that area I do believe it should be



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cleared up as part of the application. If we don't address it now, I don't think he is voluntarily going to come back to us to correct any other outstanding issues.

Glenn Smith: I was all the way to the westerly property line behind the building.

Al Chase: We would have to do topography now because the plans have been changed. Any of the local maps that show topography wouldn't help us any.

Daniel Gettel: But if the work wasn't completed before he got a permit we wouldn't be having this discussion. The problem is the work was completed without a permit.

Al Chase: Right he should have had....

Daniel Gettel: The cart before the horse. We can't defend the fact that he did a disturbance without a permit and then say well now he is paying the price for doing a disturbance. The topo is different because he disturbed the area. I think it should be provided, it is a good compromise.

Susan Brown Otto: Is it a 50 mph speed limit there?

Daniel Gettel: Yes.

Mike Cassaro: That presents another problem for me, the second driveway. What I can see happening here is boats being displayed here, sell a boat, it has to be serviced, I am going to come out this driveway and go in this driveway, I'm going to put it back out, and I'm going to come out that driveway and go in that driveway, for that short of a distance you will be pulling in and out of driveways, two driveways on the same property, with limited site distance. It would make more sense to me to have this shale driveway behind the buildings connect to where the boats are going to be serviced, and eliminate that second proposed driveway. It is a big safety concern.

Daniel Gettel: The proposed driveway.

Mike Cassaro: The proposed driveway.

Steve Simpson: That is about 150 foot into that already disturbed area behind that building if he continued that. Picking up the existing driveway going up the hill?



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Daniel Gettel: I don't even know that he has to extend it Steve, because that is actually a parking area that he uses.

Steve Simpson: There might be shale all the way to it.

Mike Cassaro: It would be safer, much safer, and would help visibility coming out of this first driveway.

Al Chase: I know John doesn't want to eliminate the driveway to the east he wants to use that.

Daniel Gettel: Do you see our point how it might be a safety issue we might not be willing to overlook? The minute someone gets hit coming out of that driveway.....

Al Chase: The site distances on that driveway are a lot better than the one west of the buildings.

Daniel Gettel: That doesn't necessarily mean that two driveways are better than one.

Glenn Smith: That is one of my comments. You should probably provide the site distances on that west side driveway also.

Daniel Gettel: You can provide them but we do know that they do not meet the minimums. The DOT cannot touch that driveway because it was the existing driveway.

Susan Brown Otto: The porta john. Does that meet code? What about handicap?

Daniel Gettel: Susan, there are handicap accessible portajohns, and I don't want to say it doesn't meet our code, but I don't know the answer to that. BJ is shaking her head no, but I don't want to rely on that. We are looking at the sales lot. I think that when you talk about the service building it should have a bathroom because there are employees. The sales lot may not require a bathroom. I don't know that we should be looking at that or revisit our past approval of the service building. I believe BJ's contention is if the service building itself is having employees, it should have a bathroom.

Bette Jean Gettel: Correct.

Daniel Gettel: That doesn't mean the sales lot has to.

Glenn Smith: There is a well there.



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Daniel Gettel: There was also a house there, so there is a sewer on the property. Nobody knows where it is. There is also another well on the property I believe.

Glenn Smith: You're right. The sales lot doesn't need a bathroom.

Jacqueline Ricciani: He has already said he doesn't plan on having any kind of an office or anything. They are going to like stand on the side of the road and negotiate deals.

Susan Brown Otto: It said they are building non-boat storage at this time. I googled Interstate Boat Wise and found that they are advertising that they now have a 3000 square foot warehouse on 63 acres on 17B for short or long term lease. Is that still part of the plan maybe to lease out this building and not have any boat sales?

Al Chase: I don't know.

Susan Brown Otto: Has Mr. Payne paid all of the fees?

Daniel Gettel: He has an escrow account set up. Mr. Chase I don't want to keep coming back with more conditions and more conditions, I do want this project to move in the direction of some kind of resolution. I think I made that clear. For the record, I did send out an email to Glenn suggesting that if they improved the sales lot and removed the boulders and debris from the state right of way that would eliminate one of the main obstacles that were in their way. I know they were before the state but they weren't making any progress getting things resolved with the state, there have been talks going on for months and all of sudden it seems like now it is moving which is a good thing. I do want it to be on the record that I did reach out to Glenn and made a few suggestions of how I would handle it if it were my project and it's not my project, and I don't want you to feel that I am interested in designing your project. I do want to see some kind of resolution to this and I offered my thoughts to Glenn. I appreciate the fact that Glenn did share his thoughts with you. Clearly you shared your thoughts with John, because it came back to the town and John shared his thoughts with Mr. Sturm, the Supervisor. It did make the whole trip around so I know the concerns were out there. I do want to put on the record that there is an email floating around out there that does make some suggestions to Mr. Payne that I feel would make it a safer project. I know Glenn was aware of that email, and I can't ask Mr. Payne to give up driveways. I do think that the majority of this board is going to feel that the driveway ... adding a second driveway is going to only compound the problems that exist at this property. Most of the people on this board have driven by and seen party boats half in and half out of the road, stopped in the road, parked on the shoulders. It is an ongoing operation that we don't want to continue going that route. I don't think having a separate driveway is going to make that any



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better. I do also question what Mr. Payne considers a consignment. He is selling boats on consignment. Consignment to me is if someone in White Lake Homes wants to sell their boat and they want a little more visibility, they say John will you sell my boat, and I will give you a cut. That is a consignment to me. Is that your understanding of what a consignment is? Last year a number of people on the board were told that 25 boats were being delivered to this property. Low and behold, 25 boats showed up for delivery to this property. The tractor trailer got stuck in the driveway. Those aren't consignments. I want John to be upfront with the use.

Al Chase: It is consignment. It is a sales lot.

Daniel Gettel: You are telling us it is consignment and consignment implies selling somebody's boat as a favor or... I do know that John used to haul in boats for sale on his other lot. John seems to think we are stripping him of his rights. We should be aware of what it is, what it is really going to be. If boats are going to be brought to this property I think we need to know about that. How are you going to unload a tractor-trailer on this property and get it safely off of 17B, in order to unload the boats unto the lot? I think it is a safety concern that needs to be addressed. I still have the same concerns. Everyone keeps talking about how the roadway has adequate signs to stop people from parking on 17B. Signs don't work. If people are going to stop on 17B, they are going to stop on 17B. We ran into that issue with the Flea Market on the corner of Pine Grove Road and 17B. It was posted no parking. There were people standing on the shoulder of the road saying please don't park here. They have a beautiful parking lot in the back, a 30 or 40 car parking lot. Nobody used it until they put up barricades so it wasn't convenient for people to park there. You can't simply make a blanket statement about having no parking signs on the road. It is not going to solve the problem. People are going to park on the street, on the northerly side, cut across 17B to look at a boat or they are going to park on the southerly side of 17B as close as they can get to the boats to take a look. That is my personal feeling. I don't think that has been addressed. I don't think saying there are existing signs on the road are going to address that concern. Glenn, correct me if I'm wrong.

Al Chase: Are there ways to prevent....

Daniel Gettel: Any type of barrier that doesn't make it convenient for people to pull up and get out of their car in that area. A proposed driveway opens it up for anyone to pull in and jump out of their car; it is direct access to the lot.

Steve Simpson: I agree, that note, #14, business will be conducted by appointment only. That is never going to happen. I am in total agreement.



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Daniel Gettel: And there isn't adequate site distance for us to turn a blind eye to that. I don't think we should just ignore the fact that there is no site distance in that area. People cannot safely park on the side of 17B. I don't think we are stripping Mr. Payne of his rights, but I do think that if somebody gets hurt on that road because of him pulling the boats in and out, driveway to driveway, or people parking on the side of the road, I think it will be a worse issue than....perhaps reconsidering the design he has right now.

Al Chase: Just use the driveway to the west....

Daniel Gettel: If he used the parking lot, and I'm not the design engineer on this, but in my opinion if he were to improve the driveway to the west and give people only one obvious place to pull off the road, people are more likely to go to that space and if the access to the sales lot is closed off by putting in a short fence or some landscaping or even signage to keep people from climbing up the hill up the bank of the hill to the lot they aren't going to do that. I don't think it is unreasonable to ask people not to park on 17B, perhaps to park in the existing parking lot and walk around to the back of the building. I don't think it is unreasonable. I'm not John Payne, and it's not my decision to make.

Al Chase: He wants to use the center driveway.

Daniel Gettel: Then you have to provide us with information on how you are going to keep people....how you are going to get people to utilize that driveway as opposed to parking on the street. You need to demonstrate to us that you have a plan for that. If that plan fails it's not on us. If that plan fails it is on you and Mr. Payne.

Glenn Smith: My question is how is that westerly driveway used? They can go to the back of the building; boat display area is close by, and exit back out the westerly side.

Daniel Gettel: You have a potential for adding an office, you have a potential of additional displays, and I don't understand the reluctance to actually....

Glenn Smith: I assume the boats are unloaded with a forklift individually from a tractor-trailer?

Daniel Gettel: I do not think they come on trailers, I assume you are correct. Perhaps I am wrong, but I don't think I am the only one on the board that has heard of it.

Bette Jean Gettel: We have pictures of the tractor trailer unloading the boats.



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Daniel Gettel: Let's take a little bit of a break. Just so the audience is aware, it is a little after 10:30 pm. We do believe we are going to wrap up application #4, and get to application #5. Applications 6, 7 & 8 will be kicked to the next agenda due to the time restraint. They will be kicked to the March 2<sup>nd</sup> meeting.

Daniel Gettel: I don't want to be the design engineer. I have given Mr. Payne my advice in the past, and quite frankly he has kind of crapped on me. But we do, as a board, need to address certain safety issues that simply aren't being addressed on this plan. Glenn, do you think there are safety issues that exist that need to be addressed?

Glenn Smith: Yes I do. I think the DOT has the same philosophy. They were concerned about some of this.

Daniel Gettel: I cannot answer for the DOT. The DOT is not here to answer.

Al Chase: The last that I spoke to John, he said he wants to keep that middle driveway.

Daniel Gettel: That's fine. Give us a plan for safely preventing people from parking on 17B.

Jacqueline Ricciani: My recollection from the last time, the signs were just for storage and service. Now, he apparently wants sales. Does he plan on changing the signs he's got? Are there going to be new signs and if so where are they going to be?

Al Chase: When I mentioned to him with regards to sign he said it was done with the original application so it sounds like it is going to be on the building.

Jacqueline Ricciani: But is the wording going to change?

Al Chase: That I'm not sure.

Susan Brown Otto: Is he in compliance with what he said he was going to do with the original sign?

Daniel Gettel: No, that's why I don't want to have conditions of approval on this. I want to try to limit the number of conditions on this approval for that reason.

Jacqueline Ricciani: Mike said he just used the signs that were in the old location.



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Daniel Gettel: He never installed them. He was supposed to purchase new signs and mount them on the building.

Mike Cassaro: They were never purchased.

Daniel Gettel: So we are assuming that the new sign should include sales.

Jacqueline Ricciani: But the signs that are there might say sales on them.

Daniel Gettel: There are no signs there that are mounted on anything. They are leaning against the building. Portable signs are not permitted by zoning either. Does anyone on the board have a different feeling than me?

Steve Simpson: All the work that is being done behind the building, shale excavation, the use of the boat sales area, for me personally, if John were here I would advise him that would be his only alternative. Make that connection behind the main building, keep the one driveway, the other driveway is a safety issue, and he can go from there. He has disturbed that soil. If he cleans that up a little bit, he probably already has a road in place. That second driveway on the east side is going to be an issue. What happens if someone gets run over? The Town is on the hook for that. It doesn't matter what kind of insurance he has.

Daniel Gettel: Mr. Chase I don't want to keep throwing obstacles in the way. I don't feel the majority of the items have ever been seriously addressed and I think that is what has been stalling the project. I would like to move this to a public hearing but without what I consider a complete application I can't move it to a public hearing and with the safety issues hanging out there, regardless of what John wants, unless he can address the safety issues, I can't say we have an adequate application and move to a public hearing. You also have to keep in mind we are not the only reviewing agency that is going to review this. The County is going to review and have to approve it, and the State is going to have to review and approve it. Not the State DOT, but the State under a 239M review, and I don't know if they are going to. I can't speak for them either, but there are certain things lacking.

Jacqueline Ricciani: Do we have a short form SEQRA?

Bette Jean Gettel: We do have one.

Jacqueline Ricciani: You do? I have it, never mind. This is from March 2014.



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Daniel Gettel: That is when it started. Glenn, the EAF should be checked to make sure it still makes sense with the new plan.

Al Chase: I thought I submitted one a month and half ago with the new plan.

Daniel Gettel: Jacy, we do have one from December.

Jacqueline Ricciani: If BJ could circulate that when she has a minute.

Daniel Gettel: I think that is it. Good luck.

***5) Request for an extension of a Conservation Subdivision with a Site Plan approval for a 138 Acre parcel located off State Route 55 and Old White Lake Turnpike, known as Bethel Tax Map #: 8- 1-60.1, 61, 64, 68 and 83, proposed by Swan in Swan Lake. (Wasson)***

Daniel Gettel: Randy, like I said at the preapplication meeting, only two people here tonight were actually part of this original approval, so if you don't mind giving us an idea of what the project is. Just for the record, I did ask them to come back with this because, very similar to Redwood Estates, we did have every intention that a project such as this would be updated. That the board would be updated and approvals would be extended as the project proceeded. For awhile we were extending the approvals and then it just kind of died off. We want to make sure we have the record clear on the approval date and extensions.

Randy Wasson: This project is 143 single family units. It is located on Old White Lake Turnpike. This is the intersection of Lee Cole Road and Route 55 is right here (showing on map). This line is the town line for the Town of Liberty. It is 186 acres, and as I said 143 units. This was originally approved back in 2008. There were some extensions to the project. I think the most recent was in 2009. They started working out there. This drawing is a little bit hard to see from a distance. The blue area right here, which comes in off of Old White Lake Turnpike, you got the green which goes all the way back crosses the street in two places. This is the sewer treatment plant site down to a dry hydrant location. The red is the entrance right here. The driveway was started. It had to go in because the wells were put in, all the wells were drilled. They have plenty of water there. That was started in 2007. In 2010 they followed up and put the rest of this road, 600 feet in, to this point right here. Subsequently, they also cut this road in rough. They put in the two streams crossing here. They put in the dry hydrant in this location, and they also put in a culvert crossing right in this area where it is an Army Corp wetland. They



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put in the large wall, 450 feet of access road through here. Of the photos that you have, the first shows this roadway, the second shows this stream, that stream and the head walls. You have one that shows two culverts before they were back filled. That is these two locations. You have one that shows the dry hydrant and just a shot of the stream where the hydrant is actually embedded in the bottom of the stream. That work has all been done. In 2011, where recently the green was cleared, stumped and rock was hammered out, they ordered manholes. I think they have five manholes, sanitary sewer manholes, on the site for installation. So that road, I believe, is to rough grade at this point in time. The idea was to get this in because the sewer plant has to go in and also to continue around the loop to this point.

Daniel Gettel: I don't want to interrupt, but is that a different phase also?

Randy Wasson: I think the original phase was to go this way with just the spur going down there.

Daniel Gettel: You know the minutes are going to read this way and that way.

Randy Wasson: Road B, to the north intersection with Road A. More recently they decided to run Road B around to the south and come back. That is the work that has been done. Obviously storm water was done. All permits were in hand and all stream crossings were done with permits, storm water permits. This has been ongoing since 2010. They have done a lot of work out there. We had an estimate that was provided to the board. I think in 2008, it was when we were getting the approvals from the board. It was estimated with the initial phase, Phase 1, the sewer plant was just shy of \$4 million dollars. I think \$2 million or so was stuff that can't be done until the end anyway.

Susan Brown Otto: I was on the board when the proposal came before us, and we went on this tour of a package plant over in the Hudson Valley. What was the outcome of the package plant, is that something that the town board had to approve?

Daniel Gettel: They did approve it.

Susan Brown Otto: The Town Board did approve the package plant? Okay.

Daniel Gettel: The idea of a package plant, not this specific package plant.



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Randy Wasson: It was going to be the same type of plant that you saw. It was going to be the same manufacturer. What you saw there is essentially what you would see here, almost the same size.

Daniel Gettel: Randy, I know that you weren't the engineer for all of the details on this, especially the water distribution system I believe, but I believe those permits are now in hand?

Randy Wasson: Yes.

Daniel Gettel: If we approve this tonight I would ask that one of the conditions be that we are provided with those documents at least for the record. I am not looking for Michael Weeks to complete a review of somebody else's plans, but I do think for the record we should have some indication of what the plan is, what approvals you do have, and that goes for the DEC approvals too. You probably have some outstanding DEC permits still, I don't know if they have all been resolved.

Randy Wasson: We have all of the DEC permits.

Daniel Gettel: Except for the sewer plant.

Randy Wasson: Yes.

Daniel Gettel: It would be nice so the file is full to at least have that information, to know that was at least addressed. I know that some of the comments if you run through the approval process that started in 2007 and go up to 2009 you do see different requests for different information. I do think it should be on file, especially if you are going to install some of the infrastructure. We at the Town should at least know what has been proposed and approved. I don't believe we have that information. BJ, correct me if I'm wrong.

Bette Jean Gettel: That is correct.

Daniel Gettel: The infrastructure as far as sewer goes, is there a plan on that, that you were involved in or another agency?

Randy Wasson: The sewer itself, I thought I was the engineer at the time.

Daniel Gettel: Then we would have it on file. Water distribution I know is one that is outstanding that someone had come up with the plan. I don't believe we have it and I would like



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that on file. That goes for the sewer plant itself as it is developed. We would like information on that. I am not looking to micromanage this but I do think that certain things should be on file for a project of this size.

David Biren: What is the build out on this? Is it in sections? How many years?

Randy Wasson: It all hinges on sales of course. I don't know about that. The idea was to do this loop right here, Row B.

Daniel Gettel: The only reason we raise that, and I want the Town Board to be aware of it, is that there is a section in the code that states that projects like this should be built out in two years. That is something we should look at. I don't know how anybody can take a Redwood and say build out for Redwood is two years, which is 14 units, and take this project which is 143 units and say build it out in two years also. I think they are different animals, and I think that section of the code should be looked at as far as build out in two years. I don't know why that was implemented, but it really isn't realistic. Randy it is difficult though, but I do think that any kind of a construction schedule for the completion of the infrastructure at least we would be interested in if you can give us some idea of when you think that would be, including the different phases. If you want to do them in different phases, just give us a description. I don't want to approve this project every year for twenty years. I don't want to go down that route either, but I do want to be kept informed of what is going on. I don't think that is unreasonable, especially when this project was approved seven years ago. I would suggest that if we were to approve this that it is clear that any approval we grant tonight does not supersede or modify any conditions of any previous approvals. There were a number of approvals and extensions with conditions. I do have a list of what some of the conditions are. I don't know that we need to run through it, they are all public record. Jacy, if you want the resolutions, I do have them here.

Jacqueline Ricciani: I have them as well. The most recent one that I have is dated October 23, 2008, but someone said the last extension was October 2009. Maybe I don't have, do you have something after?

Daniel Gettel: I have. On June 27, 2007 the Planning Board granted preliminary subdivision site plan approval with conditions. November 13<sup>th</sup> the Planning Board granted the application a one year extension of that approval set to expire November 28<sup>th</sup>. The Town entered into agreement with the developer September 8, 2008 regarding the sewer works. October 2008 the Planning Board granted a final site plan approval for a site plan with a conservation subdivision with conditions, on March 5, 2009 we got a letter stating that the applicant is still pursuing permits and was not ready to begin construction therefore they were requesting to be on the April



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agenda for an extension, April 7<sup>th</sup> we granted them an extension of a condition of final approval, I believe, I do not have the minutes from the meeting. September 24, 2009 the attorney stated that third party permits were being pursued, and they asked to be placed on the October agenda, and I believe you mentioned October 13, 2009 was the date you appeared before the Planning Board and the last extension was granted. Since Mr. Zieger is not here tonight, we can state that, Mr. Zieger stated they had not broken ground on the project and he was told at that time they were only allowed one more extension. That code has since been changed for projects such as this. Mr. Zieger stated that he would come back if need be by March 2010. I believe there was some discrepancy of whether or not if you started construction, that if that started the time. I don't believe the intent is that these projects are to just go on and on and on with no contact with the Planning Board. Are there any comments from the board? If not, it is getting pretty close to 11:00 pm.

Walter Norris: I have two questions on your dry hydrant. The photograph you have here. How high off the ground is that cap? Is it 5 or 6 feet in the air?

Randy Wasson: No, it's not that high. I don't think so. It might be 4 feet. I haven't been out there since that picture.

Walter Norris: I would check into that. Four feet may be too high. The stream is connected ...it is dug into a stream, in a brook? How seasonal is that water?

Randy Wasson: Year round.

Walter Norris: Are these an actual photograph of the amount of water you would have in that dry hydrant?

Randy Wasson: No, that is a different stream.

Walter Norris: Is it this one? That looks like even less water.

Bette Jean Gettel: It is the branch that comes off of Swan Lake that runs through there.

Randy Wasson: This is the Mongaup that comes down here.

Daniel Gettel: And it is visible from 55.

Walter Norris: And it is hooked into the Mongaup?



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Bette Jean Gettel: Yes.

Walter Norris: Okay, thank you.

Daniel Gettel: Any other comments?

Jacqueline Ricciani: What conditions do you want going on this?

Daniel Gettel: I would suggest if we approve this that we consider granting it a one year approval to start with. I don't know if we can go much more, we can grant longer approvals, but at this time I would rather go for a year. The conditions are as follows:

- 1) If any governmental approvals were received subsequent to our granting any approval the applicant is to provide the Town with evidence of said governmental approval with plans within 90 days.
- 2) The applicant is to provide the Planning Board with a construction schedule for the completion of the infrastructure of the project, including phases.
- 3) This approval is not intended to supersede or modify any conditions of a previous approval granted by the Planning or Town Board.

Jacqueline Ricciani: So those other conditions still remain in effect?

Daniel Gettel: The other conditions still remain as far as I believe there is actually some bonding in there that was never addressed, that should be addressed. It would behoove you to go through the old approvals, either you or one of the attorneys and look at some of the other conditions that should have been addressed over the years and may have been. I don't want to make a whole project out of this, but there are some conditions that should have been met so we can take the position that since the conditions weren't met, the approvals aren't valid. I don't want to take that position tonight.

***Motion to grant this application a Site Plan with a Conservation Subdivision Approval Extension for a period of one year, set to expire the night of our regularly scheduled February 2016 meeting by Mike Cassaro, second by Steve Simpson***



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***Roll call vote:***

***Mike Cassaro – Yes  
David Biren – Yes  
Daniel Gettel - Yes***

***Susan Brown Otto – Yes  
David Slater – Yes***

***Steve Simpson – Yes  
Walter Norris – Yes***

***All in favor  
Agreed and carried***

***6) Application for a Special Use Permit for a Summer Camp to be located at 300 Segar Rosenberg Road, known as Bethel Tax Map #: 17-1-27.2, proposed by Camp Mayin Tohar. (Wasson)***

*Carried over to March 2, 2015 meeting*

***7) Application for a Special Use Permit with Site Plan review to allow for a new Rabbi's House, a Classroom Building and two (2) Shule additions located off State Route 55 and Zupnick and Zupnick Road, known as Bethel Tax Map #: 13-1-7.2, proposed by Camp Divrei Yoel. (Wasson)***

*Carried over to March 2, 2015 meeting*

***8) Application for a Special Use Permit and Site Plan review to allow for twenty (20) Duplex Units, a 5,000 sq. ft. two story Classroom Building, two (2) single story Dormitory Buildings, and an eight (8) unit Visitors House located on Cohen and Cohen Road, known as Bethel Tax Map #: 13-1-4.2, proposed by Camp Nachlas Yakov. (Wasson)***

*Carried over to March 2, 2015 meeting*

***Motion to adjourn by Steve Simpson, second by Walter Norris***

***All in favor – 7***

***Opposed - 0***

***Agreed and carried***

Respectively submitted,  
*Gannetta MacArthur*  
Recording Secretary