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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 April 2, 2018 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. On the agenda at that time were the following;

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, Mike Cassaro, David Biren, David Slater, Robert Yakin, Alternate, Jacqueline Ricciani, Attorney, Bette Jean Gettel, Code Enforcement Officer, Glenn Smith, Engineer, Vicky Vassmer Simpson, Liaison, and Jannetta MacArthur, Recording Secretary.

Pledge to the flag

Excused: Susan Brown Otto, and Wilfred Hughson

Seating: Robert Yakin, Alternate, in Wilfred Hughson's seat

Motion to approve the minutes from the March 5, 2018 meeting by Steve Simpson, second by David Slater.

All in favor – 6

Opposed - 0

Agreed and carried

1) Application for a non-transient campground to be located at 34 Yasgur Road, known as Bethel Tax Map #: 25-1-14.1, 14.3, 14.4, 15, & 16.1, proposed by Yasgur Road Production. (Illing)

Daniel Gettel: Mr. Illing and Mr. Howard are both here tonight; I'm not sure who is presenting.

Zach Howard: Since the last meeting we resubmitted the EAF. It shows both projects on the same EAF. You all should have a copy of that. From what I understood that was pretty much the main concern. I never got an email of the list of other things that we needed for this, as far as I know that was it. If you have any other questions to address, otherwise we are ready to move forward with the Neg Dec on the SEQRA.

Daniel Gettel: Just so the board is aware... Let's start with the EAF. Glenn, the Part 1 EAF you have is dated 3/16/18 I believe, that is the one we are working with?

Wes Illing: I submitted it electronically on March 16, 2018.

Daniel Gettel: That is the one that I have. That is the most current I believe.

Jacqueline Ricciani: Is yours signed?

Daniel Gettel: Mine is not signed.

Bette Jean Gettel: I have the signed copy.

Daniel Gettel: Glenn, there was a question, I think, on some of the times that were in Part 1. Is it in the EAF?

Glenn Smith: There was one question that we had on the camping if it was 24/7, music 10 am to 2 pm, Friday and Saturday. It said the hours of recreation 10 pm to 2 am. It is on Page 7 in the EAF.

Zach Howard: It should say 10 am to 2 am.

Daniel Gettel: We have Mr. Illing's comments. Glenn, you must have reviewed it? It seems like most have been addressed.

Glenn Smith: Wes went through my checklist and changed the EAF. It really didn't expand much on the ongoing question about the recreation and the music. Everything else seemed to be addressed. We aren't clear on traffic.

Daniel Gettel: Zach, what we have is when musical events are open to the public as an assessor use to the campground operation ticket sales will be limited to approximately 200 people. If that is correct then I don't see an issue.

Jacqueline Ricciani: It is 200 vehicles, not 200 people.

Daniel Gettel: It says 200 people.

Jacqueline Ricciani: I'm sorry, I was looking at the next paragraph. I'm sorry.

Daniel Gettel: If that is limited to 200 people we are never going to get above the threshold for the EAF, so we can probably address traffic based on that. Wes, if they bring in 200 campers will that be covered by the toilet facilities on site?

Wes Illing: In the waste water treatment system that we designed, it is in DOH for review. In that design, and Glenn Smith has a copy of that, we put in a 70,000 gallon equalization tank. That is seven days of flow at 10,000 gallons a day. What that enables us to do is to have some

up-peak flows in the weekend, and lower flows during the week, so net net on the average, we have more than enough capacity to accommodate any unusual events and it does a whole bunch of good things environmentally as well. Because when you have an equalization tank like that, just like Alan Gerry, you do know how much flow of sewer goes to your wastewater treatment in the middle of the night, to feed the bugs and keep it going. That equalization tank does the same thing for our little process. Our discharge quality will be far better than what your municipal plant does. Glenn's question was, and it was well taken, in the end we can't exceed the 10,000 gallons per day, so that is the limiting factor of the whole campground. The pumps are all set up. They will not pump more than 10,000 gallons a day. The system is self-limiting, so you have to start turning away people if you start approaching... when the tank is full. We would have to start dialing things back.

Daniel Gettel: I wanted to clarify for the board that we are not talking about bringing in porta-johns or anything like that.

Wes Illing: No.

Zach Howard: Our point is for the additional 200 people that we may be having aren't camping, they are there temporarily. They aren't going to be as big an impact on the wastewater as the people that are camping.

Daniel Gettel: We keep going back and forth about the noise levels. I think we have an agreement that 14 days prior to the season you will go to the Town Board. It is kind of a moot point now. I don't see any reason to keep going over that. There is also a question floating around about, I don't know who has the letter from the DOT about the traffic that is referenced here. We have one that was written for the three day event, not one that was written for this event. I don't know if there is something in writing that addresses that. Jeryl had quite a bit of back and forth with the DOT directly. You may have something that points it out that we don't have in our file.

Jeryl Abramson: The letter that you have is the letter they submitted. It could be for the three day event but the three day event would have more of an impact on traffic than the camping.

Daniel Gettel: The beauty of the three day event is that some people show up on the Thursday, some show up on Friday, some show up on Saturday, they come in at staggered times.

Zach Howard: The same thing with the campground they are coming in all different days of the week.

Daniel Gettel: But if the 200 extra are coming in for a show at 4:00 then you may have more people at 4:00. That is what I'm saying. The thing that is still hanging out there is the DOT and the County 239M, which is all linked together. It doesn't hold up your EAF because like I said I don't think you are going to hit any numbers that are that high, but it is something that we need to address as a town because those questions are still hanging out there. I don't know that it is going to be a problem. It is something the County needs to be made aware of, what the numbers are, and the State needs to know what the numbers are.

Wes Illig: We already addressed this last year at a Planning Board meeting. When I discussed it with the Planning Board, what you feel are accessibly large parking areas. When we looked at the traffic coming in, and a high traffic line coming in, we said okay, how many cars we have to park per minute so we don't get any traffic backing up on Route 17B. You've got Yasgur Road for the cars to back up on. As long as we can pull those cars in off onto Yasgur Road it will never back up onto Route 17B, which is a real poor issue from a safety perspective. We had those big parking lots for that very reason, so we could take those cars and get them parked at multiple points all over the place, it doesn't matter. Just get those cars off of the road. That is why... when we told you that a year ago we talked about all of that.

Zach Howard: I can tell you in the five years that we have been doing the event, as the three day event, we haven't had any issues with traffic overflowing. As far as the campground goes we are doing an event. We will have excess people coming in, that will still be staggered on top of the people who are already there for the campground. In any circumstance the traffic will be staggered. As long as that doesn't hold up the EAF, if you like, I can look into getting some sort of....

Daniel Gettel: The County 239M. When we do a County 239 specifically, the traffic. We are supposed to address that. Even though it is two years later there are still questions in there, just give me a minute...

Jacqueline Ricciani: Do you have their letter?

Daniel Gettel: That is what I am looking for. Zach, under traffic I am reading, it says "the proposed action may have an adverse impact on traffic on Route 17B due to the proposed music events on site", however, I'm not saying it is going to, "the extent of impacts cannot be assessed at this time due the lack of information on frequency of anticipated attendance. Additionally, please see attached letter from the DOT regarding the potential impacts of the public right of way". I think if you went to the County and said these are your numbers, this is what we are anticipating, I don't think it is going to be an issue. It is just something that is still hanging out there that we would like somebody to address. I don't think it is difficult. Jeryl has had a good rapport with the DOT, I believe.

Zach Howard: Not a problem, but that shouldn't hold up getting a Negative DEC.

Daniel Gettel: I don't think it is going to, but I do think moving forward it is something we are going to want to address. Glenn, do you have any comments on the EAF, or does the board have any questions before we move forward with that?

Glenn Smith: Regarding the 239M letter you just read Mr. Chairman, that County letter was what was based on the original plan I believe, which was 300 or 400 campsites, a lot bigger project than it is now. And also the parking was right down to 17B in the field. Now it is moved back beyond the 17B zones.

Daniel Gettel: The EAF Part 1 has been in the file for a number of weeks so I don't normally read that into the record. I have read it, I am just not going to read it into the record. Glenn we

are good on the EAF dated.... with the change of the times?

Glenn Smith: Yes, I'm fine with that.

Daniel Gettel: You and I worked up a worksheet on Part 2. You worked up a worksheet, I kind of followed it.

Glenn Smith: Yes.

Daniel Gettel: The way the EAF reads, Part 2

Part 2

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

That is always a yes, because any disturbance causes an impact.

a. The proposed action may involve construction on land where depth to water table is less than 3 feet.

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

Yes.

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

That is very common for most properties in the town, in the County actually.

2. *Impact on Geological Features – The proposed action may result in the modification or destruction of, or inhibit access to, and unique or unusual land forms on the site.*

No.

3. *Impacts on Surface Water – The proposed action may affect one or more wetlands or other surface water bodies.*

Yes, there are small impacts in 3d.

d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.

Yes.

Glenn, I think you are looking at the discharge into the stream.

Glenn Smith: The sewage plant discharge pipe goes to the stream, which would be a small impact.

Daniel Gettel: So that also involves 3g

g. The proposed action may include construction of one or more outfall (s) for discharge of wastewater to surface water(s)

Small impact.

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.

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

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

No.

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

No I don't feel the fire pits would have an impact.

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

No.

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

Glenn you have a yes on that. You checked off “d”.

d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District or more than 10 acres if not within an Agricultural District.

That is a small impact. It is not presently used as Ag land. It probably was at one time.

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 resource.

Yes. Under 9 c.

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

Yes.

d. The situation or activity in which viewers are engaged while viewing the proposed action is, i.e. Routine travel by residents, including travel to and from work

Yes, it is visible.

10. Impact on Historic and Archeological Resources.

No.

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.

12. Impact on Critical Environmental Areas – The proposed action may be located within or adjacent to a critical environmental area.

No.

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

We had a lot of conversation on this. We feel that with the indication, with the day passes, I keep calling them that, would be a no.

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

No.

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

Yes, I don't believe the fire pits are considered an odor, but under 15a

a. The proposed action may produce sound above noise levels established by local

regulation.

That is a possibility, but with the noise permit that takes care of itself.

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.

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

No.

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

No, it is an established business.

Daniel Gettel: Are there any comments from the board? Glenn, do you have any issues with that?

Glenn Smith: No.

Daniel Gettel: We are not required to do Part 3. What I typically do is I note on Part 3 that none of the potential impacts were found to be moderate to large impacts therefore Part 3 is not required to be completed. It is an Unlisted Action. We have reviewed Part 1, Part 2, and Part 3. Upon review of the information recorded on the EAF as noted, plus this additional support information which would be the site plan map, utility plans, the management plan, and past experience with similar events at the site, considering both the magnitude and the importance of each identified potential impact it is the conclusion that the Town of Bethel Planning Board as lead agency that the project will not result in any significant adverse impact on the environment therefore the environmental impact statement need not be prepared. Accordingly the negative declaration is issued.

Daniel Gettel: Are there any comments from the board?

None

Motion to grant the application a Negative Declaration based on Part 1, Part 2, and Part 3 of SEQRA by Steve Simpson, second by Mike Cassaro.

Roll call vote:

Mike Cassaro – Yes

Steve Simpson – Yes

David Biren - Yes

Steve Simpson – Yes

Robert Yakin - Yes

David Slater – Yes

Daniel Gettel – Yes

Motion passed 7-0

Daniel Gettel: Wes, you'll get a copy from BJ.

Wes Illing: With the one correction from am to pm.

Daniel Gettel: I changed it on my copy. If you want a signed copy....

Jacqueline Ricciani: Just initial on the signed where the change is.

Daniel Gettel: If you want a signed version, see BJ. Unless you have another signed copy. What I would suggest moving forward is that somebody reach out to the county.

Jacqueline Ricciani: Dan, I think you need to give them a new submission because so much of this project has changed. They don't like when the applicant does the submission. They can get additional information from the applicant.

Glenn Smith: They like the lead agent to do the submission.

Daniel Gettel: Wes, can you get me a couple of site plans?

Wes Illing: I would send the electronic version to the County. They don't want the paper. That is my personal opinion.

Daniel Gettel: Can they print them out there? We don't have the ability. We will do another 239M submission. I will talk to Freda. The one that was done two years ago, and tell her we are trying to address the traffic question that is hanging out there. She usually contacts the DOT that is part of her review. They kind of work together on that.

Jeryl Abramson: I don't have to contact the DOT?

Daniel Gettel: If they ask for additional information, we will let you know and then you can deal with the DOT. Wes, this gives you the opportunity to contact the DOH and DEC.

Wes Illing: The DEC is going to want all of this documentation. They are going to want a copy of the Neg DEC.

Daniel Gettel: We will talk to the DEC. You will come back to us when you want to move

forward with the Special Use.

Wes Illing: I would like to know if there are any comments or feedback. We've had the site plan out for two months. Is it ready for approval?

Daniel Gettel: You had asked for another public hearing. I would be willing to schedule a public hearing if that is what your next step is. If this is the site plan you want to go with we will take it to a public hearing.

Wes Willing: The bottom line is we initially thought if we used municipal sewer we could fast track this and we could get the thing going. The reality of it is, that is a multi-year program, and the applicant wants to get into business. So, the way to get into business is to scale things back, put in an onsite treatment system, the DEC is giving me the green light for this intermittent stream, they gave me really tight discharge specs, but we have a process that will handle that. Yes, we want to move forward. We want to get the business open so they can start making money. That is the bottom line. So yes, we want to move forward.

Daniel Gettel: Any objections to a May public hearing?

None

Daniel Gettel: That is the next available we can do. You would be responsible for the mailings just like last time. BJ will give you the addresses. I don't imagine they are much different than they were. We don't have anyone on the agenda yet, so you would be first.

Wes Illing: This is a Special Use Permit?

Daniel Gettel: This is two Special Use Permits.

Wes Illing: If there are any Special Use conditions it would be nice to hear if the Planning Board has anything like that in mind. I have identified a lot of issues on the site plan, and nailed them down on the site plan.

Daniel Gettel: I think a lot of them have been addressed in the last submission, especially some of the numbers. I am not disagreeing.

Wes Illing: I just want to know if there is anything hanging out there that I am not aware of, that we need to talk about regarding Special Use conditions.

Daniel Gettel: I am more comfortable with this submission with the numbers I am seeing.

Wes Illing: Okay. One last question, with the certified mailings, Are the certified mailings, do you want return receipt or is it just.....

Jeryl Abramson: Wes, I've done this a million times. BJ will get me on this. I will get them out within two weeks before the next meeting.

Daniel Gettel: The best thing is to do it two weeks from now you submit them.

Jacqueline Ricciani: In about ten days Jeryl you get them out.

Motion to grant this application a public hearing for May 7th by Robert Yakin, second by Michael Cassaro.

All in favor - 6

Opposed - 0

Agreed and carried

Jacqueline Ricciani: Did anyone confirm with Wes the date for the Management Plan?

Daniel Gettel: The management plan is dated 2016. It should be dated 2018.

Wes Illing: Yes, we will change that. Thank you very much.

Daniel Gettel: Anything from the Town Board?

Vicky Vassmer Simpson: Nothing, we don't have an agenda yet.

Motion to adjourn by David Slater, second David Biren.

All in favor – 6

Opposed - 0

Agreed and carried

Respectively submitted,

Jannetta MacArthur

Recording Secretary