

(845) 583-4350 Ext 15



(845) 583-4710 (F)

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 3, 2017 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, Mike Cassaro, David Biren, David Slater, Robert Yakin, Alternate, Jacqueline Ricianni, Attorney, Vicky Vassmer-Simpson and Jannetta MacArthur, Recording Secretary.

Excused: Susan Brown-Otto, and Bette Jean Gettel, Code Enforcement Officer

Absent: Wilfred Hughson

Pledge to the flag

Seated: Robert Yakin, as Alternate in Susan Otto Brown's seat.

Motion to approve the minutes from the March 6, 2017 Planning Board meeting by Steve Simpson, second by Mike Cassaro.

All in favor – 6

Opposed - 0

Agreed and carried

- 1) Application for a Special Use Permit, a change of use, to be located at 22 County Road 183C (Airport Road), known as Bethel Tax Map Number 18. -1-16.4, proposed by Hudsut, LLC.***

Marcus Henley: Manager of Hudsut LLC.

Daniel Gettel: Who is Dale Vollmer?

Marcus Henley: Our engineer.

Daniel Gettel: Do you want me to walk you through this, or do you want to do a little presentation?

Marcus Henley: That would be helpful. I can begin.

Daniel Gettel: Absolutely. If you would talk about what your plan is, what your building is like now.

Marcus Henley: Sure. HVFG comprises of... it is Hudson Valley Duck Farm, Hudson Valley Chicken, and we are further processing our materials from the slaughter house in Ferndale at the Airport Road location. We have grown out of that building. We purchased the Sutphen Building...

Jacqueline Ricciani: Excuse me. I am going to have to ask you to speak louder. Something about a slaughterhouse?

Marcus Henley: Raw materials come from our slaughterhouse in Ferndale. We are also working with Pella Poultry, which will also be providing raw materials. Pella has a processing plant on Happy Avenue. Our intention is to manufacture food products for both people and pets. Our first piece of equipment would be a freeze dryer to make pet treats from our duck products. If we have the approval from the board for a special use, then we will construct, inside the building, a series of rooms and coolers which would allow us to provide food products. We are selling nationally. Costco is one of our larger customers. If you could direct me.

Daniel Gettel: For the record, we do have a Management Plan. We have a survey map. We have a basic Site Plan and we have a Short Environmental Assessment Form. A number of problems that we see, and maybe you can address, is that the Short Environmental Assessment Form is specifically written for a future link between the buildings. It doesn't address the entire use of the property, and we are reviewing the change in use from manufacturing fire trucks to whatever processing you are going to have. So, the EAF really doesn't match what you are proposing except for that little link between the two buildings. I don't know who prepared it, that is why I asked.

Marcus Henley: That is the engineer.

Daniel Gettel: He should have written it for a change of use, not for that little link in the buildings. That is one of the items. You are going to be the owners of the property? That was one of the other questions, just to clarify, who the owner would be.

Marcus Henley: We are working with the IDA. I am sure you are more familiar with how that works. We purchased the property, closed on the property, and then also we are approved by the IDA, so the IDA holds the deed to the property.

Daniel Gettel: Do you have a timetable when you will move into the property, did it close?

Marcus Henley: We have closed.

Daniel Gettel: When do you think you want to start?

Marcus Henley: As soon as possible.

Daniel Gettel: One thing you mentioned in the Management Plan is the cooking in kettles. I assume there is going to be some kind of water usage, then getting rid of the waste water from the actual cooking process.

Marcus Henley: It is an interesting location, and it is very sensitive. We have three other farms in Sullivan County. We have the slaughterhouse, which generates about 20,000 gallons of wastewater at the Ferndale location, so we operate a SPEDES permitted wastewater treatment plant in Ferndale for processing wastewater. We are doubling the capacity of that plant, and it would be our intention, if we have the ability to work in this way, to go to the DEC. We have had some preliminary conversations to move the waste water on a daily basis to our processing plant in Ferndale, or another municipal plant if we can make arrangements. The cost to... we have also discussed discharge with the DEC. The initial cost would be a million dollars to reach the level of water purity that we would need to discharge in that location. We would like to defray that until we are totally built out. Then we will have more wastewater and it will make it more efficient to build a wastewater treatment plant on site. In the meantime, we would remove under the permit, the water from that site leaving the human waste system connected as it is for bathrooms. All other wastewater would be removed.

Daniel Gettel: Do you think that would involve washing down the floors routinely?

Marcus Henley: That is the primary usage, the wash down, because it will be a US Department of Agriculture Food Safety Inspection permitted facility, so the standards of cleanliness are extreme. That is the greatest use of water.

Daniel Gettel: That is where we get stuck because we have to be able to address that as part of the environmental review. How do you anticipate being able to collect that waste?

Marcus Henley: We cut drains in the various areas in the floor, put sumps in each of the rooms so the water goes into the sumps and it is pumped into tanks and pumped from the tanks into our trucks. That is the system we use in our other facilities.

Daniel Gettel: I appreciate the fact that you say no supplies or materials will be stored outside the building. That was a problem with Sutphen. I have been to the property and I have pictures of that. I don't have pictures of that waste, but there was quite a bit there. The Management Plan specifically does inform us that HFVG is committed to environmental responsibility. Water usage will be minimal for planned activities, but more than existing septic system should accept. That is a problem as far as our approving the project knowing that without some kind of collection system in place you are violating the environmental law by overloading the sewer system, potentially.

Marcus Henley: We have no intention of connecting any of the...

Daniel Gettel: We need something in writing or some kind of detail that is acceptable to our engineer about the collection system. I would say at a minimum Jacy, and I don't want to speak for the board...

Jacqueline Ricciani: But it also seems that the applicant is going to be dependent on the DEC allowing them to increase the capacity at the Ferndale location. You have an onsite treatment plant in Ferndale?

Marcus Henley: Yes, but there are other alternatives. We can remove wastewater like this through other municipalities.

Daniel Gettel: The Town of Bethel has one.

Marcus Henley: Do they need some business?

Daniel Gettel: We do need some business.

Marcus Henley: Okay.

Daniel Gettel: That is more like gray water. I know there is a problem in Woodridge with the egg plant, where they produce a waste that is hard to get rid of, for lack of a better statement. I think this is more of a cleanliness, gray water let's call it. It wouldn't be blood and guts.

Marcus Henley: It is fat. We would run it through some sort of grease trap.

Daniel Gettel: There would probably be something required by the Health Department.

Marcus Henley: Prior to coming here, my thought in terms of the wastewater... I know what we have to do. We can't put the water into the septic system. I've been involved in a lawsuit that went on for years and I'll never do that again. But it is bit of a cart before the horse. We can quickly provide you with a basic drawing of the specifications of the drains and sumps, and the collection system.

Daniel Gettel: It is in your best interest to get a permanent collection system, a permanent treatment facility on this property. In the meantime, I imagine it is acceptable to pump and haul it. I think the easiest way to solve this would be to have our engineer reach out to your engineer, since we both have engineers, and let them work out the details. If we get something from our engineer indicating that after speaking with your engineer it sounds reasonable, and have a little bit more details in what we are looking for, I think that is a better way to treat that. They are not proposing any changes to any of the parking. The parking does appear to be adequate. The paved parking lot seems to be more for employees. There is a loading dock on the property that has a gravel drive which is also adequate. The smaller building, I believe, would be more of a freezing facility?

Marcus Henley: The building with the loading dock would be pet food processing and dry storage. The front building, next to the office, would be where we would have food processing.

Daniel Gettel: More sanitized. Just so the board is aware, when I was talking about a link between the two buildings, there was a discussion between the applicant and the Building Department about putting in a permanent link between the two buildings. At this time, the buildings are approximately 10 feet apart. There are two buildings on the property. Sutphen built one, the County built the other, I believe. There are doors between the two but you have to go outside to go to the next building. My thought is, I don't have an issue with it as long as the Planning Board is aware of it, that somewhere down the line if they can address the fire codes, let the building department approve the link. I don't have an issue with it as it doesn't add to anything that we have to review. But I want the board to be aware of it and I want it to be on the record that we did discuss that. There is no change in lighting, I don't believe. Sutphen was a little crude when they removed the signs from the end of the road. They used a chainsaw to take the sign out I believe. We want that cleaned up. I do think, at a minimum, that you should have a 911 address at the end of the road. I get the fact you don't want a sign, I don't know if we should require it or not, but I think you should give some thought to having a 911 address.

Jacqueline Ricciani: That is a legal requirement?

Marcus Henley: It doesn't have one? Do I contact 911?

Daniel Gettel: It needs to be posted, on the County Road. It has a 911 address, but I'm not sure it is posted where everyone can see it.

Marcus Henley: So BJ can point that out to me.

Daniel Gettel: It should be where that planter is now. I would like to see the planter dressed up a little bit since it is there.

Steve Simpson: When they decide to connect the buildings permanently, will they notify the town?

Daniel Gettel: Yes, it is something the Building Department is aware of.

Marcus Henley: We have worked very closely with the Building Department.

Daniel Gettel: They are very cooperative with the Building Department. They pull a permit on everything. They are very good that way.

Steve Simpson: As far as the link, they are going to have some different requirements they will have to satisfy, the Fire Department and the Electric Company. I don't know what the voltages are. NYSEG may not allow that

Marcus Henley: Our engineer works in conjunction with the Building Department.

Steve Simpson: As long as you work with NYSEG. I notice they are two transformers, two services at that building. If they are light voltages, now the procedure is one service to the building, unless it is marked properly. You have to mark it properly for the fire department.

Daniel Gettel: Again, that should be handled through the Building Department. Does the town have the contact information for Mr. Vollmer? If not, can you provide it? This way our engineer can contact him.

Marcus Henley: It is probably on the preliminary site plan.

Jacqueline Ricciani: It is on the application.

Daniel Gettel: If it is all right with the board, I will ask Glenn Smith to review this. We do have an escrow set up for this account. At a minimum, to resolve the collection and waste treatment.

David Slater: I'm looking at the IDA website. They have a plan of some kind. They have allotted for \$350,000 for wastewater treatment. They must have a plan.

Daniel Gettel: I am comfortable with it, but we have to have it in writing for our file.

Jacqueline Ricciani: Hudsut owns the property, HVFG runs the business, and the same people own them?

Marcus Henley: Yes.

Daniel Gettel: Their next step is a public hearing. I know there is an outstanding issue of SEQRA, and wastewater, but we could move them to public hearing and we could have Glenn reach out to them.

Jacqueline Ricciani: If this board is satisfied with the EAF, because that needs to go to the County also.

Daniel Gettel: How soon can you get us a revised EAF?

Marcus Henley: By the end of the week.

Daniel Gettel: I don't want to hold it up if they want to occupy the building. I think the County should be grateful to unload the building, to get a tenant in there to operate the building. If you can get it to us by the end of the week, and address the change in use and operation of this building, I will get in touch with Glenn Smith, and have him contact your engineer. I would be willing to move it to a public hearing. We don't have to approve it at the public hearing, but I would be willing to move it forward so we don't hold it up another month. I will speak to Glenn tomorrow and have him contact your engineer. It is probably better if I tell Glenn exactly what we need.

Marcus Henley: I will speak to Mr. Vollmer, and make him aware of the contact.

Daniel Gettel: I think BJ made it clear that we have to have a public hearing, we don't have the ability to waive it. That would be the 30 days anyway so we can resolve the other issues, and in the meantime not be holding you up.

Marcus Henley: I appreciate it.

Jacqueline Ricciani: The next meeting is May 1st, so we are already late on the 239.

Daniel Gettel: The County incentive is to move it forward, I assume.

Jacqueline Ricciani: Someone is going to have to stay on top of them. They are not going to get anything until the 10th.

Daniel Gettel: We may not get the County review back in time, and it may hold things up, but I think it is our best bet to move it forward. The County is entitled to a 30-day response time, but they can move it up. Our next meeting is May 1st.

Marcus Henley: That would be the public hearing?

Daniel Gettel: Yes. Unless you want to go to June, and take some time. Those are our two options.

Marcus Henley: I would like to go to May 1st.

Daniel Gettel: I want some assurances that we are going to have this information. I agree with David there must be something already on record if there is already a budget for it (IDA). We just need some specific information because this application clearly says it is going to overflow the existing system, which is an issue that is not environmentally friendly.

Marcus Henley: If we continue without a solution, but it won't be a problem to get our engineer... our firm is very responsive, so that won't be a problem.

Daniel Gettel: I will speak to the County, and see what we can do about the 239. It may hold up our approval, but maybe we can move it along. We consider it a change of use, but that is one stickler, I can't...

Jacqueline Ricciani: You will have to get in touch with BJ as far as the mailings for the public hearing.

Daniel Gettel: How does the board feel about moving it forward? Clearly, we have environmental issues we are going to have to address. If they are not addressed at our next meeting we can't approve it. We have to issue a negative declaration on that. It is an Unlisted Action and we have a Short Environmental Assessment Form, when corrected, it will be adequate for this type of application.

Jacqueline Ricciani: Do you need any information about vehicle trips?

Daniel Gettel: We weren't sure you were making trips to Ferndale. How many trips would be made for your raw product?

Marcus Henley: Twice a day.

Daniel Gettel: I don't think that is unreasonable for a facility like this. If there are no comments from the board we can move forward to a public hearing for May 1st. The meeting would begin at 7:30pm. You are responsible for notifying the neighbors within 500 feet of the property line. BJ is required to give you that list. You pay for certified mailings, return receipt requested, and it is mailed about 10 days prior to our meeting. You have two weeks to do the mailings. BJ is out of town until Thursday or Friday anyway. When BJ comes back and gives you the list there will be plenty of time for the mailings.

Motion to grant this application a Public Hearing for May 1, 2016 by Mike Cassaro, second by Robert Yakin

All in favor – 6

Opposed - 0

Agreed and carried

- 2) Administrative: Application for an extension of a Special Use Permit for a Hotel/Spa to be located at 1623 State Route 17B, White Lake, known as Bethel Tax Map #: 33-5-.1, proposed by White Lake Mansion, LLC.***

Daniel Gettel: The applicant for the White Lake Mansion House was in the Building Department and he is still interested in proceeding with the project. The approval extension is set to expire tomorrow. We have the ability, and are actually encouraged to, extend the approvals of projects such as this that have been affected by the down turn in the economy. We have extended the approval of this project in the past and I would recommend that we extend it again to give them the opportunity to proceed. Jacy, do you have any comments on it? We are encouraged to reapprove these, or extend the approvals, and it is in our code that we are allowed to do it.

Jacqueline Ricciani: As long as there is a rational basis to do it. Now that it seems his financing is finally coming to place.

Daniel Gettel: It is not a \$100,000 home that he is trying to building. It is a multi-million-dollar project. My only comment, and Jacy I couldn't find it specifically in the code and I don't have the resolution for the last one, is I am not sure it was done with the last extension. I want make sure that approval gives us the right to have one of our engineers look at the property before any Certificates of Occupancy are issued, to make sure it is built in substantial conformity to the approved Site Plan.

Jacqueline Ricciani: You mean if that was part of the original approval?

Daniel Gettel: I would like to know if that is in there.

Jacqueline Ricciani: I will have to get back to you on that.

Daniel Gettel: I don't know the answer to that, but it is something that we have been requiring. Can we add that, or no?

Jacqueline Ricciani: As a condition for the extension? Why not?

Daniel Gettel: I think it was not in there.

Jacqueline Ricciani: I'm going to guess it is probably not.

Daniel Gettel: But we have that in our code that we are allowed to do it. I would recommend that we extend this for a period of one year with the stipulation being that no Certificates of Occupancy be issued by the Building Department until such time as one of the town engineers indicate to the Planning Board that the project was constructed in substantial conformity to the approved Site Plan.

Jacqueline Ricciani: You want to tell the Planning Board, not the Building Department?

Daniel Gettel: Planning Board and Building Department. They typically report back to us and we advise the Building Department. We have done that with all of the commercial projects in the past, it is in our code, we are permitted to do, and I think it is reasonable. I imagine this was probably the first project that we approved with that stipulation. I will go out on a limb. If that is okay with the board, I think it is better for us to have some kind of handle on that to make sure the landscaping goes in as approved.

David Biren: And the lighting.

Motion to grant the application an extension of the previous issued special use permit with a site plan approval for a period of one year with the intent being that the approval is set to expire the night of our regular scheduled April 2018, with the stipulation mentioned above by David Biren, second by Steve Simpson:

Roll Call vote

Michael Cassaro – Y

David Biren – Y

Robert Yakin – Y

David Slater – Y

Steve Simpson-Y

Daniel Gettel - Y

Motion passed

Daniel Gettel: I have most of the information, I just don't have that last resolution. I have the previous one. I guess I could look at that.

Jacqueline Ricciani: They are on my computer.

Daniel Gettel: I think it is reasonable.

3) ***Recommendation to the Town of Bethel Town Board on Local Law #1 of 2017 (Daycare)***

Daniel Gettel: Just for the record, the Planning Board was made aware that Local Law #1 of 2017 now includes a proposed amendment to Section 345-17, the section addressing amusement and recreation uses which, if passed, would allow the Town Board to set review fees for those uses which fall under that section of code. The Town Board recently revisited the fee schedule for a number of uses the Planning Board reviews and it was noted that in the zoning no provision was included to allow for fees for that particular review. I think everyone has had a chance to review the law. I think it addresses Day Care Centers specifically, and touches on some of the problems we have had with assessor uses. Are there any comments on the local law? If not, I entertain a motion that we recommend to the Town Board that they approve Local Law #1 of 2017, which is the Daycare Law.

Motion that we recommend the Town Board approve Local Law #1 of 2017, which is the Daycare Law, by Steve Simpson, second by Michael Cassaro.

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: Vicky is there anything coming up at the Town Board that we need to know about? It is actually next week.

Vicky Vassmer Simpson: I don't even have an agenda yet.

Daniel Gettel: The Daycare Law comes up on your next agenda. That is all I am aware of. With the potential of having a public hearing of passing it I believe.

Daniel Sturm: A public hearing that night, your letter from tonight, the County 239, SEQRA, depending on public comment of course, we may be looking to pass it that night if it is okay with everybody.

Daniel Gettel: I don't think it is very controversial. It has gotten some pretty good reviews.

Motion to adjourn by David Slater, second David Biren.

All in favor – 6

Opposed - 0

Agreed and carried

Respectively submitted,

Jannetta MacArthur