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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 6, 2015 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda at this time was the following:

In attendance: Daniel Gettel Chairman, Steve Simpson, Vice Chairman, Susan Brown Otto, David Biren, Wilfred Hughson, David Slater, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricianni, Attorney, Jannetta MacArthur, Recording Secretary, Daniel Sturm, Supervisor, Vicky Vassmer-Simpson, Councilwoman and Dawn Ryder, Councilwoman.

Michael Cassaro excused. Walter Norris absent. Quorum is present.

Pledge to the flag.

***Motion to approve the February 16<sup>th</sup> Planning Board minutes by Steve Simpson, second by David Slater***

***All in favor – 6***

***Opposed - 0***

***Agreed and carried***

***Motion to approve March 2<sup>nd</sup> Planning Board Minutes by Steve Simpson, second by David Biren***

***All in favor – 6***

***Opposed - 0***

***Agreed and carried***

- 1) Administrative: Application for an additional antenna on an existing cell tower located at 72 Hurd Road, known as Bethel Tax Map # 22-1-63.1, proposed by New Cingular Wireless PCS, LLC. (Morando from Cuddy & Feder)***

Anthony Morando: I am an attorney with the Law Firm of Cuddy & Feder, and I am here on behalf of AT&T. I appreciate the board's time this evening and the opportunity to speak with

them. Very quickly, this application involves a new federal law. At the heart of the application AT&T is seeking to collocate its equipment on an existing tower at the Bethel Woods property on 72 Hurd Road. The installation falls within the parameters of this new law which was adopted in 2012. It is known as Section 6409 of the middle class tax relief job creation act, otherwise known as the Spectra Act. This essentially deals with applications like this, collocations, modifications to equipment on a facility, removal of equipment, for the purposes of expediting those review processes so they can be up fairly quickly to provide consumers and the public to satisfy the need of the service. What does this all mean? When a project falls under this law, like AT&T does here, it essentially has a specific review process, which is expedited, but it should follow, and it essentially alleviates the need for a discretionary review process for approvals. In our instance we filed with the Code Enforcement Officer the application and we are here for tonight for the boards review and recommendation. This application falls under this law. Really quickly, there a few things that I would like to clear up. This new law deals with collocation in existing facilities. It does not affect the zoning for new towers. So a new tower application would still come to this board and review under the same parameters they have done in the past. Also it does not open the door for unlimited extensions to a tower. There is a limitation on it. That is what was set forth in this law. Essentially in our case it is a tower extension, which I will discuss in a minute. What that means is that the law establishes a baseline. It is measured from the dimensions of the tower that was originally approved. Essentially when you fall into this law, there are two items the town is reviewing. One is what is called an eligible facility. An eligible facility is somewhat obvious. It is a collocation, modification, removal or addition. The second question, which the FCC went further in its recent order to clarify, is it a substantial change to the existing facility. There are a number of perimeters which you have to fall into to confirm that it is not a substantial change, which we did in our materials to this board. I won't rehash all of that. Under those provisions in the federal law one particular issue is does it increase the height of the tower either 10% from the existing or 20 feet, whichever is greater. In our case it is 20feet and it will not exceed the 20foot increase in height. We meet those criteria. Again, there are a number of other criteria, I won't go through all those right now. I would like to direct the board over to the plan that we have here. As many of you know this tower was approved for Verizon back in 2011. Verizon has its equipment and shelter there, has the existing monopole there, existing access and utility easements coming in off of Hurd Road. AT&T is not expanding the compound. It is putting in its own shelter which is actually a couple of feet smaller than Verizon's which is within that fenced compound that is there right now. It will go up 20 feet, the tower now is currently 120 feet, and the tower will not exceed 140 feet when AT& T is finished installing. That is pretty much the details of the project. It is similar to what has been presented in the past. I don't have anything further to add at this point other than thank you for your time tonight and to ask for a recommendation back to the Building Department so we can proceed with a building permit.

Daniel Gettel: There is also a part of the law that states that if we don't act within a certain amount of time, if we don't act in a 60 day period, after you make an application it's pretty much a wash.

Anthony Morando: There is a provision in the law where if you don't act within 60 days from your filing it is considered to be approved. I wasn't going to bring that up.

Daniel Gettel: I think it should be brought up. Our hands are pretty much tied. You did lay it out very well in your presentation.

Jacqueline Ricciani: Mr. Chairman, if I could just add that the applicant also submitted a report from an engineer with respect to the integrity of the pole and the addition of the dishes or antennas is not going to adversely impact the structural integrity.

Anthony Morando: That's a great point and that goes to our building permit application that was filed, providing those standard materials for the Building Departments review.

Daniel Gettel: So we basically have three questions that we have to ask as a board. I believe we have to ask that the application is for the colocation of equipment, thereby it is an eligible facility request. That is one of our criteria. That the additional equipment does not constitute a substantial change to the tower or the base station, and the structure of the existing tower can accommodate the proposed additional equipment. Susan you have a question?

Susan Brown Otto: I have a question. So Verizon is there now, okay. Sometimes people use Verizon. I am wondering whether the Verizon service on that cell phone tower really has improved the cell phone service. The question is is AT & T going to move 20 feet? Are you going to move some of the Verizon receivers up the additional 20 feet or AT&T have the top part of the tower and Verizon still stays at the low part of the tower?

Anthony Morando: That is a great question. The answer is no. Verizon is going to actually still going to be top location on the tower. Verizon will be moved up the top point. AT&T will then be moved up to the point below Verizon so AT&T will actually be approximately 126 feet. and Verizon will then be at about 136 or 137 feet.

Daniel Gettel: I believe that is how it originally was presented to us, that Verizon would always have the top spot and there were certain accommodations for other carriers below that. Are there any questions from the board?

*None*

Daniel Gettel: Like I said, Mr. Morando has provided us with the information that adequately addresses the criteria and I see no reason why we wouldn't approve the request. We spoke before the meeting. I think what we need to do is make a finding that the application is an eligible facility request and make a recommendation to BJ that the application be processed through the Building Department.

Susan Brown Otto: Can I ask one more question about the baseline that you were talking about before? You were saying that you do the measurement from the baseline. Can you increase it any more or are you basically... is this as tall as a cell phone tower can be?

Anthony Morando: Not as can be. It just changes what it falls within. Additional height extensions would need to come to this board for a discretionary review process. Like if Sprint came in and said we need 156 feet it wouldn't fall under 6409 so it wouldn't be this prequestion

analysis and back to the Building Department. It would be processed through the Planning Board review processing as has been done in the past. If someone came below that then yes it falls within this 6409 law.

Susan Brown Otto: So theoretically you could keep adding like 10 feet every year. You could keep adding 10 feet.

Anthony Morando: Not under this law.

Daniel Gettel: Only with our approval.

Anthony Morando: Correct.

***Motion to recommend that Bette Jean Gettel process the application through her office as an eligible facility request by Steve Simpson, second by Susan Brown Otto***

***Roll call vote***

***Susan Brown Otto – Yes  
Wilfred Hughson – Yes***

***Steve Simpson- Yes  
David Slater – Yes***

***David Biren – Yes  
Daniel Gettel – Yes***

***Motion approved 6 to 0.***

***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 #: 33-5-2.1, proposed by White Lake Mansion, LLC.***

Daniel Gettel: For the record, I did tell the applicant they did not need to be here tonight, and I don't see anyone in the audience. As the board knows the developers from the White Lake Mansion House were informed that their Special Use Permit and Site Plan approval were set to expire this month. We did extend the approval last April for a period of one year, and they did indicate that they do intend to proceed and asked that we approve it once again. We have the right to make the extension for any period of time, but during the work session we did discuss that we thought it would be better to stick with one year so we don't lose track of what the applicant is up to.

***Motion to extend the Special Use Permit and Site Plan approval for a period of one year with the intent that the approvals will be set to expire at the April 2016 Planning Board meeting by David Slater, second by Steve Simpson***

***All in favor - 6***

***Opposed - 0***

***Agreed and carried***

**3) Continuation of a 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)**

Daniel Gettel: In February we opened the public hearing for the Boymelgreen subdivision. We kept it open with the understanding that the public comment would be accepted at this meeting. In a moment I will open the meeting back up for a continuation of that public hearing. At this time I would ask the attorney for the applicant to make a brief presentation and after that we will receive public comment. As with last month, if anyone from the audience would like to speak at the public hearing please make sure your name is on this list. As soon as the meeting is opened for public comment I will call the names on the list in which they appear, will ask that person to step up to the podium in the front of the room and make their comments. I would ask that if a concern is raised during the meeting, or it has been raised at a prior meeting, that you simply state you agree with the point that was previously made. You don't need to make all the points again. I do want to make sure that everyone that wants to be heard is heard tonight so please be fair to the applicants on tonight's agenda. Please keep your comments down to 5 minutes. I don't think it is necessary for everyone to restate the same points that were raised last time, but I do understand that a lot of people in the audience are very passionate about the issue. I would ask you to extend the same courtesy that the applicant's representatives have shown and keep your murmuring and applause down to a minimum. It is a public hearing. It is not meant to be a question and answer period nor is it intended to be a public debate or shouting match. We are simply here to listen to the public. With that being said I believe we need to make a motion to open up the meeting for a continuation of the public hearing.

***Motion to reopen the public hearing for the Boymelgreen Subdivision by Steve Simpson, second by Susan Brown Otto***

***All in favor - 6***

***Opposed - 0***

***Agreed and carried***

Elizabeth Cassidy: Good evening Mr. Chairman and members of the Planning Board. The last time we were before you the applicant presented a 4 lot subdivision. During the last go around there was an issue raised with regard to access. That was back in 2011. The applicant has come back before you with revised access. One home is to be accessed from Naylor Road and the other remaining three homes are to be accessed from Lakeview Drive or Plum Beach Road. We have proposed to come in this way to avoid an area of steepness and to minimize drainage impact. Of the four homes that are on here the sizes are conceptual only in design, for septic purposes and drainage purposes. If anything they will stay that way or go smaller. There is no specific plan for the lots in terms of building permit plans for Lots 2, 3 and 4. I would ask if the board has any questions I would be happy to answer them with me as well as the applicants engineer and landscape architect. Otherwise, I will leave it for the public and reserve my opportunity to respond to any public comment.

Daniel Gettel: At the last public hearing you did say you wanted to respond to some of the public. Do you want to hold off on doing that, or would.....

Elizabeth Cassidy: I would like, subject to the board's approval, to allow the public the opportunity to speak. I can address some of the larger issues after everybody has had an opportunity to speak. I would like to make sure everything is in writing for the record.

Daniel Gettel: Okay. Jacy are you good?

Jacqueline Ricciani: That's fine.

Daniel Gettel: The first speaker is Bucky Nickau.

Bucky Nickau: My main concern is I looked up the background on this guy. I just want to state a couple of things. He is under investigation by Elliott Spitzer. He has constantly underpaid his workers. I don't see where this would be an asset to the community with the amount of construction that he wants to do. He owns his house on Plum Beach Road and he has a synagogue in there. I would like somebody to answer this question. Does he receive any rebate for having a synagogue, the one with the copper roof? Does anyone know? Does he have a synagogue in any of these houses to relieve the taxes? Nobody can answer this?

Daniel Gettel: We're not here to.

Bucky Nickau: I just think wherever he has been there is trouble.

Jason Saffron: I am general counsel to Joan and Dan Silna who reside as a down hill neighbor to this property. I would like to put on the record Mr. and Mrs. Silna received no notice of this application and only became aware of it from other residences of the community. The reason that is relevant is because as soon as they did receive notice and again they don't live here 100% of the time, but when they did receive notice that is when they retained counsel, Mr. Bacon, who did appear the last time. We were here on the Silna's behalf and in addition since that time realizing that the negative declaration was already issued we retained an engineer from Hopewell Junction, NY to review the preliminary minor subdivision plan, the environmental assessment form, the storm water pollution prevention plan, and comment letters from McGoey, Hauser, and Edsall and Mr. Gottlieb's response letter. He has now completed his review of those documents. He is with us tonight. There are substantial deficiencies in the application specifically, and he is going to testify more specifically about what those are. But with respect to my client, the down hill neighbor, there are substantial deficiencies with respect to the plan that has been submitted. There are statements in the plan that the storm water runoff will not flow to the adjacent property. That is simply not true. If you walk the property you will see that there will be substantial runoff from the houses that are developed on that plan on the right hand side that water is going to flow directly downhill right into the Silna's house and into the lake. The information that was submitted so far does not address that at all and is simply not right. Mr. Verma will also testify that the erosion plan is not acceptable and that a site specific erosion and sediment control plan needs to be submitted pursuant to Bethel Code, 300-15.B.12, and I will ask at the end of his testimony that the board admit his comments into evidence which are summarized in an April 3<sup>rd</sup>, 2015 engineering review of the submissions and I will also ask that based on the numerous unaddressed issues, that the negative declaration that was previously issued must be cancelled until there is a full review of the deficiencies which have been

identified by Mr. Verma, and particularly again as it relates, those deficiencies relate to the use of Plum Beach Road and the plan of how those issues are going to be addressed and the issues of the storm water runoff onto my clients property. The last time I was not here but what we are talking about is directly above the Silna's property. That is a development of a proposed 12,000 square foot house. I don't know how much everyone is aware of how big 12,000 square feet is. A 6,000 square feet, which I believe is proposed for two of these lots in this four lot subdivision, that is a mansion. A 12,000 square foot house is a monstrosity. That is what is being proposed there and is certainly not necessary. And when we look at the deficiencies that Mr. Verma will testify to, I will ask him to do that as quickly and as briefly as he can, but he has reviewed in detail the plan that has been submitted. I am confident that this plan is nowhere near ready to be approved and I would ask the board to cancel the negative declaration. With that I would ask if I can introduce Mr. Verma to testify.

Daniel Gettel: Just one statement. Is Mr. Bacon here also?

Jason Saffron: Yes, and I apologize. Mr. Bacon is our land use counsel here and had been here at the prior hearing, and actually I am going to ask Mr. Bacon, on our behalf, to lead Mr. Verma through this testimony.

Daniel Gettel: The only reason why I ask is because he is the next person on the list. We understand that Mr. Bacon has some information he wanted to file. We have every intention to receive and file the information tonight.

Jim Bacon: Thank you Mr. Chairman, members of the board. On behalf of Mr. Silna, I would like to follow up on Mr. Saffron comments. So everyone understands where Mr. Silna's property is this property right here under Joan Silna. You can see the substantial septic system right above right here. There are steep slopes which come down. From a health standpoint it really needs to be looked at. With regard to the septic system I would like to draw the board's attention to the resolution by the Town Board a couple of weeks ago, which I am sure this board is aware of, where the town engineer identified about 14 or more items that are missing and why the septic waivers cannot be granted at this time. The reason why this is so important is because of the issues in that memorandum that show that the fundamental baseline that is needed by this board to make an informed determination on the significance of this action, from a SEQRA standpoint. At the end of the day it will certify that the maximum of this project is minimized, and that the maximum is then practical. Based on the engineering and the town's own resolution, we don't see how that is possible. That's why the negative declaration really needs to be rescinded. The public needs time to be able to digest that once it is submitted to the town, so we would ask that the board leave the public hearing open so that when this information is given to the town, and that the public has an opportunity to review it, and we have a chance to have Mr. Verma review and then comment intelligently to the board. I looked back in the records and one thing that drew my attention through most of the Town Boards proceedings on septic waivers and the Planning Boards review of this, there was always an ultimate development plan that was identified for this site. I want to draw the boards attention back to a public hearing, back to September 25, 2008, and at that time the applicant's attorney was speaking to Mr. McEwan, who is the Town Board's counsel, about what the ultimate development for the site would be and it was mentioned that another two lot subdivision within

a 5 year period something like that and for the that to be allowed to happen. On the SEQRA, what this boards job is to really do is to look at what the ultimate development of this is now so that the board can with certainty require mitigative measures, so that the impacts are minimized. So given that that the board request the applicant to show on this map what the ultimate development is of this project, whether there is going to be an extension from Naylor Road to Plum Beach Road or where the other septic systems and home sites are going to be on this very rocky and challenging site for homes. We think that is required by SEQRA and is the board's obligation to the public to require the applicant to submit that development plan. Again we would like to urge that the public hearing be left open. I would like to introduce Rahul Verma our engineer to discuss specifics about the project.

Rahul Verma: Good evening, I am Rahul Verma from Verma Engineering. As the two gentleman said we are here to discuss the Boymelgreen subdivision project. There is a written letter here I will submit for the record. I will go through these comments now, not in detail, but in summary form. This relates to having the negative declaration rescinded and the SEQRA process reopened as there were a number of discrepancies found in the application. The full environmental assessment form had a number of discrepancies between that document and the storm water permit and the plan. The one that is most significant seems to be that the full EAF indicates a disturbance of about 5 acres where the SWPPP indicates a disturbance of only 2.1 acres. These are two different permeating thresholds which really need to be resolved. There is discussion in the EAF on excavation which seems to ignore the cross sections presented in the plan. It shows the driveways, it is going to need grading to get the driveways in, put in slopes shown along with as discussed, a 12,000 square foot house, a 6,000 square foot house, whatever, with basements. This requires a fair amount of excavation to get that foundation and everything in there, the septic, the squash boards, and the various recreational facilities. The plans are also incomplete in that they reference in a note a series of walking trails between the properties. Those are not depicted on the plan. I believe the MHE office made a similar comment and it does not appear to have been resolved. On the plans itself, with regards to the septic, there are a number of discrepancies. The expansion areas are not shown through all of these. The expansion areas are not necessarily shown correctly. The plan indicates two different alternative systems, and they also show a mound system proposed. The data that the test pits and perc test data presented with the septic plans don't support a need for a mound system. There are a lot of discrepancies there, especially as it seems to relate to a potential septic waiver, that the applicant is requesting. Moving on to the SWPPP, the SWPPP appears to have a number of inconsistencies, one of the biggest ones is it discusses a single design point for the entire SWPPP. However, the topography on this site, the high point of the site, is toward the bottom left corner. Some are along this property boundary in this area (showing on map) with that location. There are actually a number of different drainage patterns, and will eventually go into White Lake and I understand that part. It's like saying well the Hudson River is the drainage point so therefore we have one design point for any development up and down that river valley. That needs to be resolved, and a lot of this and the site need to be redesigned. Looking again at the impervious surface created, the bulk table on this plan indicates 25%, which if looking at the storm water permit, if you have 25% coverage for this type of development it puts it into a full SWPPP and not simply an erosion type. As Mr. Bacon indicated, the erosion and sediment control plan is a generic detail. It needs to be a site specific plan developed for each one. The driveways shown, the runs are several hundred feet long, grades at about 6%. Looking back



through the TR 55 guidance document and the storm water design manual you end up with some pretty high erosion velocity at the bottom of the driveway, approaching, in the ballpark to about 4 feet per second, which exceeds the DEC's criteria for erosion velocity. Now the road is in fairly poor shape. Without any sort of mitigation there what is going to end up happening is that the road will eventually washout. As you can see in a number of areas now it is already washing out with potholes etc. In speaking with some members of the audience prior to this I believe there are some erosion gulleys forming, just from which is what is turning into a typical winter for us. This will eventually end up into the lake, not to mention the road damage and the damage to the properties. These comments will be submitted to the record for review and response.

Daniel Gettel: Do you want to receive and file it now?

Rahul Verma: We'll file it now.

Daniel Gettel: We will receive and file at the end. We do have some public comments to receive and file also.

Michael Moriello: Good evening to the board. Thank you for having me. I am the attorney for the Beechwood Community Club, and I was recently retained by Joe Bak, the president of the club. What I was significantly retained for was to try to work out a maintenance agreement with the applicant. I do want to state that in the beginning the applicant's attorney has reached out to the community club to try to accomplish that. I would like that done if we can. I am just getting familiar with the file now. I took a ride along Lakeshore Drive, along the Lakeview Drive rather, and the Plum Beach access. The road itself, I think needs some baseline information and documentation to determine where it is right now in terms of its capacity, in the ability to accommodate the increased development. My feeling on it, and I'm not an engineer, but my feeling on it is that the biggest thing to guard against is the use of heavy trucks and heavy machinery that is going to go up and down and fairly compromise the roadway. I would like to try to work that out because the area that this roadway is in is very sensitive. There is the US Army Core of Engineer's permit on this. I have documentation that the association or the club has sent to me. I have not really taken a look at that in detail. Typically when we have a private right of way and a maintenance agreement, what we try to do is try to get the people that are involved in it to share a portion and share what the total should be and what the intended impacts would be by their development. What I would like to see done is to set aside some money that could be used for the improvements in the event that something happened and the roadway is compromised. I think there is a need for baseline information right now and I would encourage the board to keep this public hearing open. I echo the comments as far as the SEQRA review goes of the other two attorneys that have spoken. From a procedural standpoint there is a health and welfare issue here with the access and it should be a consideration of being sure that the people that are living there now can get fire trucks and emergency vehicles to their site. I would say that I would be certain to speak with the applicant's attorney and I will try to work through those issues with her. I do a lot of development work with a lot of contractors, mostly in Ulster County. This isn't a difficult task to arrive at a fair private right of way maintenance agreement and I think that can be done for the benefit of all concerned, for the applicants and the people that are being affected. I would just like to again encourage the board

to keep the public hearing open and keep the flow of dialogue going together with the applicant and I will work the best that I can with the applicant.

Lucille Cordovano: I live on Beechwood Club Road, Lakeshore Road. What I want to say right now is that I went over there to look at road. I wanted to show you some pictures that I took.

Daniel Gettel: We can't receive and file your phone.

Lucille Cordovano: Okay. There is currently a drainage pipe that goes between the properties. The drainage pipe now is coming out of the ground, the ground has sunk, and the drainage pipe, it is sticking out of the road right now, from last summer to now, how much the road has gone down. That is about it.

Daniel Gettel: Mrs. Cordovano you are next to the Kinne residence, I believe?

Lucille Cordovano: No, I am further down, right next to Allison's. It is a drainage pipe that goes between the two properties. I am here to appear for my brother, Anthony Cordovano, because my brother is working and he couldn't get here. I would like to read the letter from my brother.

Lucille Cordovano: Thank you for giving me the opportunity to speak here tonight. My name is Anthony Cordovano. I own a house on Lake Shore Drive in Beechwoods which I share with my brother and sister. We have been Beechwood residents since our father and uncle purchased an empty shell in 1962 and turned it into our summer home. In 2002 Beechwood elected me president, a position I held for 12 years, until 2014. I am still an active board member. During my tenure as president a deeded access was confirmed by the courts for Plum Beach as Lake Shore Drive. It is my position as past president and my home on Lake Shore Drive that gives me knowledge and concern regarding pending construction truck traffic. I feel you should be aware of Beechwood Club's ongoing work regarding Lake Shore Drive. In 2007 Beechwood applied to the New York State Department of Environmental Conservation for a permit to stabilize a sixteen foot section of the shoreline near Ridge and Lake Shore Drive. Erosion had washed away the bank to within inches of the Lake Shore Drive edge. Stabilization was implemented early that fall. Again, late the 2012 season we started to notice many areas of the Beechwood shoreline along White Lake started to erode due to elevated lake levels and wave action. In the fall of 2012 Beechwood applied again to the NYS DEC and as a part of that application, in the spring of 2013, applied to the Army Corps of Engineers for, and received, a permit for a five year project to stabilize the shoreline. In the summer of 2013 we, Beechwood residents and friends, hand placed 110 tons of six to nine inch stone in some of the worst erosion locations. Unknown to me, because I was operating the backhoe that we rented to he stone from the staging area to the areas where we were placing the stone, that two of our female residents had physically crawled into washouts that were up to eight feet deep to place stones. I would never have allowed this had I known they had put themselves into harm's way with the risk of collapse. Because of their actions, I was made aware of the severity of the distress in the underlying bed of the road. I was much more pervasive than previously understood. Please note that the lake side edge of Lake Shore Drive is anywhere from six feet away from the

bank. Doing the math that means that there was at least four to six feet undermined from under the road, large enough for a woman of average size to bodily enter. The bank refurbishment project is still ongoing. Mr. Boymelgreen's project is not small and will require many construction vehicles. What is the concern is how well will Lake Shore Drive hold up under the constant vibrations and weight due to heavy construction vehicles for a minimum of a year, five days a week, eight hours a day, or roughly twenty-eight hundred hours. Remember that during part of that year the water level is high and the roadbed will be subject to high lake levels. The stone slows erosion, it does not stop it. In addition there is an unknown. That unknown is are there any other voids under the road bed? Joe Bak, president of the Beechwood Club, presented a letter to this Planning Board requesting an engineering assessment. I, as past president, board member and homeowner on Lake Shore Drive, want this Planning Board to be aware of how imperative it is that prior to any building permit being issued an engineer's study of the stability of Lake Shore Drive be performed as part of the environmental impact statement. Remember, once a truck or even a pedestrian falls into a sink hole or into the lake due to a road collapse it's too late. Thank you.

Frances Randazzo: I am here to speak to SEQRA. My name is Frances Randazzo. I own a home with my brother in Beechwood on Hemlock Road. I am here to talk about SEQRA. Since this is a SEQRA public hearing I googled SEQRA to see what your responsibilities are as Lead Agency and this is what I found. They encourage the public to participate. I seems strange to me that the review took place before the public could participate. And I quote, "Environmental Impact Review is a procedure that must allow the public to participate". You must identify all relevant impacts. You must explain why an impact may or may not be significant. You must look at the whole action, even those represented over time. You must take a hard look at all potential impacts. Potential impacts also include impacts related to the action even if they are likely to occur after the action has been completed and even if they are indirect. These include cumulative impacts, that is, impacts that add to those already caused by other related activities. Also included are long term impacts that will occur if one development is likely to lead to another. In that case the combined impacts of all related developments must be reviewed. You can only have a negative declaration if an action will have no significant adverse environmental impact. Taking that at face value there were several impacts brought up after you reviewed SEQRA that should now be addressed. I am not going to go into detail. I leave that to other speakers. But, you should seriously look at the reason you were unaware of these significant environmental issues. They were simply not included on any documents presented by Mr. Boymelgreen. It makes us wonder what else has been excluded. Failure to include the existing runoff problem in Plum Beach is what prompted Mr. Silna to request the time to hire an engineering firm that would look at the environmental issues facing the subdivision. You shouldn't have to investigate if an applicant is hiding something to get a permit. I will list those items I believe warrant a hard look and a reversal of the negative declaration. Erosion on Lake Shore and request for applicant to provide a threat assessment that must address this application and since this can be subdivided two more times it must include and consider this as well since this is mandated by SEQRA. Runoff issues addressed by Mr. Silna, wherein he, and his attorney requested time to hire an engineer. Character of community and noise must also be included as potential impacts. The character of the community would be altered in a significant manner. Not just my opinion, but shared by other residents of

Beechwood in written instruments sent to this board. This was not addressed. Home in both Beechwood and Homestead are about one thousand square feet. While Mr. Boymelgreen has revamped his existing homes in Plum Beach, they are not viewable by our community and have no impact. The planned homes are another story. They are four thousand square feet, five thousand square feet, and twelve thousand square feet. There is a planned pool house, tennis court, handball court and parking lot. All of these would be in direct sight of ten homes on Hemlock directly abutting his community and four more indirectly across a ten foot road. Since he is slightly down gradient to Hemlock a buffer of trees would not be significant. It would not address the noise issue either. These facilities are restricted in our community and are restricted in Plum Beach deeds as well. You have made it clear that you do not interpret deeds or enforce restrictions. You do, however, have that ability and are in fact charged with investigating such issues under SEQRA. As a result you can have them eliminated by having them removed from the plans or you can have their impact mitigated by having them moved in front of their property rather than behind and not on the side. Of course, he might not want his views obstructed by these shared facilities, but isn't this what he is demanding of us? He could of course move them out of both our sight lines since they are shared with other members of his family. Why not put them in a place where they can easily enjoy them and not create noise and view problems with his neighbors. After all, he has thirty acres. In either case the significant change in community character cannot be denied, it is apparent to all. The inherent noise created by shared recreational facilities was considered when the restrictive covenants in our community were put in place in the 1930's. They run with the land and are there for a reason, so that we can quietly enjoy the use of our land. We ask the Planning Board to take a hard look at each and every impact presented by the community. Even one is cause for the reversal of the Negative Declaration. You have considerably more than just one. They are significant and they must be dealt with. We are asking that you reverse your Negative Declaration. That you do what is mandated, that you take a hard look.

Tom Randazzo: My name is Tom Randazzo. I own a home with my sister in Beechwood off Hemlock Road. We inherited it, like many of the homeowners in Beechwood. It is more than just a Homeowners Association. It is a very committed group of people. So many of us grew up together, remembering parents, grandparents and siblings no longer with us. The same can be said for the Homestead Community. So maybe you can get a measure of our commitment. That is why I was very disturbed when I saw this map and allocation before the board. We simply don't understand the access planned off Naylor Road. We went through two very expensive lawsuits that determined the only deeded access is Lake Shore Road. You made it clear that you do not interpret deeds. Your attorney said it right before you granted a permit forcing us to sue Boymelgreen, the Town Board and the Planning Board. You said it at the beginning of the last meeting and I just read it again in an article by Fritz Mayer in the River Reporter. What could you have been thinking when he turned up with another access? You certainly knew access was the primary issue with Beechwood. You could not have forgotten that there was a lawsuit and that Beechwood won. To remind you, Mr. Boymelgreen purchased two lots in Beechwood off Hemlock Road. His plan was to gain access over our reserve and use the Beechwood lots as a driveway to his subdivision. He believed that the road rights in his Beechwood lots could be transferred or used by the Plum Beach subdivision. The court decided that he could not pierce our reserve, could not use the lots in Beechwood as a driveway because he could not tack on the road rights to the subdivision. And he definitely defined the access road

as Lake Shore. So now we see that Boymelgreen in attempting to use the lot he is planning on buying from Gary Takorian as a road or driveway to his subdivision off Naylor Road. The only difference between the two scenarios is that he doesn't actually own those lots. In one of the Planning Board meetings earlier this year the question was asked if he could do this. The attorney who replied was not your attorney. It was Boymelgreen's attorney and not Ms. Cassidy who litigated both cases, but his of counsel attorney. Well of course she would say you could. We know Ms. Cassidy also felt you could or she would not have appealed Judge Meddaugh's decision. What you did in that instance is make her a higher authority than the Appellate Court. What happened to your leaving those decisions to a court? We have two court decisions. It is extremely disrespectful to ignore them and create the same problem in Homestead that we fought and won in Beechwood. I would remind all that he sighted these homes at the highest elevation of his almost thirty acres. When he lost the lawsuit he could have re-sighted these homes closer to Lake Shore Drive. That would have eliminated the need for any hardship waivers. It would have eliminated the need to reclassify this subdivision from a major to a minor subdivision. Because anyone who read the minutes from the Planning Board meeting knows this was done to eliminate code issues. You cannot create a hardship by placing the homes at the highest elevation and then state your hardship is the elevation. He has thirty acres. He doesn't need to place his homes here. Also placing the homes closer to Lake Shore Drive would create a buffer zone and minimize the sight line of homes that definitely would change the character of the two abutting communities, an issue that should be addressed in SEQRA. In conclusion, I ask you to honor the court's decision, something you forced on us by granting the permit. Pull the application and advise him access has already been mandated.

John Payne: My sister Kathleen will speak.

Kathleen Colpoys: My parents have had a home for 70 years in the Beechwood Community. My husband and I also bought a home there. Regarding the negative declaration, you can't cut roughly 30,000 square foot into the woods, and call it negative declaration. Okay, lets see what else, they already have access, it's not like they have these 30 acres and no way of getting in, they are boxed in, and they don't have access. Like I said the last time, I get that they don't want the driveways in front of their house, I get they want all of the mess behind in our backyard. They are not neighborly people. These are not people who have consideration for other people. These are people who have knowingly for the last decade or so used our roads without contributing. They have constructed pools, tennis courts, a synagogue, and additional construction without regard to maintaining the roads. They don't contribute. What kind of people are they that don't voluntarily contribute in the area where they live? Instead you forced a community amongst us who struggle to make their taxes and dues payments to take a billionaire developer to court who's actions have previously been questioned, as someone said he is being investigated Elliott Spitzer and he is currently being investigated by Eric T. Sneiderman, who is the attorney general. Hello. In addition, there are orders of protection against him from entering his property in New York City because of the damage he has brought to his properties in New York City. One of the things that irk me the most is it happened in Kiras Joel, it happened in Bloomingburg, it happens here. Any time we force somebody to follow the law as in code enforcement, in submitting in time for deadline etc., then he starts saying it is anti-Semitism. That is the new race card. When you have a petition signed by dozen of homeowners, the Beechwood Community, and come to find out they are coming in the back

door from Naylor. Judge Meddaugh said the deeds were changed and he ordered the deed be restored. They aren't allowed to have communal areas. They are not allowed to have a clubhouse, or a pool house, or a synagogue. Not in their community, not in our community. According to the deed, which you do not interpret, yet grant permits. Wouldn't that be an appropriate time to read deeds? After all you have an attorney on staff that is not operating in any of those capacities for this Planning Board other than to represent real estate matters. This is another thing that is being tossed around. Major subdivision, minor subdivision. This is a major subdivision, not a minor subdivision. 12,000 square feet is more than two times the size of the Bradstan Hotel. The Bradstan is roughly 5,400 square feet. Do you think it is going to be one home? I see a single-family home to be 1 mother, 1 father, and 1 set of children from the same parents. 12,000 square feet, I am going to say repeatedly it is going to be something else. They are going to say it is a single-family house. Once it is done it's done. No one is going to come back and check on us. You could interpret that the developer Boymelgreen is asking you to overlook this a second time by allowing road loops, a driveway to the Naylor Homestead Community. Again you already approved the project subject to the modest homes. To give you another perspective, I forgot what I was going to say.... those are about 10 homes directly on Hemlock. If you go through the woods there will no longer be woods. Those homes probably total combined maybe 14,000 square feet, maybe 15,000 if you are being generous. I think my own house is 900 square feet. My mother's is probably 600 square feet. Again, they have access. They have a road they can come in, that they don't maintain, that is literally falling into the lake. You heard people state that we have the Army Corp of Engineer's. People actually can fit under the road. There isn't much support under the road. Imagine the construction of a 12,000 square foot home, a 6,000 square foot, a 4,000 square foot home. I hope that you are getting the picture. It is 30,000 square feet. That is just houses. That is not the club house that they are not allowed to have, the pool they are not allowed to have, the synagogue that is operating they are not allowed to have, it doesn't include the mikva, it goes on and on.

Steven Bianco: Good evening Mr. Chairman, and the rest of the Planning Board members. I will be brief. I follow in the same path as my colleagues, my neighbors, and fellow taxpayers have been saying. I live on 448 Naylor Road. My property is identified by this old map of Burt Mogul. Burt has not owned a house in the last eight years. This map needs to be updated. The point being, I am referring to Mr. Silna's engineering professional, Mr. Verma. My property is right here. As I stated before I am ground zero. Ms. Gettel, the Building Inspector, was good enough to give me a copy of the 2014 storm water pollution prevention plan. I read it entirely. There is a lot of information missing. It looked like a can program, something you can get off of the Internet, plug in the numbers, that's it, and they will spit it out for you. It wasn't really a good plan. It identifies the ground water runoff, starting up here where this road is and coming down, driveway, and it's coming right down, and heading for the lake. It also did not show that you have all this ledge, and rock, it is showing that all of this water comes down onto the lower part of Naylor Road, which they identify as Lake Road, and this part of my property line. We have a ditch culvert here, and a 12" steel culvert here. It was ripped out before the winter because the Town had to come in there and rip it out because it kept getting clogged. Now we have nothing so all this water is going to be coming down. The first picture is identified as the back end of my property line. There is basically about a 36" diameter tree that was uprooted from a previous storm about a year ago. That is right in the path line which is on the applicant's property line and mine. Right in the same area as the storm water plan identifies as the critical

path of water flowing down. The next picture identifies another uprooted tree where they propose to swing this road in, off of Naylor Road. This is due to poor soil, and probably the age of the trees and also a runoff. There is a lot of standing water in this area. The next picture is directly behind my house. This is the start of the spring thaw. I am getting water collection in the back of my property. It is all coming from here. If we take out these trees, we don't have a real good storm water plan, a real good engineering design. It is all going to end up here, eventually where it starts from. I am ground zero, and Mr. Silna is the end result. Beechwood, Homesteads beach area has been eroded several times. I submitted a picture and that was in the summer. I can tell you we backfilled it accordingly. As I identified along here on Naylor Road, we are developing a sink hole. This is from too much water flowing down here. If we strip this all out it is going to be worse. The last part I want to say is I don't understand how the board, I need to be educated on your thinking, is how you can say we can disregard property rights, deeds, conveyances, etc. It has been posted in the newspapers, posted through my colleagues. I just don't understand it. Where do you get the authority to disregard? Haven't we had enough litigation? We are all taxpayers. We are basically paying something twice, to protect ourselves, and also to fight you. We still have to pay the taxes. We don't get any relief on that. I understand your position. I understand how the board works. I am a retired fire prevention officer, I ran through this type of situation before. When it comes down to it we are talking about a code. The code isn't the maximum, it is a minimum, and you all know that. We are not asking this applicant to build a bridge to the moon. We are hoping that you as a voluntary board basically uphold your town code, our town code. This applicant should meet every single criterion. I stress that this board rescind everything, make the applicant refile accordingly. He can afford it. Can we afford it down the road? If it goes down to further expansion, further building, our property values are going to drop. I think that would be totally unfair to us. You have to look at the big picture here. I understand you are a voluntary board, and I thank you for your time.

Daniel Gettel: We will receive and file the pictures.

Jacqueline Ricciani: I believe there was a narrative to go with the pictures.

Laird Klein: I live in the Homestead Community on Naylor Road. My family has been in that community for 100 years, literally. I had a bunch of different things I was going to say initially, but a lot of them have been covered so in the interest of time I'm not going to go over it again. It baffles me, as I mentioned last time, that we are here again. There was a judge ruling, I understand this gentleman has access to his property. He wants to put it over here, now he wants to put it through Naylor Road. I encourage any of you to drive onto Naylor Road during the next 24 hours and see what a mess that street is. I have never seen it like this in my life. Lawns are ripped up from the plows, the water is ridiculous, and my property is on the lake, not on top. To say that this project is not an environmental impact to the surrounding area is the most ludicrous thing that I have ever heard. I am sorry, it really is. I am a high-end real-estate broker. I know what a 12,000 square foot house looks like. It is a monster. It is a monster of energy, a monster of people, and a monster of natural resources. To say that it doesn't impact, I don't get it but whatever. My property is literally drenched in water, worse than I have ever seen it before from the runoff, basically from his property that is right there. My lawn is saturated, my wall is starting to cave, and there is a lot of natural damage that was done. We are

a small community but we are a proud community. We all took time out of our holiday schedules, a holiday vacation, to be here tonight. Please, please, please, I beg you to listen to us. This is project that cannot be on our road, it can't handle it. Thank you for your time.

Kevin Colpoys: Thank you for the opportunity. I am going to make this very brief. I didn't realize I was speaking tonight. I just want to make one comment, a follow-up from a previous comment, and all of the comments you have heard tonight. This is just not going to happen in the next couple of years, think of what will happen down the road, of what this is going to be like in the next 15 years. This is just the beginning. This isn't a sound proposal in any sense of the word. It doesn't make any sense. It is an outrageous proposal. You know that, and we all know that. Let's end the agony now.

Gary Takourian: Good evening chairman, and board members. I am a homeowner in Beechwood and I now live in Homestead Community, and have for the last 25 years. There is runoff from snow, it rains, there is water in the woods, there is water in the road, there is snow it melts, and the water runs into the lake. That's why there are so many lakes up here. I own the property that Mr. Boymelgreen is purchasing. They asked that I bring... there was a question of going in and out of it, and I brought a copy of my policy that I had paid for 15 years ago when I purchased the property. Here is a copy of the policy that says I can use the property and build on it, walk on it, and leave anytime I want. Also the County sent another letter to the town, Mrs. Brown gave me a copy of it stating that Naylor Road and who owns Naylor Road now, and who is getting the bills. I am giving a copy of this. When I first bought the property, I was going to build a house there. I had obtained a building permit from the town. I gave them a set of my plans that was in March 2009. On those plans was a driveway and a home. That's about it. Thank you.

Daniel Gettel: That is the last speaker I have on the list. Would anyone else like to speak?

Marcia Salton: I am a full time homeowner on Naylor Road. I just have a question. The attorney said only the one access will be used for Naylor Road. My question is, how do you stop the rest of the people, the subdivision? You can't put up barriers, you can't stop anyone. Just stating it doesn't mean it will happen. It will impact Naylor Road as others have said. That's all I have to say.

***Motion to receive and file items and written comments #23 through item #35 by Steve Simpson, second by Susan Brown Otto***

***All in favor – 6***

***Opposed - 0***

***Agreed and carried***

Elizabeth Cassidy: Having the applicant's engineering work submitted this evening, our engineer would like an opportunity to review it and then we can address any responses in writing. I would like to address a couple of issues that were raised. One is the nature of the use



of the parcel. The last time we were before you and we will continue to commit that this is a residential property. We have agreed and already done so placed a note on the map restricting the subdivision to residential use with the customary accessory uses. That has already been done. With respect to the access issue, Mr. Boymelgreen proposes to purchase this lot, not as an easement, not a license, but to purchase this lot outright. As Mr. Takouriun has stated a home had been previously approved for that lot. That is the access there. We are not going to go over this lot. A couple of commenters asked whether this would be used for access to both of the subdivisions or as a through road that is certainly not my client's intent. My client's intent is only to access his home. Mr. Chairman you asked if we would be willing to put a note on the map to that effect, and the answer is absolutely. Should my client, although he has no intention to violate that, I'm sure Ms. Gettel will haul him into court pretty quickly if he does that. So, to address those brief issues, we would like to have the chance to review the public and written comment, we would like to respond to the board in a written response.

Daniel Gettel: Noted. Jacy, your thoughts on the public hearing? Clearly we can't keep the public hearing open month, after month.

Jacqueline Ricciani: This is the second time, two months have transpired, because we missed a month in between. The public has had over two months to submit written comment. In the past this board has left public hearings open for a few days later, so that if anybody wants to submit further written comments, that could be received. But I think in fairness to the applicant, if Ms. Cassidy wants to review everything and provide a written response to this board.... We know that everything that is due to this board has to be here two weeks prior to the next meeting. I think there is a lot here for the attorney for the applicant to absorb. Maybe consult with Ms. Cassidy to see how much time she is going to need, maybe provide her an exception that she doesn't have to have it two weeks before. Maybe 7 or 10 days before, something like that.

Elizabeth Cassidy: I think the 24<sup>th</sup> is a Friday?

Jacqueline Ricciani: May 4<sup>th</sup> is the next meeting. If she is saying April 24<sup>th</sup>, that is 10 days.

Daniel Gettel: That is really up to Michael (Weeks), and he is not here tonight. He still has to review. You're going to have to get it in in the two weeks.

Elizabeth Cassidy: In addition for the record, the applicant has submitted an application to the Town Board, which was received by the Town Board last month. The applicant is in the process of providing the town with additional information so they can take action in conjunction with your board.

Daniel Gettel: Are there any comments from the board?

Jacqueline Ricciani: We need to address the application that Ms. Cassidy just mentioned, to the Town Board.

Daniel Gettel: BJ, the Town Board is now an involved agency. I ask that you submit to them a copy of Part 1 of the long EAF, together with a copy of our notice of intent to the Town Board.

I don't know if you received a formal request from the Town Board. They did ask for a copy of the Part 1 of the long EAF. Is that what you are referring to Jacy?

Jacqueline Ricciani: Yes.

Daniel Gettel: Are there any comments from the board or do you need to digest everything?

David Slater: I think last time we asked, and I don't see it there, a couple of things, common areas, it does say in the code that it is supposed to be outlined. Where is that common area?

Elizabeth Cassidy: In this case we are not providing shared recreation services. The pool is associated with Lot #1. The tennis courts associated with Lot #2. Instead we offered to provide to the Planning Board the fee in lieu of recreational services. because again, it is such a small subdivision.

Daniel Gettel: What is the board's feeling on public comment? We can't leave the public hearing open every month moving forward. It has been open for six weeks. I think we can leave the comment period open for another two weeks until we close the public hearing.

Jacqueline Ricciani: That isn't fair to Ms. Cassidy. If you are going to leave the comment period open until the 20<sup>th</sup> and you expect her to have her response four days later, that might be tight.

Daniel Gettel: We have people here that have hired representatives too. They want to get reports in. I think we need to give them ample time too.

Elizabeth Cassidy: The one engineering report was submitted tonight, is that correct?

Jacqueline Ricciani: I didn't get the impression from any of the speakers that they wanted to submit...

Jason Saffron: Just to be clear, we were only recently able to retain an engineer. There were numerous conflicts. There were engineers we were unable to hire because of conflicts. We submitted comments tonight. You will note in the comments there is information that was missing that is identified by our engineer and my engineer has not had the opportunity to submit a full report. These are comments on what has been submitted so far. He needs an opportunity to receive the missing information, write a report, submit the report, to give it to Ms. Cassidy. She needs the opportunity to respond to that report and obviously the professionals here at the town need an opportunity to fully respond to a full engineering report. I don't know how long the board deems it to be reasonable for that process to take place but I don't think we were in a position to make any further comment until that report is completed and we see Ms. Cassidy's response.

Daniel Gettel: I agree. We are cutting it kind of tight if we think that everything is going to be wrapped up in a bow by next meeting.

David Slater: Mr. Chairman, for myself, there has been a lot of information thrown at us tonight, and trying to read through all of this. As people know out there, this is not my primary job. We have to sit down and read through all of this and take all of these comments in and look at this. For us it is a lot for us to do in a month, if they have two weeks, and then we have two weeks before it is here, do we want to put ourselves in a bind where we can't be prepared to come back to a meeting?

Daniel Gettel: I think a month would be too tight. We also can't have an open ended public hearing.

Elizabeth Cassidy: The last time we were before you you had given the public 10 days after the formal public hearing. The first public hearing was held 6 weeks ago due to weather. Folks have had notice. I would offer the 10 days.

Daniel Gettel: Jacy, does that include the expert reports, engineering reports, as part of that public comment?

Jacqueline Ricciani: It really should be. Do we ask the engineer how much time he is going to need?

Tim Gottlieb: It won't be ready in two weeks. There is a lot of information, comments, and the revised plans.

Jacqueline Ricciani: We were referring to the engineer behind you.

Rahul Verma: Just looking at our schedule, two weeks is going to be extreme to get any substantial review, and then it has to go to our attorney's for their review and then submitted to the board.

Jacqueline Ricciani: How much time do you need?

Rahul Verma: When are we going to receive a response to the questions this evening?

Tim Gottlieb: I can't give you an answer until I see what it is.

Elizabeth Cassidy: The problem is, we will provide something, he'll comment, and it will continue to go back and forth, although we certainly want to provide the board the information it need, this will end up...the potential of being open ended...

Jacqueline Ricciani: It would only be open for written comments. We wouldn't have any more public hearings.

Daniel Gettel: Can we close the public hearing and keep it open for comments, open ended?

Elizabeth Cassidy: Not open ended. I will put on the record again, this has been publicly noted back in January, it is now April.

Jim Bacon: You probably wouldn't be in this position if we hadn't seen a resolution by the Town Board asking specifically for additional information. Once that information is submitted to the Town then we can intelligently look at that and provide comments. I think that is fair enough to ask for that chance.

Jacqueline Ricciani: Yeah, with all due respect, Mr. Bacon, it seems that some of the information that has been requested of the applicant goes beyond just what is part of the septic waiver. That may be your interest, but I think there are some other people out here that have interests beyond the septic waiver.

Jim Bacon: That goes to the heart of the SEQRA review which has already been completed, that is part of the problem with finishing SEQRA before the public process.

Jacqueline Ricciani: The Kentrich case kind of binds our hands on that. Sorry.

Jim Bacon: There is nothing that stops the Planning Board, and many boards do this, if they have a SEQRA public hearing before the official hearing starts on the preliminary subdivision approval. We just want to have a chance to respond to those comments. We have brought up some significant issues.

Jacqueline Ricciani: So what you are suggesting is that you will submit a report submission, the applicant will review it, the applicant will respond to that, and then you want another opportunity to rebut again?

Jim Bacon: The information that was presented tonight can be lumped together with information that the Town Board is looking for. The applicant will submit that information to the Planning Board and the Town Board, and we get a chance to respond.

Jacqueline Ricciani: What I understood was, Mr. Silna's engineer was requesting some information, and I guess Mr. Silna and Mr. Verma are working together. Mr. Verma wanted some information. He was then going to do a more comprehensive report based upon his engineering review, submit that to the Town and to the applicant. Anything that you want to submit in that time frame is fine, and of course the applicant will have to reply, and then the engineer and the attorney then come again. Like Mr. Chairman said, it needs to end somewhere.

Jim Bacon: I don't want to speak for Mr. Verma, if I misconstrued what he said, I didn't mean to do that, for what the Town Board has requested, and what Mr. Verma has deemed incomplete, we should have a chance to see what those responses are.

Jacqueline Ricciani: And you can certainly come to the meeting, it is something that is available to the public, these are all open meetings, but then to request an opportunity to basically, what I think what you want to do is to reply again to the applicant, and then of course the applicant is going to want to submit more comments. There needs to be an end.

Jim Bacon: I will leave it to Mr. Verma.

Mr. Saffron: I think we can agree to what Mr. Bacon said in a way to handle it, is whether to have Mr. Verma submit a report, then they reply, then our reply, I don't think we need to do that. I think Mr. Bacon has identified a correct method to do this, which is that Mr. Verma's report can be in response to the applicant's response. There is just going to be, you are absolutely right, that would be stretching it too long. What Mr. Bacon says is absolutely right is what we can do here is that once the applicant provides a response, then we can do our final report and we can respond, and then it is the end.

Jacqueline Ricciani: Then the applicant will want to respond also.

Mr. Saffron: The reason why this is happening is because the deficiencies in the submission in the application. It hasn't been complete. If the application had been complete to begin with, then this wouldn't have happened. Yes, if they would get a chance to respond again, that would be the end of it. We are not going to sur reply to their response.

Jacqueline Ricciani: Mr. Verma submitted comments, I have not seen them. They just got submitted, but I am going to presume that they include a list of information that is missing.

Mr. Saffron: There is identification of some information that is missing.

Jacqueline Ricciani: And that can be provided by the applicant.

Mr. Saffron: Correct.

Jacqueline Ricciani: That is the only information that you are looking for from the applicant. I think what Ms. Cassidy wants to do is to have an opportunity to respond to all of the comments. Not just what we heard tonight, but at a prior public hearing that addresses a variety of issues other than the engineering.

Mr. Saffron: I think the applicant should have the opportunity to do that.

Jacqueline Ricciani: You are not suggesting that you want to wait until after Ms. Cassidy has made her comprehensive response, you just want those certain items that are detailed in Mr. Verma's letter.

Mr. Saffron: What I am suggesting is that, I was responding to your genuine good concern about this never ending. What I am suggesting is that Mr. Verma who needs to do a full report, which needs to be submitted, and then the applicant replies, and then we get a chance to respond. What I am suggesting is that the applicant is going to do a full response, and then we are going to respond. If they need to respond once again, then that would be the end of it, after that.

Daniel Gettel: I don't know that the expert submission to the Planning Board has to fall under public hearing. If they don't have to fall under public hearing then we can't accept the engineering report.

Jacqueline Ricciani: From the public, it is not the applicant's consultant. If this information was coming from the applicant I would agree with you. This is not information coming from the applicant.

Elizabeth Cassidy: Now we will be receiving two sets of, may or may not be, I have no idea. I haven't seen the comment letter. We are obligated to satisfy your engineering consultants as to the engineering and technical components, and if I now have to satisfy a second engineer, who's opinions may be different, at some point my hands are...

Mr. Saffron: I guess technically she doesn't have to respond to our report. Ultimately it is the town's engineer who is making the determination.

Jacqueline Ricciani: Members of the public have indicated that they want to submit technical opinion or technical review to this board to consider. This board will consider it.

Mr. Saffron: I appreciate that.

Jacqueline Ricciani: What we are trying to figure out is time frames to get this done as expeditiously as possible because this has been going on for so long.

Mr. Saffron: I know I have said it twice, and I don't like to repeat myself, but a lot of this issue is borne by the fact that we were...that we had to get an engineer, we were only able to get an engineer recently and only able to submit preliminary comments so we had something to submit to this board in case the public hearing did close, so we had at least these comments to submit tonight. Normally, the full report could have been done a month ago, but we were unable to do that, and I brought that up in my comments tonight.

Jacqueline Ricciani: Let me ask you this. You are provided with the information that your engineer needs. How long after he receives that information will he be able to submit his report?

Jonathan Farber: This hearing has been open for a while. I believe what he just said was you having the comments from the engineer. He isn't going to submit another report.

Daniel Gettel: Not until he hears from Mr. Gottlieb.

Jacqueline Ricciani: Right. He needs information from Mr. Gottlieb. Once he gets that he now will be able to provide it. After he gets the information that he has requested, how long it will take?

Mr. Saffron: I just spoke to Mr. Verma. I think to expedite this procedure, is that when the applicant responds fully to all of the comments to all of the communication...

Jacqueline Ricciani: Then the applicant is going to do it twice. The applicant is going to respond, you are going to get your information, and then the applicant has to do it again a second time.

Mr. Saffron: Only if our engineer raises issues again. We are only a member of the public submitting an engineer report. If after the full response the applicant is going to submit, if the applicant feels she needs to submit another report or do something else to address the legitimate concerns that have been raised in our engineers report, then she will submit that to the board. We are not going to sur reply to that report.

Jacqueline Ricciani: That is just going to further delay the process. What if...

Daniel Gettel: They are not going to be on the May agenda anyway. If you get your information from Mr. Gottlieb in a timely fashion, let's say two weeks, can you respond in another two weeks so that we have the information at our next meeting even though it won't be on the agenda, to receive public comment up until that point?

Jacqueline Ricciani: Then that would give the applicant another two weeks to give her response, and then that will be two weeks before the meeting.

Elizabeth Cassidy: Also Mr. Chairman, we anticipate that we will have provided the town with the information they need by next week.

Daniel Gettel: The Town Board?

Elizabeth Cassidy: The Town Board, correct.

Mr. Saffron: The only reason why I suggested the different plan, Mr. Verma correct me if I'm wrong, the meaningful report that Mr. Verma would like to submit would be in response. There are substantial deficiencies that I assume the applicant will respond to, in her response to the concerns that have been raised by the town professionals and by what has happened in the public comment. So Mr. Verma's report is going to be in response to the deficiencies that the applicant is going to allege that she has properly addressed. I think that is the procedure that will be effective for the board to have a real response to the deficiencies that have been identified.

Daniel Gettel: I would propose that we give the applicant's engineer two weeks to respond to the public comment tonight, and give you two weeks to respond to his comments and give it to us in time for our next meeting next month.

Mr. Saffron: This will be the June meeting?

Daniel Gettel: This will be the May meeting. We won't hear it in May, but we want to have something.

Elizabeth Cassidy: Mr. Chairman, if I might just clarify. My engineer hasn't even seen what the supposed deficiencies are. But I would also suggest that the responses to deficiencies if they are addressable that we address just the deficiencies, once we have something by the May meeting, have a comprehensive response from our side. They say we are missing A, B, C, D, just hypothetically, depending what information is sought, now again, just for the record, your engineer and our engineer have already had back and forth with regard to the technical

comments and have gone through this process with your board, and have addressed those technical comments. I am happy too, if there are deficiencies that are reasonable to respond to, we can provide the deficiencies and once we have a report we can do one final comprehensive response. Again for the record, Mr. Silna's property was sent a public notice more than eight weeks ago. They had time to retain an engineer, their notice was unclaimed at the post office, but they were sent a notice. They knew about this. This is not the first time this project has been before this board. This project has been before this board since many moons ago, so they did have time, just for the record.

Daniel Gettel: I am still stuck on giving 30 days written comment. We will give each of you two weeks. You expect them to respond in two weeks, your engineer should be able to respond in two weeks also.

Elizabeth Cassidy: I don't even know....

Daniel Gettel: They don't know what your response is going to be, but you want them to respond in two weeks. I think we need to set a date by our next meeting, we want a submission. You engineers work it out, we will close the public hearing tonight for public comment, but keep it open for one month with the intent that it's going to be closed for written comment at our next meeting.

Jacqueline Ricciani: Okay, so you are going to keep it open for just written comment just until the 4<sup>th</sup>? Which means further written comment will be submitted on that date?

Daniel Gettel: Absolutely.

Jacqueline Ricciani: Okay, so what I think I am hearing is that within that time frame the applicant's engineer and Mr. Verma are going to work things out. Mr. Verma's report is due here by May 4<sup>th</sup>, and then after that Ms. Cassidy will make her comprehensive response to everything.

Daniel Gettel: That she normally would do for us as a board, in two weeks.

Jacqueline Ricciani: Right, but we are not going to get her response until the middle to May, and then it will be on for the June calendar.

Daniel Gettel: That is the best I can work out for both of you.

Mr. Saffron: We appreciate it.

Mr. Verma: Just so we understand, the board's time frame allows for equal time on either side for these gentlemen and myself to review.

Daniel Gettel: Mr. Moriello is also standing up in the background. Mr. Moriello, can you try to work with that time frame please?



Mr. Moriello: Yes I can. I just would say to the board that the time frame is fine with me. My main concern, especially with the health, safety and welfare conditions is that we don't have a roadway that sounds like the hoagie man trail. That is my biggest concern looking at this right now. I think certainly right now if we can get coordination between the two parties that will help in that time frame.

Daniel Gettel: The best incentive I can give you is to put a deadline on it.

Mr. Morello: That is not a bad timing for me, I can't speak for the engineers, but from a legal standpoint, that is not hard.

Lucille Cordovano: Can I make a comment? Why does there have to be a rush, when this is going to affect two communities, 50 homeowners, why does it have to be a rush when it is affecting so many homeowners, so many people, communities, because he wants to build a house, there has to be a rush?

Kathleen Payne Colpoys: I overheard the applicant's attorney say that a 12,000 square foot structure is going to be a residence. I have no doubt it is going to be a residence. However I would like it qualified that it is going to be a single-family residence. Not a residence for a 100 handicap girls or whatever, a single-family residence.

***Motion to close this public hearing for public comment but leave the hearing open for written comment for thirty days by Steve Simpson, seconded by David Slater***

***All in favor -6***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: Gentleman, please try to work together to get us the comments by next meeting.

***Motion to take a five minute break at 9:20 pm by Susan Brown Otto, second by David Slater***

***All in favor - 6***

***Opposed - 0***

***Agreed and carried***

*Return 9:30*

***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)***

John Payne: Good evening, I want to thank you for working with Al Chase while I was in Florida. We have the latest rendition of the plan I believe everyone should have a copy of one?

Susan Brown Otto: What is the date of the plan?

Daniel Gettel: March 23<sup>rd</sup>.

John Payne: It is the same plan virtually as the previous plans. We fine-tuned the parking, down to 14 spaces I believe for boat sales. We have added in, we are moving all the boulders back off of the state right of way. We are including a rope border, a fence with rope and zebra grass between the right of way and above the sales lot. We also show internal roadways sufficient to move the boats from the sales lot to the service building, and other areas of the property. Mr. Chairman, I believe you did receive the narrative?

Daniel Gettel: Yes. I did distribute the narrative. We will receive and file it.

Jacqueline Ricciani: Was that the email, hold on...

Daniel Gettel: BJ has a hard copy of that. John, are you good?

John Payne: I'm good, does anybody have any questions?

Daniel Gettel: The State DPW is coming out this week or next week?

John Payne: I believe so, yes.

Daniel Gettel: Mr. Payne did submit a narrative to the board, and I did distribute it by email. BJ now has it in hard copy. I do think we should receive and file as part of the record if that is okay with John.

John Payne: It is.

***Motion to receive and file the narrative by Steve Simpson, second by David Biren***

***All in favor - 6***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: John, one problem that we do have is that Glenn Smith did not receive the updated map from Al Chase. I don't know why, but he was not provided with a new one. I have been in touch with Glenn. I did fill him in on what we are talking about. I did speak to Glenn today. He realizes it is not a substantial change, the plan is moving a couple of boulders and cutting the number of spaces in the back down, but I want Glenn to be able to have some opportunity to do the final review letter on that. The next step would be is to submit the County 239 and State 239, due to the fact you are on 17B, we may not get it back in time, it's not 30 days from now, our next meeting is like 28 days, but we should get it back in time. We

would then move to a public hearing. I don't know how the board feels but I do think this application needs to move to a public hearing. I would suggest we move to a public hearing for May 4<sup>th</sup> at 7:45 pm if there is no objection from the board.

***Motion to schedule a public hearing on May 4<sup>th</sup> at 7:45 pm by Steve Simpson, second by Wilfred Hughson***

***All in favor – 6***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: I assume we will see you or Al Chase at the May 4<sup>th</sup> meeting. Hopefully we will have the 239 information back by then, but like I said, get Glenn something so he can review it. I didn't know until today that he hadn't gotten it.

Susan Brown Otto: What about the signs?

Daniel Gettel: We did find a paper in the file of what your proposed sign was last year. Is that the sign you are proposing?

John Payne: That is the same sign.

Jacqueline Ricciani: But that wasn't what was out there on display.

Daniel Gettel: No, but it is the one that says sales on it.

John Payne: That was approved at the original meeting.

Daniel Gettel: It does say sales on it. It was approved at the last meeting.

Susan Brown Otto: What is the I-86 boats mean, how is that... what is that? Is that a different company, is that Boatwise, is it a company on the proposed I-86?

John Payne: I had bought a piece of property years ago on the interstate at that time, and I had proposed to move my boat shop to that location.

Susan Brown Otto: And the signs that are on the trailers?

Daniel Gettel: You are responsible for the mailings. There was some discrepancy of whether we had in the file or not, but we did have it in the file, it is the business sign that we approved from last time.

Susan Brown Otto: Are all of the fees paid up?

David Slater: We have a note here, open April through October. Is it open April 1<sup>st</sup> through October 31<sup>st</sup>?

John Payne: Correct. Weather permitting. Here we are the first week in April and we have snow. We have had years of no ice and no snow in the middle of March. I enjoy the benefit of coming back then and opening then.

Daniel Gettel: The reason why we ask is really for lighting purposes.

John Payne: There will be no lighting.

Susan Brown Otto: To make this easier, can we have the information for the signage presented to us for the next meeting again, or do we have to go back?

John Payne: I will be happy to do that.

Susan Brown Otto: And also on these plantings?

John Payne: We have zebra grass as a buffer between the sales lot and the DOT right of way.

***5) Application for a private school to be located at the former Daytop Village Property, 4483 State Route 55, Swan Lake, known as Bethel Tax Map #: 8-1-48, proposed by YGS Torah Center.***

Daniel Gettel: Mr. Gottlieb, this is the first time we are seeing this as a board.

Marvin Newburgh: I am here for the applicant. Tim will go through the site plan, but the application is for the Daytop property, which has been empty and unused for the last year, to have a year round school on the existing property.

Tim Gottlieb: What is proposed is basically pretty much what was there before as far as buildings. There are not going to be any additional buildings. On the westerly side of the property there are a number of dormitories proposed or existing that were used as dormitories before. The staff building, the existing gym, will be changed to a shule.

Jacqueline Ricciani: Which one is that?

Tim Gottlieb: It doesn't show on your plan, I have a better set of plans.

Daniel Gettel: What does the new plan show?

Tim Gottlieb: The new plan shows the names of all the buildings.

Daniel Gettel: That would be helpful.

Tim Gottlieb: That was after our pre-application meeting.

Daniel Gettel: This is the map from the pre-application meeting?

Tim Gottlieb: On the westerly side of the property, on Lot 13-1-8, there is an existing building that will be used as a dorm. There is another staff building, another dormitory, a shule, a

dormitory, and a building for storage, and then there is a residence that would be used for a caretaker. The easterly side of the property, the existing maintenance building, will remain and to the north of that is the existing sewage treatment plant. There is another building in the back for storage, and in the rear there is a large building used as a dining hall and classrooms, and a smaller building that would be used as office and classrooms. There are approximately 40 parking spaces in the rear by the proposed dining hall and classrooms. There is some parking on the westerly side of the property, in between the staff building and the dorm building there is an existing parking area.

Daniel Gettel: You had mentioned at the pre-application meeting that the pool isn't going to be refurbished.

Tim Gottlieb: That is my understanding, yes.

Daniel Gettel: It is probably about 30 feet off of the road, almost.

Tim Gottlieb. Yes. I spoke to DPW about the crossing. They are not in favor of a crosswalk without a detailed engineering study. What the proposal is is to shuttle the students from the east side to the west side for classes and meals.

Daniel Gettel: Are they willing to get rid of the one that is there?

Tim Gottlieb: What we discussed at the meeting was probably to fence it in.

Daniel Gettel: So it wouldn't be convenient to use that cross walk. The cross walk is not really in a spot that benefits any of the kids. It benefits the maintenance staff.

Tim Gottlieb: Like I said, DPW wasn't in favor of it without a detailed engineering study. Right now it is proposed for, hopefully for this summer, for approximately 200 people. The maximum would be 400–500 hundred people. The sewage treatment plant has a permitted capacity of 40,000 gallons per day, which is far more than what we need. 500 people is about 25,000 gallons per day.

Daniel Gettel: Can I assume that the sewer plant is only going to accommodate this property, not adjoining properties?

Tim Gottlieb: Yes.

Susan Brown Otto: What was the answer to that question?

Daniel Gettel: Yes.

Tim Gottlieb: Yes, this property, both sides.

Daniel Gettel: You said there would be 200 this summer. Are you going to fix up the dormitories?

Tim Gottlieb: Yes.

Marvin Newburg: The sewer plant is just going to accommodate this property.

Tim Gottlieb: Yes, both sides.

Daniel Gettel: You did mention at the pre-application meeting that you are starting with 200 kids. Will all of the dormitories be used at this time, or are the ones that you identified as dormitories slowly going to be fixed up?

Tim Gottlieb: I believe so, as we go along. Right now they are going to use as much as they can. If anything needs to be upgraded, they will.

Daniel Gettel: Clearly they will have the fire inspections, and the fire department will have to...

Susan Brown Otto: What was the capacity at the pre-application?

Daniel Gettel: 400 to 500 was the capacity, based on how many beds there are.

Susan Brown Otto: And the teachers are staying there?

Tim Gottlieb: That includes staff members.

Daniel Gettel: Is it maintenance staff or teachers?

Tim Gottlieb: Teachers.

Marvin Newburg: No, the teachers will come up, and drive up, they will not be staying.

Daniel Gettel: The families of the people attending the classes are also not going to be housed there. My question to you is how do we control you going from 200 kids to 500 kids?

Marvin Newburgh: We want to get the school started this summer, and see how it goes, get it going here. Hopefully we can do it for this summer and start with, whether it is 150 or 200 kids, and if it all works out to increase the enrollment to approximately 400 to 450, because you have that capacity.

Daniel Gettel: Any additional construction on the property you would have to come back. I guess the capacity of the facility would be dictated by how many beds exist.

Marvin Newburg: There are no plans here....

Daniel Gettel: That's what I am saying, you can only get to a certain number, and then above that number you have to come back to the Planning Board.

Marvin Newburgh: We don't plan to go above that with this application. Again, it is to resurrect what was an institution, get it going again, have activity there with the existing plant, and with the existing infrastructure.

Daniel Gettel: Tim, do you know if there are any plans available for the existing buildings? Did they give you anything that would give us an idea of what they look like?

Tim Gottlieb: I haven't been inside. I have only been in the maintenance building. I can

check and see if there are any.

Daniel Gettel: I would be interested in knowing what the floor plans are in some of these buildings, and what is available as far as records, if you are willing to generate some rough floor plans just for occupancies, so we can set occupancy on each building of what exists and keep some kind of tally on that.

BJ Gettel: Just for the board's knowledge, I do have records for some of the buildings. I can't guarantee I have for all of the buildings. We will have to go through the files.

Daniel Gettel: If you could spend the time with them, they can generate a plan based on a record plan, and check it, and we could set a capacity off of that. I do think we would like some kind of floor plan with pictures, something that gives us an idea of what the building looks like.

Tim Gottlieb: There should be something somewhere, if BJ has some, we can do some.

Daniel Gettel: We did talk about landscaping and fencing. You touched briefly on the fencing part of that.

Tim Gottlieb: We would put some kind of fencing along the road so the students couldn't cross the road.

Daniel Gettel: It is a substantial amount of road too. We are not talking chain link fence I assume.

Tim Gottlieb: I don't think so.

David Slater: How many tax maps are we talking about?

Daniel Gettel: Daytop had several tax lot numbers. There is a five-acre parcel in the middle. Nobody knows why it was broken up.

Tim Gottlieb: The intent is to combine the tax lot maps.

David Slater: What about the bottom dorm?

Tim Gottlieb: That one too. That will be part of it.

David Slater: Because we don't have a line for that, that is only one building on that whole lot, or are there more buildings?

Bette Jean Gettel: There is only one dorm on that lot.

David Slater: I see a driveway, I see lighting, and that is it, we are not looking at another whole.... there is no other camp attached?

Bette Jean Gettel: No.

Daniel Gettel: I always assumed that dorm was part of Daytop. It was maintained by Daytop.

Tim Gottlieb: It was all owned by Daytop. All of the lots will be consolidated.

Daniel Gettel: Any landscaping you are proposing?

Tim Gottlieb: Yes, we will. I didn't have a chance to do that yet.

Daniel Gettel: I think moving forward we will want to see some landscaping. Probably better address the road crossing with the DOT if you can get something out of them.

David Biren: I can't see the kids being shuttled back and forth all day. That isn't an answer to how they are going to get across the street. That doesn't make sense.

Daniel Gettel: If they have a certain class at a certain time, I can see it.

Tim Gottlieb: It's the only answer we can come up with now. We can't build a bridge in two weeks.

Marvin Newburg: There is a bus that holds 50 kids, and gets them over to class, so you don't have a problem with the cross walk. That is a busy road.

David Biren: You're talking down the road you are going to have 500.

Tim Gottlieb: I think at that point we will consider a pedestrian bridge.

Daniel Gettel: Is it the County or the State?

Tim Gottlieb: The County. They said they would be in favor of that because of the fact that it is 55 mph.

Daniel Gettel: I suggest at this point that you work with them to try to come up with a solution. I'm not as opposed to busing them across as a last resort, but if something else could be worked out more permanently I would be in favor of that. You mentioned the sewer system is 40,000 gallons per day. Do you have any idea of how many staff, and kids that would be? It is quite a substantial flow.

Tim Gottlieb: Yes it is. That is equivalent for 800 people. I don't know what the capacity of Daytop was.

David Biren: Do we know how old the system is?

Bette Jean Gettel: We may have that in the record too, how old the system is. You do have to have a licensed operator.

Tim Gottlieb: It has to be transferred to the present owner, which we are in the process of doing. The trouble is trying to get in touch with Daytop, it is kind of difficult, but we will have that.

Daniel Gettel: They are just introducing this to the board tonight. One thing we were told at the pre-application meeting was that this was an entity with no development on adjoining properties. Now we get people popping up everywhere, and we have developments all over the



place. My concern is, as far as an environmental review goes. If we approve this as a school how do we anticipate what else is going to happen in the neighborhood? It looks like it might want to explode with all kinds of people saying that they are going to send their kids to the school. What we are being told is that you are not going to allow this.

Solomon Greenfield: No families will be living on this property.

Daniel Gettel: Are you aware we are being bombarded by adjoiners who claim to own 40 acres here, and they want 80 houses here. Are you aware of that? This was originally described to me by a person that I believe is associated with this development, that it was going to be a school with houses.

Solomon Greenfield: No houses at all.

Daniel Gettel: You see my concern though, from an environmental review. If you have plans for something else I want to make sure. Tim, do you have any idea about the wells?

Tim Gottlieb: I haven't been able to get back there. The wells are located in the back on the westerly side. There are storage tanks in the back.

Daniel Gettel: Those are my concerns. They are the same as during the pre-application meeting, people crossing the street, especially when it gets foggy out there.

Tim Gottlieb: I did discuss with DPW about changing the speed limit. They said that has to go through the Town Board. They said that people don't do 55, it is a school zone, so what.

Susan Brown Otto: What is the age of the students?

Solomon Greenfield: 15 & 16.

Susan Brown Otto: Can you put some sort of signage on the property, danger, road crossing?

Daniel Gettel: That is really up to the County. The County is going to dictate what they can, and can't do. I do think we have to have some kind of ....

Tim Gottlieb: We will have to meet again. I met briefly with them last Friday. We discussed the crosswalk. They said if you want to do a detailed engineering study of the site we could.

Daniel Gettel: They must have dealt with this in other areas of the state.

Susan Brown Otto: We can't have flashing yellow lights or anything?

Daniel Gettel: That would be a school zone. They would have to drop the speed limit down to 15 mph, and that is never going to happen. Are there any comments from the board? Those are my concerns, clearly when you get some details on what the buildings are, what the uses are going to be, what condition they are in, I think I would feel more comfortable with that.

Susan Brown Otto: Are there going to be any signs?

Daniel Gettel: A facility sign, I imagine.

Solomon Greenfield: No sign.

Susan Brown Otto: I always ask about signs.

Jacqueline Ricciani: Nothing on the building?

Daniel Gettel: There really is no need to. You might need something for deliveries.

Tim Gottlieb: If we are going to have a sign, we will get the details to you for that.

Daniel Gettel: It is preliminary now. And you are familiar with what we like.

Marvin Newburg: Can we be on the next meeting, if you are satisfied, then have a public hearing in June?

Daniel Gettel: Do we want to assign an engineer tonight for this, Glenn Smith or Michael Weeks? Michael is going to be a little busy, Glenn can do it. If you don't mind, as you have complete information, send it to Glenn as well.

Marvin Newburgh: Can we be on for the next meeting?

BJ Gettel: You are on.

Marvin Newburgh: Thank you very much.

***6) Application for a 2 lot subdivision located on Pucky Huddle Road, known as Bethel Tax Map # 25-1-21.1, proposed by MacArthur. (Fulton)***

Jannetta MacArthur: I am disclosing that this is my son's application. Thank you.

Susan Brown Otto: I would like to disclose that I live on Pucky Huddle Road.

Bruce Fulton: The MacArthur family owns about 68 acres of land situated on the westerly side of Pucky Huddle Road, about 520 feet southerly on New York State Route 17B. They would like to break off parcel one which is 3.13 acres. If you go to the three-rod highway line it is 3 acres that I show on the map. The acreage to the highway line is three acres, which goes with your zoning.

Daniel Gettel: Can you indicate that on the map that it is 3 acres without the right of way?

Bruce Fulton: I think I did in the nature of subdivision. I also included in accord with your checklist the bulk rate table. Basically the nature of the subdivision is parcel 1 and 2, as shown here, comprised of Town of Bethel tax parcel # 25-1-21.1, 68, plus or minus acres. Parcel 1, 3.13 acres, is vacant land, and 3 acres to the three-rod highway line. Parcel 2, is 65 plus or minus acres remaining land including house, well, and structure shown hereon.

Daniel Gettel: We did discuss at the work session that we need a perc test done to show it is buildable land. One thing we have to prove is that we are not approving an unbuildable lot. I

believe Mr. Gottlieb has agreed to do a perc test.

Jannetta MacArthur: Yes, I spoke to Mr. Gottlieb earlier this evening.

Bruce Fulton: Would the board like the perc test shown for next month?

Daniel Gettel: I think it should be shown on the map so we can say it was done. The sewer plan itself can be completed as part of the building permit application along with a site plan. That would be reviewed by the Building Department, but I do want to show it is a buildable lot. Are there any questions from the board?

Susan Brown Otto: What district is it in?

Bruce Fulton: It is in R-17B, in an Ag. If you look at the map, it will show the difference. The Ag district is from here over, and the corridor, is the best way to look at it, the R-17 district.

Daniel Gettel: BJ, do we need to do an Ag data statement on this now?

BJ Gettel: Yes, because it is an adjoiner.

Daniel Gettel: I think it is a pretty simple application at this time. We don't have any reason not to...

Susan Brown Otto: So it is considered the 17B?

Daniel Gettel: It is part of the 17B district.

Bruce Fulton: Which puts it into the 3 acre zone?

Susan Brown Otto: Just for my own understanding and clarification, because the property here that is on 17B, the 65 + acres, that is along 17B, but the subdivision is taking place on Pucky Huddle Road, because the property is coming off of 17B, therefore it is considered a 17B property and not a Ag property?

BJ Gettel: No. It is in the New York State Ag District. Half of that property is in R-17, the other half is in the Ag. With that being said it has to go for an Ag Data statement. The parcel in its entirety is in the State Ag district. It also had to go for an Ag statement.

David Slater: BJ, where is the distinction for future reference? Is it so many feet off of the center of 17B? I don't know, I am just asking.

BJ Gettel: Dawn Ryder is nodding her head yes, (in the audience). I go according to....

Dawn Ryder: The area that you see there on the map.

David Slater: Does that map tell me 450 feet, 500 feet, 275 feet, I was just wondering if there was a number that designates? You use from the center of road, correct?

Bruce Fulton: Correct. The zoning map was pretty clear. It doesn't go into their parcel. It shows the adjoiners in a different district. I did ask BJ about it and she said it wouldn't be just

off of this, it would have to go to this line. It is about 520 feet from the centerline of 17B.

Susan Brown: Southern part of it is 500 feet?

Bruce Fulton: In my opinion, and only in my opinion, it's not going to bisect an existing tax parcel.

David Slater: It shouldn't.

Bruce Fulton: Only in my opinion, that is why I brought it right up to the line of the existing parcel.

David Slater: I didn't know if it was a certain number.

Bruce Fulton: It is very close to 500 feet, to the existing tax parcel.

Daniel Gettel: Are there any other questions?

***Motion to declare or intent to act as Lead Agency by David Biren, second by Wilfred Hughson***

***All in favor – 6***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: BJ, I believe you have to send to the State and the County for 239 reviews and the Ag Data statement, we ask that you please do that.

BJ Gettel: Yes, I will.

Daniel Gettel: It is a simple subdivision, if you could have the perc test in by the next meeting.

***Motion to grant this application a public hearing to be held on May 4<sup>th</sup> at 7:30 pm by Steve Simpson, second by David Slater***

***All in favor – 6***

***Opposed - 0***

***Agreed and carried***

Bruce Fulton: Do you take care of the Ag statement, and the adjoiners I do?

BJ Gettel: Yes, I do the Ag, the County and State. The adjoiners you do.

Daniel Gettel: Vicky, anything from the Town Board?

Vicky Simpson: We will be receiving a letter, correspondence from the Sullivan County Agricultural and Farmland Protection regarding the 8 year review of the Ag District # 4.

Daniel Gettel: We also received that letter. They are asking us to provide them with information. When we know a project is coming up that is not an Ag use, within the Ag District, they would like us to point it out to them. They are looking for us to identify properties that are not Ag uses, but in the Ag District.

Vicky Simpson: We are going to be doing that. We are also going to have two Mysteryland applications. One is for their fireworks display application and the other for the noise permit application for their fireworks. Those two items will be discussed this Wednesday.

Daniel Gettel: Dawn, since you are here, do you have anything?

Dawn Ryder: Thank you for all of your hard work. It's been a long night.

Daniel Gettel: Mr. Sturm?

Daniel Sturm: No I don't. Thank you.

***Motion to adjourn by Steve Simpson, second by Susan Brown Otto***

***All in favor – 6***

***Opposed - 0***

***Agreed and carried***

*10:20 pm*

Respectively submitted,

*Jannetta MacArthur*

Recording Secretary