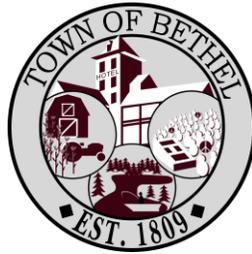


(845) 583-4350 Ext 15



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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 May 1, 2017 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda at that time were the following:

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

Pledge to the flag

Daniel Gettel: Let the record show that Wilfred Hughson is absent this evening and I will be seating Robert Yakin in his place.

Motion to approve the minutes of the April 3, 2017 Planning Board meeting by Michael Cassaro, second by Steve Simpson

All in favor – 7

Opposed - 0

Agreed and carried

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

Daniel Gettel: The first item on the agenda tonight is a Public Hearing for Hudsut, LLC. They own, and are interested in reopening, what was the Sutphen Firetruck Facility on Airport Road. In a moment I will ask the applicant's representative to make a brief presentation to the audience, and then will open the meeting up for public comment. We typically have people sign in, but we don't have a lot of people in the audience tonight so we won't. If you want to speak about this application, after we open the public hearing, just raise your hand and I will call you up to the front to speak into the mic and make your comments. We as a board have seen

this application in the past, and will be treating this as a change in use with a Site Plan approval and Special Use review. It's a lengthy process for us, but I think that is what we have to do for this application. If there are no comments from the board, I entertain a motion at this time that we open the meeting up for public hearing for Hudsut, LLC,

Motion to open the meeting up for a public hearing by Steve Simpson, second by David Slater

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Let the record show that the return receipts for the certified mailings have been received.

Susan Brown Otto: Is the meeting set for 7:30 or 7:45?

Daniel Gettel: 7:30.

Marcus Henley: Hudsut, LLC, is the property owner. We have another facility on Airport Road, and an additional facility in Ferndale. This is the property that was formerly occupied by Sutphen. This is Airport Road (showing on map) south and north. There are the two buildings that are immediately adjacent to each other comprising 17,000 square feet. We also have about 15,000 square feet of kitchen, which is about half a mile away. Since we started operations there in 2012 we have been very successful in producing poultry products, primarily duck. We are at the limit of our space available in that location. We are planning to move, continuing to move, that operation into this new space. We will build inside the large open structure buildings. Our first efforts will be to help diversify our company and start with pet food processing. We have a freeze dryer. We will place rooms with coolers in the first building for various cooking and processing. We have addressed some waste water issues, but we won't be able to start operations until we are fully approved for the removal of wastewater from the site. We do not intend to change any of the existing lighting and do not expect there to be anything but a positive change in terms of the appearance of the outside of the building. There should be no noise and no odor, unless you are very close to the building. If there are any questions, that is our general intention. It is in the early days and we will work closely with the Building Department in any of the construction efforts that we do in our operation.

Daniel Gettel: The only thing I would like to add before we accept public comment is that the this application is unique in the fact that there are only a hand full of facilities located within the bounds of the County Industrial Park where Light Industry and Manufacturing is permitted. It is also unique as the applicant has not proposed any changes to the site. There will be no changes in lighting, signage, traffic patterns, parking, loading, etc. We also do not believe this change in use will result in any significant changes in the amount of traffic, and I think the County in their review agrees with that. The County did come back today with a 239M review which I should read into the record during the public hearing.

Daniel Gettel read the County 239M review letter into record, a copy of which is on file in the Building Department.

Daniel Gettel: They come back with a local determination, which is typically what we would expect from the County on a change of use such as this. Jacy, should I touch on written comment first, or should I do public comment?

Jacqueline Ricciani: As long as it is in the public hearing, it doesn't matter what order.

Daniel Gettel: Mr. White, would you like to address the board? If anyone has any questions on this, please address it to the board. Come up to the microphone please.

Stephen White, Chairman of the IDA: First of all I think we are lucky to have them in the Sutphen Building. That could have been an issue. Out of all the projects I work with, and there are hundreds of them, these guys say what they are going to do, and do what they say. They are very bright, thorough, and thoughtful, and I wish them all the luck. I am happy that the IDA is behind them.

Daniel Gettel: Thank you Mr. White. Would anyone else like to comment on this?

No one

Daniel Gettel: I do have two pieces of written comment that we received today. One came in very late, but we did receive it before the meeting. Thank you BJ for checking your email at the last minute. I will read it into the record, because that is what they requested. It is from Congregation Torres Chesed, which is an adjoiner on Route 55.

Daniel Gettel: (Reading correspondence) Congregation Torres Chesed, owner of Camp Torres Chesed located off the corner of Route 55 and Airport Road, Tax Map # 18-1-17 is respectively submitting this letter to be presented at the May 1st Planning Board meeting in response to a certified letter we received this past week from HVFG LLC. Unfortunately we are not able to appear in person. The camp and the former Sutphen property, Tax Map #18-1-16.4 border each other. As neighbors we have always had a good relationship with the Sutphen East Management. It is our understanding that HVFG LLC has purchased the Sutphen property and is applying for a Special Use permit. Our concern is that, as a food manufacturing plant, there will be an increase to the fly population to the adjoining area. An additional concern is that the waste processing be discarded properly to prevent odor and attracting scavenger animals. Under the advice of BJ Gettel, Code Enforcement Officer, I contacted Eli Franklin, a principal in the project. He was very sensitive to our concerns and assured me that HVFG is in the process of engineering a state of the art facility. When operational there will be no problem with foul odors. The plant waste would be sealed and stored in a manner that would prevent animals from gaining access to it. To mitigate any smoke and odor emitted from any possible cooking, it would be necessary to have a proper exhaust system installed. Mr. Franklin assured me that there would no negative impact on neighbors or the environment and all concerned would be addressed. I have dealt with the Bethel Planning Board and/or the Building Department many times over the years. My experience has shown that any matters that arise are resolved

amicably. We asked, while we are not objecting to this Special Use permit to HVFG LLC, we would like to go on record that we would expect the Town of Bethel Building Department and Code Enforcement Officer to protect our rights and act on issues that would affect us regarding this project in the future should it be necessary. Of course we are hopeful that the relationship between HVFG, LLC, and others shall be of a good neighbor relationship and that they be successful in the project. Sincerely, Ira Lieberman.

Daniel Gettel: We also received correspondence from Fran Abilock, who is also a neighbor on Route 55.

Daniel Gettel: (Reading correspondence) I never received a response to my previous email. Please reply that you have received this email. I have a couple of concerns about the use of property, Bethel Tax Map 18-1-16.4, by HVFG, LLC, for poultry products food manufacturing. Please see the attached documents regarding numerous water pollution violations by this company. There are DEC wetlands on the property. Bethel Tax Map 18-1-17.11 that could be affected by similar water pollution. We would like assurance that the company will not pollute our waters. We are also concerned about any odors from the manufacturing process as food processing often has obnoxious odors associated with it. I would like to appear by phone for the town meeting (we don't offer this as an option). Can you give me a phone number where I can call in to participate at the meeting? Sincerely, Fran Abilock.

Daniel Gettel: She also attached two pieces of information, which I won't read it into the record. One is titled the HSUS wins water pollution case against Hudson Valley Foie Gras, and the second one is HSUS versus Hudson Valley Foie Gras, LLC for factory farm pollution.

Daniel Gettel: My only comment about this and the previous letter that we got is that you were very up front at the last meeting that you had experienced violations at your other plant and this also has to do with the other plant in Ferndale, I believe.

Marcus Henley: Yes, and it was a very extensive lawsuit and there are people that are against farming. The Humane Society of the United States is not generally a protector of water resources in the Catskills. The company that we contracted for our wastewater treatment, we didn't do that work ourselves, made errors in reporting and in the end the judge did find that the contract company made errors in reporting, but admitted there was no polluting events. In the end we were fully indemnified by the contractor.

Daniel Gettel: My point is that you were very upfront about it at the last meeting, and we are also well aware of the fact that when it was Sutphen there was an existing sewer system that was put in to accommodate the number of employees that they had at the time, and as the company grew I assume the sewer system still accommodated that number of people. They had approximately 25 employees, I believe, and you are down to how many?

Marcus Henley: Let's hope that we get to 25.

Daniel Gettel: We are aware that the existing sewer system is not set up to handle any food processing waste, which would have grease in it, or any waste that would have to do with

washing down the plant. I don't know if it is a daily ritual that you do, but that would be a pump and haul permit that has to be issued by the DEC. If we approve this application tonight we would make it a condition that they have to get all governmental agency permits, which would include the Health Department and the DEC, because we have a basic plan for pump and haul. The Town of Bethel would love to have your grey water waste, for a fee of course, and we do have capacity in our plant, Mr. Sturm is shaking his head yes. You have always been very upfront about that.

Motion to receive and file the two pieces of correspondence read into record by Robert Yakin, second by David Biren

All in favor – 7

Opposed - 0

Agreed and carried

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

Motion to close the public hearing and return to regular meeting by Susan Brown Otto, second by David Slater

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Glenn if you don't mind, you had a discussion with their engineer, one of the engineers for this facility. Would you touch on the sewage disposal?

Glenn Smith: I spoke to Mr. Illing from the Department of Health. He basically indicated that he has nothing to do with the wastewater. That is a DEC matter. It is going to be hauled offsite. The DEC can issue a 364 permit to transport the wastewater to whichever treatment plant they are going to take it to get treated. It is out of the Health Department's hands. As far as the water supply, if there aren't over 25 employees using the water it is not considered a public water supply so he doesn't have anything to do with that either.

Daniel Gettel: The Health Department won't be involved in the food processing part of it?

Marcus Henley: The US Department of Agriculture will, and will meet all of Glenn Illing's requests.

Daniel Gettel: Like I did mention we did concentrate our review on the site itself, regardless of whether we agree or disagree with the processing to take place at the site. This is simply a

manufacturing plant, processing one product into another. Due to the fact that this is an existing facility that operated last year and that there will not be any changes required to the site to make it accommodate the new use the review has been understandably limited. I do, however, have to run through the Short Environmental Assessment Form, Parts 2 and 3, as well as the Special Use procedures outlined in our zoning. This is going to take a while. I apologize for that.

Daniel Gettel: Part 1 of the Short Environmental Assessment Form has been on file with the Town for a number of weeks, so I do not feel I have to read that part into the record. Parts 2 and 3 are the sections that we must review, and I will read them into the record at this time. Part 2 reads as follows:

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

No, the use is permitted in the zoning district.

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

No, this is a use proposed in an existing industrial building located within the bounds of a long established Industrial Park.

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

No, again this is a permitted use to be located in an Industrial Park.

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

No, there are none in the Town of Bethel.

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

No, this use replaces a similar use that operated for years at this site. There are no bike routes or walkways in the area.

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

No, there should not be a substantial increase in energy usage above that of the prior use.

7. *Will the proposed action impact existing:*

a. *Public/private water supplies?*

No, there is no public water in the area and the existing well on the site must accommodate only this facility.

b. *Public/private wastewater treatment utilities?*

No, wastewater for the employees shall be handled by the existing sewage disposal system located on the site. "Grey" water associated with the processing and cleaning of the facility will be collected on site and transported by an approved hauler to an approved treatment facility, which has the capacity to treat this "grey" water. Any approval granted tonight for this facility will be subject to the applicant receiving the permits for the pump and haul or on-site treatment.

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

No, there are no designated historic, archaeological, architectural, or aesthetic resources on this site.

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

No, the wetlands shall not be affected as there is no changes proposed to the exterior of the facility and no wastewater will be discharged on the site.

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

No, there shall be no site disturbances made as part of this application.

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

No, there is no action proposed that would create a hazard to environmental resources or human health.

Daniel Gettel: None of the questions raised during the review of Part 2 resulted in a response of either a Moderate to Large Impact may result, so we do not have to complete Part 3 of the Environmental Assessment Form.

Daniel Gettel: Are there any comments from the board on the Short Environmental Assessment Form?

Glenn Smith: On Part 1 of the Environmental Assessment Form, question #2, asks if the

proposed action will require the approval from any other committee or any governmental agency. That was checked no, but should be checked yes because of the DEC transportation permit. Would you note that on your copies?

Daniel Gettel: I will make that change on my copy.

Jacqueline Ricciani: You should also note for the record that the Environmental Assessment Form that has been reviewed is the amended one that the applicant was directed to submit after the last meeting, and that it was received timely.

Daniel Gettel: And this is the one that was submitted to the County as part of their review, so they would have the same document that we have.

Motion to grant this application a negative declaration by Steve Simpson, second by Susan Brown Otto

All in favor – 7

Opposed – 0

Agreed and carried

Jacqueline Ricciani: Do you want to do the 239M?

Daniel Gettel: I did. Moving right along the Special Use procedures are outlined in Section 345-30 of our zoning and paragraphs I and J are the two that I typically read into the record. Paragraph I states:

The Planning Board, in reviewing the site plan, shall consider its conformity to the Comprehensive Plan and the various other plans, laws and ordinances of the Town. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire Town shall be part of the Planning Board review. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The Planning Board shall further consider the following:

- (1) *Building design, lighting, location and signs insofar as suitability for the use intended and impact on and compatibility with the natural and man-made surroundings.*

This is an existing facility where the building is set back well off the County Road. There will be no change in lighting and it should be noted that the site lighting consist primarily of security lighting that has not been shown to be distracting or disturbing. In regards to signage the applicant has indicated that there will be no signage, with the exception of a 911 address to be posted at the entrance driveway to this facility as required by the Planning Board. The

existing planter located on this entrance driveway is to be cleaned up as when Sutphen left, they just chain sawed off the sign, and left a mess. I recommend that be cleaned up, the planter itself. It should be improved and maintained as part of any approval granted to this facility.

Marcus Henley: It has been taken care of.

- (2) *Storm drainage, flooding and erosion and sedimentation control.*

Storm drainage has not been shown to be an issue on this property and there will be no site disturbances required for this change in use, unless otherwise permitted by the New York State DEC under a separate submission.

- (3) *Adequacy of community services and utilities, including police protection, emergency services and the educational system.*

There shall be no impact on community services, utilities or police protection. This facility is relocating within the same school district in which it presently exists, so there is no anticipated impact on the school district. You are in Liberty School District, correct?

Marcus Henley: I don't know.

Daniel Gettel: This is.

- (4) *Environmental impacts in any form.*

This application was reviewed and was granted a negative declaration under SEQRA.

- (5) *Impacts on housing availability.*

Again, this facility is relocating from an adjoining Town and there is no anticipated negative impact this relocation will have on housing.

- (6) *The potential for nuisance impacts such as noise, odors, vibrations or glare.*

There are no anticipated nuisance impacts associated with this use. Again, the facility is set back quite a distance off the County Road and is located within the bounds of an Industrial Park, not immediately adjacent to dissimilar uses.

- (7) *The adequacy of the trees, shrubs and other landscaping to buffer or soften a use in terms of visual or other impacts on adjoining property owners, Town residents and those visitors on whom the local economy often depends.*

Again, this is an existing facility that is set back quite a distance off the County

Road. Landscaping at the facility would be lost to public view. The original planter located along the County Road is to be improved and maintained as part of any approval granted. The use is not immediately adjacent to residential uses.

(8) *Impacts on nearby property values.*

This is a permitted use to be located within the bounds of a long established Industrial Development Complex. There are no anticipated negative impacts this change of use will have on nearby property values.

(9) *Traffic impacts (see § 345-22H).*

It says; see Section 345-22H specifically addresses traffic impacts on NYS Route 17B and NYS Route 55. This is a County Road and no noticeable negative impacts are anticipated to be associated with this change in use.

(10) *Any other factors which reasonably relate to the health, safety and general welfare of present or future residents of the Town of Bethel.*

This change in use is not anticipated to affect the health, safety or general welfare of the present or future residents of the Town of Bethel.

Daniel Gettel: Section 345-30, Paragraph J, further reads that:

The Planning Board, in acting upon the site plan, shall also be approving, approving with modifications or disapproving the special use permit application connected therewith taking into consideration not only the criteria contained above but also the following:

(1) *Whether the proposed use will result in an overconcentration of such uses in a particular area of the Town or is needed to address a deficiency of such uses. The Board shall, in this regard, consider the suitability of the site proposed for a particular use as compared to the suitability of other sites in the immediate area.*

Again, this is one of only a handful of properties located within a long established Industrial Park where the use is permitted.

(2) *Whether the proposed use will have a detrimental or positive impact on adjacent properties or the health, safety and welfare of the residents of the Town of Bethel.*

The change in use is not anticipated to have any impact, be it positive or negative, on the health, safety and welfare of the residents of the Town of Bethel.

(3) *If the proposed use is one judged to present detrimental impacts, whether an approval could be conditioned in such a manner as to eliminate or substantially reduce those impacts.*

The change in use is not anticipated to have a detrimental impact.

- (4) *Whether the use will have a positive or negative effect on the environment, job creation, the economy, housing availability or open space preservation.*

There are no immediate changes proposed for the site, so no effects on the environment are anticipated as part of this review. Jobs will be retained with this relocation and there are no detrimental impacts anticipated in regards to the economy, housing or open space preservation. This proposal is to repurpose an existing facility.

- (5) *Whether the granting of an approval will cause an economic burden on community facilities or services, including but not limited to highways, sewage treatment facilities, water supplies and fire-fighting capabilities. The applicant shall be responsible for providing such improvements or additional services as may be required to adequately serve the proposed use and any approval shall be so conditioned. The Town shall be authorized to demand fees in support of such services where they cannot be directly provided by the applicant. This shall specifically apply, but not be limited to, additional fees to support fire district expenses.*

There shall be no economic burden placed on community facilities or services associated with this change in use and repurposing of an existing facility.

- (6) *Whether the site plan indicates the property will be developed and improved in a way which is consistent with that character which this chapter and the Comprehensive Plan are intended to produce or protect, including appropriate landscaping and attention to aesthetics and natural feature preservation.*

This is an existing facility that has existed for years and no noticeable changes are proposed. This facility is located within the bounds of a long established Industrial Park where the use is permitted.

Daniel Gettel: Section 345-21 of our code includes our general commercial and industrial standards, although most subparagraphs do not pertain to every application. This Section reads as follows:

Wherever a commercial or manufacturing or other nonresidential use, with the exception of agricultural activities and home-based businesses, is proposed as a special use, the following performance standards shall apply and be an additional basis for review of the special use application. The Code Enforcement Officer shall ensure these standards are met prior to issuing a certificate of occupancy for the use and may require the applicant(s) to provide documentation of compliance.

- A. *Where a commercial or manufacturing use is contiguous to an existing residential use in any district (including those situated on the opposite side of a*

highway) or any approved residential lot in an RS District, the Planning Board may require that the minimum front, side and rear yards be increased by up to 50%. The Board may also require, for purposes of separating incompatible activities or shielding the residence from negative impacts, that a buffer consisting of a solid fence of wood and/or a twenty-foot-wide dense evergreen planting not less than six feet high be maintained, unless the properties are in the same ownership or the full width of the yard is already wooded. See also § 345-16.

Section 345-16 is the section that specifically addresses landscaping. For the record this is an existing building set well off the road in a long established Industrial Park. Natural buffer zones between the proposed use and adjoining residential uses will be maintained.

- B. *All activities involving the manufacturing, production, storage, transfer or disposal of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Fire-fighting and fire-suppression equipment and devices shall be provided pursuant to National Fire Protection Association guidelines. The burning of waste materials in open fires is prohibited. Details of the potential hazards and planned safety and accident response actions shall be provided by the applicant and the Planning Board may require greater front, side and rear yards and/or fencing.*

This paragraph does not pertain to this application. None of the operations to be conducted on this premises warrant the increase in setbacks.

- C. *No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.*

This paragraph also does not pertain to this application.

- D. *Any noise produced by the proposed use shall be subject to the applicable requirements of Chapter 220 of the Code entitled "Noise."*

All work is to take place within the buildings and no exterior loading or unloading of goods at the loading dock would be anticipated to be at a noise level above those of the past use. Again, this parcel enjoys generous setbacks.

- E. *No vibration shall be permitted on a regular or continuing basis which is detectable without instruments at the property line.*

This paragraph also does not pertain to this application.

- F. *Lighting.*

(1) All lighting shall be designed so as to avoid unnecessary or unsafe spillover of light and glare onto operators of motor vehicles, pedestrians and land uses in proximity to the light source. Light sources shall comply with the following standards:

All site lighting exists and has shown not to be of a nuisance. Site lighting is maintained primarily for security purposes. The types of lighting need not be further reviewed to address this section.

(2) No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or other sources, so as to be visible at the property line on a regular or continuing basis, shall be permitted.

Again, existing lighting is to be maintained and has not been shown to be of a detriment to adjoining uses.

- G. No emission shall be permitted on a regular or continuing basis, from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.*

This paragraph also does not pertain to this application.

- H. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted on a regular or continuing basis which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.*

This paragraph also does not pertain to this application.

- I. All activities involving the possible contamination of surface water or groundwater shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and planned safety devices and contamination response actions shall be provided by the developer.*

No “grey” water is to be discharged on this site. “Grey” water resulting from the cleaning of the facility shall be stored and treated off-site at an approved facility and any “grey” water resulting from the processing of material shall be run through a grease trap or similarly treated as required by the NYS Health Department prior to storage.

Daniel Gettel: Let the record show that Glenn Smith agrees.

- J. Whenever a vehicle and equipment sales and repair, mechanical or body repair*

use is proposed as a special use, or as an expansion of an existing nonconforming use, the following additional performance standards shall apply:

This application does not involve vehicle and equipment repairs or service, so neither this paragraph nor any of the subparagraphs pertain to this application.

- K. *Whenever a kennel use is proposed as a special use, the following additional performance standards shall apply:*

Neither this paragraph nor any of the subparagraphs pertain to this application as we are not considering a new kennel.

- L. *Whenever a new manufacturing use or light industrial use is proposed, or such use is proposed as an expansion of an existing nonconforming use, the following additional performance standards shall apply:*

(1) *All manufacturing use or light industrial use processes shall be performed within an enclosed structure.*

The applicant has indicated that all processing of goods is to take place within one or both of the existing buildings as required by the NYS Health Department.

(2) *All storage of raw materials used in any manufacturing use or light industrial use process and any waste generated from any manufacturing use or light industrial use process shall be stored in an enclosed structure or a container made from impervious materials which prevents exposure of its contents to the ambient elements.*

Storage of raw materials will be in the refrigerated section of the facility and the applicant has indicated that no materials are to be stored outside of the existing buildings. The dumpster servicing this facility is located behind the main building, in an area where it should not be a nuisance.

Daniel Gettel: You're going to maintain the same dumpster location that Sutphen had?

Marcus Henley: Yes.

(a) *Upon application, the Planning Board may waive the requirement that raw materials be stored in an enclosed structure or impervious container if the applicant is able to show to the satisfaction of the Planning Board that the storage of the raw materials will not cause contamination and the storage of such raw materials in an enclosed structure or impervious container is not practicable.*

The applicant has not asked for any waivers, nor should any be required.

Daniel Gettel: Section 345-22 of our code addresses parking, loading, access, and traffic standards. For the record I think it prudent to state that the site appears to have an adequate number of parking spaces for the number of employees referenced in the management plan, the parking spaces are delineated and are of a permitted size and the loading dock, access and capacity of the County Road appear to be sufficient for the scale of the use proposed.

Daniel Gettel: Are there any questions from the board, or any comments of those sections of the code? Jacy, do you have any comments?

Jacqueline Ricciani: No sir.

Daniel Gettel: If there are no comments I would entertain a motion to grant this application a Special Use Permit with a Site Plan approval subject to the applicant gaining all required governmental permits required for the operation of the facility. This may include, but may not be limited to, permits for food processing and the storage and/or hauling of the wastewater to a facility licensed to treat same, that all fees be paid, and that the 911 address be posted.

Daniel Gettel: Glenn, do you think that is fair?

Glenn Smith: Yes.

Jacqueline Ricciani: The applicant has taken care of the planter box, and sign. Has the 911 address been posted?

Marcus Henley: I have the receipt, it hasn't yet been posted.

Motion to grant this applicant a Special Use Permit with a Site Plan review subject to the above mentioned three conditions by David Slater, second by Susan Brown Otto

Roll call vote:

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

***Susan Brown Otto – Y
David Slater – Y***

***Steve Simpson – Y
Robert Yakin – Y***

Motion approved 7 – 0.

Daniel Gettel: Good luck.

Marcus Henley: Thank you.

2) *Application for a Site Plan & Special Use Permit to be located at 37 John Bishop Road, Kauneonga Lake, known as Bethel Tax map#: 17-1-17.1, proposed by Basil & Barns at Catskills, LLC.*

Daniel Gettel: We're going to take a 5 minute break to let you set up.

Daniel Gettel: If you would, introduce yourselves so we can get your name on the record.

Eran Sherin: I am the CEO and founder of Basil and Barns. My team is here. They are Bradley Perkins, Executive Vice President, Jack Fatal, Vice President of Development and Investor Relations, Matt Maini, Project Manager, Zachary Rimberg, Vice President of Operations and Finance. Fay Hakimi, Vice President of Marketing is not here.

Daniel Gettel: We will just need the spelling of your names after the presentation.

Eran Sherin: I will give you a little background first, to give you a little context. I have developed services for the hospitality industry that is utilized in over 100 thousand hotel rooms worldwide. I live here, it is my second home. My family and me, we come up here every weekend. We have been coming for the last three years. We bought this property, and we have put together a very good team. Basil and Barns is all about building a farm to table outdoor hospitality concept. This outdoor hospitality concept is actually a 3 billion dollar industry and is growing very rapidly. They want to escape to nature. Families seeking activity based facilities drive to vacation destinations. Adventuresome couples of all ages, especially retirees, are enjoying these kinds of experiences. Why outdoor hospitality? It is exploring, experiencing, and dining opportunities. Basil and Barns is all about building a consistent guest experience, for guests, groups and day visitors. Our property on 37 John Bishop Road is 100 acres. We have a 10-acre private lake. Our proposed development uses only 18 acres out of the 100. We wanted to minimize the amount of development. We are proposing a motel zoning with the amenities of recreational and farming initiatives. Here is a detail map of the property. You see where we have our Lobby Barn and the Market Barn as the common areas. Families can stay in our suites. The south side of the property will have more of the farm, and have superior units, studio units, and suite units. Our common area, the Lobby Barn, is essential to the entire establishment. This is where guests come to gather, dining hall, fire place, seating area, and an event space. The other common area building is the Market Barn. It is complimentary to the Lobby Barn. These contain facilities which serve as a support to the Lobby Barn. This has the recreational activities for the guests to be able to access and use. Our accommodation units, we have several. We have several types for guests. These will cater to the different demographics that we have. The first one is our Suites. This is designed for two people. There is a terrace, patio glass doors, king size bed, bathroom and shower. It is fully insulated for year round use. The Superior Unit is similar to the suite, it houses four people. It has an additional bunk bed in it. We have our Studio unit, which is actually larger than it seems. It is for two people. We have our Family Suite. The larger families that want to come together. This is a two bedroom unit, king size bed, and a queen sofa bed for larger families. People can come together, couples can come together, and the units are kind of connected with the same bathroom. Our farm area of development we have

several structures that we are proposing. The first one is our Basil Greenhouse. That will be essential to the property. We have the Farm Shed that is designed for storage of farm equipment. We have the Tunnel, so we can plant things and have vegetables in the wintertime. We plan to have this open year round. We want guests to come and experience farming whether it is in the spring about planting, or harvest festivals that we plan to do, the produce and the educational component of the farm is a very important component to us. Our seasonal activities are also very critical. We are going to be year-round operational and we are going to compliment that with seasonal activities and events. The operations, as I said I have had 20 years of experience, I know something about running hotels and running them in a profitable manner. That is why we develop this with different types of accommodations, so we can attract different types of clientele. We are going to have a hospitality caretaker, and a farm caretaker. We are going to have several seasonal staff, and local staff. We plan to hire about 18 local people to help with the seasonal activities. We are going to add value to Bethel and to the town. We will be introducing our guests to local businesses, especially to the restaurants. We are going to have some luxury accommodations. I think it is very valuable. I know sometimes when I have guests come over I don't have enough space at the house. It will be nice to have a place to have a high standard place for guests to come and visit. We really believe that our business will introduce guests to local businesses, to make businesses more successful. We have a great team. They are very thorough. This is who we are, and we would like the support of the town.

Jacqueline Ricciani: I guess it is going to be pet friendly?

Eran Sherin: Yes.

Daniel Gettel: How much of the facility would be open to the public? Originally it was talked about as a farm market. I don't know if that is still part of your plan.

Eran Sherin: Absolutely. We have three types of key actions. One is the nightly accommodations, which will bring people here. The second is day visitors. They may go to a concert at night, but during the day they come here early and spend the day doing various activities, kayaking. There is that capability for someone to come and join us.

Daniel Gettel: And you addressed local businesses as part of the presentation, I saw that. Just to give the board a little background this proposal has been around in a number of forms over the past few years. Jacy, I think you and I will probably talk about zoning, and some of the pitfalls we've had about zoning, to put this to get it on the record. One of the things about our zoning is that in order to be a motel or a hotel, you can't (the units) have a kitchen.

Paula Kay: Correct. There are no kitchens in any of the units. The only kitchens in the facility will be in the caretaker's home, which is on this plan, and also in the barn. That will be a communal kitchen. It will be for events, but also for guests if they are going to pick produce, they will be able to utilize that. None of the units have kitchens. They may have a mini fridge and a sink.

Daniel Gettel: Is that going to be a stumbling block as far as marketing? Not that it is really my concern.

Eran Sherin: No.

Daniel Gettel: It was one of the issues we couldn't get past years ago when this was first proposed.

Jacqueline Ricciani: And they wanted to do a lot of other mixed uses. I recall there was going to be a farm stand for the public. There was going to be a spa in the past, so it has really scaled down.

Eran Sherin: We never approached the Town Planning Board until we were really ready. We had discussions with BJ and various people in the Town, brainstorming ideas and thoughts. It has taken us a few years to really get crystal clear on the business, how we are going to be economically viable. The past discussions, developing a villa type community, we nixed that. We have done research; this is the first time we are presenting this as an official broaching.

Paula Kay: The way we want you to look at this is that it is a vertical hotel with all of the amenities, but it is horizontal. All of the amenities you would find in an upscale hotel, you are going to find in this development, but you are not going to have the vertical skyscraper, perhaps something out of the ordinary. These buildings will fit in with the local environment. And will be marketed in many ways, and I believe they have done an extensive marketing study for these types of units where there is absolutely no need for the kitchen, for a short stay.

Daniel Gettel: Jacy, I think when we originally reviewed this application it was more of a mixed use. It has been scaled back. It always had an ecologically friendly feel to it. Robert and Michael had the chance to sit in on a pre-application meeting so they got to look at it early on. Do you guys have any comments on it?

Michael Cassaro: I thought it was a very unique operation. I have never seen anything like it. That was a good explanation of how I see it. Instead of a vertical hotel it is more horizontal. I thought it was pretty cool.

Steve Simpson: Have you developed this concept anywhere else?

Eran Sherin: The concept of this farm to table has gone into restaurants; it is now evolving into hospitality.

Susan Brown Otto: Where do people park their cars, do they park them in front of the unit, or do they park down the way?

Eran Sherin: We have central parking, but each one has a road where you can drop off your stuff and then move back around and park.

Jacqueline Ricciani: Could you demonstrate on the plan over there so everybody could see?

Eran Sherin: (showing on plan) There is public parking, so we have the day visitors that would park at the central one, and each of the units has parking.

Daniel Gettel: Tim, as far as the slopes go, it looks they are working with the slopes, not trying to cut against them.

Tim Gottlieb: We have laid it out so it works better for construction.

Daniel Gettel: At one time there was talk about a sewer plant that has gone away, now there are individual systems?

Tim Gottlieb: Yes.

Daniel Gettel: Glenn that will be operated under a central SPEDES permit I assume.

Glenn Smith: A SPEDES is more than 1,000 gallons a day.

Tim Gottlieb: As long as any one septic system is not over 999 gallons you don't need it

Daniel Gettel: We are going to check into that. Can you speak about water supply?

Tim Gottlieb: They will have a proposed well over here, with a water equipment building. That is on the south side. It is on the south side of John Bishop Road, on the right hand side of that entry road.

Eran Sherin: That side of the property where we have located the well, we have done our own testing.

Jacqueline Ricciani: Any on-site laundry?

Paula Kay: There will be a central building, in the Market Barn.

Susan Brown Otto: This isn't in the Ag district, right?

Tim Gottlieb: I don't believe it is.

Daniel Gettel: It is in the RD. Motel use is permitted.

Susan Brown Otto: What type of animals do you plan on having?

Eran Sherin: Maybe chickens, so we can have eggs. It is more farming.

Susan Brown Otto: So no dairy cows.

Daniel Gettel: So all the utilities will be buried. It will be quite an expense just for the infrastructure.

Susan Brown Otto: What about garbage?

Daniel Gettel: There will be a central collection of that also. Glenn you sat in on the meeting? Do you have any comments on this? Clearly we are going to bring Glenn in as the engineer for the Planning Board for our review.

Glenn Smith: My thing is we may need the Health Department on the water supply and the septic system. But that's it. It is pretty good property for development.

Daniel Gettel: At this time the property is vacant.

Bette Jean Gettel: They have torn down all of the buildings because they were an eyesore and they were not safe.

Daniel Gettel: Did you also purchase other property in the area? I thought there was going to be a caretaker in the house next door.

Eran Sherin: The only other property is my house.

Daniel Gettel: The caretaker is permitted to have a kitchen.

Jacqueline Ricciani: It isn't going to be rented out as accommodations to the public, right?

Susan Brown Otto: The utilities, are they buried?

Daniel Gettel: Yes.

Jacqueline Ricciani: I see an overhead electric line.

Tim Gottlieb: The overhead lines that run through the property, but everything else are underground.

Jacqueline Ricciani: So what is there, you are going to leave?

Tim Gottlieb: Maybe. We may ask NYSEG to bury it.

Daniel Gettel: Internet access is an issue in Bethel. It is something you should be aware of.

Jacqueline Ricciani: What is your maximum occupancy?

Eran Sherin: So 100% would be 98.

Jacqueline Ricciani: How many full time staff?

Eran Sherin: 18.

Jacqueline Ricciani: That's everybody? That's reservations, cooking, maintenance, etc? Can we have like a narrative, a paragraph explaining ...

Paula Kay: The reservations will be done off-site.

Eran Sherin: We have an office in New York City. That office acts as the management of the whole operation. We have a hotel caretaker, and we have a farm caretaker, and some seasonal staff, some will be there year-round. The booking and reservations, inventory, accounting will be in the city. We manage that entirely there. That allows us to have less requirements and resources on site.

Daniel Gettel: Are there any other comments from the board?

Robert Yakin: The presentation was much better than I could ever do a synopsis of our meeting. We did also touch on emergency services, and accommodation perception. They did provide us with hammerheads, which look like they will be very adequate for that service.

Daniel Gettel: This is the Kauneonga Lake Fire District, I believe?

Robert Yakin: Yes, but I'm sure there will be mutual responses with White Lake. I think it is the right way to look at it. It is a single footprint, same amenities, plus a few new ones with the farming, spread out on the 18 acres.

Susan Brown Otto: Will you have fire pits, or campfires?

Eran Sherin: It will be one, communal.

Daniel Gettel: There was some discussion years ago about repairs to the damn. There was a problem with the damn. Were those repairs made, or are they in the works?

Eran Sherin: In the works, absolutely.

Michael Cassaro: There will be hiking trails also?

Eran Sherin: Yes, absolutely. That will be on the west side of the property.

David Slater: I know you have probably done a lot of studying, I am just looking at a map here, but you are aware there is a speedway located not too far away.

Eran Sherin: Yes. Guests will enjoy going out there. You go out on a Saturday night, it's great. We will work with them.

Daniel Gettel: This is the first time the board as seen it. Glenn do you have any questions? I assume you are going to work closely with Tim.

Jacqueline Ricciani: Is there a short EAF?

Daniel Gettel: I have not seen it. For the initial submission they need a Short Environmental Assessment Form, but ultimately we are probably going to need a long form.

Glenn Smith: It doesn't hurt to do a long form.

Daniel Gettel: The new short form is a much better than it used to be. I don't really have an issue, whatever you think.

Glenn Smith: I would like them to do a long form.

Daniel Gettel: Tim, it will be a long form. You're comfortable with the use Jacy, the zoning and how it fits? I know it has been an issue.

Jacqueline Ricciani: I remember checking this. The motel and outdoor recreation is permitted, eating and drinking. I think Paula indicated that everything else will be accessory to the principle use, which is the motel, and the farming is going to be subordinate to that.

Paula Kay: It is an amenity.

Daniel Gettel: Were you looking for something from us tonight?

Paula Kay: It's conceptual, we realize. Tim wants to go ahead and start looking at the wells, the soils, so we just wanted to make sure you are okay with the conceptual site plan as it is so he can do what he needs to do.

Daniel Gettel: I appreciate it. Unlike the other application that we saw, you seem to be working with the grades. The other one seemed to have real steep climbs on the west side of the pond. We don't really have a conceptual approval at our fingertips. I have been on the record in the past that my biggest concern is with the use. I want to make sure it is a permitted use and that it doesn't become a use that isn't permitted. That has always been my biggest concern, and is always going to be my biggest concern. As far as the site goes with the location of the buildings now, I am more comfortable with this plan than I was in the past, with everything being spread out on the steep slopes, and miles and miles of utilities.

Jacqueline Ricciani: I think the intention is short-term rentals a week, or a weekend. Not that a family would spend a summer up here.

Paula Kay: Again, think hotel with an h, but it looks like a motel.

Susan Brown Otto: OWTS, what does it mean?

Tim Gottlieb: Onsite water treatment system.

Daniel Gettel: You are not looking to do any site improvements at this time because we have a section in our code that says you cannot make any improvements to the site while you have an application pending before the board.

Paula Kay: With the exception of the caretaker building.

Daniel Gettel: That was a replacement of a building that was removed, so I believe that was already permitted by the Building Department. Just so the board is aware there was a main house on this property, and four duplex bungalows. They have all been removed. With their agreement with the Building Department they are entitled to at least replace the year-round house with a caretaker's unit. The other units are arguable at this time.

Bette Jean Gettel: They were seasonal.

Paula Kay: While this is going on the board may want to drive by and take a look. The visual impact of the caretaker building will be similar to a lot of the units, so you will get a sense of the quality that he is building. If you have any questions, please ask.

Daniel Gettel: It is all-visible from the road.

Eran Sherin: We want to have a private farm right. Next to the caretaker is our existing tennis court. We wanted to resurface that, and clean that up.

Daniel Gettel: I don't have an issue with maintaining the tennis court as a property right. As far as the farm goes Jacy, would that be an issue? They are entitled to farm their land.

Jacqueline Ricciani: Are you going to need to do any clearing?

Tim Gottlieb: It will be 20 foot x 60 foot garden.

Daniel Gettel: It is on the east side of the existing driveway. That is the same driveway that exists, right?

Tim Gottlieb: Yes.

Susan Brown Otto: Is there going to be a swimming in the pond, boating?

Eran Sherin: Kayaking.

Daniel Gettel: I am not opposed to the caretaker's residence as a replacement to Mr. Brock's house. I am also not opposed to a small garden as an amenity to the caretaker's unit and I am not opposed to maintaining the tennis court as a normal maintenance issue.

Jacqueline Ricciani: The garden shouldn't be too close to the road.

Daniel Gettel: I would imagine not. I guess all I can say is, Tim, work closely with Glenn and keep us abreast of how things are progressing.

David Biren: Tim, can you show us where the handicap parking will be?

Tim Gottlieb: Yes (showing on map).

Susan Brown Otto: Is there signage on here?

Daniel Gettel: No, not yet. It is early for that.

Jacqueline Ricciani: The signage will be on a future plan.

Daniel Gettel: There are some questions about fencing, lighting, and signage, but that can be addressed at a future time. Is there anything else from the board? You have a lot of work ahead of you.

Steve Simpson: Will there be any security or will the caretaker take care of it pretty much?

Eran Sherin: Yes. Are there any other thoughts?

none

~~**3) Application for a Summer Camp to be located at 347 Old White Lake Turnpike, Swan Lake, known as Bethel Tax map #: 13-1-12.1, proposed by David Weiss.**~~

Daniel Gettel: For the record item number three was taken off the agenda at the request of the applicant. I believe they will be working on resolving a number of outstanding issues with the Zoning Board of Appeals before coming to this board.

Daniel Gettel: Vicky, is there anything we should know about the Town Board meeting?

Vicky Vassmer Simpson: The meeting is scheduled a week from Wednesday. I don't even have an agenda yet.

Motion to adjourn by Robert Yakin, second by David Slater

All in favor – 7

Opposed - 0

Agreed and carried

9:30 pm

Respectively submitted,

Jannelta MacArthur,

Recording Secretary