



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 4, 2015 at 7 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.

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, Michael Cassaro, Susan Brown Otto, David Biren, Wilfred Hughson, David Slater, Jacqueline Ricciani, Attorney, Vicky Vassmer Simpson, Councilwoman, Lillian Hendrickson, Councilwoman, Bette Jean Gettel, Code Enforcement Officer, Jannetta MacArthur, Recording Secretary

Pledge to the flag

Walter Norris – excused

Daniel Gettel: The minutes from April 6th have not yet been released. They will be released shortly, so we will not be acting on them tonight.

Daniel Gettel: Tonight we have two public hearings on the agenda. In a moment I will open the meeting up for a public hearing for the MacArthur subdivision. I will ask the applicant's representative to make a brief presentation to the audience, and then we will run through Parts two and three of the Environmental Assessment Form. The first application is a subdivision, and there is a part of the subdivision law that has been interpreted that says we have to run through SEQRA first, prior to receiving public comment. As soon as that portion of the meeting is open we will take public comment. The sign in lists are in the back of the room. Please limit your comments to five minutes. I want to make sure that everyone has a chance to be heard, but I also want to be fair to the other applicants that are on the agenda tonight. This is a public hearing. This is not intended to be question and answer period, nor is it intended to be a public debate. Hopefully some of your concerns will be addressed during the applicant's presentation, but they may not. We are simply here to hear the public.

Susan Brown Otto: I have to recuse myself Mr. Gettel because I live on Pucky Huddle Road.

Daniel Gettel: Okay. Y, and you signed in to speak at the public hearing?

Susan Brown Otto: Yes.

Daniel Gettel: Jannetta let the record show that Susan recused herself.

Jannetta MacArthur: I would like to disclose that I am related to the applicant.

1. Public Hearing for a proposed 2 lot subdivision located on 10 Pucky Huddle Road, known as Bethel Tax Map # 25-1-21.1, proposed by John & Ralph MacArthur. (Fulton)

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

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Let the record show that the return receipts were received.

Bruce Fulton: There were 14 sent out Mr. Chairman, I received 10 back. I also have a copy of the letter that was sent out.

Daniel Gettel: BJ, do you also have a copy of that?

Bette Jean Gettel: Yes.

Daniel Gettel: We already have that. Mr. Fulton if you don't mind addressing the audience and giving them a brief presentation of what you are proposing.

Bruce Fulton: The MacArthur family owns about 68 acres on the westerly side of Pucky Huddle Road. It is about 500 feet southerly of Route 17B. What they would like to do is break off 3.13 acres. It is 3 acres to the three-rod highway line, which conforms to current zoning. The remaining acreage has a house on it, has a well structure. Basically, the lot that they are breaking off is pretty much, I would say, 80% field. The remaining westerly portion is woods. I have a reduced copy. Does anyone in the audience want to see a copy of the map?

Daniel Gettel: Like I said prior to receiving public comment, I do need to run through Parts 2 & 3 of the Environmental Assessment Form. The original form has been on file with the Town for a month or so, so I don't feel I need to read Part 1 into the record. Part 2 is the Impact Assessment, which is our responsibility to complete as lead agency. I will run through Part 2 at this time.

Short Environmental Assessment Form Part 2

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

No, the proposed lot conforms to zoning.

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

No, this is a residential area with homes on large lots.

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

No, the proposal is for an additional lot with one home.

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 walkway?

No, not substantial. There shall be no impact on mass transit, biking, or walkways.

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

No, any new home constructed will have to meet today's energy code.

7. Will the proposed action impact existing:

a. public / private water supplies?

No, there are no public water supplies and a single well will be drilled on the proposed lot.

b. public / private wastewater treatment utilities?

No, there are no public sewers in the area and the new system will be residential in nature.

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

No, this does not involve the use of a historic building or resource.

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

No, there shall be no disturbance of wetlands or waterbodies.

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

No, this area is not susceptible to flooding and the lot is relatively flat.

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

No, there shall be no hazard to human health.

That is the end of Part 2 of the EAF. I do not believe that there was anything to be found to be moderate to large impact, so I do not need to go to Part 3 of this form. Are there any comments from the board?

None

Motion to grant this application a negative declaration by Steve Simpson, second by Wilfred Hughson

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: We do have four people who signed up to speak at the public hearing. Like I said, I would like you to come up, state your name for the record, and make brief comment on the application. First on the list is Susan Otto.

Susan Brown Otto: Good evening Chairman Gettel. My name is Susan Otto and I reside on Pucky Huddle Road. I am speaking this evening because I live on Pucky Huddle Road and I just want to say that Pucky Huddle Road is a very special road. It has a very special ambiance. It is a 2.5-mile long road. It is all residential and it just has a very special character about the road. I understand that the property, the subdivision that is being proposed, is in fact under the zoning rules of the 17B zoning and not the Ag District zoning, or not the Farm Conservation. There are three different types of zoning on the property. There are three different types of zoning on Pucky Huddle Road and because of the proximity to 17B the subdivision is coming under the 17B rules with regard to either residential or possible commercial use. At this time we are talking about a subdivision. I am extremely familiar with the road, not only do I live on the road, but I go jogging every day on the road. I would like to say that for any of you that live there on that road, that John and his sons have a beautiful property, and keep the property extremely neat. They are very good neighbors and I am very happy to have them as neighbors. I understand the law does permit them the opportunity for the subdivision and if in fact the subdivision is approved there may be a possibility of a garage that may be built on the property. If this is for commercial use or not, I don't know, I am just hopeful that it will be done in a tasteful way, keeping up with the residential nature of Pucky Huddle Road and the fact there are no commercial properties located on Pucky Huddle Road. I just wanted to go on record with regard to that, and thank you for allowing me to speak.

Daniel Gettel: Thank you Mrs. Otto. Mr. Fulton, you signed up to speak. Would you like to speak on your own behalf?

Bruce Fulton: I thought that was a sign-up to present.

Daniel Gettel: No, just for public comment.

Cliff Horton (514 Pucky Huddle Road) – I live down on the end of Pucky Huddle Road. John, Matt, & Gregory live up on the 17B end. I live on the end of where the Town of Bethel highway ends, down 2.5

miles. Pucky Huddle has been part of me for almost all of my life. My father built the place I live in when I was 14 years old. About 24 years ago I made the announcement to my family in Wurtsboro that I sold my house, sold my business, and that I was moving to Pucky Huddle. And they said you are what? They thought I was crazy but it has been the greatest 24 years I could ever ask for. I have had retirement down there. I have been friends with the MacArthur's for more years than I care to remember, especially the 24 years that I have lived down there. I admire John and his boys for their abilities and capabilities. They are very intelligent boys in their own way. I would like to see if it does come to a head of what is being placed on that property, after all of the years that the MacArthur's have owned that property, I am in favor of what is going forward. Thank you.

Daniel Gettel: Thank you Mr. Horton. Gregory you also signed up to speak, would you like to speak on your own application?

Gregory MacArthur: Yes. I just want to say, some of you may already know that last year at this time I began working for the Highway Department in the Town of Bethel. The reason for this subdivision is that, as you know, if you want to work in the town you have to live in the town. I would like to have the opportunity to pursue that piece of property and build a place to live. That is what I would like to do.

Daniel Gettel: Is there also a letter we should receive and file?

Bette Jean Gettel: I have it right here. I can read it.

Daniel Gettel: We did get a letter. It is short so we will read it into record at this time.

Bette Jean Gettel: It is from Hilda Rossal. Dear Planning Board Members: I recently received a letter from you, the Planning Board, in regard to the subdivision on Pucky Huddle Road. I see no harm in this being done. I am unable to come to a Planning Board meeting to express my thoughts in this manner. I hope that this will be sufficient to show that I am in favor of it. Respectively submitted, Hilda Rossal.

Motion to receive and file Mrs. Rossal's letter by Steve Simpson, second by David Slater

All in favor – 6

Opposed – 0

Agreed and carried

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

None

Motion to close this public hearing and return to our regular meeting by Mike Cassaro, second by Wilfred Hughson

All in favor – 6

Opposed – 0

Agreed and carried

Daniel Gettel: Both M239 reviews came back, the County came back as local determination, and the

State came back as saying they have no real comment because the application does not involve any work within their right of way of 17B. I spoke to Mr. Gottlieb earlier and I understand that the only hiccup with this project is that the applicant was not able to get the soil percolation test completed prior to tonight's meeting. This is a three acre parcel. I do not see this as a real issue. If we chose to approve the application tonight we can make it a condition of approval that the soil percolation test information must be submitted and found acceptable by the Building Department prior to my signing the subdivision map. Ultimately the Building Department is the agency that reviews the sewage disposal system plans as part of the permit application so it is not out of the norm for them to get the percolation test data. BJ, are you okay with that?

Bette Jean Gettel: Yes I am.

Daniel Gettel: Does anyone from the board have any concerns or comments about the soil test? It is a 3-acre lot, and a single residential house. As far as the proposal we have tonight, the proposal on the agenda is for a single family home. It is a 3 acre lot. If, in fact, the applicant chooses to put a commercial use on the property that is a totally different permit that is not before us tonight. That is not something we need to consider tonight. We are looking only specifically at the subdivision application at this time. If there are no comments from the board I will move on.

None

Daniel Gettel: I just want to point out that at the last meeting we did get a letter stating that they were respectively requesting a waiver of the 2 foot contour interval topography that is requested as part of subdivision regulations. It is really up to our discretion. I think we are all familiar with the lot. There aren't any steep slopes. I don't think it is really issue so I don't have a problem with overlooking the 2 foot contours in this instance.

Motion to grant this application a Subdivision Approval with the condition that all fees be paid and that the Chairman is not authorized to sign the Subdivision Map until such time as the soil percolation information is received and found to be acceptable by the Building Department, by David Biren, second by Steve Simpson.

Roll call vote:

***Mike Cassaro – Yes
Wilfred Hughson – Yes***

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

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

Motion approved 6 - 0.

Daniel Gettel: Good luck Mr. MacArthur and thank you Mr. Fulton.

Bruce Fulton: I have two questions. I need to show the percolation test and put a note on the plan?

Daniel Gettel: Or a letter from Mr. Gottlieb to that effect.

Bruce Fulton: You don't need to see it on the map then?

Daniel Gettel: It is better if it is on the map. I would prefer that it is on the map, and if you would just submit the letter to go with that. Mr. Gottlieb is nodding his head yes, for the record.

Bruce Fulton: The date that the map is signed, will it be tonight's date?

Daniel Gettel: The date will be the day I get the percolation test results.

Bruce Fulton: Okay, so I just need to know that for the description. Do the other members have to be there to sign the maps?

Daniel Gettel: No, I sign the maps.

Bruce Fulton: Okay, thank you.

Susan Brown Otto returning to board seat.

- 2. Public Hearing 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)***

Motion to open this meeting up for a public hearing by Mike Cassaro, second by Wilfred Hughson

All in favor – 7

Opposed - 0

Agreed and carried

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

Daniel Gettel: John, if you would give a presentation to the audience on what you are proposing. If anything has changed since your last application, please let us know, but I don't believe anything has changed.

John Payne: Nothing has changed.

Daniel Gettel: Just tell the audience your proposal.

John Payne: A boat sales lot, on the easterly side of the 16-acre parcel. The lot has been cleared.

Daniel Gettel: This is an expansion of your existing service I would say, so people know. While the public hearing is open I think it is wise that we address the 239 review's first. BJ, did you get a State letter? I did not get a State letter.

Bette Jean Gettel: I did not.

Daniel Gettel: We did not get a State letter. We will address that. I want to do the 239's and want to indicate that I have not received a letter from the State, but I do know, John, that you did receive the driveway permit that you needed from the State and that they did visit the property a couple of weeks ago. Their comment is pretty much remove the rocks from the right of way, and they did give you a driveway permit, so you don't need a maintenance permit for the portion that the rocks are sitting on the right of way. The County 239 letter came back with a few recommendations that we should discuss. I have mixed feelings about the County letter. They suggested modifications to a site plan, and have suggested changes to items we already accepted. As a board, we have not always agreed with the County and I do not want to set a precedent with this application, but I also have to acknowledge the fact that the suggestions they made do address concerns that were raised during our review and do not materially change the application. John, I understand you met with the County at the site?

John Payne: I did.

Daniel Gettel: According to their letter, it sounds like you have agreed with most of, if not all of their recommendations or modifications to the site plan.

John Payne: I have, yes.

Daniel Gettel: If that is the case, I don't know how the board feels about that, but I do not feel we should override the County. I do think in this instance specifically I would suggest we accept the County's review, with the proposed modifications, and their offer to work with Mr. Payne on the site improvements as far as the landscaping. I think that addresses our special use permit conditions as well as the County review, if you are okay with that John.

John Payne: I am okay with that.

Daniel Gettel: No one from the audience has signed up to speak at this public hearing. If anybody would like to speak, now is your chance.

No one

Motion to close this public hearing and go back to our regular meeting by Mike Cassaro, second by David Slater

All in favor - 7

Opposed - 0

Agreed and carried

Daniel Gettel: Are there any comments from the board? I did speak to Glenn Smith briefly about this. There are really no new review comments from him. I don't really have any concerns as far as Glenn's review goes. Are there any questions from the board for John?

Susan Brown Otto: I would like to make a comment about the fact that when we approved the last Special Use Permit, back in September of 2013 there weren't supposed to be any sales taking place on the property. I went by the property today and I took a number of photos. There were a number of for

sale signs. There were things that we requested that weren't done. There were things that were requested two years ago that weren't done. There are for sale signs by owner. There is different signage there.

John Payne: Mrs. Otto, very respectfully, I have been selling boats in the Town of Bethel for 25 years, and I am offended by your comment.

Susan Brown Otto: Do you agree about the Special Use Permit two years ago?

John Payne: The Special Use Permit allows for the sale of boats.

Daniel Gettel: The Special Use Permit that was issued two years ago, if it was two years ago, I'm not sure, was not specifically for the sale of boats, but it does permit the occasional incidental sale of boats.

John Payne: There is nothing in the previous resolution regulating consignment boats and all of the boats that you see there for sale are consignment boats. It says nothing in the previous resolution, Special Use Permit that addresses consignment boats. It doesn't include it, but that is the way it is.

Daniel Gettel: As far as the alleged violations of the Special Use Permit, that is the reason he is before the courts right now and one of the reasons John is here. To resolve some of those issues so at this time I want to look at it as our trying to resolve the issues and move forward. I don't want to keep looking at the past.

John Payne: Thank you. I appreciate that.

Daniel Gettel: I don't really see any reason for that. Jacy, do you have any comments? The past violations will be addressed in the courts. That is where it is right now.

Jacqueline Ricciani: The violation that is currently pending is because the applicant had done a lot of the site work before coming to this board.

Daniel Gettel: You are not using that sales lot at this time that I know of. I did not go by today. When do you intend on doing some of the improvements that have been recommended for the site?

John Payne: I plan on starting first thing in the morning.

Daniel Gettel: Jacy, do you think we should read the recommendations from the County review letter since they did make recommendations?

Jacqueline Ricciani: At the least, the recommendations, or you can receive and file it for the Planning Board file. Just read the recommendations.

Daniel Gettel: The Division of Planning and Environmental Management.

1. Construct a stone wall along the perimeter of the sales lot.

Daniel Gettel: John, for the record, that would be along the frontage and the left side at the lot, where you have shown two boats parked on the left side. The stone wall there would run along the frontage of 17B, as well as return back on the left, to where it hits the bank. Do you know what area I am talking about?

John Payne: If you are standing on the sales lot looking out at the road?

Daniel Gettel: No, on the road, looking to the sales lot. We would like to see that little return into the bank.

Jacqueline Ricciani: Just on the left side, right?

Daniel Gettel: Yes, (continuing with County review letter).

1. Construct a stone wall on the perimeter of the sales lot. This will provide multiple benefits at the site including a substantial improvement for the physical character, a physical barrier, to prevent access to the site from the road shoulder, erosion control, and adding a sense of permanence to the sales lot. Recommended dimensions are approximately 2 feet in height by approximately 2 feet in depth.

Daniel Gettel: Again, Mr. Payne has indicated his willingness to build a wall which would render the use of the proposed posts and rope fence unnecessary, (continuing with County review letter).

2. Construct planting beds on either side of the entry to clearly indicate access to the site. New York State DOT permits plantings in the right of way so long as they do not present a hazard to motorists and do not have a trunk caliper greater than 4 inches. Plantings can be a cost effective way to channel site ingress and egress while also improving a visible quality of the sales lot. DPEM staff is available to help with the plant selection upon the request of the town or applicant.

Daniel Gettel: We would like you to take advantage of that offer, John, please, (continuing with County review letter).

3. For future reference, zebra grass was recently declared an invasive species by the New York State DEC, and should not be used on the site.

Daniel Gettel: That is basically what the County review letter states. If there are no comments from the board at this time I will run through the Short Environmental Assessment Form. BJ, you have it on file, right?

Bette Jean Gettel: Yes.

Daniel Gettel: As with the last application, we do have a short form and I do need to run through Parts 2 & 3. This form has also been on file with the town, so I do not need to read Part 1 into the record.

Short Environmental Assessment Form Part 2

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

No, the proposed use conforms to zoning.

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

No, this application may be considered an expansion of an existing use.

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

No, this is a commercial use in a commercial area.

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 walkway?

No, not substantial. There shall be no impact on mass transit, biking, or walkways.

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

No, there will be no increase in energy usage associated with the proposed sales lot.

7. Will the proposed action impact existing:

a. public / private water supplies?

No, there is no public or private water needs associated with this application.

b. public / private wastewater treatment utilities?

No, there are no public or private sewers associated with this application.

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

No, this does not involve the use of a historic building or resource.

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

No, there shall be no disturbance of wetlands or waterbodies.

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

No, there shall be no further substantial site disturbances associated with this application.

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

No, there shall be no hazard to human health.

Daniel Gettel: That is the end of Part 2 of the EAF. None of the questions resulted in an answer that was a moderate to large impact and I believe the reasons for the findings were clear so I do not believe there is any need for us to complete Part 3 of this form.

David Slater: I think my concern would be, are we going to make sure that those recommendation are done before he can start selling boats in that lot? I would hate to see the stones moved back, the stone wall started, and then it never gets finished.

Daniel Gettel: We are going to make it a condition that prior to the Special Use Permit taking effect, that those improvements will be installed. John has every incentive to get them installed.

Susan Brown Otto: Any sales or just...

Daniel Gettel: Like he said, he can have incidental sales in the service area portion of his property, I believe. It may be a stretch, but I can't necessarily disagree with him. What do you have four or five boats there now?

John Payne: Right.

Daniel Gettel: It's a little bit of a stretch, but I'm not going to argue you with you.

John Payne: I have been selling boats for 25 years. It is kind of hard for me to disengage.

Daniel Gettel: I wasn't aware of that either, John.

Susan Brown Otto: I would like to add something. With regard to the trees that are going to be planted, with the recommendations from the County, can something be planted that the deer don't eat? There are certain types of trees that the deer massacre and the trees look ridiculous. Like the septic site on the corner of Happy Avenue.

Daniel Gettel: BJ, you can speak to the County about that. I don't think the County is going to offer

their assistance and propose plants that the deer are going to go out of their way to eat. BJ, if you would, would you just relay that to the County please? For when they work with John picking the species.

Motion to grant this application a negative declaration by Steve Simpson, second by David Biren

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel: John, I have to run through the Special Use Procedures. If we do approve this tonight it would be with conditions similar to the last time. I believe all of these have been addressed on the record. I don't think any of them are going to be a shock. If you can't live with them, let me know.

Conditions

1) The sales lot shall be limited to fourteen (14) spaces as indicated on the Site Plan. One space is intended to accommodate one motorboat or one pontoon "party boat" with a trailer. Any watercraft shorter than sixteen feet in length, including the trailer, if any, shall be projected to take up one-half a space. At no time shall the cumulative total of full space watercraft and half space watercraft exceed fourteen (14) spaces.

I think you know what I am getting at, because you wanted some kind of mix that is the best way I could figure out how to do it. Boats being offered for sale are only to be displayed within the bounds of the sales lot and not elsewhere on the property.

2) The applicant is to insure that the two (2) customer parking spaces shown on the plan are readily visible and are available for customer parking, not employee parking or temporary storage.

3) During the off season months, when the sales lot is not in operation, the sales lot is to be vacant and all boats are to be stored outside the view of NYS Route 17B, as required by the prior Special Use Permit issued on September 9, 2014.

Daniel Gettel: I don't think that is unreasonable.

4) Signage is to be limited to the two building mounted signs, as proposed by the applicant and as approved as part of the prior Special Use Permit. Banner or flag style signs are not to be permitted on this site. The applicant may display one small sign, measuring two feet by three feet, on the sales lot.

Daniel Gettel: What are you going to do about individual boats having signs on them? Are there going to be signs on all of the boats?

John Payne: There will be signs on all of the boats, 8.5 inches by 11 inches.

Daniel Gettel: That is a sign that is specific for that boat. Every boat is not also going to have a for sale sign on it. We did discuss that with Al Chase at the past meetings. Banner and flag style signs shouldn't be

permitted on 17B as the waving is a distraction. We are going to say they are not to be permitted. I told the DOT I would make the following a condition.

5) No vehicles, trailers or other debris is to be parked or stored within the bounds of NYS Route 17B, unless specifically permitted by the NYS DOT.

6) The applicant is to abide by the hours of operation and operational conditions and procedures as set forth on the Site Plan. I would also like the site plan to be edited to include the County's recommendation, take the fence down, put the stone wall up, things of that nature to make sure the site plan that we have conforms to what you are actually planning on doing.

7) The applicant shall update and revise the Site Plan to include the modifications that were recommended by the Sullivan County Division of Planning and Environmental Management in their 239-M review letter. Specifically, the applicant shall (1) construct a stone wall along the entire front and the southeasterly end of the sales lot, measuring at least two feet in height and two feet in depth; (2) install planting beds on either side of the driveway to clearly delineate the entryway to the sales lot; and (3) no zebra grass shall be used at the site. The applicant shall file the revised Site Plan with the Building Department on or before June 4, 2015. The revised Site Plan shall include a planting schedule and details for the entryway planting beds, as determined by the applicant and the Sullivan County Division of Planning and Environmental Management.

8) This Special Use Permit shall not be valid until all the improvements shown on the revised Site Plan, including but not limited to the stone wall and plantings, as well as the finish grading and reseeded of all previously disturbed areas within the bounds of the project site, shall be in place and shall be confirmed by the Town Engineer, Glenn Smith, P.E.

Daniel Gettel: I think we should have Glenn Smith go out and take a quick visit of the site. That is in our code. We are allowed to do that to make sure that everything on the plan is in place. As far as the disturbed areas behind the service building and the sales lot itself, I would like to see them graded and seeded. You and I spoke about that before. Those are the conditions we are looking for. I don't think they are out of the question as long as you are okay with them. That is what we are looking at, and

9) All fees shall be paid to the Town of Bethel.

John Payne: Yes, I can live with it.

Daniel Gettel: Jacy will be writing the decision.

Jacqueline Ricciani: One of the things that have come up earlier was the little lawn signs that are out there that say for sale. We had talked about addressing some of what was in the prior Special Use Permit and how that is having an impact on this application. I am not sure if you want to make them part of these conditions, we can do those separately.

Daniel Gettel: What signs are you talking about?

Jacqueline Ricciani: The Special Use Permit that was issued two years ago, that Susan references that the applicant can incidentally sell boats.

Susan Brown Otto: Occasionally.

Jacqueline Ricciani: Now that he is here for a full-blown sales lot that is obviously going to have an impact on that portion of the prior Special Use Permit.

Daniel Gettel: But the prior Special Use Permit calls for the same signs that we would be approving tonight. Two signs, building mounted.

Jacqueline Ricciani: But he is also having individual signs on the individual boats?

Daniel Gettel: It is actually an information packet. If you want to call it a sign, you can call it a sign.

John Payne: Are you talking about a general sign so that passers by would know it is a sales lot.

Daniel Gettel: We did speak about it, and Al Chase said there would be none. If you are putting something on the sales lot....

John Payne: Folks are going to have to know at some point that those boats are for sale. If I were to remove all of the signs that say boats are for sale....

Daniel Gettel: If you want to install the two signs on the building as originally proposed, and add a sign to the sales lot, let's say 2 feet by 3 feet, the size that BJ can approve, I would be okay with that.

John Payne: 2 feet by 3 feet would be okay.

Daniel Gettel: I would be okay with adding a single for sale sign in front of the sales lot. I actually suggested it before, and Al Chase kind of shot it down I believe.

Jacqueline Ricciani: So there won't be any individual for sale signs on the boat.

John Payne: No.

Jacqueline Ricciani: Because currently there are boats displayed in the service area.

Daniel Gettel: Those are going away.

John Payne: Those are going away and into the sales lot.

Jacqueline Ricciani: So there will not be any more boats displayed for sale in the service area?

John Payne: That is correct.

Jacqueline Ricciani: Do you want to make that one of the conditions?

Daniel Gettel: That is one of the conditions.

Jacqueline Ricciani: That's right.

Susan Brown Otto: What about the Avalon sign that is there now? There is an Avalon sign there. It is like 2 feet by 3 feet.

Jacqueline Ricciani: Is Avalon a brand?

John Payne: Yes.

Susan Brown Otto: Would you say that is 2 feet by 3 feet? Isn't that an official sign?

Michael Cassaro: It is part of the boat. It is part of that package.

David Biren: It's part of the boat; it's not a problem.

Jacqueline Ricciani: Is it on a boat?

David Biren: Yes, it is part of the boat that is for sale.

John Payne: There are several car dealers there across the street. Those people have for sale signs on their cars there. They have flags, they have banners. I get that they were there before zoning or whatever. I am in a short season and I hear too many times, I didn't know that you have boats for sale. I want to figure out a way to tactfully and tastefully show those boats are for sale.

Daniel Gettel: John, if you can come up with a professionally made sign, a 2 foot by 3 foot sign, place it tactfully in the sales lot, I don't have an issue with that. I want to make that part of the record. I don't know how to address the incidental signs if you do have them. I don't know that the board as a whole has a problem with them, but we clearly don't want a lot of litter and a lot of sign congestion.

Susan Brown Otto: It is nothing personal.

John Payne: It is nothing personal with me.

Susan Brown Otto: I care about the appearance of our gateway, 17B. I have problems with signs all along 17B. At one board meeting I spoke up about the Post Office signs at the Bethel Post Office. I just care about the appearance of 17B.

John Payne: I appreciate that. It should be noted that I have over 1,200 hundred feet of road frontage there. There are a lot of different things going on. It would be nice to indicate what is going on, and where it is going on. I am only using half of the frontage.

Jacqueline Ricciani: Mr. Chairman, do you want to address....I guess the area in front of the stone wall is all going to be DOT right of way.

Daniel Gettel: Correct. The sign can be in or behind the stone wall. That was my interpretation.

Jacqueline Ricciani: So it can't be on the stone wall?

Daniel Gettel: John, just for clarity, we are talking about the stone wall along the front where the fence was supposed to be, along the entire length of the sales lot. That was my interpretation and understanding.

Susan Brown Otto: The maintenance of the stone wall....

Daniel Gettel: Susan, clearly if the stonewall starts falling into the right of way, the State DOT knows where John is and are going to come after him.

Susan Brown Otto: The maintenance of it. Stone walls, they move and fall down.

Daniel Gettel: If there are no other questions from the board, I do have to run through the Special Use criteria in our zoning. Jacy, are your questions answered?

Jacqueline Ricciani: I think so. Thank you.

Daniel Gettel: Section 345-21 of our zoning code is the section that addresses the General Commercial and Industrial Standards. Under Section 345-21, the only paragraphs that pertain to this project are paragraphs A & F:

A. Which gives us the right to increase the setbacks for a building that is adjacent to a residential use and gives us the right to ask for more landscaping along the perimeter.

This portion of the application does not include a building and very basic landscaping has been proposed.

F. Which sets the lighting standards.

There is no new lighting proposed as part of this application.

Daniel Gettel: Section 345-30 of the Zoning Code outlines the Special Use Procedures and Paragraphs I & J are the two that I typically read into the record when Special Uses are proposed.

I. 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 the expansion of a permitted business and does not require any changes to the existing building. There is not lighting proposed for the sales lot and the only two signs that are proposed are to be mounted on the building as approved as part of the past Special Use Permit.

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

The applicant has not proposed any additional site disturbances and shall be required to stabilize the past-disturbed areas.

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

There are adequate community services to accommodate this use. There will be no impact on the educational system.

(4) Environmental impacts in any form.

The application was subjected to an environmental review and a negative declaration was granted.

(5) Impacts on housing availability.

There will not be an impact on housing availability.

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

This is a commercial area and there are no anticipated nuisance impacts.

(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.

This is a commercial area and the existing landscaping around the perimeter of the property is to be maintained. The proposed sales lot is to be landscaped.

(8) Impacts on nearby property values.

There are no anticipated negative impacts on nearby property values.

(9) Traffic impacts (see § 345-22H).

Section 345-22H addresses driveways that have direct access to NYS Route 17B. This parcel fronts on NYS Route 17B, but not on another street. The proposal is to utilize a

driveway, which has been permitted by the New York State DOT.

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

There are no known health factors, nor are there any foreseen impacts on safety or the general welfare of the Bethel residents.

J. 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.

This is an expansion of an existing business and similar uses do not exist in the area.

(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.

Some may view the proposed sales lot as an asset to the Town, as it is a new business.

(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.

There are no anticipated detrimental impacts.

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

The application was subjected to an environmental review and a negative declaration was granted. The application may have a positive impact on the economy, but is not anticipated to have an impact on job creation, housing availability, or open space preservation.

(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 are no projected economic burdens on community services.

(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.

The applicant has presented a plan which calls for minimal landscaping, but has agreed to work with the County on the site improvements.

Daniel Gettel: That is the end of Section 345-30. If there are no other questions from the board, I will run through the conditions again as they will appear, if we do decide to approve this Special Use Permit tonight.

Conditions

- 1) The sales lot shall be limited to fourteen (14) spaces as indicated on the Site Plan. One space is intended to accommodate one motorboat or one pontoon “party boat” with a trailer. Any watercraft shorter than sixteen feet in length, including the trailer, if any, shall be projected to take up one-half a space. At no time shall the cumulative total of full space watercraft and half space watercraft exceed fourteen (14) spaces. Boats being offered for sale are only to be displayed within the bounds of the sales lot and not elsewhere on the property.
- 2) The applicant is to insure that the two (2) customer parking spaces shown on the plan are readily visible and are available for customer parking, not employee parking or temporary storage.
- 3) During the off season months, when the sales lot is not in operation, the sales lot is to be vacant and all boats are to be stored outside the view of NYS Route 17B, as required by the prior Special Use Permit issued on September 9, 2014.
- 4) Signage is to be limited to the two building mounted signs, as proposed by the applicant and as approved as part of the prior Special Use Permit. Banner or flag style signs are not to be permitted on this site. The applicant may display one small sign, measuring two feet by three feet, on the sales lot.
- 5) No vehicles, trailers or other debris is to be parked or stored within the bounds of NYS Route 17B, unless specifically permitted by the NYS DOT.
- 6) The applicant is to abide by the hours of operation and operational conditions and procedures as set forth on the Site Plan.

7) The applicant shall update and revise the Site Plan to include the modifications that were recommended by the Sullivan County Division of Planning and Environmental Management in their 239-M review letter. Specifically, the applicant shall (1) construct a stone wall along the entire front and the southeasterly end of the sales lot, measuring at least two feet in height and two feet in depth; (2) install planting beds on either side of the driveway to clearly delineate the entryway to the sales lot; and (3) no zebra grass shall be used at the site. The applicant shall file the revised Site Plan with the Building Department on or before June 4, 2015.

Daniel Gettel: Get Al Chase to edit the plan.

7 continued) The revised Site Plan shall include a planting schedule and details for the entryway planting beds, as determined by the applicant and the Sullivan County Division of Planning and Environmental Management.

8) This Special Use Permit shall not be valid until all the improvements shown on the revised Site Plan, including but not limited to the stone wall and plantings, as well as the finish grading and reseeded of all previously disturbed areas within the bounds of the project site, shall be in place and shall be confirmed by the Town Engineer, Glenn Smith, P.E.

9) All fees shall be paid to the Town of Bethel.

Daniel Gettel: John, you are okay with those conditions? Are there any comments from the board, any comments from anyone here?

David Slater: We tied the sales lot to the repair shop, I assume, John? So if the repair shop is open, your sales lot is open.

John Payne: Correct.

David Slater: So if you decide to in a year, let's say we are going to keep a year-round shop. Where now does it say that he can have boats out there year round even though no one is going to be boating, but if he wants to play that game, right now we are tying one with the other, are we not? As long as the shop is open he can sell boats.

Daniel Gettel: I am looking at the original.

Jacqueline Ricciani: The site plan, I think says, April until October.

David Slater: Okay. I didn't realize, is there a specific date?

Daniel Gettel: There is a time frame on the site plan.

Jacqueline Ricciani: It says 8 am till dusk, April through October, which I take to be April 1st until October 31st.

David Slater: I just didn't want to see boats sitting there in the middle of February.

John Payne: The Jacob Javits boat center is one of the largest boat shows, it's in January.

David Slater: I've been there. It's also inside.

John Payne: That's true, but people are buying boats in January. If I decided to move back here, and open my repair shop and sell boats year around, what would be the problem? You can go up and down that road. There are 500 cars for sale within a mile of my boat shop. I can put 15 boats out for sale and everybody is going to do back flips? I don't get it.

Daniel Gettel: John, your Site Plan sets the dates. If you want to revise your site plan, I don't think we need to argue at this point. Jacy, we discussed the original Special Use Permit, whether it should be modified or amended, because the original permit calls for only incidental boat sales, or occasional boat sales, as Susan would point out. How would you like to handle amending the original Special Use Permit? What is your suggestion?

Jacqueline Ricciani: I think the applicant's intent is to supercede that portion of it and now be bound by this Special Use Permit.

Daniel Gettel: But that doesn't void the other conditions of the Special Use.

Jacqueline Ricciani: No, just the one.

Daniel Gettel: There is a section that says no parking of boats within 100 feet of the centerline 17B, and there is also a section that says only occasional boat sales.

Jacqueline Ricciani: Within 100 feet of the center line, right, no boats, trailers, and jet skis shall be parked long term within 100 feet of the centerline of Route 17B. It will apply with respect to the service area, but it would not apply to the display area. It is separated by the buildings, right?

Daniel Gettel: As long as those conditions go with the service building, which it does say it does.

Jacqueline Ricciani: This Special Use Permit only addresses' the service portion of the operation, but there is one that says the applicant, well what it says is this is not to say the applicant can not sell an occasional boat on his property, but the parking and signage restrictions would still have to be met.

Daniel Gettel: John has indicated that the service portion of the building there will be no boats for sale.

Jacqueline Ricciani: Right and that is one of the conditions here. I could amend the previous Special Use Permit, or just address it in the current one.

Daniel Gettel: I would be okay if you address it in the current one, but do whatever you are more

comfortable with.

Jacqueline Ricciani: I am good with addressing it in the current one.

Daniel Gettel: In the new resolution?

Jacqueline Ricciani: Right.

Daniel Gettel: If there are no questions from the board I will proceed.

Motion to grant the application a Special Use Permit for the addition of boat sales with the previously referenced nine conditions by Steve Simpson, second David Slater

Roll call vote:

Mike Cassaro: Yes

David Biren: Yes

Daniel Gettel: Yes

Susan Brown Otto: No

Wilfred Hughson: Yes

Steve Simpson: Yes

David Slater: Yes

All in favor – 6

Opposed - 1

Agreed and carried

Daniel Gettel: Thank you John.

3. Renewal of an extension for the New Sunflower.

Daniel Gettel: Jannetta, let the record show that Jay Zieger, the attorney for the applicant, was informed that he did not have to be here at tonight’s meeting as he did have a scheduling conflict. Jacy, do you want to take this or do you want me to take it?

Jacqueline Ricciani: I can do it. There were a number of conditions that the applicant needed to meet. One was to provide the condominium declaration, which has been submitted to the town attorney. Also the applicant has provided a shared driveway management agreement that I have reviewed and that is appropriate. Also the applicant has submitted an application for a transportation corporation to provide water to this subdivision to the Town Board, and it is going through that process. The primary parcel is (tax) lot #6.

Daniel Gettel: Just for the record, we extended this approval in February with the idea that it would expire tonight.

Jacqueline Ricciani: That all of these things would be in place. Certain things have been in place, still not yet in place is to combine the three lots into one. The applicant is moving forward, but is going to need more time for the following reason. (Tax) lot #7 is also on 17B. It needed to have a lot line adjustment between lot 6 and 7 to give more land to this project to account for the shared driveway. I

understand that the surveyor is working on it. They are going to need a description, but in the meantime the applicant's attorney has provided me with the proposed deed, so as soon as they get the meets and bounds they are ready to go on that. (Tax) lot #9 was the landlocked piece in the back that used to be part of Black Lake Estates. That was also supposed to be combined because the prior map was amended to allow for a 14th housing unit, with the purchase of the extra acreage. It turns out the applicant wasn't paying his taxes on this 1/3 of an acre, and lost it in a tax sale.

Daniel Gettel: His \$30 a year tax bill.

Jacqueline Ricciani: His \$30.31 per year County taxes that he didn't pay. He lost it in the tax sale. So, the applicant's attorney is meeting with the County and trying to see if there is a way the applicant can buy it back through a private sale with the County so they can now have that additional acreage and once they own it, it will also be combined, so they will need more time to finish all the combinations. At that point they will be in compliance with the conditions.

Daniel Gettel: Reading prior conditions:

- 1) Combine the three tax lots (parcels 40-1-6, a portion of 40-1-7 and 40-1-9) that we were led to understand would be combined into a single ownership and tax lot to support the construction of the fourteen units Redwood Estates Condominium Project, or provide the Planning Board Attorney with acceptable documentation demonstrating that would not be required.
- 2) Provide the Planning Board and the Planning Board Attorney with documentation indicating who the Applicant, Condominium Sponsor and Owner of the combined parcel project will be and under what name the project is to be known as.
- 3) Provide a Site Plan Map to the Planning Board indicating what structures and/or amenities have been constructed to date.
- 4) Provide the Planning Board with a timetable for completing the various other conditions of approval that have been included in the past resolutions either approving the applications, or extending the deadlines of the past approvals.

Daniel Gettel: I think at this time we should stick to extending the...we spoke during the work session. I don't see a problem with giving them another 90 day extension for them to get all of their ducks in a row. That would mean any approval we grant tonight is intended to run out at our August 3rd, 2015 meeting.

Motion to extend the site plan with a conservation subdivision approval for a period of time to expire on Monday, August 3, 2015, with the previously referenced conditions by Mike Cassaro, second by Steve Simpson

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel: I believe that gives them enough time.

4. *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, if you don't mind giving us a little idea of what has been done since you have been here before the board. I do have Glenn Smith's review comments. I don't know if you also have those.

Tim Gottlieb: Yes, I have those.

Marvin Newburgh: One of the things in Mr. Smith's comments, one of the things in note #11, was regarding sewer per gallon, daily use. The intended maximum use when it becomes fulltime for students would be 400, which is well within the 40,000 gallons per day. There has been some talk about 450 to 500, but 400 students and incidental use by teachers who are there for the day, and one caretaker, we would be well within that. It is still well within that per gallon per day. The only thing I will mention and I know Tim will do as well is I understand that since the last time there was an inspection that BJ did of the buildings inside. I was told that everything passed muster. We have to paint the insides of the building. I will let Tim answer your questions.

Tim Gottlieb: Since the last time we were here we revised the plans to show for fencing along the state highway. We have a landscape plan. We have located existed lighting; they are 6 foot high walk way lights.

Daniel Gettel: I am sure the lighting is probably adequate for what you are proposing.

Tim Gottlieb: They have a colonial fixture on top that was there before.

Jacqueline Ricciani: Is there a plan since March 23rd?

Daniel Gettel: We have an April plan. Could you describe the fence please?

Tim Gottlieb: We have a 5 foot high vinyl fence. There is a cross walk on the County Highway. I spoke to the County DPW and they said as long as it is there we can use it. They will be restriping it. I asked if we needed any signage and they said they would get back to me, and they haven't yet.

Jacqueline Ricciani: What about the shuttles?

Tim Gottlieb: We are going to do the shuttles.

Daniel Gettel: The only problems with the cross walk, and that is really an internal problem, is that it is really located closer to the maintenance building than it is to the kitchen. The site distance is probably better at that location.

Tim Gottlieb: The cross walk is located by the maintenance building.

Daniel Gettel: The cross walk predated the new dining room building going in. You could always bring the kids through the internal driveways. It is an internal problem, and is on the straight part of the road. We have had some feedback about people not liking the idea of the fence. We may want to look at what type of fence it is, perhaps not vinyl. I think there are better options out there that we can discuss. I think a solid vinyl fence is a little much. We are going to have to send this to the County for a review, and I think it might come back about the fence. I do appreciate the landscaping you proposed. BJ, would you speak a little bit about your inspection?

Bette Jean Gettel: I went out and walked through all of the buildings. The biggest thing that I found is all cosmetic. There is a hole here, there needs to be paint there. The buildings are structurally sound. The kitchen and dining hall are not a problem for the use that they want. The dormitories are not an issue. As a matter of fact, they are going the extra step and putting extra fire doors in for me so there isn't an issue there. Outside of that, they are okay to open.

Daniel Gettel: Did we find out if there are any plans available? On what exists as far as floor plans go?

Bette Jean Gettel: I do have some floor plans available. To be honest with you the filing for this particular property is four feet of cabinet space. It is going to take some time to go through them. I do have floor plans for a lot of the buildings.

Daniel Gettel: In Glenn Smith's letter he does address the swimming pool, but it is my understanding the pool is not to be used.

Tim Gottlieb: They may relocate at some point.

Daniel Gettel: You mean reconstruct, probably. If it is a steel pool, then you can relocate it.

Tim Gottlieb: I don't know.

Daniel Gettel: Are there any questions from the board? I think it is pretty straightforward. My only concern is the actual material of the fence. I like the idea of the fence, but I would like to give that a little bit of thought. I really don't have an answer for you tonight.

Susan Brown Otto: Are you thinking a metal fence?

Daniel Gettel: I'm thinking more of a split rail fence, or something that is more...I don't think it necessarily needs to be a privacy fence. I think actually a split rail or something to that affect would be cheaper too. I don't know what your needs are either. I am looking from my viewpoint. I get that you want privacy, but I don't want to go through a tunnel of white fences. Something we need to look at. I do think that material would be cheaper for a different type of fence. That is my only comment. Are there any other comments from the board? I do think it is pretty straightforward, I can run through Glenn's comments, but I know you have them.

Tim Gottlieb: I have them.

Daniel Gettel: I don't think anything really stands out. A lot of them are technical.

Susan Brown Otto: What about the signage?

Daniel Gettel: There is no sign.

Marvin Newburgh: We discussed that the last time, for security reasons, we aren't putting in any signs.

Jacqueline Ricciani: There are no signs for the cross walk?

Daniel Gettel: For the safety.

Jacqueline Ricciani: The prior plans had a note that the students were going to be transferred across the property via shuttle. That note is not on the plan. It doesn't have it in the narrative either.

Tim Gottlieb: We can put it back on the plan.

Steve Simpson: As far as the buildings are concerned, there will be no signs that you can see from the road on any of the buildings?

Marvin Newburgh: I don't think so.

Daniel Gettel: I imagine there will be delivery signs, or delivery driveway, something like that, but nothing substantial.

Tim Gottlieb: All deliveries will probably be going to be at the Maintenance building.

Daniel Gettel: One question that I had was, is there going to be a parent's day or any occasion like that? When you would expect an influx of people, where would they park? There are a certain number of parking spaces, but not a lot, am I right?

Tim Gottlieb: There are 62 parking spaces.

Daniel Gettel: I imagine there is a lot of bus service, if they come up on buses anyway, there won't be a lot of cars.

Susan Brown Otto: Is there a gate to enter?

Daniel Gettel: The plan shows a gate.

Tim Gottlieb: There is a gate on the westerly side.

Susan Brown Otto: How far off the road is that, the gate? Because if the gate is closed, and then somebody is trying to get into the gate.

Tim Gottlieb: It may be 20 or 30 feet off of the road. There is no gate on the easterly side.

Daniel Gettel: Any other questions? I believe we have a full application. We need to send it for a County 239 review.

Bette Jean Gettel: County 239, State 239, and the involved agencies, if that is okay with the applicant.

Daniel Gettel: We do have a short environmental assessment form, but we do like to declare our intent to act as Lead Agency, even on the new short forms.

Motion to declare our intent to act as Lead Agency by Steve Simpson, second by Mike Cassaro

All in favor – 7

Opposed – 0

Agreed and carried

Motion to grant this application a public hearing to be held on June 1, 2015 to begin at 7:30 by Susan Brown Otto, second by David Slater

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel: Mr. Gottlieb, I will get back to you about the fence. That is the only thing that is kicking around. BJ, if you don't mind, the application can go to the County with the vinyl fence. See what they come up with, maybe that will help us to make a determination. As I said, I don't want to feel I am driving through a tunnel.

Steve Simpson: When a deer runs across the road, that fence will cause a problem.

Daniel Gettel: Do you have any questions for the board?

Tim Gottlieb: I'm good.

Daniel Gettel: If you make any changes to the site plan, please keep Glenn in the loop.

5. Application for a proposed sign to be located at 951 Route 17B, known as Bethel Tax Map #: 38-2-63, proposed by Blazin Saddle Bar & Grill (formerly Rivers Edge Restaurant)

Daniel Gettel: You are proposing a new sign and you are working with Sullivan Renaissance. Ellen Budrock is in the audience. You are changing the name of the restaurant to Blazing Saddles? Are you changing the restaurant itself? Who you are going to cater too?

Foand Kerande: The name change may not happen. That just happened a few days ago. It is not feasible. The name will stay the same. We want to go for a new sign.

Daniel Gettel: It's not going to have this western appeal, I assume.

Foand Kerande: No. It might just have some decoration and stuff.

Daniel Gettel: Unfortunately, if that is the case I can't review it. We need to see what the sign is.

Foand Kerande: I don't have to come in front of you. We have the sign there. We are just going to stay with it. We are looking to put up some electronic sign. What I understand, there is no sign ordinance for electric sign.

Daniel Gettel: BJ cannot approve a sign of the size you are proposing. It does have to come to the Planning Board if you are putting up a sign similar in size to the sign you have right now. The LED portion of the sign would be included in the total area we have to review. If you are putting up a new sign with the LED that is similar in size to what is there or larger you have to come to this board.

Bette Jean Gettel: They can't put up anything larger than 24 square feet, per side.

Daniel Gettel: That has to come to us. We will have to see some kind of rendering of how big the sign is going to be, what the sign is going to look like. If you are going to have a new sign, we have sign ordinances.

Foand Kerande: All these years, and these signs are there are they against the law? I have these banners, are they against the law? The sign that is right there, is that too large? What about the sign across the street?

Daniel Gettel: You are asking me specifically about your site. And I know the sign that is on your property is too large for anybody to permit. We were led to believe you wanted to put this sign up, and that is what we were reviewing tonight. If that isn't the case....

Foand Kerande: The sign is going to be the same size.

Daniel Gettel: We need to see a rendering of the sign without Blazing Saddles on it, and I assume without the cowboys on it. You understand we are kind of in the middle because we have an application in front of us of something that you are not proposing, so we can't really review it. If you do intend to replace the sign, we are going to need a rendering and the size of the proposed sign. We do have a section in our code that you would have to follow. That is Section 345-23 that is the size ordinance that we have to follow.

Jacqueline Ricciani: The rendering should also have dimensions on it.

Daniel Gettel: We have an email that has the dimensions, but it isn't on the actual plan, which I am okay with, as long as we have something.

Mike Cassaro: You need to check with the DOT in Binghamton. They have restrictions on electronic digital signs that are on state roads. You will be subjected to their rules also. So you don't go through all of this, and then find out the state has restrictions on digital signs.

6. Application for a Special Use Permit for an Antique Retail Shop located at 1100 State Route 17B, next to Airport Road, known as Bethel Tax Map #: 38-2-3, proposed by Antiques Retail Shops.

Bonnie Gibson: I am here on behalf of Paula Yeager. We are asking for a Special Use Permit for an Antique Store. They didn't know that they needed this, and this has been there for 2 years.

Daniel Gettel: Just for the public's knowledge, this is the Country Bumkin's Antique shop. When Country Bumkin moved down the street from their past location, they did not get a Special Use Permit for the new location. I believe there are new owners?

Bonnie Gibson: Country Bumkin is purchasing, they are renting now. They are looking to close. They didn't know that there was a Special Use Permit.

Daniel Gettel: Do you happen to know if there was a survey done of the property, or some kind of plan. We need a plan. We have to submit a plan showing the building location, driveways, and things of that nature to the County and the State, as part of our Special Use Permit procedure.

Bonnie Gibson: Can I call Paula and ask her.

Daniel Gettel: We are going to need some sort of site plan.

Bonnie Gibson: There is a survey. She says she has it. She will be able to scan it.

Daniel Gettel: Unfortunately, we have a procedure we have to follow, which includes submitting paperwork to the County. In order for us to submit the information to the County and the State, because it is on 17B, we do need to have certain paperwork. BJ, do you have an application with the owner's proxy?

Bette Jean Gettel: Yes.

Daniel Gettel: So we do have the owner's proxy at least. We need some kind of site plan which shows where the existing building is with relation to 17B, where the driveway is, parking areas, things of that nature. In the past, there have been numerous traffic concerns on that property, especially when it comes to yard sales. There is a property directly across the street that we reviewed recently and gave them a Special Use Permit and we told them no yard sales. The last two weekends there have been yard sales at this property and it has been a traffic nightmare. Somebody is going to get killed on that road. We will have to address getting the people off the road if they are going to go to a yard sale, and not park in the right of way. The State is going to have to start enforcing that. The church next door was shut down from having yard sales, large yard sales, as was Fiddler's, which was up the street just a little bit more. That is something that we need to address. BJ, do we have a short environmental form?

Bette Jean Gettel: No.

Daniel Gettel: Tell Eric (Groper) we need a Short Environmental Assessment Form. Have Eric (Groper) call BJ, and let BJ fill him in. We need a complete application and unfortunately we just don't

have it tonight and cannot move forward. We have certain procedures we have to address.

Susan Brown Otto: The parking there, because I have gone to the store, you think there is more parking availability than there is. There needs to be lines, they park every which way. It is difficult to maneuver that driveway.

Daniel Gettel: Relay our concerns to Eric (Groper) or just have Eric call BJ. Let him know we do have to submit this to the County. We don't have a complete application here tonight. There isn't much we can do with it. Thank you for coming out.

Jacqueline Ricciani: The applicant needs to know the time frame for submissions in order to get on the next agenda. The next meeting is June 1st. Everything needs to get to BJ two weeks prior. We sometimes ask for narratives for these also.

Daniel Gettel: Vicky is there anything from the Town Board?

Vicky Vassmer Simpson: I don't even have the agenda yet. It's not this week, it's next week.

Daniel Gettel: Just so that the board is aware, if you are not already aware of it, the court will be moving in June. To reopen the school you can't really have a court where the kids are going to school, so it is probably a good idea to address that now, while the original court building lease is up. With that move we do have options to what night we meet. We could change our meetings back to Tuesdays or go to a different night now that the court is not going to be here. That is something we can discuss in June.

Motion to adjourn by Steve Simpson, second by David Slater

All in favor – 7

Opposed – 0

Agreed and carried

9:00 pm

Respectively submitted,
Jannelta MacArthur
Recording Secretary