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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 Monday May 6, 2019 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda at that time were the following;

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

Absent: Wilfred Hughson

Seated: Robert Yakin

Pledge to the flag

Motion to approve the minutes from the April 1, 2019 Planning Board meeting by Steve Simpson, second Robert Yakin

All in favor - 7

Opposed - 0

Agreed and carried

Motion to approve the minutes from the April 15, 2019 Planning Board meeting with the notation that Glenn Smith was not in attendance by Mike Cassaro, second by David Slater

All in favor - 7

Opposed - 0

Agreed and carried

~~1) Request for an extension of a Subdivision Approval located on Soule Road, known as Bethel Tax Map #: 13-1-6.3, proposed by Yampola Yeshiva Teacher Corp. (Ross Engineering)~~

Removed from agenda

2) Application for a Special Use Permit with Site Plan Approval for a Hotel/Motel with Amenities to be located at 75 Matt Smith Road, known as Tax Map #: 39-1-31.3, proposed by Prodigy Network Sanctuary. (Bohler Engineering)

Jay Zeiger: I am here on behalf of the applicant, Bohler Engineering. With me, presenting is Matt Stromboline, and Dale Koch.

Daniel Gettel: You were here in October of last year and you had a public hearing.

Jay Zeiger: We have updated, substantially, the site plan, pretty much not materially different than what you have seen Dan.

Dale Koch: The site plan is still the same. We took into account the disturbance. The package we submitted to you guys was our design package. We received comments from Glenn Smith, which we started addressing. The next couple of weeks we will be able to look through those comments, and tidy everything up. The next submission we do will have a conceptual design for the hotel portion just so everybody has it for their records, and can review it. With the hotel you will have floor plans, elevations, and see how it works into the property with the grade, other than that, nothing major has changed.

Daniel Gettel: My take away from the public hearing in October, as far as bus traffic on Matt Smith Road, clearly there is an issue of buses on Matt Smith Road. There is nowhere for them to turn around. Have you addressed that on the plan or how do you intend on addressing that?

Matt Strombeline: We will never allow buses. The largest vehicle would be a 12 person shuttle van.

Daniel Gettel: How can you prevent that? Some people jumped on a Grey Hound, I believe, and came up here one day.

Susan Brown Otto: Yes they did.

Daniel Gettel: So people are hopping on Grey Hound to come up here. How do you stop Grey Hound from coming up?

Susan Brown Otto: It wasn't a Grey Hound, it was some other type of bus service and they were looking for the corner of Hurd and West Shore.

Daniel Gettel: My point is you are opening it up to the public. It is a hotel. It has to be open to the public if it is to be a legal hotel. You should have a way to turn them around or something that says no buses past this point or some kind of direction to turn them around in your field up on top. I just think something needs to be on the site to turn around the larger vehicle because clearly there was a problem with them going down the street to the neighbors to turn around. It is a dead end road but there isn't a cul-de-sac. It ends on the gentleman's property. Glenn, feel free to jump in here too. There was talk of signage. I think your new plan does have signage at the intersection where the driveway meets Matt Smith Road. Would it be more than the street address?

Matt Strombolino: There would be additional signs.

Daniel Gettel: So that would actually direct people onto your property?

Dale Koch: Correct.

Daniel Gettel: There was talk at the public hearing about cell service and how it is better on the top of the hill. You have had your clients parking in other people's driveways for cell service. I would like you to try to address that. I don't know if you can boost cell service yourself on a property.

Matt Strombolino: So we have. We would boost cell service. We have already near the main house. As far as people parking on other people's lots our intention is that we are going to have a protocol that goes out to guests all pre-arrival with clear instructions and directions and also being neighborly so there is no parking on adjacent sites.

Daniel Gettel: It seems to me if you eliminate the problem, there wouldn't be a need for them to park. If you have cell service at the hotel I don't see a need for them to park in a driveway of a neighbor's house and get better cell service. I don't know how that works with all carriers. That is really not my expertise.

Matt Strombolino: You can buy boosters that will boost any cell service.

Susan Brown Otto: What cell service works there, Verizon, AT&T?

Matt Strombolino: AT&T currently works there. I'm not sure about Verizon. We hope Verizon works as well.

Dale Koch: I heard Verizon does as well.

Daniel Gettel: It's probably those two that are the most common. Some of the neighbors made statements about how they like to hunt on your property. I don't know how you can address that. I don't really think you can because they can't trespass on your property.

Matt Strombolino: We would obviously want to make sure that guests are always safe as well. It would be more communication when each season is here. Upon check in, that they are educated on the grounds and around the adjacent areas that border the hunting ground we will put additional markings that show the border of our site.

Daniel Gettel: Glenn, from an engineering point of view, the way I look at the parking lot, they have a single parking lot for 81 cars. This addresses every use and every room, which we try to get. If you take a cross section through the parking lot it is about a 12% grade. I know when you park parallel to a 12% slope most people can't open the car door on the high side, and people can't close the car door on the other side. Once you get above 4% grade it gets hard for people to open and close doors. I don't know if you would be better with more parking spaces, I mean more parking lots with fewer cars per lot perhaps closer to the hotel. You are offering handicap accessible parking in the parking lot that is 300 feet away from the hotel. That person in that wheel chair has to fight a 15% grade to get back up to the parking lot in order to leave. I don't think he or she should have to rely on people to shuttle them back to a parking lot. That is my concern. Clearly there is a lot of slope on the property. That is just my take away.

Glenn Smith: The handicap space I see is a 2% grade.

Daniel Gettel: I think the average slope across the parking lot is 12%. If the parking lot was turned 90 degrees, you wouldn't be fighting the grade so much.

Dale Koch: We were trying to avoid disturbing... we can figure something out.

Matt Strombolino: Do we need all of those stalls?

Dale Koch: One of the things Glenn mentioned in his letter is we still have the 81 stalls from the original application. We can reduce the size of a parking lot. Maybe we will put one or two ADA stalls by the hotel.

Daniel Gettel: Can I suggest that you have signage that directs ADA people down to the hotel, and perhaps no other people. If you don't want other people parking down there you should clearly encourage them to park up in this parking lot. I think you have to direct the some people down to do that. Glenn, do you want to address your comments?

Glenn Smith: A lot were regarding the septic systems and the wells, and that is all stuff that has to be upgraded and addressed.

Daniel Gettel: The tests are on the plan aren't they?

Dale Koch: We provided the borings. The report didn't make it with the percolation test results. We will get them on the plan.

Glenn Smith: I mentioned parking spots. They require 65, they show 81. I mentioned lighting should be in the main parking lot, it should be shown on the plan, with lights and poles. The two cul-de-sacs shown on the site plan down by the cabin by the inn are like 120 foot diameter. I

suggest they may want to check with the board with a “T” turn area. It is a lot less area and it would help with the fire department issues. It would fit in better than this huge cul-de-sac area.

Dale Koch: We will have to check the code, the distances, and turnarounds.

Daniel Gettel: That is kind of small for a turnaround for a fire truck anyway, isn't it, the 120 foot diameter? Robert, do you have any ideas?

Robert Yakin: I'm not sure what is required for a cul-de-sac.

Daniel Gettel: How do you feel about hammerheads?

Robert Yakin: We really don't care either way, a hammerhead or a cul-de-sac. You can find the requirements in the State code.

Dale Koch: There is only a certain distance you can go in the driveway without turning around, it changes, and then you need a cul-de-sac. There are different thresholds.

Glenn Smith: The SWPPP is required. A Health Department approval is required for the water system. That was about it. The main storm water basin, the infiltration basin, in Sullivan County if you get a foot or two in the ground it doesn't infiltrate well so some test pits are needed in there, or do an alternative.

Daniel Gettel: Is the basin shown at a higher elevation than the hotel?

Dale Koch: It is higher than the house, but lower than the hotel. It is basically between the house and the hotel. We were going to divert the storm water into a swale out past the house.

Daniel Gettel: But the lower side of the drainage basin is a fill area, or is it not? You are building a dam above the house. If there is a failure, you know where it is going.

Dale Koch: Water really comes down that field, and it is diverted around the house. I think we are going to try to make some improvements there to make it even less.

Daniel Gettel: When we originally looked at this there was there a question of access to the yurts? Not yurts, the small cabins, the 16 foot x 16 foot ones? You have a 20 foot wide gravel access road now. Are you still encouraging people to use golf carts or to walk? How is that going to work internally?

Matt Strombolino: Obviously for ADA situations or people who are hurt or elderly we will encourage golf cart usage.

Daniel Gettel: There isn't going to be any parking at the actual cabins that is what it looks like on the plan.

Matt Strombolino: No.

Daniel Gettel: Are there any comments from the board? I know we saw this at the public hearing, and we never really touched on it after the hearing.

Susan Brown Otto: Are there any ponds or water for fire trucks?

Daniel Gettel: We did talk about that in the past. There is a pond on the low side.

Susan Brown Otto: Just one pond?

Dale Koch: There are two ponds, one here (showing on plan) and one down on the bottom.

Daniel Gettel: Robert, we talked about utilizing some dry hydrants. Is that something you think they should have?

Robert Yakin: Any dry hydrants would benefit the town, especially on that end of town.

Daniel Gettel: I don't know if it is a very deep pond. I don't know if it would be beneficial or not.

Robert Yakin: If we get rough dimensions of it, and depth, we can always figure gallons.

Dale Koch: Is that something we would install?

Robert Yakin: We would give you instructions on how to install it. It is not a big project.

Dale Koch: Is there anyone we should get in touch with at the Fire Department?

Robert Yakin: That would be me. In general there is a lack of water on that end of the town. A few years ago we had a working fire about a mile away and we had to haul water for 4 to 5 miles.

Daniel Gettel: Robert, do you go into Cochection?

Robert Yakin: Only on mutual aid. We only have access to the smaller pond, not the large one.

Daniel Gettel: We are talking about the larger pond as far as utilization.

Robert Yakin: We would need access to the larger one.

Dale Koch: If you are running a hose down...

Daniel Gettel: It may not be feasible. We talked about how it wasn't a very deep pond and I know we touched on utilizing it.

Dale Koch: What are you looking for so we can measure it up and get you the information.

Robert Yakin: If you are talking about a large fire we want to maintain probably 1,500 to 2,000

gallons per minute, at least 1,000 but more likely 1,500 or 2,000 on a large structure.

David Slater: The elevation is going to kill you. I don't think you are going to be able to draw...

Robert Yakin: Right. Elevation is a problem.

Bette Jean Gettel: Can I make a suggestion? Can you make a site visit?

Robert Yakin: Of course. For the record water supply is a problem in this entire end of the town, not solely this property.

Daniel Gettel: We have required dry hydrants on some other projects, but those were with larger basins.

Robert Yakin: It would be beneficial to the fire districts and also for you for your fire insurance.

Daniel Gettel: I think it is something worth looking into, Robert if you don't mind.

Robert Yakin: We have our drills on Monday nights. Any Monday night we would be able to bring the chiefs, or we could arrange a meeting time.

Daniel Gettel: Is that something you want to schedule, or is that something they could work into their schedule, and kind of meet somebody?

Matt Strombolino: Lance our property manager is there all the time, so we can schedule a time.

Robert Yakin: BJ has all my contact information. She knows where to find me.

Daniel Gettel: I think it is worth looking into, I know it is a problem.

Robert Yakin: Absolutely. It is always worth looking into. New water sources are always good.

Daniel Gettel: Just to keep things into perspective, we are talking about a 3,400 square foot building, not a three store hotel.

Robert Yakin: A 3,400 square foot building would be smaller than a lot of houses we cover in other areas.

Susan Brown Otto: Are there any signs on County Rd 115 that we need to approve?

Daniel Gettel: I don't think they have the right to put one on County Rd 115. They did mention putting a sign at the entrance. I don't know if it is going to be substantial. What do you have in mind? It always seemed to be downplayed as far as I remember.

Matt Strombolino: We will make the entrance sign large enough so there isn't any confusion.

Daniel Gettel: BJ, what is the maximum you can approve?

Bette Jean Gettel: 24 square feet or 4 foot x 6 foot. It would be recommended that you bring your sign design with you to the board the next time, please.

Susan Brown Otto: Do you need to put a sign up on 17B?

Daniel Gettel: That is up to them to pull a separate permit for that. You would need to go to the land owner for permission too.

Bette Jean Gettel: That is different, that is a permit from the State.

Matt Strombolino: If we have a sign currently on the property, would it be possible to take a picture and send to you guys to look at?

David Biren: Just measure it.

Daniel Gettel: Are there any comments from the board? Glenn, I think it is pretty straightforward. There is some basic engineering they have to touch on. It is not a large facility. I get the fact that it is a dead end road, and there isn't a lot of traffic on the road, but clearly it is permitted by zoning and they are allowed to propose whatever they want. I would think if you would put a turnaround for buses on the top of the hill with a sign no buses past this point, maybe a hammerhead, bus nose in, I think it can be easily addressed. You can't stop people from driving down the road, but if it happens they can always back up and turnaround in your driveway.

Dale Koch: I'm thinking of widening this entrance over here (showing on map), and putting in some kind of turn around.

Daniel Gettel: I think the topography would support something like that too.

Dale Koch: Up at the top it flattens out somewhat. We can make it work.

Susan Brown Otto: As far as the hunting season, how much activity do you have like from the 3rd Saturday in November through mid-December? Do you have a lot people planned at that time or are you closed?

Matt Strombelino: I imagine there will be occupancy, there aren't a lot of guests on this property at any given time, but I imagine we would be running it about 40%. Obviously safety is a primary goal.

Daniel Gettel: The way it is now no one is supposed to hunt within 500 feet of the house anyway. And your house is about 600 feet and change off the property line.

Dale Koch: The closest cabin is 162 feet inside the property line.

David Biren: Any landscaping needed?

Daniel Gettel: There is a landscaping section you should at least touch on. Are there any questions for us? I think it is pretty straightforward. I would just ask you to look into some of the neighbor's comments. The minutes are available online if you don't have them. Jay probably has them because I tend to send him things, but if not it is online. I believe it was October 2018. I would definitely look at the neighbors' concerns. There were some valid concerns. There were just some privacy issues and I think you should take a look at.

Lance Mercado: I tried to view the minutes from that public hearing and there was apparently an issue. There were no minutes on-line.

David Slater: I'm looking at them now.

Daniel Gettel: It takes about 3 weeks for them to come up on the website. As far as I know we are not missing any Planning Board minutes. If they are not there, give us a call. We do have them electronically. Work closely with Glenn. Glenn, you don't mind?

Glenn Smith: No, not at all.

3) Application for a Special Use Permit with Site Plan Approval for a Retail Use to be located at 6 Plank Road, known as Bethel Tax Map #: 38-2-81, proposed by Black Oak Buildings. (Noeth)

Daniel Gettel: Jay Zeiger presenting. Just for the record, Outdoor Media, owned by Mike Cassaro, is a neighbor. I think Mike can be impartial on this. Jacy is also a neighbor of the owner, not the parcel.

Jay Zeiger: Here is Dr. Noeth's chiropractic business (showing on map). What we are talking about doing is utilizing these two pieces, which Dr. Noeth also owns, for a business which would sell outdoor sheds, gazebos, and things of that nature. We have a franchise from Old Hickory. A copy of their pamphlet should have been given to everybody.

Daniel Gettel: We received it at a previous meeting.

Jay Zeiger: This is a picture of what they will be selling. A variance was needed because the total of the three parcels was less than 2 acres.

Daniel Gettel: The total of the two vacant parcels is less than two acres. It's about an acre and a half. That they received a variance on. The chiropractic business is a separate business.

Jay Zeiger: We received a variance from the Zoning Board. No permanent structures are being built. We are going to use the existing access from Plank Road to access this property. I guess

that is my short presentation. If there are any questions.

Daniel Gettel: I have spoken to Dr. Noeth several times about this. I will point out what sticks out in my mind because as you know we have to treat this as a special use with site plan approval. I commend the applicant for representing herself and trying to do the project herself. We try to encourage that in Bethel so you don't have to hire an engineer, but there are certain things that we have to touch on. If anything I say does not agree with what you guys are proposing let me know. There are certain sections that we have to run through. Sections 345-16 are the landscape standards. The applicant did meet with Sullivan Renaissance, I believe, and they came up with a minimal planting around one of the trees, which seems to fit the property. I think that is adequate for the property. I think it is kind of foolish if we talk about putting up buffer zones so you can't see the business from the road. You can see the business from the neighbors, but she is the neighbor and it is her office, which is going to be used as part of the application. We do have some landscaping that was prepared by Sullivan Renaissance. We have Section 345-18 which is the Route 17B gateway standards, which pretty much talk about structures. We need to point out there are no permanent structures on the property. The section does go on to talk about encouraging the shared use of parking lots and road access, which this applicant has proposed. They talk about walking paths. I assume there are going to be paths from building to building to encourage people from wandering around so they do recommend some kind of pathway. Jay, I think you have to consider minimal handicap accessibility. I don't think it is a problem on this property because it is relatively flat on the bottom, but clearly you have to have some kind of base for the path so it won't be mud. I think that is just good practice. Section 345-22 is the parking, loading and traffic standards. We did talk about parking to be accommodated at the adjoining lot which is clearly adequate for the two uses. The site is to be used to display different models of sheds, but they will not be shipped directly from this site. There will be an initial unloading of the models at the property, but there isn't going to be a weekly in and out of sheds that are purchased.

Jamie Noeth: Correct.

David Biren: What are the heights of the sheds?

Daniel Gettel: Maybe less than 10 or 12 feet perhaps. What is the height of the sheds?

David Biren: If it is the same as the ones in Middletown, they are higher than 10 feet.

Jamie Noeth: I don't know. Those are different sheds.

David Biren: I don't want them to block the views of the neighbors or anything on 17B.

Daniel Gettel: She is the only neighbor, then I believe there is a machine shop next door to her.

Jamie Noeth: The only thing that is between me and 17B are billboards.

David Biren: I'm sure there will be taller buildings and shorter buildings. Will the tall ones go to the back at least?

Jamie Noeth: Sure.

David Biren: To make it look in line.

Jacqueline Ricciani: It looks like 16 feet.

David Biren: That's what I was saying. It is more than 10 feet. That is why the 16 footers should go toward the back, and the shorter ones in the front.

Daniel Gettel: David I thought you meant going down the road.

David Biren: No, the heights on the property itself.

Jay Zeiger: The largest is 12 foot x 16 foot.

Daniel Gettel: Section 345-22 talks about parking, loading, access and traffic standards. Again, parking is on the adjoining lot. There will be no off-loading as a routine. Signage, I believe you said there would be no signage, or there will be minimal signage. I don't recall.

Jamie Noeth: Probably minimal signage. There might be some signs on the building that just says the size, and the name of the company and the warranty. We are not having any additional signs for the name of the business.

Daniel Gettel: I'm assuming if you did a business sign it would be on the Plank Road side anyway, not the Route 17B side. You actually own property on Route 17B, but the entrance would be on the Plank Rd side. Section 345-23 does encourage applicants not to have multiple signs. I don't think that is going to be an issue. Section 345-30 are special use procedures, which talks more about sign locations, lighting. I assume lighting is only going to be on the chiropractic building and there will be no changes to this parcel as far as lighting goes.

Jay Zeiger: No.

Daniel Gettel: Again, we are not talking about permanent structures. The Zoning Board pointed out they need a County 239M review eventually.

Jay Zeiger: We actually have a 239M.

Jacqueline Ricciani: That was for the variance of the special use permit.

Daniel Gettel: We did speak to the County, and they are clearly going to look at the actual business themselves. I would just make sure BJ has the information needed to submit to the County.

Bette Jean Gettel: I would need an extra one to submit to the County.

Daniel Gettel: We did speak to the County and they are going to take a look at it. Jay, as with any other, it is a new application to us and we are required to ask for a public hearing. I know there was talk of waiving the public hearing, but we can't waive the initial public hearing. I don't know if any neighbors came out for the zoning variance, probably not a lot of interest, but it is something we have to check off our list. I would suggest we schedule a public hearing. Are there any comments from the board?

Jacqueline Ricciani: Do we have an EAF on this?

Daniel Gettel: We have a short EAF, which I think is adequate for the proposal.

David Slater: What is the largest building that you would have there?

Jamie Noeth: They vary from 8 feet x 12 feet up to maybe 20 feet.

David Slater: Because they actually vary 14 foot x 40 foot if you look on their site. They have a 14 foot x 40 foot building with a 16 foot loft.

Jamie Noeth: Those are custom designed. Those are not buildings that they transport on the lot. The only ones they have on the lot would be 8 foot x 12 foot.

Jay Zeiger: According to the brochure it is 12 foot x 16 foot. It's on page 1 or 2, 10 foot x 20 foot, 14 foot x 20 foot.

David Slater: There will be small display models then.

Daniel Gettel: I think it is pretty straightforward, unfortunately we have to treat it as a special use permit like every other application.

Motion to grant the application a public hearing for June 3, 2019 to begin at 7:30 pm by Mike Cassaro, second by David Slater

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Jay work closely with BJ, make sure she gets a 239 which you would have to rush a couple of days because there are not 30 days between. I don't think it will be an issue.

Jay Zeiger: Do you need anything from me BJ?

Bette Jean Gettel: Double check with me in the morning Jay, okay?

Jacqueline Ricciani: Jay, I have a quick question, do you know if the landscape plan is up to scale? The plan on top?

Jay Zeiger: I believe so.

Daniel Gettel: It looks like a 40 to 50 scale to me.

Jacqueline Riciani: Okay.

Daniel Gettel: We'll see you in June.

4) Application for a Special Use Permit with Site Plan Approval for a Large-Scale Ground Mounted Solar Energy System to be located at 608/636 Old White Lake Turnpike, known as Bethel Tax Map #: 18.-1-25.2 & 26.1, proposed by BQ Energy. (Scott)

Daniel Gettel: Miss Scott presenting. We saw this in November of 2018, I believe. That is when we had a public hearing. On December 3rd it came back for a negative declaration on the environmental. That was the last time we saw this. You have had some discussion with The Town Board in regards with the reclamation of the former mine on the property and the decommissioning plan for the site. Just so the board is aware, the Town Board has agreed that it is their responsibility to proceed with the closure of the mine. It is not going to be done immediately. The original sand mine was there, the DEC is requiring that it be closed. It appears to be the Town's responsibility, so the Highway Department guys will be closing the site. Most of it has been seeded, and has brush growing on it. There are some portions that have not been reclaimed. Glenn, would you like to speak as the Town Board's engineer?

Glenn Smith: Last year we walked the old mining site. The DEC won't accept the closure of the mine until it is 95% vegetated. It was probably about 75% when we went through it last summer. They wanted some low areas filled in, there are a pile of boulders they want them moved off the site. They want it seeded, mulched, and vegetated before they issue closure.

Daniel Gettel: One of the problems is that some of the stuff that was stored on the site was brought in for this past winter, but luckily they didn't need to use it, but it still happens to be sitting there, so it is a question of trucking it back out. It doesn't make a lot of sense to truck it back out at this time.

Glenn Smith: A lot of the mine needs to be graded off and mulched.

Daniel Gettel: Just so the board is aware, Jason is the engineer representing the Planning Board on this. Jason, the Supervisor wrote a letter to the Planning Board, dated April 23rd, basically acknowledging that it is their responsibility to do the reclamation of the mine. I don't think the letter was circulated.

Reading letter into the record

Motion to receive and file the letter from the Town of Bethel Supervisor by David Biren, second by Robert Yakin.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Jason, I believe you were privy to this letter and some of the content. It must have been discussed.

Jason Pitingaro: We talked about it, the timeline. A lot of the material that is there, as you said, is important and the Town intends to use it going forward in the coming year.

Daniel Gettel: Jason, you have been working closely with BQ Energy. I noticed some correspondence that came out as early as Friday, actually dated today, and maybe the draft came out early on Friday. I think it is safe to say that the applicant has reached an agreement with the Town in regards to the form of the reclamation of the site. I think that is something that has been addressed. There was also some comment...

Jason Pitingaro: The town has to agree on the decommissioning bond now.

Daniel Gettel: Jason, can you come up please? I know there is a decommissioning plan that has been pretty much hashed out, but they still have to agree on the final numbers. I think there is a gentleman's agreement.

Jason Pitingaro: There was a question of the salvage values of the material.

Daniel Gettel: Which is kind of an unknown, being 20 - 25 years from now. Your review letter has quite a number of items that may not be totally addressed, some are still outstanding.

Jason Pitingaro: There was a plan set that was submitted today, so I haven't had a chance to look at that. As soon as those are addressed, I had asked originally for some correspondence with the Fire Department.

Daniel Gettel: We spoke about that before the meeting. They are willing to have a training session at the property with the Swan Lake and Kauneonga Lake Fire Departments which cover this site. We clearly welcome White Lake to join them because White Lake is an automatic responder for Kauneonga Lake. We could make that a condition of our approval, but I think we have people that would be very happy to do that for us.

Jason Pitanagro: There was a draft of the emergency response plan, the operational plan that was submitted, those are submitted for final review.

Daniel Gettel: I think the question from the Planning Board's perspective is the basic things we have to look at have been addressed. I know there are some details that have to be worked out between the engineers, but I don't know how the board feels about it. We had a public hearing.

No one said anything for or against it at the public hearing.

Jason Pitanagro: Yes, Zoning and Planning has been looked at.

Daniel Gettel: I think there are some issues out there. I know Jacy is a little uncomfortable with us relying on you to approve the project, but I think we have done it in the past with Glenn. We have Glenn's final approval on a project. I don't think you would be looking outside of your letter that you wrote on May 6th. That letter basically outlines what your concerns are. If the applicant is willing to comply to those issues of Jason's letter before anything is issued, I think that would be okay with me. Some people on the board are nodding their heads (in the affirmative).

Steve Simpson: I do have a question. The comments that you made earlier about fire training for instance, just tell me if I'm wrong. Solar Farms in general have a sign on their gate that says strictly that if this facility is on fire, let it burn, all that I have ever worked on, only because there is so little a fire crew is going to do. It is basically a substation powered by the sun, so my question is what kind of training is going to be made available to the Fire Department? If a customer has panels on a roof top, between panels and the inverter of the meter, we can cut it at the pole, but that power system is still active at the house.

Daniel Gettel: It may be limited to just don't do this, so they have an idea. I think the idea is that is of how to treat this.

Robert Yakin: I don't think the issue is so much of the combustibles that are involved here, I don't know if solar panels burn. I think the biggest problem is the actual power that they produce, and handling that in the instance where we have some type of wire situation or something like that. That would be my initial concern as a responder. I don't know if there is something that we could do. Our first rule is if you have an electrical fire don't put water on it.

Alicia Scott: As far as the site goes, there is nothing particularly combustible. There are no batteries at the site, which are a much bigger concern than the solar panels themselves. The solar panels themselves are glass. The biggest risk I think could be a transformer itself, which is on the site.

Robert Yakin: We would be looking at a situation with wires down, or a transformer on fire which our standard protocols are to basically watch it until the utilities show up to cut the power to it. Solar farms are brand new to us. Any training we could get so we could properly respond, we would appreciate.

Alicia Scott: I think it would be easier to have a training session once the project is built, but not energized. Then we can take you to this particular spot at the site, and show you where this is, and this is where that is. I can point out to you on a site map, but I think it would be more beneficial to you to see it once it is built.

Daniel Gettel: I think it makes perfect sense to have training.

Robert Yakin: It may make sense to have a table top type of meeting prior to site visit and perhaps do it as the project is being constructed.

Alicia Scott: What is most beneficial you.

Jason Pitingaro: Some have done it in the past prior to the issuance of a Certificate of Occupancy.

Daniel Gettel: I don't see how it could be a negative. It is a little bit of your time, but I think it is educational.

Steve Simpson: I am not making a statement that I am concerned by it, because I'm not. Again, the utility is going to cut it. There won't be any more danger on this side of the fence. The only reason why I say it, there are signs. A lot of fire companies know about this, but it is modern technology.

Daniel Gettel: Probably the big thing is to have the locals stay away, and do crowd control.

Robert Yakin: What it boils down to is to treat it like any other electrical fire and to provide protection for the general public to stay away from it until the proper utilities come that can handle it.

Steve Simpson: As far as the fire company...

Alicia Scott: There is not a lot that can be done. With this project we had some good news recently from the State. They changed the way the power from this project gets sold, which means more of the towns accounts can be applied, and so more of the towns accounts can subscribe to this and get discounts on the power and save the town even more money.

Daniel Gettel: And it is my understanding that the town accounts do qualify for this savings. Mr. Allison is sitting in the audience nodding his head yes. He happens to be helping the town out on that end.

Alicia Scott: The rule has recently changed.

Daniel Gettel: I was made aware of that recently.

Susan Brown Otto: I have a comment if I may. My concern is the decommissioning cost, and the adequacy of cost being set aside, so that ten years from now, twenty years from now, twenty five years from now, when these become obsolete, we may discover they are toxic. Look at the asbestos. Is the cost whatever we are setting aside, is there a bond arrangement? How do we account for the cost for the decommissioning of these solar panels?

Jason Pitingaro: There is an estimate for the cost of the decommissioning, there is also a number incorporated to the salvage value of material there, and then there is a bond that is posted with the Town. That the Town Board will take action on it. It is a 20 year life span.

Alicia Scott: For these projects the first 15-20 years they are still producing electricity, and they are 20 years old. The lease is for 20 -25 years but we have no reason to believe that when the lease is up that the powers are not going to be producing electricity anymore.

Daniel Gettel: I have a pretty good idea where I'll be in 30 years. It is really hard to project.

Susan Brown Otto: You still see large satellite dishes polluting the area.

Alicia Scott: If we address Jason's concerns from his May 6th letter...

Daniel Gettel: I would suggest, I am comfortable asking the board if they are comfortable moving ahead with the special use procedures with that the idea one of the conditions be they address Jason's review comments in his letter dated May 6th.

Jacqueline Ricciani: Before you go there, I know the applicant did submit some revised plans that came to the meeting. If Miss Scott could maybe briefly identify those couple of things that are on the new plans. That might also satisfy some of the engineer's comments.

Daniel Gettel: I believe there were three revisions?

Alicia Scott: I may have missed a memo from the last meeting that we were here, so I may have had outdated notes but the three notes that I had that needed to be addressed were the disturbance area on the map itself. Originally the EAF reflected a disturbance of 2.6 acres that was changed to 3.1 acres to include a small area of dirt being moved on the mine that wasn't included before.

Daniel Gettel: It is still below the area acre of disturbance. We can round 2.6 up to 3.

Alicia Scott: We included more detail on the warning sign on the gate into the properties which includes our contact information, and the owners of the system. That is in addition to any other signage for clarification for code. Which are on the transformer, girders, and everything like that. The third request was to include the town boundaries on the property map, but the town boundary lines aren't very close to this piece of property, there is a piece of property that is owned by the Town of Liberty that is really in the Town of Bethel, that is next to the project, but we couldn't add them. Those were the three changes that we made.

Jason Pitingaro: Those address the concerns in the plan review section of the memo.

Daniel Gettel: Which we are pretty much looking at is the plan itself. Jason, are you comfortable with us moving ahead with the special use conditions? We always read Sections I & J into the record.

Jason Pitangro: Yes.

Daniel Gettel: Reading Section 345 paragraphs I & J.

Special Use Permit - Section 345-30 paragraphs I & J.

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.

There will be no buildings associated with this use and any lighting, if any, would be for security purposes only. There will be minimal signage at each gate, as required for safety.

Daniel Gettel: I believe there is only lighting at the entrance, if I recall correctly.

Alicia Scott: We don't plan on adding any.

Daniel Gettel: The only signage will be for security purposes and standard for a facility such as this I would think.

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

Storm runoff, flooding and erosion and sedimentation control is not anticipated to be a problem.

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

There will be no impact on community services or utilities and there are no anticipated impacts on the educational system. There has been some discussion on the applicant providing some training to the two local fire departments that may respond to any call at this facility. If approved that would be a condition of approval.

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 is no anticipated negative impact on housing anticipated with any approval.

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

There are no anticipated nuisance impacts such as noise, odors, vibrations or glare. We have received correspondence that glare shall not be an issue to the nearby airport.

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.

It was decided early on in the review of this project that additional screening and/or landscaping would not be required.

8. Impacts on nearby property values.

There are no anticipated negative impacts on property values.

9. Traffic impacts (see § 345-22H).

There are no anticipated negative impacts on traffic. I believe this has to do with Routes 17B or 55, which we do not border on.

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 factors that would relate to the health, safety and general welfare of 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.

The proposed use is unique, but is permitted by zoning. The particular site is ideal for this use.

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 use is anticipated to have a positive impact on residents and 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 proposed use is not anticipated to be detrimental.

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 proposed use is anticipated to have a positive impact on the environment and job creation, with no negative impact on the economy, housing or open space.

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 anticipated economic burdens associated with any approval.

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 proposed use is ideal for the redevelopment of this closed landfill and former mine.

Daniel Gettel: That is Section I & J of the Special Use Permits.

Daniel Gettel: Are there any questions or comments from the board? Jason, we were talking before the meeting, there are not many conditions that we would put on it, by this board. If we were to approve this project tonight the conditions would be:

- 1) The applicant shall satisfactorily address the outstanding Planning Board Engineer review comments dated May 6, 2019 prior to the issuance of any permits by the Town of Bethel.
- 2) The applicant shall obtain, and shall provide the Town of Bethel Building Department with evidence of, all permits and outstanding governmental agency approvals.

Daniel Gettel: I'm assuming there are quite a few government agencies you still have to go to, I am assuming?

Alicia Scott: The DEC, not on my section, but the landfill section, they have to finalize their review of their work.

Daniel Gettel: So we are going to require copies of that correspondence. The Town will probably get it anyway.

- 3) The applicant shall obtain, and shall provide the Town of Bethel Building Department with evidence of, all permits and approvals from NYSE&G, the local electric energy provided.
- 4) The applicant shall offer emergency training to the Kauneonga Lake and Swan Lake Fire Departments specific to responding to emergency calls at the proposed project site. This training may be opened to additional adjoining Fire Departments, at the discretion of the host fire departments.
- 5) The applicant shall obtain all required approvals by the Town of Bethel Town Board.
- 6) All fees be paid to the Town of Bethel prior to the issuance of any Special Use Permits.

Motion to grant BQ Energy a Special Use permit with a Site Plan approval for a large scale ground mounted solar energy system subject to the above mentioned six conditions by Steve Simpson, second by David Biren.

Roll call vote:

***Mike Cassaro – Yes
Steve Simpson – Yes
Robert Yakin – Yes
Daniel Gettel- Yes***

***Susan Brown Otto- Yes
David Biren – Yes
David Slater – Yes***

Motion passed 7 - 0.

Daniel Gettel: Good luck. Work closely with Jason. Jason you can email me and I'll advise the board where it's going.

- 5) Application for an amendment to a Special Use Permit with Site Plan Approval to allow for the construction of Duplex Units to be located at 4446 New York State Route 55, known as Bethel Tax Map # 8.-1-48, proposed by YGS Torah Center. (Gottlieb)**

Removed from agenda

- 6) Application for a Special Use Permit with Site Plan Approval for a Group Home to be located at 3207 State Route 55, known as Bethel Tax Map #: 40-1-25.2, proposed by Pinnacle Community Residential Care, LLC. (Stoloff)**

Daniel Gettel: I have to put on the record that I think I know this applicant and I think it is best that I recuse myself. Steve Simpson will take over this portion of the meeting. This is a new application for this board.

Steve Simpson: Dan Gettel has recused himself. Mr. Stoloff is presenting.

Richard Stoloff: Thank you very much. This is an existing facility purchased by my client in June 2016. All of the structures on the property are preexisting. The usage has changed, but they have not added any buildings to the property. Just for clarity the purposes there are five girls, residents at the facility. It has been inspected multiple times by BJ Gettel. The purpose of the inspections were to ensure that certain modifications have been made in the living areas in the facility, that would comply with the State building code, and those have been completed. The facility is basically a holistic facility. I do have the executive director here if there any questions particular to the operation. They basically deal with women that have had some type of physiological abuse. No drug addiction. They basically have a unique area where they use horse therapy in order to create self-esteem with these women. They have various other activities we have provided in the outline. We submitted the management plan which is showing the different activities that go on during the daily activities with these individuals.

Bette Jean Gettel: A copy has been given to all the board members.

Richard Stoloff: There is a relationship between residents and individuals on site which is 1:1, because it is necessary. Treatment. If there is going to be any medication the girls are taken to a facility if they have prescriptions that are required to be monitored. They are all actively engaged in first time interviews as they arrive at the facility. Generally these young women are there six months. It is not a program. It doesn't work under that kind of constraint. It is a private residential care facility. Recently, they had only seven women, they were between 16

and 22 years old, women and young girls at the facility. The issue today was, when they started to operate there, there was a problem that the zoning indicated the definition of a group home, but there was no group home. I actively requested the Town amend their zoning to permit this, as you have ARC and other group homes in the area, and the Town was good enough to do that. If there are any questions, I would be glad to answer them. It is not a situation that we are asking to change the site plan that exists on the property. If you ride down 55, you know there is plenty of screening on the property. They do not intend to put a sign because they want it to be private. The young women need peace and the ability to become well again. That is the purpose of this particular facility. I think it is a benefit to the community. I know BJ is a little bit aware of horse therapy and how it does create self-esteem for these women who have many times have been abused, and what we are trying to do is a great situation.

Steve Simpson: These residents that are there, they are not a threat to the community?

Richard Stoloff: They are alarmed. They are basically at the house at night. There is always someone there on the premises. Once they lock the doors, the alarms go off. I know there was an issue way back when, you can see it has been rectified by the staffing that they have on the premises.

David Biren: Are these Sullivan County residents?

Richard Stoloff: They can be. Right now I don't believe they are. It is private, at this point and type there is no insurance, so the families pay for it or it is done through charitable work from the owner.

David Biren: Does the owner own other property up here?

Richard Stoloff: The owner owns this particular piece of property. It was bought in June 2016. They are not off the tax rolls. They are not asking for that.

Susan Brown Otto: You spoke about a rectification of this situation of a situation that happened recently?

Richard Stoloff: It was some months ago. It existed, and I know people in the Town had heard about it, and what they have done is they have created additional staffing. It's not a jail, please understand that. If a girl cannot be handled at the facility she is basically told she cannot remain there. They have to be compliant. If they are not compliant, they can't remain.

David Biren: Medications are not kept on the premises?

Ricard Stoloff: There are medications at the premises. Medications are given to them by staff. They don't prescribe them on premises.

David Biren: And the prescriber is Refuah?

Richard Stoloff: If they need treatment and see a psychiatrist then they go to Refuah for that

type of treatment. They go off site to see a psychiatrist.

Robert Yakin: Does Refuah Mobile vehicle come to the site?

Richard Stoloff: This is Ninette Sanchez, she is the Executive Director. She can answer some of those questions for you.

David Biren: I wanted to know how it works with the patient. Do they go off site to see a physician?

Ninette Sanchez: Yes, they go offsite to see a psychiatrist. They go to South Fallsburg. They go to see Refuah in Fallsburg. Last year we did not have them come to the facility. We were taking the girls, we prefer to. It is easier for the girls to go out, so we take them to the facility.

Steve Simpson: It looks like you are covered pretty much weekdays, weekends. There is sufficient staff on hand, medical staff as well. Does anyone have any other questions at all?

David Biren: So medications are kept on the facility and dispensed at the facility?

Ninette Sanchez: We have five or six medical certificated staff. The medications are kept in a double locked cabinet, and are dispensed in the medical room.

Jacqueline Ricciani: Does this facility have any licenses from the Department of Health, or any other agency?

Richard Stoloff: To my knowledge it has no license. We are talking to the Health Department. We don't know how to categorize this facility. We don't know if we require a license. We have been in communication with them for many months. The gentleman we were dealing with has retired. At that point it seems to have been dropped because they had met with us at the site at least twice to deal with that. They are not sure how to categorize it. If we are required a license, we would seek it. Generally a group home does not require a license. They don't know.

David Biren: But there are patients living there.

Richard Stoloff: There are residents living there. I'm just telling you the fact. BJ has been in meetings with us.

David Biren: Aren't you a group home?

Richard Stoloff: We are a group home.

David Biren: So wouldn't that be under New York State?

Ninette Sanchez: OPWDD deals with disability.

David Biren: I know, so it's not them?

Richard Stoloff: They are not sure they control us.

David Biren: Somebody has to if it is a group home.

Bette Jean Gettel: David, we have been down this road with OMH.

David Biren: If someone gets hurt?

Richard Stoloff: We are trying to set up another meeting. I have been in communication with OMH, BJ has been assisting, and she has been coming to the meetings. I understand your issue, and we tried. BJ has been good enough to make herself available for the meetings.

Jacqueline Ricciani: I wanted to confirm the maximum number of residents would be 10?

Ninette Sanchez: Yes. We have never had that many at one time.

David Biren: How many do you have now?

Ninette Sanchez: Right now we have 5. Before Passover we had 7, and we discharged 2. Since June of last year the most we have taken in is 8. We are very selective on the girls for our admissions. We are staffed for it.

Steve Simpson: Do you think you would see the number of residents increase at certain times of the year, or is it pretty steady when you get the 10 residents max?

Ninette Sanchez: The thing is that we don't have a shortage of people that we could take in. It is that we are very selective, and making sure that whoever we do add meshes with the group of girls that we do have. We are doing our investigations to make sure that whatever treatment they have had in the past, or didn't have, they are not going to be unsafe to the residents we have. We are not going to create an unsafe situation or have issues in our community. That is why we are very selective. I have 15 admission packets sitting on my desk. We haven't taken them because there are one or two things that come up that doesn't seem like they would be a good candidate for the group, so we have to refer them somewhere else first.

Susan Brown Otto: Are there any special rules regarding the horse person ratio?

Bette Jean Gettel: With horse therapy you do one on one. They have a certified instructor. They also have a second person that goes around with the horses. You have one rider at a time. There aren't numerous people in the arena, just one at a time.

Steve Simpson: There is another facility in town that does this by the Woodstock site.

Susan Brown Otto: I am familiar with horse therapy. I didn't know if there were state rules or whatever.

David Biren: Do you have a registered nurse on site?

Ninette Sanchez: We do everything through Refuah. If we have a girl who is sick, we call them and they get us right in. We have a contract with them and a wonderful relationship with them. During the winter time we had a couple of girls that seemed to have the flu. We called them and they said you can bring them. If they are really really sick we could send someone out to see them. Of course the girls use the opportunity to get out.

David Biren: It's a long drive.

Ninette Sanchez: About 15 – 20 minutes.

David Biren: If someone is sick it is a long drive.

Ninette Sanchez: We also have a medical assistant on staff as well.

Steve Simpson: Any other questions? Group homes are permitted as a special use in the AD, AG, C-17B, FC and R-17B districts subject to conditions. A Site Plan is required pursuant to Section 345-30, the Special Use chapter and Section 345-31, the Site Plan chapter. Group homes should be deemed commercial thereby they are subject to Section 345-21, the Commercial and Industrial standards. Section 345-21 states where commercial and manufacture use is contiguous to an existing residential use in any district including those situated on the opposite side of a highway the Planning Board may require that the minimum front and rear yards be increased up to 50%. The Board may also require, for purposes of separating incompatible activities or shielding the residents from negative impacts, that a buffer consisting of fencing, and/or dense evergreen planting no less than 6 feet high be maintained unless the properties are under the same ownership for the full width of the yard and it is already wooded. In your case, I know the property, and it is always hard to see what's behind the fencing and screening, so it is quite a bit buffered. Group Homes shall comply with all local and state of New York and Federal laws and rules and regulations. The applicant will need to meet site plan and special use conditions. The project is going to require a short Environmental Assessment Form. The project will be reviewed by Glenn Smith as our engineer. Ultimately, we will need to have a public hearing. I would like to ask for a motion for a public hearing for next month's meeting.

Jacqueline Ricciani: You can't have one until you hear what your engineer's comments are because they may make a change to the plan or the application.

David Biren: This is has been open from 2016. It is 2019. Where have you been for 3 years?

Bette Jean Gettel: David it took that long to get it through the Town Board.

David Biren: I'm asking them.

Richard Stoloff: It took that much time for them to adopt this local law in November 2018, we requested with BJ's assistance, that the Town adopt a local law because you have the definition in the zoning of a group home that wasn't permitted anywhere, even as a special use, and you

had group homes existing, so it was adopted by the Town.

Steve Simpson: After this has been reviewed by Glenn Smith, we will move on from that point. Thank you.

Richard Stoloff: Will this be on the next agenda?

Steve Simpson: Yes, on June 3rd.

7) Application for a Site Plan Approval to install 4 new antennas, 4 new RRU's and 1 new microwave dish on an existing telecommunications tower located at 117 Swiss Hill Road, known as Bethel Tax Map #: 1-1-54.3, proposed by Network Building Consulting. (T-Mobile)

Daniel Gettel, back to the board.

Daniel Gettel: We have Allen Hinkley from Network Building Consulting presenting. Do you want to tell us what you are proposing? There is not much as far as our zoning goes and the way the State is regulated. We can't really deny the applications but we do ask that you come in as a courtesy to the board.

Allen Hinkley: Basically it is an addition to an existing tower. It has been existing since the 1980's. I believe one of the antennas on there now is Verizon. They are at 186 feet at the top of the tower. This installation is proposed to be installed at 170 feet, which is below Verizon. We will be installing antennas and radio boxes that go behind the antennas which are on the transmitter boxes. They are installed by the antennas on the tower. As far as the ground installation we will be installing a 10 foot x 15 foot concrete pad, which will be in the fenced in area. There will be nothing outside of the existing fenced tower area. On that pad there will be two radio cabinets, and a 25 KW emergency generator. There are no increases to the height of the tower. That is basically the installation. It is very straightforward.

Daniel Gettel: The State highly encourages us to approve colocations on existing towers. I believe T-Mobile is relatively new to our area. I don't know if there are a lot of T-Mobile antennas unless they are on other towers that we just don't know about.

Allen Hinkley: They are probably the 3rd or the 4th largest carrier. They do roaming with other areas. It is much better for them to have their own antenna.

Daniel Gettel: If I had to guess I think the Swan Lake Eagle Drive tower probably has T-Mobile. Glenn, I asked you before the meeting to take a look at the file. Did you find any information?

Glenn Smith: My limited involvement is to check the structural analysis, usually I refer to the applicant engineer for that. They have a full blown special analysis report. The biggest load is

showing high winds under ice conditions and there is a whole series in here on ice conditions and winds. It is stamped by a stamped NYS licensed P.E.

Daniel Gettel: Jacy would mind telling the board what our limited review ability actually is. It is in our code, and we should be reviewing them, but we have very limited...

Jacqueline Ricciani: The problem with what is in the code is it has been superseded by the Federal Government. The Federal Government has decided to promote colocation of antennas on existing cell towers. You cannot require a site plan review. You cannot require them to go through the Special Use process. You can insure that the tower is structurally sound to support the weight of whatever the additional antennae or equipment is.

Daniel Gettel: I think it is important to show they are not going outside of the footprint of the current boundaries.

Jacqueline Ricciani: They are staying within the fenced compound that is already existing. If they wanted to go outside that perhaps this board would have more review powers. But this board does not have the power to deny them if it isn't structurally sound.

Allen Hinkley: The Federal Government looks at them as a utility. They pretty much regulate them as a utility. It has streamlined the process for existing towers and having antennas installed.

Daniel Gettel: Our zoning was developed before cell towers really came in. We anticipated them coming in. Clearly there is a cost for us to update that section. Jacy, we don't require a public hearing. It is something that we don't even have to waive, we just don't require them.

Jacqueline Ricciani: There is no need. Like I said, there is no site plan, there is no special use permit.

Susan Brown Otto: Can we request that it look like a tree?

Daniel Gettel: No.

Susan Brown Otto: That is a valid question. When I look out my mother's back window I see a cell tower.

Allen Hinkley: The problem is, this is an existing tower. It has been there since the 1980's I believe.

Daniel Gettel: If you want to say it looks like a tree, you have to put tree in quotation marks too, because a cell tower that looks like a tree, looks nothing like a tree in Sullivan County. I think it is clear to the board we have very little that we can do. What I suggest is that the board recommend that BJ process this through the Building Department. I appreciate you coming out and updating us on it. I do think it is something we should do as part of our code. I don't think we need a vote.

Allen Hinkley: A lot of boards are giving blanket approvals to the Code Enforcement Officer, so the board doesn't have to take extra time reviewing these things.

Daniel Gettel: We like to see new faces. Thank you for coming out. She will just issue a permit through her department.

8) Application for a Special Use Permit with Site Plan Approval for a Summer Camp to be located at 347 Old White Lake Turnpike, Swan Lake, known as Bethel Tax Map #: 13-1-12.1 and 14-1-2.10, proposed by David Weiss for Camp Machne Shalva. (Wasson)

Daniel Gettel: Mr. Wasson and Mr. Zeiger presenting.

Jacqueline Ricciani: This property has been sold by David Weiss to 347 Old White Lake LLC.

Jay Zeiger: The application is being represented by the current owner. Building #13 was the building that was going to be removed in the prior application. Since the back land was acquired, they put the bus turnaround back there instead of where building #13 is. Building #13 will now remain. The Zoning Board approved the variance. The ballfield... no ballfield, just a play area, the gymnasium that was on the site plan last time is remaining and it has been moved a little bit.

Daniel Gettel: Glenn and Jacy there was some back and forth about the indoor recreation. Was that resolved? That was back and forth today I believe.

Jacqueline Ricciani: It is in the Ag District. It meets the acreage, the side and rear yard is 150 feet combined. I don't think White Lake Turnpike would be where the front is.

Randy Wasson: I would assume that, I don't know what it is. The setbacks lines are shown. We are probably 90 or 100 feet.

Daniel Gettel: If I am correct since the baseball field was considered outdoor recreation it was not permitted in the Ag District, so it doesn't fit on the parcel.

Jacqueline Ricciani: They couldn't fit both, unless you wanted the ballfield to be smaller.

Daniel Gettel: What I did suggest to the applicant is to have some kind of play area for the smaller kids, which I think is lacking at other facilities. And when they are lacking at other facilities they tend to overflow the town parks, where the town does have recreation. If this were to move forward, we would want some kind of indication that the small kids would have a place to play. I think that is something that another facility that is not being reviewed tonight by us is lacking. Before the meeting there was talk about the population, especially day campers. I may

be in the minority because I don't know if the numbers have changed. Could you touch on the day campers because that was something that we spoke about and as far as where you are housing individual people and different family and staff? Where are the day campers going to be taught? Where are the onsite campers, the students, going to be housed? If you would please. There is a chart on the map I assume?

Jay Zeiger: The campers are housed here (showing on map). The classrooms are 4, 5, and 12.

Jacqueline Ricciani: The activity game room has two people. Does that mean two people living in the game room? Is that staff?

Randy Wasson: Yes.

Daniel Gettel: Randy, You have 185. You have the breakdown?

Randy Wasson: Yes. Staff 48, onsite 137 students.

Jacqueline Ricciani: You have 135 campers and 50 staff.

Jay Zeiger: Jacy's arithmetic is right. We have the two in the activity room.

Jacqueline Ricciani: So 135 campers, 50 staff, and 70 day campers?

Randy Wasson: Yes, correct.

Jacqueline Ricciani: 255, I didn't know about those other two.

Daniel Gettel: I think the last time you were here it was 253. That number sounds right to me. I don't think there was a substantial change in the number of people. It's been a floating number. We are trying to tie you down to a number. As far as the occupancy of the bunk buildings, do you feel the buildings are adequate to house that number? What are you basing that on, square foot per student, or for camper?

Randy Wasson: They are going to have to meet the code. I have not gone through and checked the square footage of the buildings yet.

Daniel Gettel: If you say to me that Bunk #1 is going to house 39 people, how do I know that?

Randy Wasson: It's a multi-story building.

Daniel Gettel: Is it based on the history of the building? What is that number based on? How did you come up with the breakdown of 39 people in that room?

Randy Wasson: I can't tell you Dan. I'm providing you with information I have.

Ben Halberstam: The Health Department requires 30 square feet per bed or 60 square feet for a

bunk bed. We measured the room, if it fits the bed.

Daniel Gettel: Glenn, what I am getting is that it is based on the square footage of the building. I believe that number has changed not that long ago. The number comes from the size of the building and the square footage from the Health Department.

David Biren: Don't you have doors and things like that.

Ben Halberstam: If you have a room 120 square feet it fits 4 beds. If it blocks the door, obviously the Health Department will not approve it. If it isn't going to fit in, they will say so.

Jay Zeiger: David, they can't go over these numbers. If they can't get 39 beds in building #1, they won't.

Daniel Gettel: These are numbers you are locking in to?

Jay Zeiger: Yes, these are numbers we are locking in to.

Daniel Gettel: I know exactly what Ben is saying as far as the Health Department goes. That's how it works it is a square footage per student. It's not a perfect science. The egress is a separate issue the Health Department looks at separately. It's not part of the square footage. It used to be that part of the bathroom area could be considered part of the student's areas. It has always been a gray area. It was recently changed. It's the size of the building. You can break down the individual rooms, how many students can be housed in that room? That is what I am asking, that number. I'm glad to see you didn't just pull it out of somewhere. As far as the staff housing goes, with the number of people that is a different animal. That isn't a square footage question. How do you come up with that? Are there are kitchens? How does that work out?

Randy Wasson: There are no kitchens.

Daniel Gettel: So you just go by number of bedrooms?

Ben Halberstam: 2 people per room.

Daniel Gettel: You gave us some kind of idea when the buildings will be renovated. If we grant you a special use permit, it is a question of what the schedule is and what the repercussions are if things aren't improved. If we give a special use permit that is our part of it. Then we have to rely on the building department. I think there needs to be a repercussion, if next year you come back with 400 students, how will we really enforce that?

Ben Halberstam: We are fixing up the buildings, we are working on the roofs, and we have started our work. They are on the third building. We don't have any intention to expand.

Jay Zeiger: If the condition of the special use permits, if the building department says we are not in compliance, we are going to have come back.

Daniel Gettel: I know it is easy when the Health Department does it because they can say we will send everyone home, but we don't really have that ability. I will touch on the schedule you provided to Glenn. In an April 2018 letter, building #1 repairs prior to the 2019 season, the tree stumps will be removed, the exterior building repaired as needed, electrical outlets will be upgraded to meet code, there will be no extension cords permitted in the camp, plans will be submitted to the building department prior to occupancy. It is pretty much standard withit looks to me like most of the code violations will be addressed prior to the 2019 season. Is that your take BJ?

Bette Jean Gettel: That's what I'm seeing.

Daniel Gettel: Including the Walmart style Mikva, which is totally understandable. I think it was a hazard the way it was set up. I'm not an expert on Mikvas, but question the extension cords with water and... BJ, have you been to the property in the last two months?

Bette Jean Gettel: No, I haven't been there. They are due for a preinspection within the next three weeks.

Daniel Gettel: How do you feel you are coming with the repairs? Clearly you know what the deficiencies are at the property. You inherited most of them. I am not saying you created them.

Ben Halberstam: We should be okay.

Daniel Gettel: Randy it looks like all the plumbing fixtures are being replaced. It looks like water saving fixtures are being installed. That will clearly help with the sewage disposal system. Glenn, we didn't really talk about the sewer system, but it has always been a touchy subject with the town. I don't want to say it hasn't been maintained, because I don't think that it is fair to this applicant, but clearly it could have maintained better in the past. Randy has evaluated the system and there are some upgrades that are going to have to be made. It doesn't sound like there is a lot of infiltration this time of year, which I think we would be aware of.

Glenn Smith: I can check that again, he has proposed to fix some of the pipes that are pulled apart. Replace some of the sand. Sand filters are pretty forgiving as long as the sand is okay in them.

Daniel Gettel: If the sand had been changed, which it should have been a number of years ago, that would be a tremendous upgrade to the system. It isn't that the system is not working, it isn't working efficiently. There shouldn't be standing water at the site.

Randy Wasson: We shouldn't have to replace it all. Probably 6 inches to a foot. During the summer you have to get out there rake it off, remove the weeds, it is ongoing maintenance.

Glenn Smith: It is a pretty fail safe system. You just have to maintain it.

Daniel Gettel: Glenn, is there anything outstanding with you?

Glenn Smith: Randy is on top of it. They are not increasing the capacity of the sewer plant. Based on the number of people they are going to be under their SPDES permit, with the number of people, are they going to be okay. They need a SPDES permit.

David Biren: Is the laundry done onsite?

Randy Wasson: No it is offsite. They do cook onsite.

Daniel Gettel: We received complaints about the bus drivers. If you could, talk to the bus drivers and ask them to respect the neighbors a little bit better. I think it is a courtesy issue to this project. We don't usually get complaints about facilities that aren't on our agenda, but in the case of this facility we did.

Ben Halberstam: They shouldn't stop on the road. They will be in the parking lot. I spoke about it in the city. It's not all buses for the camp. We can't be responsible for all the drivers. The last thing I want to see is any child being hurt.

Daniel Gettel: That has been the biggest complaint. Can I assume that all the pickups and drop offs will be within the bounds of the property now with the new driveway and the new parking area? I think that is a drastic improvement. I know that is something in the past that has been an issue.

David Biren: How many buses do you have a day?

Ben Halberstam: Two buses.

Daniel Gettel: They pick up day campers pretty much in the town. There is one bus that pretty much picks up all of your students. There will be four trips per day then. Two coming and two going. Randy we spoke about it. If we were looking to move this forward the sewer system would be on the higher review list. I think that is a pretty important thing to address.

Randy Wasson: The numbers are good, everything is properly sized, basically we have to replace some sand, and we have to put in a chlorine contact tank all that stuff. It will be on a separate drawing.

Bette Jean Gettel: And you will submit to DOH?

Randy Wasson: Yes. I will.

Daniel Gettel: Can I assume that it is relatively easy to get DOH to ... really it is a maintenance issue.

Glenn Smith: The Health Department deals more with the water. They are supposed to inspect it annually.

Daniel Gettel: Are there any board comments? I am trying to move it forward procedurally?

Susan Brown Otto: Is there a loss of agricultural land?

Daniel Gettel: The Zoning Board approved it. It is hard for us to argue with the Zoning Board, we weren't part of that discussion. Should they have given them a variance to utilize the existing parcel they had? They didn't go that route. It is not an Ag use, it is a house. I don't know if that answers your question. David (Slater) I know you are concerned about that.

David Slater: I do worry about that, protecting agricultural property. We have to protect our Ag land. Nobody ever sees the Ag property go back into the Ag district. They always keep taking it out. There will be no families on this, and no children of families?

Daniel Gettel: The families will be there, they are considered staff, and will be on staff. Jacy?

Jacqueline Ricciani: Reading Section 345-5 – Definition of summer camp. The seasonal occupants shall be limited to the owner and his or her immediate family, the caretaker, the children under the age of 18 may pay a fee or tuition to attend as campers. A summer camp shall not include temporary or permanent shelters, buildings or structures defined for use or occupancy by family members of the children who are attending the summer camp for the employees who work there. So you can't have separate housing for the families of the campers or staff, but what I am hearing the staff who are being employed to each other or campers.

Jay Zeiger: Whoever is living there, they are employed of a child who is participating in the camp.

Jacqueline Ricciani: You don't have separate housing for the staff?

Jay Zeiger: No.

Jacqueline Ricciani: Everyone living there is either an employee or a camper.

David Biren: Is there fencing all around this camp?

Randy Wasson: There is fencing all the way across the front. There is fencing from the driveway, there is a gate at this driveway, we are going to move this gate, and put in new fencing, to keep the campers away from the driveway. There is no fencing in the back, it is all wooded.

Daniel Gettel: I like the fencing in the front, but I don't like the idea of bringing people to the country and locking them in.

Jacqueline Ricciani: What are the ages of the campers?

Ben Halberstam: 11 – 15 years.

Daniel Gettel: Anyone, any comments? We can procedurally set a public hearing.

Motion to grant this application a public hearing on June 3rd by Susan Brown Otto, second by Steve Simpson,

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Jay, just watch the timing of the notice. It would be the second public hearing.

Jacqueline Ricciani: We need a 239M?

Daniel Gettel: Randy, please get her copies, even digitally. The County accepts those now. Give BJ a short narrative with a copy of the site plan.

***9) Proposed Local Law #1 of 2019 – Zoning Change, known as Bethel Tax
Map #: 34.-2-4.2. (Administrative)***

Daniel Gettel: This is for a zoning change for the property next to Town Hall. I think everyone is familiar with that parcel. The applicant will be coming to us for approvals. They are asking for all the same zoning. The applicant purchased five contiguous parcels, where four are residential and one is considered commercial. The commercial parcel does not touch a highway so we really have no reason for it to be considered commercial. It is landlocked. We aren't even sure if it is on a town road. That is something they have to work out.

Motion to recommend that the Town Board grant this change in zoning to allow the project to proceed by Mike Cassaro, second by Steve Simpson.

All in favor – 7

Opposed - 0

Agreed and carried

Motion to adjourn by David Slater, second David Biren.

All in favor - 7

Opposed - 0

Agreed and carried

9:52 pm

Respectively submitted,
Gannetta MacArthur
Recording Secretary