

(845) 583-4350 Ext 15



(845) 583-4710 (F)

## ***Town of Bethel Planning Board***

PO Box 300, 3454 Route 55  
White Lake, NY 12786

The Town of Bethel Planning Board held a Work Session on May 7, 2018 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 the time were the following;

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

Pledge to the flag

Excused: Robert Yakin, Jr.

Absent: Wilfred Hughson

***Motion to approve the minutes from the April 2, 2018 planning meeting by Steve Simpson, second by Mike Cassaro.***

***All in favor -6***

***Opposed - 0***

***Agreed and carried***

- 1) Public Hearing for a non-transient campground to be located at 34 Yasgur Road, known as Bethel Tax Map #: 25-1-14.1, 14.3, 14.4, 15, & 16.1, proposed by Yasgur Road Production. (Illing)***

***Return receipts received***

No written comments were received.

Daniel Gettel: The applicants are the only ones in the audience. None of the neighbors appear to be in attendance, but we will still need to proceed with a formal public hearing

***Motion to open the meeting up for a public hearing for Yasgur Road Productions by Susan Brown Otto, second by David Slater.***

***All in favor – 6***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: Zach, I don't think you need to do a presentation, since the audience seems to be aware of what you are talking about. As part of the public hearing, I would like to address the County 239M, and the State came back with a comment. The County 239M, with the revised site plan, comes back pretty much as local determination.

Daniel Gettel: Because of the issues enumerated in the previous GML239 responses have been addressed, we have determined this is a matter of local determination. They go on to say, for the record, it is our understanding that there will be a 200 foot buffer between the campground and the surrounding agricultural area as well as a reduction in density from the previously proposed number of campsites. We also understand that the applicant will need to apply for additional noise permits for any concerts or large events held at the campground. That was a major concern from our previous responses. Regarding emergency situations and access to campsites in case of medical or other emergencies, the board should ensure that the applicant can demonstrate adequate access throughout the campground to accommodate emergency vehicles, and that the applicant has consulted the White Lake Fire District to confirm approval.

Daniel Gettel: I was expecting Robert Yakin to be here tonight. We did speak about it, and we did address this with the Fire Department.

Jacqueline Ricciani: We did receive a letter from the Fire Department, from a year or so ago.

Daniel Gettel: I don't think that the County is aware of it, but it has been addressed with the Fire Department. As part of the State, the State always reviews in conjunction with the County, they have two comments, and I think they should be read into the record.

1. Due to the area to be disturbed on the property resulting from this proposal, the applicant will be required to submit a plan for drainage, completed by a licensed engineer for review and comment prior to commencement of construction.

Daniel Gettel: Glenn, does that make any sense to you with the scope for this project?

Glenn Smith: No, it doesn't. It didn't make any sense to me either.

Daniel Gettel: It doesn't make any sense to me after reviewing this application. The second comment is one that that keeps coming up.

2. The applicant may be required to apply to the region for a Special Use permit detailing any traffic control measures on New York State Route 17B needed as a result of any special events at the facility. Please direct the applicant to contact the NYS DOT,

Sullivan Residency, at 845-794-7450, a minimum of one month prior to any events.

Daniel Gettel: We will make that a condition of any approval. It is always been something that has been kicking around. Like I said at the last meeting, I think Jeryl has a good rapport with the DOT, as far as the right a ways, so I don't see any issues with that.

Daniel Gettel: Are there any board comments? We are still in the public hearing, if someone would like to make a comment during the public hearing. Anyone from the audience?

Susan Brown Otto: What about the floating lanterns. We spoke about them. Are they being banned?

Daniel Gettel: They were banned for the August event. It is not in any conditions that I reviewed for the project at this time.

Bette Jean Gettel: Floating lanterns are banned by New York State. That is my jurisdiction.

Daniel Gettel: We are still in a public hearing, if there are no other comments from the board...

*none*

***Motion to close this public hearing and go back to the regular meeting by Steve Simpson, second by Mike Cassaro.***

***All in favor - 6***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: We are reviewing two Special Use permits tonight and there are certain items I have to read into the record. The Special Use procedures are outlined in sections 345-30, the zoning code, paragraphs I & J. They are two that I typically read into the record.

Paragraph I states:

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

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

This is primarily an open air camping facility and there will be few buildings constructed as part of this application. Accessory buildings will include shower facilities, bathroom facilities and utility buildings, all utilitarian in nature and all well within the bounds of the property.

Daniel Gettel: Glenn, have we ever seen building plans on this, not that it would make a difference.

Glenn Smith: No.

Daniel Gettel: I remember some plans....the owner has indicated that site lighting, other than security style lighting, will not be provided.

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

This property has been used in a similar fashion in the past and a minor amount of site disturbance will be needed for the change in use. It is not anticipated that storm drainage, erosion, or sediment control is to be an issue.

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

There are no anticipated detrimental impacts on community services or utilities. Utility services shall be provided on-site by the applicant. The site is served by a number of police agencies and the White Lake Fire Department, all of which shall be permitted on the site and all of which shall be granted adequate site access with the improvements to the existing access road network, a condition of approval. There is no anticipated impact on the educational system.

(4) *Environmental impacts in any form.*

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

(5) *Impacts on housing availability.*

There is no anticipated impact on housing availability associated with this use.

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

There are no anticipated nuisance impacts associated with odors, vibration or glare. In the event that this facility plans to have events that include amplified music the applicant shall apply to the Town of Bethel Town Board a minimum of two weeks prior to said event to obtain a noise permit, which will be a condition of approval.

- (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.*

The Site Plan for this facility had been altered in the past, specifically to conform to zoning. One result of this revision was to relocate the open field parking areas further back into the parcel, away from the State highway. Parking areas may still be visible from the highway, but not readily visible. The natural buffer zones around the property are to be maintained as part of any approval granted and the buffer zone along the northwest property line is to be improved as required to buffer any parking from the neighboring agricultural use. Glenn, we are taking this off of Wes' plan. There shall be no parking in the 200 foot setback line delineated on the applicants plan along this property line and the site plan shall be updated to indicate same, both being conditions of approval.

Daniel Gettel: We originally considered waivers on most of the landscaping, except for the buffer by the Russell Farm. Is that correct?

Glenn Smith: I am not aware of a waiver of the landscaping on that side.

Daniel Gettel: I don't think we were able to. So we are going to call for that buffer zone to be installed.

Jacqueline Ricciani: Right, but I think the bulk of the existing vegetation is sufficient.

Zach Howard: It was between us and Russell it was 150 feet and the vegetation that was there currently was a sufficient barrier.

Daniel Gettel: Wes' plan calls for planting trees along one section.

Glenn Smith: Wes' current plan doesn't show the trees. The prior plan had the trees.

Jacqueline Ricciani: The current plan has trees.

Daniel Gettel: But not an adequate buffer.

Zach Howard: From an email discussion me and you had I thought the understanding was that the vegetation that was there was sufficient. We were talking about some hydrangeas at one point would be sufficient.

Daniel Gettel: There was talk about putting something different in the buffer zone but it has never gone away. The only thing we have in writing is the white pines from Wes.

Zach Howard: The buffer would be maintained for sure. Again, the discussion we had with what would be planted there. I think the white pines... I thought they were taken off as per the discussion. I don't know how the board feels about it.

Jacqueline Ricciani: The only thing I recall is that the Ag statement came back with a recommendation of trees and a fence, and I think the conclusion was that the fence would not be necessary, but I think there always has been discussion about needing some additional buffer.

Zach Howard: Again, the buffer, that space is there.

Daniel Gettel: The buffer is an undisturbed area between the Russell Farm and the parcel.

Zach Howard: That is not a discussion, it is the screening that is the discussion, and what is required for the screening. If we do hedges?

Daniel Gettel: Glenn what did you come up with as far as a number, because there was some kind of discrepancy on the number, before the meeting.

Glenn Smith: The section of the west property line dividing Russell is like 400 feet. In Wes' plan it called for a tree every 20 foot, the original plan, not the current plant. So 20 foot on center in 400 feet is around 20 trees. If it is two rows it is 40 trees.

Zach Howard: And as per our discussion, I was under the impression that the trees weren't required, at least not 40 trees, and therefore we would do some sort of vegetation in addition to what is currently there, but it wouldn't be 40 trees.

Daniel Gettel: How does the board feel about some kind of alternate to the plan? We just can't waive it. Are you proposing something different Zach?

Zach Howard: I am open for discussion. I would like to know what the board will want to require there.

Daniel Gettel: I agree with the County, that the impact on the adjoining use is reduced if we call for no disturbance within 200 feet, that buffer zone which is shown on one of Wes' earlier plans.

Zach Howard: I am open to increasing what I thought was 150 feet to 200 feet.

Jacqueline Ricciani: The code requires a vegetative screening.

Zach Howard: By definition grass is vegetation.

Jacqueline Ricciani: I don't think that was the intent of screening purposes.

Zach Howard: That is why I am trying to get clarification on what the board would like as a screening.

Jeryl Abramson: If I can go back to a previous conversation that Wes had, I believe if you go back to the minutes of two years ago, the same question came up, what kind of screening do you want, and there was never an answer. So we are just keeping a buffer of whatever you want.

Daniel Gettel: There was never a final determination on what we wanted, but Wes is the one that proposed white pine. White pine are relatively...

Zach Howard: And as per our discussion they were removed. The site plan you currently have does not call for white pine.

David Biren: Yes it does.

Zach Howard: Six.

Daniel Gettel: Which is not adequate.

Zach Howard: Can we figure out an adequate screening?

Jacqueline Ricciani: The purpose of the screening according to the code needs to effectively screen the area.

Zach Howard: Which means visually?

Jacqueline Ricciani: Yes, so no one on the other side can see.

Jeryl Abramson: That is where you never gave us a response of what you wanted.

Jacqueline Ricciani: Your application always included trees.

Zach Howard: Now we are determining that is inadequate, so I am trying to find an adequate solution.

Jacqueline Ricciani: What is inadequate is the number of trees on the plan.

Zach Howard: Understood. Would hedges.....

Daniel Gettel: Hedges would be adequate, but I think you are going to find they are more expensive than putting in white pine. White pines are readily available and easily transplanted.

Zach Howard; More of the issue of the white pine was the fact that they are going to grow to be 60 to 70 feet tall, and destroy the view of our property, so I prefer a 6 to 10 foot hedge.

Daniel Gettel: We can ask for an evergreen hedge if you want to do that.

Glenn Smith: You would need two rows of hedges, like you would the trees.

Susan Brown Otto: What you don't want to have, like around the septic facility on 17B and Happy Avenue which has trees, which the deer have eaten off. The deer don't seem to like forsythia. I don't know if you have noticed, but there are a lot of forsythia bushes out and the deer don't seem to like them. Forsythia doesn't grow to be 12 feet tall, but the white pine trees,

what we saw here on March 2<sup>nd</sup>, the white pine trees just snap over with the wind storm. Eventually if they do grow tall then you have a tree and the branches are up on top.

Jeryl Abramson: It was determined that white pine would not be sufficient in that area, just because of the moisture, they don't grow properly. I do agree with you that the forsythia would do the job and it would look pretty.

Zach Howard: So some sort of vegetative screening that would be around 6 to 8 feet tall.

Daniel Gettel: I would start at 4 foot because you are going to have a hard time to find 6 foot specimens to plant. I'm okay with forsythia. It's not really a winter operation anyway. There are no leaves on the forsythia in the winter, they are like weeds, and they grow quickly.

Susan Brown Otto: And they are colorful this time of the year.

Daniel Gettel: We are still going to call for vegetative screening, but we will change that in any condition that we give you.

Jacqueline Ricciani: 6 to 8 feet tall?

Daniel Gettel: Anticipated to be 6 to 8 feet tall. They won't be planted that tall.

Zach Howard: One of the problems I had when looking at white pines, it is hard to find them at 6 foot to plant, which I believe the original plan had was 15 foot, and at that point, the trees are too tall, it is hard to find a tree which is in the range you are looking for, that can be planted at least 6 foot tall is what I am trying to say.

Jacqueline Ricciani: When they are planted they will be 3 to 5 foot.

Zach Howard: Originally they said it had to be planted at 6 foot tall and grow to at least 14 feet.

Daniel Gettel: I don't recall.

Zach Howard: This sounds like a much more amicable idea.

(8) *Impacts on nearby property values.*

This is a permitted use to be located on a State highway. There are no anticipated negative impacts this use will have on nearby property values.

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

Section 345-22H specifically addresses traffic impacts on NYS Route 17B and NYS Route 55. That section reads:

1. *No tract shall provide direct access to Route 17B or Route 55 if adequate*

*alternate access can be reasonably provided by way of another road.*

This parcel fronts on Yasgur Road, a Town Road, which discharges directly onto NYS Highway 17B. No changes are proposed for that intersection.

2. *No driveway shall be permitted within 100 feet of a public highway intersection on Route 17B or Route 55.*

Internal driveways are existing, will be improved as needed as a condition of approval, but will not be relocated, a condition of approval.

Daniel Gettel: Zach, we had spoken originally about this before, to have someone check out the access roads to make sure these roads have a good shale base.

In regards to traffic in general the site has operated in a similar fashion in the past with no noted negative traffic impacts. The New York State Department of Transportation has requested that the applicant contact them to discuss and potential site disturbances and any need for traffic control measures as a result of any special events, both conditions of approval.

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

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

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

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

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

This is an application to operate a campground with outdoor recreation, which has occurred on the property for smaller durations. Some may say that more facilities that offer overnight accommodations are required in the Town of Bethel.

- (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.*

Again, some may say that facilities that offer overnight accommodations are required in the Town, which is a positive impact. The proposed use cannot be anticipated to have a negative impact on the health, safety and welfare of the residents of the Town of Bethel.

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

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

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

There are no significant environmental impacts associated with this application. A minimal number of long-term jobs will be created as part of the operation. There are no detrimental impacts anticipated in regards to housing 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 shall be no economic burden placed on community facilities or services associated with this use.

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

This is a permitted use to be located well off the road on a wooded parcel. The applicant will be required to supplement the landscaped buffer zones as required.

Susan Brown Otto: What about the signage? Are there going to be any signs now that they are proposed for a longer term facility?

Daniel Gettel: You would need to go to BJ for that first. If it is over the amount she cannot

approve, you will come back here.

Bette Jean Gettel: If it is over 24 square feet it goes to the board.

Zach Howard: Okay.

Daniel Gettel: Glenn, as far as conditions for approval, we are talking about a forsythia hedge row anticipated to grow six to eight feet in height as a buffer.

Glenn Smith: At least 6 to 8 feet. They grow fast. They grow like a weed.

Daniel Gettel: Just a single row, right?

Glenn Smith: Yes.

Daniel Gettel: Okay, if we were to approve this application tonight, the conditions that we discussed before the meeting involved are as follows:

1. The applicant shall plant a forsythia hedge row anticipated height to at least six to eight feet tall, along the westerly property line that borders the Russell Farm.
2. There shall be no parking within the 200 foot setback bounds originally depicted on the applicants Site Plan, on the northwesterly property line that borders the Russell Farm.
3. The main shale loop road and the RV access road shall be cleared of all high vegetation for a width of 20 feet and shall be improved as needed with compacted shale for a minimum width of 15 feet that is adequate to allow for emergency vehicle access.
4. There shall be no unpermitted disturbance within the bounds of any wetland.

Daniel Gettel: Glenn, there is a slight disturbance with the discharge into the stream, but that is not technically a wetland, correct?

Glenn Smith: That is not a wetland and they are applying to the DEC for a permit for that anyway.

5. There shall be no more than an average of four people per campsite, as stated by the applicant.
6. The applicant shall not issue more than 200 day passes, per day, for the commercial outdoor recreation facility.
7. The applicant shall submit a revised Site Plan to the Town of Bethel Building Department which includes all of the aforementioned conditions, to be reviewed by the Town Engineer and signed by the Planning Board Chairman.

8. The applicant shall obtain all required approvals by other agencies, including but not limited to, the New York State Department of Environmental Conservation, the New York State Department of Transportation and the New York State Department of Health.
9. The applicant shall ensure that all vendors have valid permits issued by other agencies, such as the New York State Department of Health, if required.
10. The applicant shall obtain a noise permit from the Town of Bethel Town Board for each music or concert event at which amplification equipment is used.

Daniel Gettel: That should be done two weeks prior to the event.

11. All infrastructure for the non-transient campground and commercial outdoor recreation facility shall be installed, and all required permits and/or approvals shall be obtained with copies of those permits being provided to the Town of Bethel Building Department, prior to the issuance of the Special Use Permits for either of these uses.
12. The applicant shall not operate the commercial outdoor recreation facility without simultaneously operating the non-transient campground.
13. All fees be paid to the Town of Bethel prior to the issuance of the Special Use Permits for the non-transient campground and the commercial outdoor recreation facility.

David Biren: How long is this permit for?

Daniel Gettel: It goes with the land. We don't issue one year permits.

Daniel Gettel: The application was previously granted a negative declaration.

***Motion to grant the application a Special Use permit for the nontransient campground and a Special Use permit for the outdoor recreation both subject to the previously referenced thirteen conditions by Steve Simpson, second by Susan Brown Otto.***

***Roll call vote:***

***Michael Cassaro – Yes***

***Susan Brown Otto-Yes***

***Steve Simpson – Yes***

***David Biren- Yes***

***David Slater – Yes***

***Daniel Gettel- Yes***

***Motion passed***

Daniel Gettel: Good luck guys.

2) *Application for a Light Industrial Use at the corner of Airport Road and County Route 55 known as Bethel Tax Map #: 18-1-7.11, proposed by A Bethel Land Corp. (Gottlieb).*

Tim Gottlieb: It is not really a light industrial use. It falls under the equipment sales umbrella. It is a 15,000 square ft. building located on the corner of Swan Lake Road and Airport Road. What it is going to be used for is maintenance of their equipment that they rent out. It is large drilling equipment. All the equipment will be maintained in the building. Six parking spaces, there are not a lot of employees; I think there are three employees.

Daniel Gettel: Can we get the owners name for the record?

Tim Gottlieb: The owners name is Arie Steinman.

Tim Gottlieb: Basically, We would like some input from the board as far as sighting of the building, then we can come back hopefully next month with a formal plan that shows landscaping, septic design.

Arie Steinman: I want to add something to that. Some of the equipment will be stored outside. Why we are here is for a clarification of what the parking requirements will be. We only have three employees. We do not receive any customers or visitors. It is highly unlikely. The building is being put up to service the equipment that we have. It is excavators. It is not a rental place, where you walk in and rent equipment. Most of my work is south of here and in the city. It is a service area for my equipment.

Daniel Gettel: Jacy, before the meeting you discussed with BJ how this fits in the Ag zoning. It is in the Ag Zone.

Glenn Smith: The Ag Zone permits equipment sales, Mr. Chairman. I'm not sure this qualifies for equipment sales.

Daniel Gettel: Equipment sales and rentals.

Jacqueline Ricciani: But he said nobody is renting...

Arie Steinman: It is being rented down South and New York City. It is not a piece of equipment that is being rented, and carried out. It goes down south.

Mike Cassaro: It is not open to the general public to rent. I don't think anyone here would want to rent this.

Arie Steinman: Correct.

Daniel Gettel: Are you aware we have load restrictions on a lot of the roads?

Arie Steinman: Yes. When we transport the equipment in we get permits to transfer anything that requires a permit. I think the best way to move equipment is not through the Town of Bethel

itself, I think we would come up on Airport Road, not through town.

Daniel Gettel: From Town of Thompson to Airport Road. I don't think you could come through town. Mr. Sturm, you don't regulate oversize loads on non-town roads, correct?

Daniel Sturm: Correct.

Daniel Gettel: So Airport Road is a County Road, and 17B is a State Road, so I agree that would be your only access, Route 55 from Liberty or 17 from Monticello. None of the side roads. We have had problems with that with oversized loads.

Susan Brown Otto: How much traffic are you projecting? Once a week, twice a week?

Arie Steinman: Maybe once a week. Maybe twice. A lot of times equipment goes out to job sites and sits for three or four months, then it comes back and it gets serviced. Hopefully it doesn't come back too often. I prefer that it goes from job to job, as opposed to coming back, but eventually all of the equipment has to be serviced. We want to bring it back and have it serviced correctly.

David Biren: How much equipment is kept on site?

Arie Steinman: Depending on what time of year. In the winter possibly 15 pieces. They range from excavators to the largest piece that we have is a B1200. We have a drill that is smaller, and an interlock that is smaller, a C6 that is smaller.

David Biren: Are they taller?

Arie Steinman: No. The largest one we have is the B1200. It lays down. The majority of the time they are laying down. It is uncommon for them to stand up other than on the job site. The transport height is 14 feet or 13feet, and that is with the rotary arm. To move the equipment they have to comply with New York State regulations, as we go over highways and under bridges. So whatever New York State allows, they are pretty restrictive. That includes the lowboy carrying the equipment.

Steve Simpson: What are you doing with this equipment down south?

Arie Steinman: Drilling, vertically, and horizontally. Some diagonally. I can show you some pictures I have in my phone.

Daniel Gettel: We would like to see some pictures next time, for the next application. We would need them for the record on paper.

Arie Steinman: The largest piece we have is a B1200 to a C6 (showing pictures). It is primarily for the Bronx, Brooklyn, and Manhattan.

David Biren: What brings you to a residential neighborhood?

Arie Steinman: I live here. I would like to have the shop close to home.

David Slater: That's a huge machine.

Daniel Gettel: Can this equipment be serviced inside the building? That is one of the regulations you are going to run into.

Arie Steinman: Yes it can. If you look at the rendering, the door size is 15 foot x 15 foot or larger so we can pull the equipment in to service it.

Steve Simpson: If I had a hydro driller here, some towns do not permit the dumping of that material, water and dirt, on the same site or even in the same town, is it going to be taken to an environmentally sensitive area. If you are doing these drillings in Staten Island, should we be concerned about the contaminants? I would imagine when you bring it up here you have to clean it all out. Is there any reason to be concerned about the contaminants when they are brought to the shop?

Arie Steinman: It has to be all cleaned out before putting on the lowboy.

Steve Simpson: In the city of Middletown, if you bore in the ground using high pressure water, that dirt mixed with water creates an environmental hazard, you just can't back fill that hole. You have to bring in a truck load of clean dirt to back fill. That water and dirt contains a contaminant, in some towns, that happens. This equipment is basically not doing that?

Arie Steinman: A lot of times if we work in Manhattan you do a job say on Park Place, which is right by the World Trade Center. What we actually did was we recirculated the water, we put it in a containment tank, filtered it for the silts and pumped it and reused it for our drilling.

Jacqueline Ricciani: So you own the company that is doing the drilling, and you want to store your own equipment and maintain it here.

Arie Steinman: Correct. I own the company that owns the equipment that does drilling for other contractors and whoever hires us. I live in the Town of Bethel. I want to put the equipment up here. Most of the sales we do is on the phone or email. I meet very few of my customers. No one even comes to visit me.

Daniel Gettel: Just so you are aware, if we were to approve an application, this would be the place you store, not other places in town either, your property. You said you own other properties in Bethel. We would restrict you to store it here. I see what you are saying about the parking. I looked at the parking regulations. It looks like based on the square footage of the building you would need 60 parking spaces, which is not legitimate for an operation like this. Especially if you are not open to the public. You are not employing 30 people. Jacy the solution to that is a waiver, but I don't know if we have the ability to waive the parking. I don't know that off the top of my head.

Jacqueline Ricciani: The first thing I would point out under the commercial uses, you are

looking at one space for every 25, 250 square feet. It says that the following standards may be applied, it is discretionary so you don't have to comply with that. For site plans, you do have to, and I am pretty sure there is a waiver provision that I used to have marked. I do believe you do have the ability to waive certain requirements where it would create an undue hardship for the applicant, something along those lines.

Daniel Gettel: It is something that we need to address. I do believe we have the right to use a realistic number based on what you have just read. I do agree that making him have 60 parking spaces is not legitimate, and will increase the runoff dramatically, which we would have no need for. Site lighting would be more security I imagine?

Arie Steinman: In the rendering we provide, we are not taking up a lot of area, all faces of the building we have lighting that that will shine out.

Daniel Gettel: It is more of a down lighting

Arie Steinman: It is not going to affect the highway. I am going to put in security camera system.

Bette Jean Gettel: He is across from School house Road. There is a lot of screening there.

Jacqueline Ricciani: Is there going to be a sign other than on the building?

Arie Steinman: Just on the building. Again, we don't get a lot of company.

Daniel Gettel: Jacy, how are we going to fit it into zoning? Is that something you want to get back to us on?

Jacqueline Ricciani: No, the zoning isn't going to change. It is kind of storing and warehousing which is not permitted in that district. Since the reason that the equipment is here in the first place is because it will be hired out I think you could probably rely on equipment sales and rentals.

Daniel Gettel: It is equipment sales and rental.

Jacqueline Ricciani: For hire. This talks about any commercial use that consists of the display for sale or hire, new or used, construction or similar equipment. It is equipment for hire, and maintenance would be incidental.

Daniel Gettel: It is beneficial that we don't have people come here every day and rent equipment. There is not a lot of traffic generated with people, except for the size of the equipment, which is unique to our area.

Arie Steinman: I can't see someone walking into my shop to pay a \$5,000 a day rental, and a \$20,000 mobilization charge. If they break down my doors to get in there, I don't see that happening. We get almost no company.

Jacqueline Ricciani: There is a section under our general commercial and industrial standards that talks about vehicle and equipment sales and repair. Which I guess this would be equipment repair. That it all needs to be performed inside the building. It also says vehicles that are temporarily on the property waiting to be repaired has to be stored in an area that needs to meet the yard and buffer requirements. That is something that needs to be designated on the site plan.

Artie Steinman: The back of the building is a 25 foot strip that allows for storage. We can make a note that the rear of the building is the buffer zone.

Jacqueline Ricciani: It just needs to be shown on the site plan.

Daniel Gettel: Tim, we are going to fit it in the Ag District under sales and rentals, since they are for hire. We have a little benefit that there won't be people knocking on the door for pieces of equipment. We have some concern about the size of the equipment, but we don't regulate size in the Town of Bethel. It is not in our zoning. I would pay attention to Sections 345-30 and 345-31 which are the Special Use and Site Plan sections. Those are the two I just read in the record for Mr. Howard. They are paragraphs I and J. Section 345-21 is the commercial and industrial standards which talks about having the equipment serviced inside the building. Just something to touch on as it is something we have to touch on in our review. Section 345-22 is parking and loading. I would say to continue with the project, it's not like you can't fit 10 parking spaces or 12, but if you come back with a number that we feel is adequate, I don't want to hold you up, and I don't want the board to have to make a decision about that tonight. We will probably come back with 12 or less.

Artie Steinman: For three employees. Justify it for whom? I am allowing 6 spaces.

Daniel Gettel: We are going to come back to that.

David Biren: I'm thinking about 9.

Daniel Gettel: We have to justify it.

Artie Steinman: They leave with the truck.

David Biren: We are going to need a few extra spots for the escort vehicles.

Artie Steinman: I want to disturb the soil around the property as minimally as possible. Each added parking spot causes more disruptions for the soil. If you ask me for 50 spots, spots that I don't need, all we are doing is disturbing the soil more.

Jacqueline Ricciani: You show the parking spaces perpendicular to the building?

Artie Steinman: The parking spaces... we don't have much traffic.

Daniel Gettel: Tim all I'm suggesting is look at the parking, loading and access in 345-22, Section 345-23 is signage. You are saying there is no signage so that is not something you need

to look at. Section 345-16 is the landscaping standard. We will have to touch on that also.

Artie Steinman: If we provide 10 parking spots, will that satisfy the parking requirement?

Jacqueline Ricciani: Let me look into the waiver.

Daniel Gettel: We are going to look at that section in depth. We are not going to decide that this evening. If you are willing to give us 10 I think that is more than fair, but we are not going to make a decision tonight.

Artie Steinman: We will make accommodations for 10. The site now we have used is 32,000 square feet. If we add 10 spaces we will probably add, 2500, so we will go to 35,000 square feet. We are still under the acre where we want to be.

Daniel Gettel: Tim you are going to be subject to a County 239 and State 239 because of the location. Glenn, do you have any comments? I read your preliminary review, just a question of site distance on Swan Lake Road?

Glenn Smith: I said they should show the site distance to make sure it is adequate.

Tim Gottlieb: We need a permit from DPW anyway. I know we have it going toward Liberty.

Daniel Gettel: We believe we can fit it in our zoning. I don't think it is going to be much for you to address the sections. It's not going to be as elaborate as a McDonalds, but it is still a commercial use. Do you have what you need for direction?

Tim Gottlieb: Yes.

Bette Jean Gettel: Submissions are due 14 days prior to the meeting, and make sure I have at least 12 copies.

David Biren: What is the height of the building?

Tim Gottlieb: The height is 35 feet. That is the maximum for the Town.

Daniel Gettel: Vicky, anything regarding tomorrow's Town meeting?

Vicky Vassmer Simpson: No, there is not much on the agenda.

Daniel Gettel: Mr. Sturm anything?

Daniel Sturm: No, nothing. Thank you.

Bette Jean Gettel: We have a training session on Solar. NYSERDA is putting it on. Monday, June 11<sup>th</sup> at the Government Center.

Jacqueline Ricciani: You know you have a solar application for your next meeting.

*Motion to adjourn by David Slater, second by Steve Simpson.*

*All in favor – 6*

*Opposed - 0*

*Agreed and carried.*

Respectively submitted,

*Jannetta MacArthur*

Recording Secretary.