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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 July 2, 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 that time were the following;

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

Pledge to the flag

David Slater Excused

Seat Robert Yakin, Jr., Alternate.

Motion to approve the minutes from the June 4, 2018 Planning Board meeting by Steve Simpson, second by Robert Yakin.

All in favor -7

Opposed - 0

Agreed and carried

- 1) Application for a Special Use Permit with Site Plan review 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. (Bohler Engineering)***

Daniel Gettel: Mr. Zeiger is here, Jannetta do you know the players here?

Matt Strombelline: I am Matt Strobelline.

Dale Koch: I am Dale Koch, from the Engineering firm.

Daniel Gettel: Before we begin, what are we calling it? Is it Prodigy, we have different names that we call it.

Matt Strombelline: Yes it is called Sanctuary.

David Gettel: A number of people on the board have not seen this application. It has had preapplication meetings. I have seen it a couple of times. I was also fortunate enough to go to the Cochection meetings. I saw it there a few times. If you just want to tell the board what your proposal is.

Jay Zeiger: In the original proposal the main hotel area was going to be in Bethel, then there were going to be some cabins on the Cochection side. That part of the project has now been abandoned. Everything you are looking at will be in Bethel. It will be basically be a retreat, a getaway hotel looking to target corporate retreats and business people. Dale, do you want to go over the main.....

Dale Koch: The previous submission was very similar in nature to what we have here except there were twenty four (24) cabins in Cochection. We have reduced that down to eight (8) cabins, all on the Bethel side. They are going to be placed sporadically in the wooded area. There was the proposed Yoga Yurt that is near the main house. Previously in line with that building, we have since done some research and actually moved... there is a proposed 3,400 square foot Hotel/Motel type of building and a 1,700 square foot yoga studio. It is a little bit further up on the hill, to work with some of the topography and drainage on the site. Those are the big changes. Obviously, because we have fewer cabins, we have reduced the size of the parking lot. We also moved things a little bit just to move around some site features and into areas where we felt it would be easier to construct it. And there is a new pathway past all those new cabins.

Matt Strombelline: They are micro cabins, 16 foot x 16 foot.

Daniel Gettel: But they are year round structures.

Dale Koch: Correct.

Jacqueline Ricciani: How many people can you put in a 16 foot x 16 foot cabin with a bathroom?

Matt Strombelline: The idea is to put in two types of rooms. One would be one bed and the other would be one bed plus a loft bed. A family of four maximum.

Dale Koch: I actually have handouts that show what the cabin looks like. These are just renderings (passing out to board members), that the architect had put together.

Matt Strombelline: This is the one that is in Ulster County. It is a similar size to the cabin we are proposing.

Dale Koch: You can see the floor plan. There is an open area, a small sink, a small bathroom, a loft bed above the living space. It is really small.

Matt Strombelline: You could put in two beds. One loft and one on the ground floor for a total of four (4) people maximum.

Daniel Gettel: Would you say this is more of a corporate retreat or is it open to the public? How do you intend on running it?

Matt Strombelline: It is definitely open to the public. It would be a retreat for businesses. It is a public retreat.

Daniel Gettel: Just so the board is aware, there is a central kitchen, which I am sure we will discuss pretty soon. There are no kitchens in the individual cabins. That is one of our requirements for our zoning. There is an existing house on the property which will be converted, I believe. There is also an existing barn on the property, which is that part of it, or the garage?

Jay Zeiger: Yes that will be part of it.

Daniel Gettel: The main kitchen gets added to the main house?

Jay Zeiger: Yes. There is a garage that is for the maintenance shed.

Daniel Gettel: BJ has offered if anyone would like to visit the property, you can coordinate it with her, and she will coordinate with the caretaker, the property manager, and she will take you to the site if any board members would like to go. It is a nice piece of property. Glenn, you had some review comments? Would you want to touch on those?

Glenn Smith: It is in the Ag zone. It meets the Hotel/Motel bulk requirements for a Special Use Permit. We need more detailed information on the septic, the roads, but in general it complies at this point. I had made a comment about the cabins if they are going to be accessory structures. I made a comment that the board may want to discuss the setbacks and that type of thing.

Daniel Gettel: Reading into the record:

Section 345-15C - Accessory Structures

Accessory structures, which are not attached to a principal structure, may be erected in accordance with the following restrictions:

1. In no instance shall an accessory structure be located closer than 10 feet from the side and rear lot lines.

Daniel Gettel: That was amended in 2017.

2. No accessory structure shall be located closer to the street than the street wall

of the principal structure, except in the case of farm buildings.

3. No accessory structure shall be located closer to a principal structure than 10 feet, except for telecommunications facilities which shall be regulated in accordance with the requirements set forth in 345-28 of this chapter.

4. All accessory structures must meet the zoning requirements and setback requirements of the principal use of the property upon which they are sited, except this provision shall not apply to single family dwellings, two family dwellings and farm operations.

Daniel Gettel: That was added April 12, 2017.

Daniel Gettel: That is the one that we are having a bit of an issue with on this project and other projects because.... I don't think the intent of that paragraph was meant for a hotel project such as this. You are allowed to have a lot that is 400 feet deep, but you can't be within 100 feet of the front or rear line. That just squeezes everything into the center of the property. We are going to end up with projects that are not good engineering where projects aren't really laid out for the individual site. This applicant has spent a lot of time on this site picking where to have certain features, the best place for them to be. They have a temporary tent section. I assume they (the tents) have some sort of platform so there is some sort of permanent structure there. Whether we call it an accessory structure or not the best place is along the rear of the property line, 10 feet off. In this case they happen to be their own neighbor. If it weren't for the town line there wouldn't be a property line there. We are kind of protecting them against themselves. We are pushing them to give us a project that may not make sense. We had some discussion with the Town Board to perhaps review that. Vicky is aware of that now. We have had some talks recently. I don't think the intent of that amendment was to limit development for hotels like it is. It does work in some instances but in this case that line just doesn't seem to work for all projects. If it is okay with the board I am going to write a letter to the Town Board to request that they look at that section of code because it is something that is going to give us problems down the road.

Bette Jean Gettel: Can we make a motion on that please?

Motion to have Daniel Gettel write a letter to the Town Board regarding the above mentioned section of code by Susan Brown Otto, second by Steve Simpson.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: I'll just write a letter. Jacy if you would give me a hand with that. I think that will resolve a lot of problems moving forward. Water and sewer, I assume it is 2 wells. Everything is going to be on leach fields? Some of the cabins will be clustered on a leach field?

Dale Koch: All of the perc tests came back really well for the property. We have a general idea of where we want to put these things. All that can be accommodated.

Bette Jean Gettel: Are you declaring your intent to act as Lead Agent?

Daniel Gettel: I don't think we need to do Lead Agency until we have a Full EAF. We have a Short EAF, prepared to get you on the agenda. At the preapplication meeting we talked about getting a Long EAF for the final project. I think if we get a Long EAF then we can declare our intent to be Lead Agency at the next meeting.

Glenn Smith: I assume it is going to be an Unlisted Action, so there is no reason for the board to circulate your intent to be Lead Agency I wouldn't think, unless Jacy has something different to say on that.

Jacqueline Ricciani: No coordinated review here.

Daniel Gettel: You still want a Long EAF though?

Glenn Smith: Yes, a Long EAF for the size of the project.

Daniel Gettel: Jay, I don't know your schedule but if you would, do the Long EAF. It is going to need a County 239M review. Glenn, if they resolve the EAF and maybe tweak the plans a little, they are probably ready for the County 239M review next month I would think.

Glenn Smith: The County has been reviewing plans more preliminary than this lately. They could probably comment on this now.

Dale Koch: The 239M applies because?

Bette Jean Gettel: Because you are in the Ag District, and your municipal boundaries.

Daniel Gettel: And you are pretty close to the Town line.

Bette Jean Gettel: I also need to do an Ag Data statement.

Daniel Gettel: I don't know how the board feels. The project is pretty straightforward. I don't see any big changes in this plan moving forward. You guys are pretty set with what you want to do. I don't think Ag data is going to be a problem. Jacy, what are your thoughts on the 239M?

Jacqueline Ricciani: I would wait until we have a more complete plan and a Full EAF to send to the County. I am concerned if we give them something preliminary they will come back with 10 pages of technical comments. I think the more information you can give them upfront the less comments they will come back with.

Dale Koch: We've been talking. We all kind of know the site at this point and it makes sense to be further along.

Glenn Smith: Mr. Chairman, are you doing a SWPPP?

Dale Koch: Yes, we will definitely do a SWPPP.

Daniel Gettel: What is your lead time on a SWPPP? I don't want to put you on the spot?

Dale Koch: We are going to do a detailed engineering plan, and SWPPP we will be about two months.

Jay Zeiger: I don't think they need the SWPPP for the County.

Daniel Gettel: We don't need it for the County, but we need it for our final approval. If you could get us the Full EAF next month, I am not going to set your schedule, but if we have that next month we could do Lead Agency, declare our intent to be Lead Agent, schedule a public hearing, and send out the 239M. Then, you are into the following month anyway. Even if the SWPPP wasn't complete I think we would have enough information and know that it is a doable project. Glenn, we could do a condition that we couldn't sign off on it.

Dale Koch: We could do the plans, and the reports, and all the applications and that stuff, the check lists in the binder.

Jacqueline Ricciani: They would all be conditions anyway.

Daniel Gettel: Any further discussion on building a model?

Jay Zeiger: We would like to build two on location.

Dale Koch: They are on the plan that you guys should have. They are highlighted in yellow. They are the two cabins we want to build. Preferably both with utilities to show how they operate and how they are used.

Jay Zeiger: It is not going to be like a hotel use, it is going to be used by the owners, the principals.

Daniel Gettel: Jacy, we've had some preliminary discussions about that. I know you and I are both uneasy about that. I am more comfortable building a model without utilities connections. That is where I am.

Jacqueline Ricciani: And you do it at your own risk if this project does not get approved.

Jay Zeiger: If this were a one family house....

Jacqueline Ricciani: You have a one family house on there already.

Jay Zeiger: Right. Would we be able to build this as an accessory use to the one family house that is on the property now?

Daniel Gettel: We don't really have guest houses in our zoning. I know they exist in the town.

Jay Zeiger: It's not really a house. It doesn't have anything other than a sink in the bathroom.

Jacqueline Ricciani: And sleeping.

Daniel Gettel: I don't know how the board feels, I don't know if I understand the urgency for you having an additional unit in the middle of nowhere that you can use.

Matt Strombelline: We would like to have it for our investors. They come to New York all the time. They want to see the project and then we can show them what it actually looks like.

Daniel Gettel: The Planning Board has approved allowing other applicants, at their own risk, to put up models. We did it for Basil and Barns. That project did not go through but they did have a permit to build two models. It is something we have done in the past. It is at their own risk. BJ could not give them a Certificate of Occupancy. I would have them use it at your own risk, but that isn't the right thing to do either. You don't have the ability to give them a Certificate of Occupancy. You can demonstrate how it works, but I don't want to know that people are sleeping in them. The majority of the board is nodding their heads. I think the board would be agreeable that the two models could be built at their own risk. We have done it in the past. I understand the fact that the investors want to see some kind of progress, especially after three months of back and forth.

David Biren: Why do you need two? Why not one?

Matt Strombelline: Our initial contract with that architecture firm in front of you was for two. Our first meeting with the town was actually last July, and it has been a year already. They are saying to themselves what is up with the project? Our investors want to see two of them.

David Biren: I can't see two. One is pushing the envelope.

Daniel Gettel: To me it doesn't matter if it is one or two.

Jacqueline Ricciani: I think the utilities are the bigger issue.

David Biren: I can see someone coming up and saying we want to put up two also. We have a home and we would like to put two units up.

Jacqueline Ricciani: These are not, these are being put up at their own risk. If this project doesn't get approved they have to take it down.

Daniel Gettel: Can I ask that you set up one with a loft and one without, that you want to show a difference with the models? That would make more sense to us. In the past the ones we approved had different models.

Dale Koch: We will definitely do that.

Susan Brown Otto: Is the plan to have the utility lines underground?

Daniel Gettel: Everything has to be winterized.

Bette Jean Gettel: NYSEG is requiring everything to be underground.

Daniel Gettel: Robert (Yakin), what about fire protection? What are your thoughts on how close to get to the units, turning radii, things of that nature?

Robert Yakin Jr: If they are going to have eight (8) cabins, with occupancies of four (4), we are going to have to have emergency access for them, which in New York State means a 20 foot wide clear road. I wanted to ask you, you said, I think the last time and correct me if I am wrong, that the existing house is going to be a hotel or you are going to convert it to a new building there?

Dale Koch: The first time it came up it was the same thing. The existing house, the idea was ultimately to convert to some kind of commercial kitchen with housing for the staff. The hotel will be 3,400 square feet.

Robert Yakin Jr: We have homes bigger than that in Bethel. Are there rooms in there as well or is it just going to be amenities?

Dale Koch: Yes.

Robert Yakin Jr: It looks like your parking is down off of Matt Smith. Are you going to have parking up there for the hotel too?

Dale Koch: No. Everything is going to be in the one place.

Robert Yakin Jr: We have to have a turnaround radius at the hotel.

Dale Koch: Do you need access all the way around it or can it be....

Robert Yakin Jr: You guys can give us a hammerhead if you like. You can give us a fire lane if you like.

Dale Koch: A fire lane with a hammerhead here (showing on map) would that be enough?

Robert Yakin: You give us a fire lane, a spot to back in and turnaround and go out. You don't have to give us full access, that's not necessary.

Bette Jean Gettel: Are there ponds on the Bethel side?

Dale Koch: On the Cochection side.

Robert Yakin: Water access is an issue in that area of the District.

David Biren: So you need a road towards the pond.

Robert Yakin: I'm not going to tell them they need a road for the pond. Just to be aware that probably with fire insurance it would be beneficial for you to put a dry hydrant in one of the ponds. They are relatively inexpensive, easy enough to do. Can you supply us with plans? There is very little water access in that area. The White Lake Fire District can provide you with various plans if you choose.

David Biren: What about lighting?

Dale Koch: Along the roads? We can put some low lighting on the paths.

Daniel Gettel: It is up to you to show us.

Jay Zeiger: They want to limit the lighting, again, this is a place where they are encouraging peace and tranquility.

Susan Brown Otto: What about signs? Is there going to be one on County Road 115?

Dale Koch: A small gate at the entrance.

Matt Strombelline: No massive signs, just a small size.

Daniel Gettel: You just need a 911 sign.

Dale Koch: We aren't even proposing a sign, just a gate and the address.

Jacqueline Ricciani: The house that is there that is going to be renovated for the commercial kitchen. Are there going to be dining facilities there also?

Matt Strombelline: Yes, one large communal table. You are paying one price. This is just for the guests. You couldn't book a dinner there if you weren't staying at the property.

David Biren: Is there handicap parking?

Dale Koch: We are showing handicap parking. We will have enough. There are going to be people driving around on golf carts.

Daniel Gettel: It is a gray area when you talk about handicap camping. I don't think the camping has to be handicap accessible.

Bette Jean Gettel: If you wish to be on the August agenda, there needs to be a submission to my office no later than July 23rd please.

Dale Koch: My bet is there will be a more detailed plan in September.

Jay Zeiger: If you do the EAF for the next meeting, then you can schedule the public hearing for September.

Daniel Gettel: We should receive and file the building diagram.

Matt Strombelline: What is your plan for the Labor Day meeting? Is it the Monday before or after?

Susan Brown Otto: What does this mean? Isn't there a Jewish holiday?

Jannetta MacArthur: Monday, September 10th is Rosh Hashanah.

Daniel Gettel: We have to figure out September's meeting. We aren't going to do it tonight. It is something we are clearly going to have to move.

Susan Brown Otto: Is this in collaboration with BIG Architects?

Matt Strombelline: So, Big is the design architecture firm. We still need an AOR on the project of course, an Architect of Record, and Incline is a company that is collaborating with BIG. They are both design architects for this. A45 is just the model number they chose.

Motion to receive and file the packet on building layouts by Steve Simpson, second by Susan Brown Otto.

All in favor – 7

Opposed - 0

Agreed and carried

Jay Zeiger: Are we okay with the two cabins; nobody sleeps there, with utilities?

Dale Koch: Two different models.

Daniel Gettel: Yes. Work closely with Glenn in getting us what we need.

2) *Application for a 4-lot subdivision to be located on Soule Road, known as Bethel Tax Map#: 13-1-6.3, proposed by Yampola Yeshiva Teacher Corp. (Ross Engineering)*

Daniel Gettel: This is our first time seeing this application. Why don't you tell us about the property and what your proposal is and we'll tell you what is wrong with it.

Zach Szabo – Engineering & Surveying Properties: It is a 5.5 acre parcel on Soule Road. We are proposing a 4 lot subdivision. All have frontage along Soule Road. All four lots will be serviced by private water and private septic. We have done two percolation and two deep pit tests. We weren't sure if we had to have the town witness them.

Daniel Gettel: Glenn, for a major subdivision we would have to witness, but a minor...

Glenn Smith: I don't think I have to witness it. The engineer is going to sign off on it.

Daniel Gettel: They are going to have a reserve area. We would accept your information on that.

Zach Szabo: Okay. It is pretty straightforward. Just four lots. Two flag lots.

Daniel Gettel: The town zoning does permit flag lots. It is my opinion that the flag lot design itself does meet our zoning code. As far as the acreage goes, your number on the back lot line 337.16 feet is incorrect. On the back of the two lots, I would check your numbers on that last lot. It is a minor subdivision. The ownership is going to be single family. Any idea of the size of the buildings?

Zach Szabo: Not at this point.

Daniel Gettel: We are talking conventional sewer systems, and once you get above four or five bedrooms you start getting into problems. We are probably not talking about anything that large. Glenn before you get involved, on Lot #3, we have a section in our code which I'll just tell you what the section is. I don't need to read it into the record. Section 300-21 deals with lot design. It talks about properties being a buildable acre. Glenn, before the meeting we discussed steep slopes, but they are not specifically excluded.

Glenn Smith: Steep slopes are acceptable in the buildable acre.

Daniel Gettel: What is the condition on Lot #3? Is it a steep slope, or is it a gradual slope. It is a little deceiving on the plan, because I think the scale on the plan is off.

Zach Szabo: Yes, the scale on the plan is off. This is actually our fourth sketch.

Daniel Gettel: Is it a 40 (1" = 40') scale or a 50 (1" = 50') scale?

Zach Szabo: It is a 40 scale.

Daniel Gettel: It makes it a little steeper.

Zach Szabo: We are not sure of the steepness of it. We can, in further applications, show the slopes.

Daniel Gettel: I'm not sure what affect the sewer system will have because, Glenn, the newer

systems are split, each lateral gets its own dose. I'm not saying that exactly right, but it is equal distribution.

Glenn Smith: Well, what they are showing on the plan now, the septic areas is fairly large. I think that once, if the percolation tests are as good as the table shows, they could probably get away with a septic leach field considerably smaller than what they are showing. They should be able to find a place.

Zach Szabo: We use these boxes here for the most drastic septic systems for 59 minute percolation tests. We are getting maximum 22 minutes.

Daniel Gettel: Twenty two is actually typical for the area. But the older systems used, the first lateral would fail before the second one even got a dose. They don't do that any longer.

Glenn Smith: Serial distribution is now different.

Daniel Gettel: It works out better for the slopes, because they all get a dose at the same time. The reason I raise that section of code is if there is a wetland on the property behind you.

Zach Szabo: Up here (showing on map)? It goes around back. We are well away from that.

Daniel Gettel: Are you over 100 feet from that would you say?

Zach Szabo: I think so yes. We can show on the property....

Daniel Gettel: The only reason why I raise that is if any of it infringes on these properties, you have to subtract that amount from the area of the lots and prove that it is a buildable acre. We didn't touch on it, but it is in the RS Zone. It is one of the only that permits the one acre zoning. Lot #1, you have an arrow where there is a proposed well location. Then you get down to one acre lots, it gets a little hard to get your proper separation with the wells and the septic. Lot # 3 has no well on it at this time.

Zach Szabo: Actually none of the lots show wells on it at this time. Once we get more into the design we will start to show the wells and the separation from each septic system.

Daniel Gettel: It is going to make it a little bit more difficult to develop into four lots though. Glenn, we have a Short EAF, which I think is acceptable for this application.

Glenn Smith: I would agree, yes.

Daniel Gettel: Glenn, do you have any comments? I read your letter but I don't have it in front of me.

Glenn Smith: On my DEC wetlands map it shows that about 100 foot of the back line. You need to find out where those wetlands are and show the buffer for that.

Zach Szabo: Our survey comes to these three lots also. We have the map for the wetlands for that area.

Glenn Smith: And then we did show a well on Lot #1, with the septic on lot #2, I would question if you could get a well into the rear right side lot. If you stay 100 feet from that septic, plus 200 feet from the uphill septic.....

Daniel Gettel: There is also a house on Blanchard Road.

Glenn Smith: You should show that on the map as well. Again, the slope on the one lot where there seems to be like a 25% slope that should be on the plan.

Daniel Gettel: What was your comment about percolation tests in the reserve area?

Glenn Smith: The town zoning requires two percolation tests and one test pit in each septic leech field area. The town requires 100%.

Daniel Gettel: Are you saying we have enough?

Zach Szabo: We need two more percolation tests. We have the information, they are not shown.

Daniel Gettel: I would look to the adjoining lots. The left side, the Akers. The whole neighborhood was broken up into one acre lots, and five acre lots. Are there any comments from the board? It is pretty straightforward. Glenn, as far as moving it forward we really should have the utility information before we do a public hearing.

Glenn Smith: This is a sketch, I need more information.

Zach Szabo: Sure.

Daniel Gettel: Since it is a minor subdivision we don't need to do preliminary approval. I think if you resolve a few of the issues on the utilities, the lot configuration, as long as you stick with this, I am comfortable with it. It meets our zoning. You may end up tweaking things or cutting back the number of lots based on the separation distances. It does get tight with one acre zoning. It is up to you guys to figure that out. Are there any questions from the board?

Jacqueline Ricciani: Is this part of a prior subdivision?

Daniel Gettel: They all basically have the same base tax lot number. At one time it was a subdivision. A subdivision can be further subdivided. It is nothing recent. Jacy, it is the whole neighborhood. There are a lot of them, especially on Soule Road. Are there any comments from the Board? Do you need anything from us? I think for conceptual this is good, just tweak the plan, and bring BJ the paperwork by July 23rd. Thank you for coming in.

Daniel Gettel: Vicky, I don't think there is anything we need to talk about. We talked about going to the Town Board about the accessory use concern. I will do a letter.

Vicky Vassmer Simpson: Yes, we will address that.

Motion to adjourn by Wilfred Hughson, second by Robert Yakin.

All in favor – 7

Opposed - 0

Agreed and carried

8:17 pm

Respectively submitted,

Jannetta MacArthur

Recording Secretary