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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 11, 2016 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda was the following:

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

Excused: Wilfred Hughson, Robert Yakin, Alternate.

Pledge to the flag

Motion to approve minutes from the June 6, 2016 by Steve Simpson, second by David Biren

All in favor - 6

Opposed - 0

Agreed and carried

Daniel Gettel: Let the record show that the proofs of mailing have been received, but not the return receipts. The proofs of mailing have been stamped by the Post Office.

Daniel Gettel: For those of you in the audience we do have a public hearing for a non-transient campground with outdoor recreation facilities. In a moment we will open the meeting up for public comment. At that time I will ask the applicants representative to address the audience. We have seen this proposal a number of times. I then have to discuss a number of waivers of the requirements of our code that they have requested. We have not granted any waivers, nor have we acted on any of the approvals for this project. We did want to get to the public hearing and get the public comment on that. After the applicant makes the presentation we will run through the waiver requests for the record and will then accept the public comment. It is a public hearing, it is not meant to be a question or answering period or a public debate. We are here to get the public's input. There are a number of people that have signed up to speak....BJ?

Bette Jean Gettel: Yes, there are some.

Daniel Gettel: There is quite a bit we have to do tonight, so I would ask that if you want to make a comment, just limit your comments to three to five minutes at the most. That way it gives us a chance to get done what we have to do, and gives everyone the opportunity to speak. If someone before you says that they are opposed to this or in favor of that, there is no need to keep repeating the same thing over and over. If you agree with something just simply state you agree with what was said, and we will move on with the meeting. If your name is not on the list and you want to speak after I run through the names on the list, just raise your hand and will entertain your comments at that time. We ask that when you want to speak, please come up to the front of the room. There is a microphone for you to speak into, to make sure everyone can hear you.

1. Public Hearing for a Non-Transient Campground with Outdoor Recreation Facilities 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. (Wes Illing)

Motion to go out of our regular meeting and into a public hearing by Steve Simpson, second by David Slater

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: Wes, if you would please address the audience.

Wes Illing: I would like to thank everyone for coming out tonight. My name is Wes Illing, and I represent the applicant. This project is for a campground. There is a shortage of campgrounds in Sullivan County. This campground is rather unique though. Most of the campgrounds you go to, you pull in and there is a patch of grass. There are a few shrubs, maybe a tree or two, and that is your camping spot. It is not really much like camping. This property is very unique. The topography is gentle. There are 75 acres of fully wooded forest. The forest is not the mature forest we had 300 years ago, but still the trees are substantial, the beginning of a real forest. Over the last 20 years they created a canopy. When the people come here for the August event every year, they stay in the woods, they stay in the forest, the forest, and it is really neat. It is just a nice place to be. Maybe in 100 years from now it will be even more incredible. The forest represents the single biggest asset this campground has. It is important to Yasgur Road Productions. In addition to the basic forest, there are two wetlands. They are classic wetlands, the bog and the rotting trees, all the wonderful things you see in a classic wetland. There are people that go there in August that go just to meditate. There are some very unique features about this property that make it a wonderful campground. It is not just a campground. It is a campground with a musical theme. It is kind of taking us back to the days of Woodstock where people came and camped and listened to the music. The one thing that I think is very important about this campground, the mindset, it is one of tolerance. It is what our society needs right now an attitude of tolerance. I would personally like to see this be an anchor for tolerance in the Town of Bethel. There are about 300 campsites in Phase 1, and another 200 in Phase 2. The campsites, because protecting the forest is a very high priority for us, we have reduced the number of campfires in the woods today and created common camp fires. Where there is a fire

pit, five to seven campsites share. To reduce the risk of campfires, because it is consistent with the communal concept, a little bit of sharing is a wonderful thing. The Planning Board has been very reasonable with this project. One of the issues is the parking area in 17B. We have the 17B corridor and in the master plan it is important to preserve the farm like look in this corridor. Now that has pros and cons, because the 17B corridor and any town roads, really when it comes down to dollars and cents it is the best interest of the community to promote development along those roads that are maintained by the state or the county because the town pays about a dollar a year per linear foot, and it is a tax expense for the Town. In development it would be a huge plus to the tax payers in the Town of Bethel, if it were developed. This project, it runs along 17B, is right here where Yasgur Road comes up. Yasgur Road is a dirt road, and we would like it to stay a dirt road. The traffic flow when people come to this campground will turn right on Yasgur Road, they will come up to this spot right here, and then they will come in, they would come around this loop, and go around here, come all the way around here, then come back up to here, and there is a ticket booth right here. When people are coming, what we need to have, we don't want any traffic on 17B. By making this circular loop, using the existing shale road for the cars, it enables us to basically put in 250 cars, and so we won't have any traffic on 17B. It is all going to be internal, maybe a little bit of a back up on the town road, essentially there will not be a line of cars ever on 17B. That is how we addressed the parking requirement. There are about 450 parking spots in this open field right here. It will remain a grass field. In Phase 2 there will be additional parking, we will create in this area over here the parking. The way the topography is on the property, the town engineer and I have both looked at this. We are planning some vegetative screening of white pines, in this low area where you can drive by and look and see this field. Once you get to about here, because the topography and the height of the berm right there by the road, you can't see the field anymore. When you get down here, by planting trees along here, we will be able to obscure the view of this parking area in Phase 2 from 17B also. So the parking area will be fully screened to people driving by, so you won't even know there is a campground there. Emergency access vehicles, it is a rugged campground, however the owner already has campers come in with wheelchairs, she escorts people in wheelchairs, and welcomes them to come. She pushes them around, and gives them the support they need to get around and enjoy the forest and the events that are occurring. That is going to continue. We are not making anything ADA compliant, we just want to enable the handicap to get around. If there is an accident and somebody gets hurt, a heart attack or falls down and breaks their leg, or whatever, we have an emergency entrance down this corner right here. By the time the ambulance gets here the staff will take that person and take them down these trails and roads, and the ambulance will be there. In the rare event that a person can't be moved the ambulance can get fairly close from the access roads and transport them on a stretcher from these campsites here. Those are pretty unlikely, but we have the plan in place. In Phase 1, the first thing we want to do is bring in running water so there is no danger of fire. DOH requires it. The campground does not have any running water at this time. In Phase 1 we are going to have bathrooms available for men and women with running water, with sanitary facilities. We are working with the DOH on that. Basically in Phase 1 we won't have the sewer on site. For Phase 1 we are asking the DOH for a waiver to allow us to pump and haul the sewer in Phase 1. We are working with the Town, looking at municipal sewer versus onsite sewer system, for Phase 2. Then we can go to Phase 2, and then we will add showers. I did get an email yesterday from the Department of Health. They are still reviewing the plans, which is a good sign. The Town Board is open to putting in a municipal line. All these agencies, all these different groups, have to be coordinated. When we

get it approved, we are going to dump over a million dollars into the community. We will create jobs. It creates jobs for the staff when the season is over, and also in the winter time, there is still maintenance work that has to be done. Maybe they have to do some work for the trails. Maybe they need to put in chips, paint, there is work available for staff and also contractors that need to come in. It is not just a seasonable operation. There is a well on property. It has been tested, it is good water. We will have good water with good pressure throughout the campground. There is an RV location up here we have a location for RV's to park and camp. They can stop at the pump and haul tank. That is all regulated by the Department of Health. Here are the RV spots I was talking about here. They will have water and electric in Phase 1. There is a red shale road that runs around like a loop. There will be vendors along the loop. They will have electrical power to provide service to the vendors. The residents aren't always going to be cooking at their campsite. They will go into town and eat at the restaurants. They will be spending money. It creates an opportunity for the town. The narrow red lines you see on the plan, they are foot paths through the campground. There are stage areas. This one is a small stage, and outdoor theatre. Bill Hanley is going to be involved. One of the issues brought up by the Planning Board is noise. Bill Hanley is the father of outdoor theatre sound. He was very confident. He has volunteered for the design of the sound system so that the property line the decimal level of the music would be below 75 dba. The traffic from 17B is louder than that. The noise from the campground is not going to be an issue. It is going to be one tenth of what is used at Bethel Woods. It is a much smaller scale. These stages are inside the woods. The trees and canopy absorb the sound. As it moves across the field... years ago, there was a stage over here in the field the people didn't like it out in the sun. The musicians and people like the stages in the forest. I think that about covers it. The plan is compliant to my knowledge with all the health requirements, and the Town requirements. Glenn (Smith) has done a very good job reviewing the plans. I think Glenn was surprised when he walked through the forest and realized what a nice place it is for a campground. I was surprised. Dan, does that about cover it?

Daniel Gettel: You are talking about compliance. Let's talk about the waivers you are requesting from the Planning Board. Do you want to go by your list, or how do you want to do that?

Wes Illing: There weren't that many waivers, really. We wanted a waiver from the vegetative plantings, basically accepted as submitted in our site plan. Basically we wanted a waiver for some of the sewer issues, basically we wanted the pump and haul permit from the town or from the Department of Health, so we wanted a waiver from that requirement. There were some details about some distances. There were shower issues in the code that conflicted with the DOH stuff. We wanted waivers from those requirements. You have the list there.

Daniel Gettel: You requested a waiver from some of the design standards in general. We did discuss the screening requirements but we also have a section in our code, the non-transient campgrounds and RV park code that says, the residential street design standards contained in Chapter 300 (subdivision of land) shall apply to streets within non-transient campgrounds. You asked for a waiver of that, claiming it's not a street.

Wes Illing: Yeah, and the rationale behind that, so many campgrounds, you drive in these campgrounds, like I described earlier, you go in there, and you get this patch of grass, and it's

not really like camping. When you go camping, you want to go into the woods and go camping. When you start cutting up the woods and start putting all these roads in the woods, you tend to defeat the whole purpose of creating a campground within a forest. The forest is absolutely wonderful, that is the draw. That is what people love about this place. If you carve it up with a bunch of roads, then it is not camping any more.

Daniel Gettel: Section 345-18b-5 is lighting. You requested a waiver of the lighting requirements by simply stating there will be no lighting.

Wes Illing: Yes, with the exception of the bathrooms. Those will be lit up so people can see the steps to get into the bathrooms.

Daniel Gettel: There are requirements under Section 345-22 that have to do with off street parking. Section 345-18 is also off street parking.

Wes Illing: I think we provided more parking than what was required by town code.

Daniel Gettel: I believe it is almost 300 cars more than required by code. That is not what the problem was with the waivers.

Wes Illing: Okay, There were some vegetative screening measures that affect the parking areas.

Daniel Gettel: Can the public hear you?

Wes Illing: I'm sorry, there were some requirements in the code for parking areas and we wanted to basically... there were so many different requirements in the town code. We wanted to simplify things, that they would accept our vegetative plans as on the site plan. That was one of the requirements. I think that is one of the requirements talked about in the section of the code.

Daniel Gettel: Jacy, whether you agree or disagree with me, I think the thing to do is to actually touch on those sections of the code, so the public specifically knows what we are talking about, what is required and what you are asking to be waived as a requirement. I think that should be done. Thanks for not bringing your list Wes. I will run through mine for you.

Section 120-6 - Design Standards and General Requirements. Section B calls for the screening requirements. "Screening requirements. All non-transient campgrounds and RV parks shall provide and maintain a screening strip of planted natural materials along all property boundary lines. Such screening shall be a depth of not less than 20 feet, to effectively screen the area within a reasonable time period (five to 10 years). A planting plan specifying types, size and location of existing and proposed plant materials shall be required and reviewed as part of the special use permit application."

Daniel Gettel: The applicant has made the statement that this is intended to address just the campsites. He did not feel that a waiver is required. It is not just the campsite and we would have to give you a waiver of that section, I believe.

Section 120-6E Streets – “Non-transient campgrounds or RV parks. The residential street design standards contained in Chapter 300, Subdivision of Land, shall apply to streets within non-transient campgrounds and RV parks.”

Daniel Gettel: Wes has stated that they are not really streets, they are drives. I think Mr. Smith and Mr. Illing should get together on that to come up with an agreement, or we would have to give them a waiver of that.

Section 345-16 is the landscaping standards

Daniel Gettel: The applicant is basically asking for a blanket waiver for all the pertinent requirements of the landscaping section. I think that is fair to say. There are not any specific sections. You say they overlap each other.

Wes Illing: There are, that’s right. There are a lot of different things. We would put the planting strips in the front in the parking area for Phase 1 and 2 and the campground itself is forest. Other aspects, I think we have satisfied the intent of the code. We have the details incorporated in the plans with show how to plant them, and the type of vegetation, the spacing. The double row of trees, for example, is to obscure the parking area from 17B. I think we addressed the requirements.

Section 345-16A - “The Planning Board shall, to assure an acceptable buffer between adjacent residential and nonresidential uses and create a healthy, safe and aesthetically pleasing environment in the Town, require a landscape plan be prepared as part of any special use application. Such a plan shall also be required whenever any nonresidential use is proposed in any district, so as to buffer parking areas and buildings from the highway, each other and other uses.”

Section 345-16D – “The Planning Board, in reviewing a landscape plan, may seek the nonbinding advice of interested civic organizations concerned with community beautification. The Board shall also specifically consider the following before approving, approving with modifications or disapproving the special use.”

Daniel Gettel: We had asked the applicant to reach out to Sullivan Renaissance perhaps with some help on that. The answer was that we really didn’t give them any direction that we would approve that, so that wasn’t done. I don’t believe a waiver is required, but it is something that is in the code.

Section 345-16E (5) – “A buffer screen at least 15 feet in width along any residential lot line should be provided. It should include, at a minimum, an opaque wooden stockade fence six feet in height and one evergreen tree for every 15 linear feet of property line. An additional row of evergreens meeting these standards and offset such that each row serves to place trees between the gaps of the other shall be permitted as a substitute for the stockade fence. No stockade or similar fence, however, should exceed eight feet in height or be placed in such a way as to purposely interfere with the views from or

admission of light and air to an adjoining residential property. Other yards should be landscaped in accord with Subsection E (6) below.”

Daniel Gettel: You have asked for a waiver of that.

Section 345-16E (6) - “A landscape strip at least 15 feet in width that includes at least one deciduous tree for every 35 linear feet of perimeter lot line should be required for any nonresidential use. Such deciduous trees should also be accompanied by smaller shrubs and ground cover as may be required to effectively separate and buffer the activity from the highway but still allow for visibility of the use. The width of this buffer may be reduced along the rear and side lot lines for good cause, but not along the front lot line”.

Daniel Gettel: Glenn, this was addressed at the last meeting. We didn’t get an answer from you if that is acceptable or not. If it is not, we would have to do a waiver on that.

Glenn Smith: Okay.

Section 345-16(F) – “Where it is determined that a proposed special use would not have a significant impact on the natural environment, adjoining landowners or the view from a public highway, these requirements may be appropriately modified.”

Daniel Gettel: The thing here is may be modified. We are not required to agree to any of these waivers. Just so the public is aware of that.

Section 345-11 – Applicability of Regulations.

Daniel Gettel: This section talks about our having the right to grant waivers.

Section 345-18B (5) - Lighting. Adequate lighting which provides security and visual interest shall be provided, while minimizing adverse impacts, such as overhead skyglow and glare on adjacent properties and the public rights-of-way. The maximum height from the ground to top of any lighting fixture shall be 15 feet if not mounted on a building. Lighting shall be decorative and blend with the architectural style of the development and surrounding area. Lighting fixtures attached to the exterior of the building shall be architecturally compatible with the styles, materials, colors and details of the building. Any outdoor lighting fixture shall be shielded in such a manner that:

(a) The edge of the shield is below the light source;

(b) Direct rays from the light source are confined to the property boundaries, except for access areas to commercial uses where additional lighting may be needed where such access intersects with a public road or walkway. In no instance shall site access lighting spill into the roadway of any public roads; and

(c) Direct rays are prevented from escaping toward the sky. Lighting on all externally lit signs shall be mounted above the sign and focus on the sign from above the sign.”

Daniel Gettel: You asked for a waiver on lighting.

Section 345-22C - Parking, Loading and Traffic Standards. “All parking areas which are designed to accommodate 12 or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control. The following minimum layout standards shall apply:

(1) No more than 12 parking spaces shall be allowed in a continuous row uninterrupted by landscaping. Raised planting beds shall be located at intervals of 12 spaces and at the end of each row. Such beds shall be a minimum of five feet in width and each planted with at least one shade tree of 2 1/2 inches caliper. The remainder of the bed shall be surfaced with flowers, grass, groundcover, low-maintenance shrubs and/or mulches (no crushed stone or chips).

(2) Planting beds meeting the above standards shall also be required along the perimeter of all parking areas and between parking areas and buildings. The area between a parking area and any building shall be a minimum of 10 feet in width,”

Daniel Gettel: You asked for a waiver of that stating it is not for this type of use.

Section 345-18 – Route 17B Gateway Design Standards. “Off-street parking and loading facilities shall generally be placed to the rear and/or on one side and with minimal parking between the front lot line and the buildings.”

Daniel Gettel: You’ve asked for a waiver of that because all of the parking is in front of the buildings.

Section 345-18 (4C) – Landscape Buffer. “At the time of change of use, or expansion, alteration or renovation of an existing use, existing parking at the front of the property of preexisting buildings shall require, at minimum, a ten-foot-wide landscape buffer consisting of a hedgerow, berm or combination to screen the parking area from the adjacent road.”

Daniel Gettel: You asked for a waiver from that.

Section 345-18 (4D) – Parking Lot Layout. “Parking lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare, noise or exhaust fumes onto adjacent properties, in particular adjacent to residential properties.”

Daniel Gettel: You also touched on the waiver for pump and haul. I don’t know if you asked for

a waiver. We had discussed if the Health Department approved one use we wouldn't override the Health Department. I don't know. Glenn, correct me if I'm wrong, but I don't know that they need a waiver from us on that requirement. If the Health Department rules that they can do pump and haul, I don't believe we can override the Health Department anyway.

Wes Illing: According to your town code, it says if DOH gives us a waiver, you can so no. You could turn around and say no, even though DOH says it is okay on a temporary basis.

Daniel Gettel: That is probably Section 120-4, the Non-transient Campground or RV Park Special Use Permit Required Application Procedure, paragraph B1.

Section 120-4B (1) "Each application for a non-transient campground or RV park special use permit shall be in writing, signed by the applicant"

Daniel Gettel: Do you think that sounds right?

Wes Illing: No, there was a section of the code that specifically....

Daniel Gettel: Section 120-4B (5).

Section 120-4B (5) "If an applicant receives a relevant waiver from the State Department of Health, it may seek a waiver of any of the requirements of this Chapter 120 which pertain to the same subject matter as the State Department of Health waiver, upon written application to the Planning Board. Said waiver application must provide written evidence of the waiver received from the State Department of Health. Notwithstanding the foregoing, the Planning Board shall not be required to grant any waiver application."

Daniel Gettel: I do believe we discussed this at another meeting. If the Health Department says this is what they want you to do with the sewer, we are not going to try to override the Health Department. If you want me to include it, I will include it with the waivers.

Wes Illing: We are just concerned. We just want an agreement with the Town and DOH.

Daniel Gettel: You also touched on showers. I don't know where that is specifically in our code, because it isn't on my list. The DOH does mention that showers...you claim DOH doesn't want showers in Phase 1. We haven't seen that in writing.

Wes Illing: Because of the pump and haul they said no showers in Phase 1.

Daniel Gettel: But our code does call for showers. We would have to consider waiving the shower requirement. I don't know where that is in the code {126-G1h}. Is there anything else Wes?

Wes Illing: I think that pretty well covers it.

Daniel Gettel: I apologize to the public, but like I said there is quite a bit we have to run through.

Wes Illing: If I could, the vegetative measures we were asking for a waiver from, all the requirements in lieu of all of our submittals, because this property is so big, it is 130 acres. It is not a little one or two acre parcel. There is vegetation along the perimeter of it. The property lines are long. This one property line for example, on the western side, between Russell's farm and the property that is a long property line. I think they are going to do some vegetative screening, because they don't want to look over at stuff at the farm. What Russell is going to see is a long property line that is why we were asking for a waiver from that, because it is a large expense for a little value. The other property line is all wooded, except the property line along the town road. Yagur Road. That was the rationale also.

Daniel Gettel: Part of the special use permit for any project along 17B is it has to be reviewed by the County and the State. We call it a 239 review. The State is the easier one. They came back with typical comments that they have. Nothing shall be placed in the state right of way including signage, parking, hazardous landscaping or retaining walls, etc. It also touches on the municipal sewer line which will require permits. You can't do work in the right of way without a permit. That's pretty much what the state says.

Wes Illing: We are in compliance with everything the State asks for. In Phase 2 we will stay in compliance because we have to have their involvement because we will be in their right of way with the sewer line.

Daniel Gettel: The County comes back with a 239 today stating, the proposed action has been reviewed for the following potential intercommunity and county wide impacts. Jacy, I might as well read it into the record since it came in today.

Letter on file in Town Hall read into the record.

Wes Illing: Can I respond to that Dan?

Daniel Gettel: If you want.

Wes Illing: I just wanted to point out, #1, the vegetative measure that were called out, that Glenn Smith agreed with, the issues she raised with the parking areas doesn't exist. So that is not correct what she says. #2, these 75 acres of forest we are going to preserve. What is the alternative? We are preserving 75 acres of forest here along 17B which is consistent with your master plan. The field area that we are going to keep, we are keeping as a grass parking area that open field is going to remain like it is now. Her statements are misleading.

Daniel Gettel: Under the same section, paragraph B, *continuing to read letter.*

Wes Illing: There isn't going to be any traffic backed up on 17B. If she understood how the traffic would be managed coming into the site, at a high influx rate, she would understand.

Daniel Gettel: She is specifically basing her information on what you submitted to her.

Wes Illing: Nothing has changed, but she doesn't understand how they are going to manage the traffic flow.

Daniel Gettel: Paragraph C, *continuing to read letter*.

Wes Illing: I called them, and I will speak to them tomorrow regarding that in general.

Daniel Gettel: Which group?

Wes Illing: I spoke to Cornell Cooperative Extension, Linda. It is about protecting the farms. This is an old farm. It hasn't been used in a long time so it is not really applicable. I will call and verify that tomorrow with Cornell Cooperative Extension. If there are some forms we need to provide we will be happy to do that.

Daniel Gettel: Paragraph D, *continuing to read letter*.

Wes Illing: That paragraph and the one before it, that is outside the M239 jurisdiction. Is this project going to affect people in Monticello and Narrowsburg? When she makes comments like that she is outside of her jurisdiction.

Daniel Gettel: Paragraph E, *continuing to read letter*.

Wes Illing: We talked a little about the emergency access. We talked about this in the Town of Rockland, for example, for access for cell phone sites. What do you do if a guy gets hurt, off the tower? How do you get an emergency vehicle up there? The facilities that we have for accessing this site are every bit as good as the cell phone sites you see all over New York State. It is a concern we talked about at the Planning Board meeting. I think the plan we proposed is reasonable.

Daniel Gettel: Wes, with all due respect, this is the Town of Bethel. Other problems you have in other towns are not our business.

Wes Illing: I wanted to put another town's perspective on this.

Daniel Gettel: Again, I will state the County responded to the information that you provided. It was also brought to your attention at the meeting last month. We also agree with a lot of what the County has said. If they were here they may have had a different perspective, but they only review the information you provide, what was submitted. That is what they based their letter on.

Wes Illing: She is entitled to her opinion.

Daniel Gettel: That is what she is there for. Does the board have any comments before we take public comment?

No one

Charles Stackhouse: White Lake Fire Dept – Town of Bethel Ambulance Corp: Good evening. I am the Assistant Chief of the White Lake Fire Department. I would like to start off by saying that the Fire Community is always in favor of new businesses, however, we are here to protect the public. We would be negligent if we didn't address our concerns now. We have seen what happens when things get waived and will get handled down the road. We all know what happens there. Our first thing is one of the waivers that was brought up was the access road to all campsites. We agree with the County Bureau of Fire. We were not consulted at all on this project. Other projects have happened in this town, developers would come to the Fire Company, and the Ambulance Corp, they have sat down with us, they have asked our concerns, and have addressed them. We are the experts. We are the experts who will say how people should be moved, how we will access sites. We need roads of proper width and height clearance for the largest pumper to all campsites. There are going to be fires in there. We do have dry seasons. Dead ends need to have proper size cul-de-sacs to turn around the pumpers. Again, we weren't asked for our input. We would be glad if we were asked for a meeting to sit down and have our concerns addressed. We also have traffic concerns, and traffic added to 17B. We already have issues of responding to calls in the Town of Bethel, mainly the western end of town, during Bethel Woods concerts. We don't want any more traffic added to this. As far as the Ambulance Corp goes, we are not okay with patients being brought out in golf carts, or whatever. I have attended several ambulance calls up there. The ambulance was on scene up front because we could not access any of the sites. We waited 10 to 15 minutes for patients to be brought out. Also I want to point out that non-trained medical personnel should not be moving patients. That is a huge liability concern. It is a huge risk. We are not going to take a patient moved by a non-medically trained EMT or not trained by New York State, so we ask that you guys not grant the waiver on the streets as we do need access to all of this. And, like I said before, we would be more than happy to sit down and have a meeting to address these concerns. Thank you.

Donald McBride – Smallwood: Good evening, I wasn't originally going to speak. I was going to hear everything out. I am listening to a few things here tonight. I grew up in this County. I went to the festivals and had a great time. When I went camping as a kid there weren't showers. So one of the waivers they are requesting, we went out into the woods and camped and had a great time. We jumped in the lake and took a shower. They are putting in running water. I camped in Narrowsburg this year for the first time. All of the requests they are asking for, Yagurs, it is plain and simple. The wooded area, you want that. You want to have the aspect, you don't want it commercialized. I think there has to be simplicity. I am listening to what the County has to say. Being a long time resident and taxpayer I have to disagree with what the County had to say. For a long time this whole Yagur project, how many times was it in the newspaper, the mass gathering permits, they didn't have this, or didn't have that. Everyone was scrutinizing what the actual festivities were to be, and I think right now it is coming under scrutiny again, because it is a campground. Now we have to overlook a lot of these things. I think it goes back to the root of everything, what Bethel Woods was. I have to say a couple of weeks ago they had this festival, for three days straight, you want to talk about sounds. I heard it for three days straight, all night long, and I live in Smallwood. We are talking about a small little stage. I am for the whole project. I agree about the lighting. No one wants lights in their eyes when camping. Parking, I think the things they are bringing up, they are little things, and they

have to be bypassed. I don't know what more to say, I didn't come up with a speech like the fire department, that obviously needs to be addressed, and I do agree with certain things, public safety is number one. They talk about traffic patterns, every single concert it takes me a half hour to get home from 17B. They are talking small gatherings. There is no comparison. The businesses that will benefit from this, I know when I go camping, I stop at the convenience store, I pick up 6 to 7 bags of ice, 5 bags of chips, all these local businesses, no one is taking advantage of this. They used to have the Bethel Emporium, if I am correct, they closed up. No businesses are taking advantage of what is going on. That is all I want to say.

Joe Silva – Cumberland, Rhode Island: I wasn't planning on speaking tonight but I did drive by when I heard about this meeting today. One of the reasons, I am a musician. I have been playing professionally since I was 14. When I heard there was a potential that there was going to be a campground on Yasgur's farm I got very excited. I have two teenage kids. I would love nothing more than to take them to this historic spot of American culture. It is so unique. I know you folks live here. I'm not sure if you understand the unique place and the opportunities that you have folks here. My business degree is in marketing. This campground, your town, photos of the town, businesses, in every single travel and leisure magazine, campground booklets and I think that everybody should be happy. I know there are a lot of variables to get through. If there is any way you folks can make this happen, to get kids away from the X boxes, to go out and do some camping with their family, I think America needs more of that and less cement buildings. I think it is great that someone is proposing to keep things natural. There are people that will be leaving to do breakfast in the morning, pick up ice, do things like that, but I don't think it is ever going to be this mass exodus or influx of cars all at once. All I am saying is I do hope that you consider the historic value of Bethel to an outsider. I think it would be a shame to not do this.

Barbara Rahm - Monticello: I really second what that gentleman just said. I am fortunate to camp at Yasgur Road Productions. I can tell you that the forest is beautiful. The energy is wonderful, as Carlos Santana said we are ground zero for peace, and love. When I attend these anniversary concerts, the camaraderie, the feeling, the emotion, you don't have the same bunch of drunks that you see at Bethel Woods. They are falling all over their faces, it is disgusting. At Roy and Jeryl's everything is so well maintained, safety first. As I say, you don't have those drunks walking around. It is very family oriented. It is just a lovely place to be. I have said for years it is Sullivan County's best secret. It is a hidden gem. Speaking about Bethel Woods and the drunks that are there, this would be a wonderful adjunct to Bethel Woods because you have a place for them to go.

Jeryl Abramson: No, Barbara, no.

Barbara Rahm: I didn't mean to say drunks when I came up here, I was thinking about the traffic. Just think of all these cars you can get off of 17B. Just take a shuttle bus over to the campground where they can sleep. It just seems to be a wonderful adjunct. That is one thing that Mr. Gerry didn't think of when he built that beautiful place, is where are people going to stay. He didn't build a hotel onsite, or offsite. You can't do better than this. This is just a win win situation for the people who have been coming, for the new people, like the gentleman from Rhode Island said it would be a place for tourists to come and bring their families. Sullivan County, the birthplace of the Woodstock nation. When are we going to capitalize on that, other

than Bethel Woods? We need more businesses to support the peace and love. Thank you.

Bobby Pace – Dr. Duggan Road: I am looking at these prints and it is a hell of a project. What I want to touch on is, whenever I tell people where I am from, where Woodstock happened. Oh, Woodstock, NY, no, nobody knows that this where Woodstock happened. I started out camping. I moved up here about 8 years ago. My wife and I were campers at Happy Days Campground. We would go to Happy Days Campground. We would go out to dinner. El-Monaco's had the best stuffed clams. With that being said, we go camping, we go out, we spend money in town all the time. We go to dinner, spend money in town. The Town will flourish. I just think it is a great idea. What everyone is saying, they are making a good point. I understand the fire department and stuff like that.

Jeannette Barrett Wilson – Bethel: I live on Perry Road. I am a close neighbor. My property goes up to the property. I also feel like it is a no brainer for this town. It is a good business, more music, it is better. I have always gone camping, we always took our kids camping, I am all for it, I am right next door.

Jaime Aitkin: I am a long term resident. It is good project. I think it is good for the community, and I think it will bring business; I am definitely in favor of it.

Daniel Gettel: Is there anyone else?

No one

Daniel Gettel: BJ, we did get some written comment. They have been on file with the town, so I don't think it is necessary for us to read them all into record, but I do want to acknowledge we did get some written comments. We should receive and file them, in order, for the record.

1. Virginia Caputo
2. Theodore Galloway
3. Sue Ellen Pollock
4. Warren Motter
5. Sandra Foley
6. Tom Schutte
7. Richard Williams
8. Andrew Datlo
9. Pam Peters
10. Jeanette Baret Wilson
11. Warren Motter
12. Char Overtuff
13. Mike Taylor – CES
14. Loretta Murphy
15. Loretta Murphy

Motion to receive and file written comment letters listed above by Steve Simpson, second by David Slater

All in favor – 6

Opposed - 0

Agreed and carried

Susan Brown Otto: Dan, with regard to the letter from CES, Mike Taylor, what was his letter....

Daniel Gettel: It was more about... he doesn't have a concern about the gas tanks, is what it was. We had already discussed that at a previous meeting. Glenn, do you have comments before we close the public hearing, or keep the public hearing open, whatever we decide?

Glenn Smith: There is a lot to discuss on the waivers. We have to discuss the SEQRA. That is the board's responsibility.

Daniel Gettel: Jacy, your thoughts on the public hearing, specifically the County letter? It is kind of hard to close the public hearing with something like that hanging out there.

Jacqueline Ricciani: Does the applicant want the opportunity to submit additional information to the County? Because right now with them saying that it is incomplete, in order for this board to grant this project you are going to need a super majority to override what the County said, so, if the applicant plans on making a further submission to the County, then yes you should keep the public hearing open in case that might generate additional comments from the public.

Daniel Gettel: Wes, your comment on that?

Wes Illing: Based on the tone of the letter from the County, I do not believe that, based on the tone of the letter of the M239 review, I do not believe any submittals to the County will make a difference. She already has an agenda. It is clear in the letter. She overstepped her authority on the M239. She said things that weren't true. I don't think it is worth my time or anyone else's time. Her decision is not going to change. It is a waste of time.

Daniel Gettel: I would not agree with that, obviously. I do feel, like I said, that she reviewed the information you submitted, and felt it was lacking. She called you out, and said it was lacking. I don't disagree with a lot of what she said in her letter, so I will support her decision. I will not override her decision. If the rest of the board wants to, that is fine, but I will not vote to override her authority.

Wes Illing: So you believe, you actually agree with everything that she says?

Daniel Gettel: I agree with certain parts of what she says, and out of respect for the County Planning Department, I believe she has the right to ask you for improvements or additions to your plan to address the County impact of your project. Some of her comments are absolutely on point. I think she deserves the right to ask you to revise your plan to address some of her concerns and resubmit to her, and with that being said I will not entertain a motion at this time to close the public hearing. We will keep the public hearing open at least until our next meeting on August 1st to give you the ability to answer some of the outstanding questions that have been raised tonight and are still going to be raised, because we want it to be raised in front of the public, not during a private meeting. Does anybody on the board agree with that or disagree or

want to close the public hearing at this time?

David Slater: I agree with you. Some of the concerns are also brought up by us. Some of them are our major concerns. I think it is a good plan you have, but there are too many open ended things. You are asking too much on waivers. I think she has some great points in there, whether you feel it is out of line or not. I think those are the same concerns some of us on the board have. I know I have.

Wes Illing: What I propose then, is why don't we go through her M239 review, item by item, the first item for example, on vegetative screening.

David Slater: From my point of view, I'm not sure that is going to help. You are going to argue each point. You brought up a point, before you compared safety to a cell tower. You said to get to a cell tower, I'm thinking to myself, you are not going to march 600 campers to a cell tower in the middle of the night, after they have been around a fire, or whatever, and you are making these comparisons, and I am thinking I don't know where you are going with that, you are going to argue each point, and its not going to help you.

Wes Illing: If someone is injured at a cell tower site, on top of the mountain, where that cell tower is, and you have to get an emergency access vehicle up there to take care of him. Those cell phone towers where you have to go to take care of him, those cell phone tower sites, and the road to get up there are sometimes treacherous. The roads that we have on this property to get emergency vehicles in, are a much better road than what is on these cell tower sites. I was talking about the ability of emergency access vehicles to get to where they need to get to in a safe manner.

David Slater: You can argue that point all night. I'm not going to argue anymore. I think for your benefit, I agree with Dan.

Daniel Gettel: Wes, you have a habit of comparing your project to other projects in the area. If we are going to approve your project it will be on the aspects of your project only...

Wes Illing: When I sit on your side of the Planning Board table, and I am working with the town, I bring up the issues that other towns have had to face and how they address those issues. I am just sharing with you the perceptions of other Planning Boards in these issues.

Susan Brown Otto: With all due respect, I understand the example of the cell phone tower. You install a cell phone tower, and then periodically you have to check on the cell phone tower. So maybe once a month you have one or two workers checking on the cell phone tower. From a statistical standpoint, what is the likelihood that you would need an emergency vehicle to go check on one or two people versus having several hundred people at a campsite?

Wes Illing: The cell phone towers are constantly undergoing upgrades. There are constantly people up there making modifications to the facilities. There are power generators up there. A lot of cell tower sites aren't even compliant in code regarding the fire safety...

Daniel Gettel: Wes, you are going on a tangent that really has nothing to do with this application. If you want to make the point that a family of 4 is going to go camping at a cell tower, and maybe the kids get hurt, I'll entertain it, but you're not talking about that. You are talking about maintenance personnel that are told to be there to do maintenance. And Jeryl, standing up with a "T" sign doesn't make me stop.

Wes Illing: Dan, the issue is that the risk level is low at the campgrounds compared to people who work at the high voltage stuff on cell towers. It is a completely different animal in terms of risk factors. These people are camping at this campground. There are no risks like that. Somebody getting hurt on this campground compared to an operator on a cell tower site is very low for the people in this campground.

Mike Cassaro: Wes, according to the Assistant Fire Chief, he feels there is sufficient need for conversation.

Wes Illing: He doesn't feel a 12 foot wide red shale road is sufficient for his fire trucks.

Mike Cassaro: And from one end of the camp to get someone on a golf cart to bring him to a place that isn't accessible is not acceptable to him. It needs to be redesigned, or discussed, or something for the safety of the people.

Wes Illing: Jeryl, who do you call when there is an emergency?

Daniel Gettel: Jeryl, if you would like to approach the microphone and make a statement that is fine.

Jeryl Abramson: First of all, let's not get hung up on the cell tower example. What I believe Wes is talking about is not a cell tower. I think what he is saying in many examples, and there are many places that are difficult to have access to other emergencies. Whether it is a high rise, a high scaffold, there are many, not just in the County, all over. There are places that are just difficult to access. Not contacting the fire department and ambulance department was an oversight. I am more than happy to call whoever you want me to call, invite them over, to go over the plans. Let them have a... We are all about safety first. I am not out to hurt anybody. We have been doing this on and off for 20 years. With or without permits, okay. We have been relatively safe. I don't think we ever had an instance with safety, sanitation, catering to people, or helping people, it is what we are all out. We are not about endangering environment in any way shape or form. I have done everything to comply, and yet they are making more things. I am happy to put it out there; I'll get this guy out there to the farm. I will happily show him the trails, show him what we have. Wes is more than happy to talk to him to assuage all fears. We want this place to be safe and clean. As far as picking up the garbage, go find some. I have kids walking around in a chain, picking up every cigarette butt, every little tiny..., walk out there yourself, other than what the wind blows in after every storm, maybe you will find some little tarps or whatever, but it was recently blown there. I am on the place, I live there, it's my property, and these are my family. These folks have been coming for 20 years. We are on second and some are third generation. These are families going camping like you did when you were a kid. We have a guy that blows life size bubbles, we have a puppet show, we have a

circus, and we have marching bands. We have all kinds of things for kids to do, and we are getting more. We cater to families. We are on the same page. Tell me what you want. I am more than happy to talk to the guys from the White Lake Fire Department. As far as taking care of people it is what we are all about.

Mike Cassaro: He was talking about getting a pumper truck in there. God forbid there was a fire in there. He could save your beautiful canopy and that is pretty important.

Jeryl Abramson: Absolutely.

Mike Cassaro: And these recommendations, these issues that are brought up by the County, are pretty important too.

Jeryl Abramson: And we are going to address them.

Mike Cassaro: I take issue with the agenda thing.

Jeryl Abramson: Let's all drop our agendas. You know what the agenda is now. The agenda is this Town okay.

Mike Cassaro: The agenda is the safety of the people that are going to be camping on this property. The agenda is that the code is met sufficiently and where there can be waivers, there will be, and where there can't be waivers, there won't be waivers.

Jeryl Abramson: Absolutely.

Mike Cassaro: So you have a successful little business there. That is what it is all about. So why not jump through a few hoops that you need to jump through to satisfy.

Jeryl Abramson: Give me the hoops, I'll jump.

Mike Cassaro: I take issue with the agenda thing.

Jeryl Abramson: Mike, come on, drop the agenda thing. Let's forget it. We are here to discuss peace, love and music, with sanitation and safety thrown into it. We are not here to argue or to fight. Those days are over. We are on the same page, what is best for Bethel. All these people came here to tell you that.

Steve Simpson: It's hard for this board, myself in particular, to vote an approval for this when there are so many... you have a lot of medical challenges up there. It is a known. You are stating there are 12 foot shale roads, and there is access here, and you have a "T" turn around in a certain location here. The fire chief is merely saying he has not seen this. He may go up there and look at those "T" turns and say everything is good, the 12 foot road is good, and he may have other comments, questions and concerns that you are going to use to help yourself. All this is about is helping you. This is helping you to get to this point.

Jeryl Abramson: There are three entities here, one is me, then there is you, and the third is all of these people that are here. There was one guy here from Rhode Island. Wow! These are the people we do this for. They are our guests. We are here to welcome them here to our town. Not with a parking ticket, not with towing, not with fines, not with going after the landowner, not with any animosity. We are here to just say welcome home.

Steve Simpson: The town wants to embrace that. The thing is the Commissioner has her opinion. You have your opinion. First and foremost you have to satisfy her questions and comments, before you can come back and have us agree to this... whether or not you have a personal opinion of things, you have to take emotions out of these things. You have to be professional and answer her request.

Jeryl Abramson: Wes and I are going to write a letter in response to Freda's concerns. I'm sure we can work that out. It's not a big deal. The Board of Health is doing what they have to do. Wes is doing what he has to do. I am going to get in touch with whoever this was from the fire department, if somebody could give me that information. Whoever I have to talk to, any of you people come over. Make it a party.

Steve Simpson: I would suggest you get in touch with Dick Martinkovic. He is the Commissioner. He can put you touch with all of the fire chiefs. It is a good faith move.

Jeryl Abramson: How many do I need to meet?

Steve Simpson: Talk to Dick, and he'll let you know. He has the jurisdiction, he knows all the players.

Jeryl Abramson: He's the County. You know what, BJ is agreeing with me. Let's embrace the moment, BJ and I are on the same page.

Daniel Gettel: The point Wes and I were discussing 20 minutes ago, before we got into this, was that do we close the public hearing? Now Jeryl is standing in front of us saying she is willing to speak to the fire department, she is willing to speak to the County, she is willing to speak to Dick Martinkovic, and we can't close the public hearing if you are still going to be addressing other agencies. You have to have the public involved. We can't close the public hearing.

Wes Illing: Hold on a second, Dan...

Daniel Gettel: If the site plan changes, we will require a second public hearing.

Wes Illing: No, if the site plan changes significantly from what it is today, then yes a second public hearing would be required, but if there are no significant changes to the plan, then a second public hearing is not required.

Daniel Gettel: I don't agree with you. I would keep the public hearing open. That is how I would vote, to give you the opportunity to speak to the agencies and come back with the plan revised as required. We will go through the waivers tonight. We will let you know how we feel

about the waivers, because we have never ruled on any of the waivers that you keep discussing, and we will see where it goes. I am not going to vote in favor of closing the public hearing at this time.

David Biren: It is in your best interest to keep it open.

Wes Illing: That's fine. We'll keep it open until next month. By the way, those turnarounds, those hammerheads we put on there, a pumper truck can turn around there. I know the gentleman who spoke earlier, if he hasn't had... the pump and haul truck can turn around. So certainly the fire trucks can turn around. The access for that fire trucks to go up there and turn around is already in our plan. We haven't built those yet. It is difficult to show him something we haven't built yet. He is going to have to trust the town engineer and myself. Yeah, we have these "K" turns, they are adequate for my vehicles to turn around and get out of there with. Because it hasn't been built yet, if he wants a detailed drawing, I would be happy to provide those so he can see that his pumper truck can get out of there. I thought we had those. I will have one.

Jeryl Abramson: Isn't the town the Lead Agency on this?

Daniel Gettel: We will talk about Lead Agency outside the public hearing, that doesn't mean we override the others.

Jeryl Abramson: Don't you have to notify them?

Daniel Gettel: They were notified. That is why they appeared.

Jeryl Abramson: Did they have the plans?

Bette Jean Gettel: Yes, they had the plans.

Jeryl Abramson: How is it not obvious...

Daniel Gettel: He doesn't feel the plan meets the requirements. That is why I am saying if a change has to be made to the plan the plan should be changed. You should be given that opportunity.

Jeryl Abramson: There is a brief...

Motion to close the public hearing for the evening but keep it open to at least August 1st while accepting written comment and go back to our regular meeting by Mike Cassaro, second by David Slater

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: Just so the public is aware, that just means we are going to go back to our regular meeting. We are not done discussing the application but we are no longer accepting public comment tonight. The public hearing is open for written comment as well for the next meeting. Yes, Jeryl, we did discuss Lead Agency. For the record, the mailings did go out, and all of the agencies agree that we are the most logical to act as Lead Agency, but with the mailings going out certain questions were clearly raised by some of the involved agencies. They are still involved agencies, but we are just acting as Lead Agency. We do not override them, but we will be acting as Lead Agency. Wes, would you like to go on with the waiver requests?

Wes Illing: Yeah, if we could address the waivers tonight and decide on an agreeable list of waivers, that would be wonderful.

Daniel Gettel: I think the list of waivers has pretty much been laid out. It is what you requested. It is whether we feel whether we should go along with them or not.

Susan Brown Otto: Are we voting on them one by one?

Jacqueline Ricciani: Yes we have to.

Daniel Gettel: Glenn, do you suggest we speak about the parking first? That was never discussed at the last meeting. That does affect a lot of the waivers.

Glenn Smith: The parking is in the R-17 zone.

Wes Illing: Because the parking is in the R-17 district, so what we had to do, we had to have a professional building as defined by your code, so parking is part of the use. It does satisfy your code so we made a ticket booth there essentially in the parking area so that person basically administrates the tickets and the parking fees. That is an administrative function defined in your town code and hence that is a permitted use in your area. And the parking area is also a permitted use. That is a non-issue.

Mike Cassaro: How many square feet is the ticket booth?

Wes Illing: Under 400 square feet.

Mike Cassaro: Less than 400 square feet. And how many cars are going to be there?

Wes Illing: It's on the site plan. This is one of the minor changes we made since our last set of submittals to satisfy the code because this came up as a potential issue. You will see, there is an arrow here, it says administrative ticket booth. A little building on the site plan right there.

Susan Brown Otto: When people enter the driveway, is the first thing they have to do is buy a parking ticket? Do they have to go to the ticket booth? Is that going to back up traffic?

Wes Illing: No, that is why we had the great circle route plan, to eliminate that whole issue.

Susan Brown Otto: We couldn't see that, it's not on this map.

Wes Illing: Showing on map, the route. They are going to come off 17B, go on the town road, they are going to come in here, drive around, follow this shale road, all the way around, go over here, come here to the ticket booth. At the ticket booth the administrator at the booth will handle their admittance, and then to the parking area, and park, the people will be directing them as they park. What this did for us, this great circle route, from this ticket booth all the way along here, all the way up here, down to the town road, you can park up to 150 - 200 cars, all backed up to each other, even in a crazy rush, 450 parking spots, we have lots of area along this area, so there will never be people on 17B causing safety risks to people traveling on 17B.

Daniel Gettel: Anyone else on this? I do have a statement and my interpretation of the code, and my feelings on that specific thing. Glenn you and I touched on this briefly. The applicant, and just for the public record to give a little background, has indicated that all the parking for the proposed camping and recreational facility uses shall be located in the front yard of the site in an area where the parking is located in an R-17B zoning district, which does not permit the camping portion of the application. The applicant, in past meetings, has agreed that the parking is not permitted in that district, but then states that by adding a ticket booth to the site plan the parking should be permitted as an accessory to the ticket booth, being a professional business office. The Planning Board cannot permit parking in the R-17B district unless it agrees that the parking is not accessory to the camping use, but to the newly added business office. My concerns are once the concert goer or camping patron receives his or her ticket and then gets back in to their car wouldn't that person directing traffic from the ticket booth to the parking lot then be acting on the camping or concert use. If the applicant were to propose a ticket booth across the street from this venue on a vacant parcel of land, would it be reasonable to think that the parking lot for that single use could be of an unlimited number of spaces? Section 345-22-A(6) of our code dictates that one parking space is required for every 300 square feet of dedicated office floor area, or one space being required for this tiny ticket booth. If the applicant is asking the Planning Board to accept this third use, our code states that the ticket booth would have to be 150,000 square feet to justify the 500 parking spaces they are proposing for the office use, and we do not have an option to waive or consider that.

Wes Illing: That is your opinion...

Daniel Gettel: You can't tell me my opinion isn't right. You may just not agree with my opinion.

Wes Illing: No, the code says you shall have at least, typically codes read you shall have one parking spot for every 100 - 200 square feet of office space, not the other way around. It says you shall have at least one or two... so there is no maximum number of parking spots you can have for a given office space. There is only a minimum established in your code.

Daniel Gettel: I will not go along with that rationale.

Wes Illing: That's what it says.

Daniel Gettel: Then sue us. The reason listed here is clear. The reasons listed here are the reasons why I will not vote in favor of this application as long as the parking remains in the front yard. There are several sections in our code that say that the parking shall not be in the front yard. There are several sections in our code that say that the parking shall be screened from the right of way. This was in our code the day you decided to start a site plan and come up with this concept. We didn't make it up specifically for this applicant. Other applicants, if they were to do a site plan, would have to follow the same criteria. I see no reason why your project is so unique that you would not be required to conform to what is permitted and what is not permitted in certain zoning districts. And I do not agree with your interpretation of the code.

Wes Illing: Okay, that's fine.

Daniel Gettel: And that goes right back along with the County's review, that says that all those cars are going to be viewed from the road, and I haven't heard from Glenn Smith saying that is not the case. That all of those cars are going to be seen from the road. I tend to agree with her, and I have from day one. The first meeting we had I stated for the record that I will not approve an application that has parking in the front yard.

Jeryl Abramson: What is a yard?

Daniel Gettel: A yard is defined in the zoning Jeryl... Jeryl asked what a yard is. A front yard is defined in the zoning. It's from the street line back to the front of the house.

Wes Illing: Here is the building. The parking is behind the building. You want to go to that section of the code? That is how it is defined.

Jeryl Abramson: Just a minute. My front yard is immediately in front of my house. The rest of it is an agricultural field. I don't know that that is the same as a front yard. It's not like I am going to put a swing set out there.

Daniel Gettel: Jeryl, it has been discussed at the Planning Board and your representative did agree that parking is not permitted in that district. I'm not arguing that. It is not permitted. I cannot permit it. You want us to interpret a ticket booth that is 20 foot x 20 foot, take a good hard look at it?

Jeryl Abramson: Okay, Dan, let's just drive up the cost of this things unnecessarily.

Daniel Gettel: You want us to take the position that if you put a ticket booth that is 20 foot x 20 foot in the front yard that all the problems go away with parking in the front yard? All the problems go away with parking not being permitted in that district, and all the problems with screening, landscaping from the neighbors, and everything else just goes away. I don't buy that, and I hope whatever judge gets to hear that takes a good hard look at it.

Jeryl Abramson: You really want this to be litigated.

Daniel Gettel: I think it is going to go to court Jeryl, because...

Jeryl Abramson: You think it is going to go to court, then I guess it will because you think it will.

Daniel Gettel: I will not support that rationale that...

Jeryl Abramson: We're going to court... Oh my God.

Daniel Gettel: We have had this discussion before. If it is not permitted, we cannot review it. I do not agree with you. You need an interpretation.

Jeryl Abramson: Oh my God. I guess the interpretation is the agenda.

Wes Illing: Does your legal counsel agree with your opinion?

Jacqueline Ricciani: I'm not giving an opinion right now.

Daniel Gettel: That is my opinion, and I said that when I started. You may not agree with my opinion, that's fine.

Wes Illing: Fine.

Jeryl Abramson: You know what? I don't know what I am going to do from here. This is just going to get worse and worse, isn't it Jacy? This is just going to have to go to court. This is just going to have to get dragged out. This is just going to have to be what it is, contentious all the way. That is what you are doing. Okay. You are carrying these codes. You are making codes up. You are making codes that I can't comply with, you are contradicting codes. I am doing everything I can. I'm doing more than... what do you want? Now you are telling me I can't have parking? Oh my God! Come on guys, really?

Daniel Gettel: Jeryl, with all due respect, this is not....

Jeryl Abramson: There is no respect, Dan....

Daniel Gettel: With all due respect, this is not something that came up out of the blue. This was discussed at the last meeting. Mr. Illing brought it up and said we would have to touch on it at this meeting. We have to accept the fact the ticket booth makes that section of code go away, and I don't believe it.

Jeryl Abramson: Let's not even put the ticket booth there...

Wes Illing: The ticket booth makes it a permitted use.

Daniel Gettel: And I don't agree with that, and if it has to go to court to get a legal decision on whether the ticket booth is permitted, I would like any judge that reviews this to look at that.

Jeryl Abramson: You know what. I don't have any more money for court. Okay. I hate to burst

your bubble, but I'm not going to court!

Daniel Gettel: Wes, do we have the ability to waive that waiver? If it is not permitted in the district, we do not have the right to waive that requirement.

Wes Illing: I have to go back and look at the code, Dan. I'm not certain off the top of my head. If it is a parking requirement, you have the ability to waive that requirement. The code as I recall, for the requirement it says the parking must not be in the front of the building but in the rear of the building. So you have the ability to waive that requirement. If it is a use issue, then no.

Daniel Gettel: We don't have the authority to waive use variances.

Wes Illing: That is correct. But if you say we are going to waive the requirement for putting the parking, given the unique landscape issues associated with this property, and the open field that is the logical place to the property. It is fairly flat, if you agree with that, and since that is unique to this property it is worthy to grant a waiver from the requirement that says the parking must be behind the buildings.

Daniel Gettel: That is a great argument, but we do not have the power at the Planning Board to waive that requirement.

Jeryl Abramson: Who does?

Daniel Gettel: That is a Zoning Board issue. We cannot waive use requirements.

Wes Illing: No, that is defined in your code that parking should be to the side or behind.

Jacqueline Ricciani: You are in a different zoning district. You are in a zoning district that doesn't allow it, that is your problem.

Jeryl Abramson: It didn't allow camping either in that zoning district, but that didn't matter at Hector's for the last four years.

Jacqueline Ricciani: They get tickets.

Jeryl Abramson: Ohhhh, they get tickets, instead of injunctions. Good God!

Wes Illing: If you read your code, and you read your definitions like a judge would, that is what you would find.

Daniel Gettel: I read the code, and that is my opinion. Maybe the board has a different opinion.

Wes Illing: Did you read the definition in your code?

Daniel Gettel: I absolutely did, and I think once your business is done in the ticket booth, I don't

think you can justify the parking attendants and everyone else should be considered assessorly to the ticket booth and the 500 cars entering the site, parking cars, and having attendants should be specifically linked to the ticket booth and not to the camping. It is assessorly to the camping. If you do not have the camping, I don't believe you would have the ticket booth with 500 parking spaces.

Wes Illing: She could set up a separate business entity just for the parking, and this becomes a separate business where they collect parking fees when the people come in and they could also collect as a service to the campground, any camping fees associated with this, so that service can start alone. That becomes a legal application for the code.

Daniel Gettel: We don't have that application in front of us.

Wes Illing: Pardon?

Daniel Gettel: We don't have an application for a business. That is a Building Department issue.

Wes Illing: Dan, that doesn't have to be defined as a separate business. What gets approved by this board is a use. It is not how a business is set up. It's not part of your review.

Daniel Gettel: I'm sorry; I thought you just said it was a separate business.

Wes Illing: I'm saying, she could set that as a separate business. The use is still the same. You argued earlier oh, you can't do that. I'm saying you could set that up that as a business, and when you do that, it satisfies all the legal requirements in your code.

Jacqueline Ricciani: The business you are going to put there is a parking lot.

Wes Illing: And the ticket office is going to administrate the parking issues.

Jeryl Abramson: Where are the cars supposed to park if we do not park in there?

Daniel Gettel: We cannot consider parking in the R-17B district because the use is not permitted. It is not up to us to come up with a solution.

Jeryl Abramson: I thought it was in the Ag district?

Daniel Gettel: It is in the R-17B district along the front, based on the site plan submitted.

Wes Illing: The R-17B district, this property line back here, this line right here, is about where the R-17B line goes. What you are saying, is that you want to eliminate all the available parking by imposing that that is why I proposed the structure, the administrative office up here in front of all the parking to satisfy your code.

Daniel Gettel: We are not saying to eliminate all that parking, what we are saying is that we

cannot consider it, if it is assessorly to the camping, and if camping is not permitted, the assessorly uses associated with camping should also not be considered, in my opinion.

Wes Illing: And what I am saying, that ticket booth, it satisfies that code.

Jacqueline Ricciani: You are making a public parking lot. Parking lots are not permitted. People are going to come in...

Jeryl Abramson: You're right. This is a bad idea. This isn't a good idea for the town. I apologize, really. I don't know what else to do. I have tried, I really have. I don't know what else to do.

Daniel Gettel: The section of the code, Wes, we are a regulatory board, and our job is to regulate zoning. We are not making it up. This zoning has been in effect for years. You are aware it is in the code. If that weren't the case you wouldn't be asking for all the waivers.

Wes Illing: 90% of those waivers are all about the extensive repetition you have in your vegetative requirements code. Those waivers are all about the vegetative. I'm trying to cross all of our T's, and dot all of our I's and address every single thing in your code that we could possibly address, to make sure we have all of the waivers that are required. Most of those waivers are because of the vegetative requirements. If you got rid of all the vegetative crap, there weren't many waivers we were asking for at all.

Jeryl Abramson: Where are the cars supposed to park?

Daniel Gettel: It isn't our place to design your project for you. This is not out of the blue. This was discussed at the meeting last month. It's not like this is a huge surprise.

Jeryl Abramson: What do we have to do? What is the next step? What is the R-17B zone?

Jacqueline Ricciani: It is the Rural Gateway District.

Jeryl Abramson: So the rural district does not allow for businesses and parking?

Daniel Gettel: It does not allow for camping.

Jeryl Abramson: Did you know you couldn't allow for parking in front of your business? There is a sign that says several times a year that says camping, and they have parking.

Wes Illing: There are a couple of scenarios. I'm not clear on your code. When this first came up you said we couldn't have parking in the R-17B district. Here we have our campground. Part of it is not in the R-17B district. Then we have this parking area that spilled over in the R-17B district. When you read the bulk zoning tables you can see in the bulk zoning tables parking is an assessorly use in this district and the R-17B district. It is a permitted use in both districts. The parking is an assessorly use to a primary use. I didn't know, I didn't have really good clarity of that in the code, but if the parking is really for the primary use of the campground which is

permitted in this other district, is this spill over parking allowed? I'm not certain. Maybe that is an interpretation, it is still an accessory use, and I didn't know how.... that is why I put this little building down there.

Glenn Smith: I agree with Dan. The accessory use of the ticket booth, which you call a professional office, should be based on the number of spaces based upon the size of that building. Generally it is one space for every 300 square feet. You are saying it is included therefore you are putting in 300 spaces.

Daniel Gettel: I don't think it is a realistic assumption. Any accessory use considered for the camping should be permitted in that district, considered for the camping section

Wes Illing: In the code, bulk zoning table, parking is a permitted accessory use in the AG.

Glenn Smith: To a permitted use.

Wes Illing: It wasn't defined in the code. I didn't know how to interpret that. So I said screw it and I put in the building. The parking becomes an accessory use to that building.

Glenn Smith: You are saying there is no limit. That isn't going to fly.

Jeryl Abramson: What If we don't have a ticket booth. If we eliminate the ticket booth, does that solve the problem?

Daniel Gettel: That is up to you and your engineer, I don't believe it does.

Glenn Smith: Wes, why don't you see how many spaces you can get in the Ag zone, and not in the R-17B zone, see if that solves your problem.

Wes Illing: That is fine for Phase 1, but what happens when we get to Phase 2. You have to go further back on the property? It is steep back in there. We don't want to disturb the forest. If you look at this area it is basically in here if I can draw this, basically you are looking at this area here, we don't want to remove any trees, but maybe we could sneak some up in here. That area though, compared to this area, we could probably move things back into that other zone out of the R-17B corridor, and satisfy that requirement.

Daniel Gettel: You understand this isn't something we can just overlook.

Wes Illing: I understand it is part of the code. I understand that Dan.

Daniel Gettel: We can talk all night about it, we can't over look it. That is not the job of the Planning Board. If it comes to the point where you want to get a different interpretation of the zoning, or you want to get a use variance that is the Zoning Board, not the Planning Board.

Wes Illing: The cheapest thing for Jeryl right now is to have me look at, without getting all the attorneys involved, see if we can get our parking areas up in here, even in here, so it is outside of

the R-17B corridor, that way we have gotten all the parking out of the commercial gateway corridor and put it into the Ag district.

Daniel Gettel: Is that something you will work with Glenn to address and resolve, so we can move forward?

Wes Illing: Yes.

Daniel Gettel: Glenn, are you okay with that?

Glenn Smith: Yes.

Daniel Gettel: That is one of the main issues that is driving everything else. It is not something that just came up today. It has been an issue. I believe the initial submissions did not have any parking for Phase 2 in that zone. I may be wrong, but I don't remember there being any parking against the Russell farm for Phase 2. I don't believe it was there originally.

Wes Illing: Probably not. In the beginning we didn't think we were going to get as many campsites in as we found out we could.

Daniel Gettel: I don't appreciate the fact that this is coming up like we are trying to slap down the project or something. This has been a problem since it showed up on your plan. We didn't make this project up, it's in our code.

David Biren: I just don't think you want to hear it.

Daniel Gettel: So Wes, are we in agreement that this should be resolved before we move forward with anything else?

Wes Illing: I think that has to be resolved to move forward. It will be resolved.

Daniel Gettel: And you understand we are a regulatory board.

Wes Illing: I understand entirely, Dan. You're not getting pushback.

Glenn Smith: The plans from April 4th do not have the parking.

Jacqueline Ricciani: That is the last set you have, right, April 4th? How many copies of that plan do you have?

Wes Illing: This was here when we met last month, and we talked about this issue, and Dan brought it up.

Daniel Gettel: Wes, when you said we need to get a ruling, I assumed you were talking about court, if you were talking about the Zoning Board, that is a whole different board, when you talk about a ruling....

Wes Illing: I meant the attorneys coming to a legal agreement on the application or interpretation. .

Daniel Gettel: Then I apologize for misinterpreting what you said. You said you needed a ruling.

David Biren: But we have come to an agreement, so it is done.

Wes Illing: We found a solution on our own, we are good with this. I will make those changes.

Daniel Gettel: Glenn, if you need to go out there to resolve that, that is another thing we can discuss.

Wes Illing: Now that the parking is all moved up there, there is a lot of room to get the cars off of 17B, to get them in the safe zone. That is the problem we have with Bethel Woods right now. Nobody wants their cars on 17B. We will make a plan to take care of that.

Daniel Gettel: Anything from the board at this time?

Wes Illing: To recap. The emergency services, we will meet with them, and talk to them and show them the shale road, they need to come to the site, and we will walk them on the shale road. We drive on them with cars and trucks. We can take the emergency vehicle and drive them down this road. We haven't built some of the roads yet, as long as the pump and haul trucks can get in there to turn around I don't believe it will be an issue. It is just as heavy as the pumper truck full of water. The travel distance from here, I don't feel that is legitimate emergency services problem because wherever you go, you can never pull an ambulance right next to the guy. You always have to get the guy out of the building some place or wherever he is and bring him to the ambulance. That is always a given. What we are saying for a campground, for rugged camping, that is the way we want to set it up and it is a reasonable approach.

David Biren: Why not create a separate road for EMS if they have to get in from this site here?

Wes Illing: That is a drainage easement.

David Biren: Here you are going to have cars coming around in the circle. If it is all blocked up the EMS can't get in.

Wes Illing: Once the cars come in, they are parked, there is no traffic.

David Biren: If someone gets hurt while you have all these cars parked here, people can't get in. You can't say when someone is going to get hurt.

Wes Illing: What David is saying is, if it is Friday night and there is a big influx of cars coming in, lets say it is the heaviest rush hour of all, and we have cars backed up all the way along here, we have cars parked over here, our parking lot is not very big anymore, so the ambulance needs

to get in...

David Biren: You may need an ancillary type of road.

Wes Illing: If there are cars in line waiting to park.....

Jeryl Abramson: If that should happen, we will open that lower gate.

Wes Illing: We got it covered. We don't need to have a circle. We are going to have several parking lots.

Jeryl Abramson: From the time we call an ambulance, we have as you said 10 to 15 minutes, we can use the back side, and we can clear it in minutes. We can clear Yasgur Road too in minutes. That time, gives us enough time to get that road cleared.

Wes Illing: We will give you a new plan for parking. We will meet with emergency services and address the issues that they have to their satisfaction.

David Biren: You will give us an update what you work out with them?

Wes Illing: Yes, it will be on our next plan submittal, so you have a revised submittal for that.

Daniel Gettel: Some of the changes for the County's concerns.

Wes Illing: Let's talk about that. The first concern the County had was that this use was not in line with your master plan because you are going to see 750 cars from 17B. We addressed earlier that with these trees out here, you are not going to see any of these parked cars, so that is not a correct statement. Do we agree with that assessment, statement A? That you are not going to see through these evergreens. I can't see through evergreen trees, maybe somebody else can, but I haven't met them yet. You are not going to see through these evergreen trees. If you can't see through them, how are you going to see the cars? The engineer has been out there, he has looked at the topography, and I think Glenn agrees, once that hedge is established, you are not going to see if the parking will be moved back. We have two rows of trees, and they are staggered, it is on page 5. We have a detail of that. See these trees how we have set these trees, you can't see through these trees. When they are full grown, you will not see them.

Jeryl Abramson: The objective is to not be seen or heard.

Steve Simpson: So with the new location of the parking spaces, and the County gets the new look at how it is going to be laid out, they may say, hey it looks good.

Wes Illing: I don't think that is going to happen.

Daniel Gettel: You just made a statement about how you feel you comply with that, you don't agree with the County, but you can make those same arguments to the County.

Wes Illing: I can send them a letter explaining to them that the vegetative screening that is called out in our submittals, that we had our public hearing about had adequately addressed that, and you will not see the parked cars.

David Biren: And that you are moving the cars back anyway.

Wes Illing: And we have decided to move them back, but nevertheless her issue was seeing all these cars, period and the vegetative screening eliminates that. Her statement in her letter... the question becomes well how you as a Planning Board react to a statement that is not valid in the M239 review. You have to overrule it basically, what it boils down to, or you say yeah, we agree with them, which isn't a valid solution, but nevertheless I was hoping this Planning Board would say okay, #1, a it is not a valid statement, we've already gone through that, in Planning Board reviews, and that is not correct. So we can overrule #1, then we go to B in her letter, statement B, I can't remember what that was. We talked about that that is not an issue, so that is not a valid statement either.

Daniel Gettel: Wes, our point is, you feel that you have the ability to easily answer the County letter, so I would just suggest that address the County's letter.

Wes Illing: It's not going to change.

Daniel Gettel: You don't know that. You can't make that statement.

Wes Illing: Okay, I will write a letter, and we shall see, okay. I don't expect much change.

Daniel Gettel: Would you give us a copy of that letter, please?

Wes Illing: I certainly will.

Glenn Smith: You may want to sit down with Freda Eisenberg. That may be your best bet. She's not that bad.

Steve Simpson: You are making a pretty big change there.

Wes Illing: Alright.

Daniel Gettel: Wes, address it with Freda, please.

Wes Illing: The stuff that she is addressing that doesn't belong in that M239 review, do you want me to point that out to her? That isn't her purview?

Daniel Gettel: That is up to you to decide what to tell her, and what not to tell her.

Wes Illing: They try to push towns to do things that the towns don't want to do, using the M239 review. The Planning Boards overrule. They shouldn't be doing stuff like that. They should be addressing the intercommunity impacts they are authorized to do so, and allow the Planning

Boards to figure out everything else. It is one thing for them to make suggestions but for them to make these statements like she did, that is a big overreach of her authority, to make those statements.

Daniel Gettel: In your opinion.

Wes Illing: It is an imposition on your authority for her to do that.

David Slater: You just said it is a campground, not a concert. What happens, for instance if I had a buddy in there camping and he sends me a text that says there is a guy out here playing bongos, barefoot, having a good time, come out and see him? Can I drive out and see him?

Jeryl Abramson: Absolutely.

David Slater: Doesn't it make it a concert now? I have not seen in any of your plans, or anything in writing, that's why I am bringing this up because this was a concern, how do you handle daytime visitors only?

Wes Illing: Let me answer that.

Jeryl Abramson: I don't.

Wes Illing: The answer to that question is simple. Every campground or most campgrounds have a theme. A lot of the campgrounds they have a water park feature, maybe it is a lake, or a river, so if you are at the lake or the river and you know, you are skiing behind a boat or something, and you call a buddy up, say hey, we're having a great time, come on out and he comes out and visits, is that a problem? Is that a problem for a visitor to come out to visit the campground?

David Slater: But we are talking parking spots, we are talking residents spending the night, you know....

Jeryl Abramson: When you come over to listen to the music, or play around the drum circle, or whatever you want to do, whether you spend one minute, or 24 hours, you are buying the same spot. You are coming over, you are going through my gate, you are going through the process, you are getting wrist banded, and you are going in. How long you stay is up to you. Okay. It is a campground, you are not coming in for a concert, and you are coming in for camping. There is music at the campground. You are free to listen to the music, you are free to campout, and you are free to leave. It's simple.

Daniel Gettel: Are we fine Wes?

Wes Illing: The waivers. My apologies for not giving you a clean.... You don't want to vote on the waivers tonight?

Daniel Gettel: We had intended to, but moving the parking, making the changes, almost makes

that impossible because some of the waivers just go away. If you get me a list of what you need, then I feel more comfortable that you are asking for it, and I am not forgetting something. I don't want to be accused of forgetting something on purpose two years from now.

Wes Illing: I will make a new consolidated list of progressive waivers, and I will group all the vegetative together.

Daniel Gettel: Just list them, you don't have to do all the descriptions, because that we have if you have already described them. We are not talking about a 30 page...

Wes Illing: It's not a big deal to cut and paste, it doesn't take much time to go through and do that, I just forgot.

David Slater: I don't want to go through 35 pages of what I have read through already. Give us a number of the waivers you want.

Wes Illing: That's why I was going to group all the vegetative together....in lieu of the site plan as submitted, which I think is the most reasonable way to handle it.

David Slater: We can look up the code number, we can look that up.

Jacqueline Ricciani: For some parts of the code, you are looking for a complete waiver of that requirement, but for others you are just looking to be modified?

Wes Illing: Yeah, just a little section of that section of code.

Jacqueline Ricciani: Right, so when you are putting your list together, if you could just identify what you want to be completely waived, or what you just want to be changed.... tell us what you want.

Daniel Gettel: Wes, a lot of those are no longer valid.

Wes Illing: I will go through and clean it up, and I will submit a revised waiver request. What about SEQRA? Are we ready to do a negative dec?

Daniel Gettel: No, I would like something in writing from the DOH suggesting that the sewer issue has at least been...

Wes Illing: I can send you a copy of the email from Minzie. She is not approving anything, she just asked for a whole bunch of information which is what the agency normally does if you are serious about considering your proposal. She wouldn't ask for that stuff if she wasn't interested.

Daniel Gettel: Please keep Glenn in the loop, which we asked before.

Glenn Smith: Before you can make a determination for SEQRA, a lot of the stuff is now being modified, you definitely can't do it tonight, is my point.

Wes Illing: Alright. The parking is a significant change.

Daniel Gettel: Please be aware of the submittals. July 18th is the deadline for submittals, by 4pm. If you can give us more copies, we only have two copies here tonight.

Wes Illing: You want our revised submittals by the 18th? That is not a problem.

Bette Jean Gettel: The next round I will need 10.

Wes Illing: I will have the revised submittals, the response letter to the Commissioner. I suspect we will not be able to get the emergency person out by Monday, I don't think he is going to have any changes, quite frankly.

Daniel Gettel: If you get something from him in writing, give it to us as soon as you can. If it involves a slight change to the site plan to accommodate what he wants, we can justify that at the public hearing. That is a legitimate request.

Wes Illing: Okay. We will see you next month.

Daniel Gettel: Thank you Wes. Is there anything from the board? Is there anything new from the Town Board?

Vicky Vassmer: The board is going to be distributing a rough draft for solar use. Not introducing it, we are going to start addressing this issue.

Motion to adjourn by Mike Cassaro, second by Susan Brown Otto

All in favor - 6

Opposed – 0

Agreed and carried

9:54 pm

Respectively submitted,

Jannetta MacArthur
Recording Secretary