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Town of Bethel Planning Board

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

The Town of Bethel Planning Board held a Work Session on Monday August 5, 2019 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda at that time were the following;

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

Vicky Vassmer Simpson – excused

Wilfred Hughson – absent

Pledge to the flag.

Seated: Robert Yakin in Wilfred Hughson's seat

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

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Okay. The first item on the agenda tonight is a public hearing to allow for a group home to be located 3207 State Route 55, known as Bethel Tax Map #: 40-1-25.2, Steve will open the meeting up for public comment. I will be recusing myself from hearing this application. There was a sign in sheet at the back of the room. BJ has anyone signed up?

Bette Jean Gettel: No one has signed up.

Daniel Gettel: If anyone decides to make any comment after the applicant makes their presentation, just raise your hand, and we will call you up to the microphone. We will ask you to give your name for the record and make your comment. It is not a question and answer period. Hopefully during the initial presentation you will get your questions answered. As soon as everyone has had a chance to speak we will go back into our regular meeting and discuss it as a board at that time. BJ you have the certified mailings?

Bette Jean Gettel: Yes I do.

Daniel Gettel: Jannetta let the record show the certified mailings have been received. As I did say previously I may have a conflict of interest with this application so I will be recusing myself and Steve (Simpson) will be taking over.

Steve Simpson: The first item on the agenda tonight is the following public hearing.

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

Motion to open the meeting up for a public hearing for Pinnacle Residential Care, LLC by Susan Brown Otto, second by David Slater

All in favor – 6

Opposed – 0

Agreed and carried

Richard Stoloff: Thank you. I have brought with me this evening Amanda Haight who is a Social Worker who works for the facility, who may be able to answer other questions. We have gone through this before, this a residential care facility for young women ages 16 to 22. It is a group home which means it is basically a shelter for these people who are then provided with holistic and equine therapy. It is performed by a certified therapist. It is not for alcohol or drug treatment, and the individuals are monitored. The buildings are already on the property. There are six individuals currently on the property. There is one person that is awake in the evening that stays on the property. The horse therapy assists with the therapy of the troubled young women. The horses assist with the emotional therapies for the young women. They are there as long as 6 months. The provider does not feel the 28 day program is enough time. If there any other questions regarding the site plan which we discussed particular to the program, I would be happy to answer them. I would ask the manager to respond to any questions that the board may have. Also if the board has any questions about the program, Amanda can answer those questions

Jacqueline Ricciani: Are there any comments from the public?

Kristo Krekun: I am a neighbor of the property.

Jacqueline Ricciani: Did you want to address the board about anything? Could you come up to the microphone please?

Kristo Krekun: Sure. I haven't seen the plans.

Jacqueline Ricciani: The meeting has started, there is the plan.

Richard Stoloff: The 15.8 acres, all of the buildings exist, with the equestrian therapy, holistic therapy. There are chickens.

Kristo Krekun: I know all of the buildings exist. I see it every day. If the buildings exist why is the meeting required?

Richard Stoloff: Because In December 2018, the Local Law was changed by the Town.

Mr. Krekun: Are there people there now?

Richard Stloff: There are six residents there now.

Jacqueline Ricciani: That does not include staff?

Richard Stoloff: No, those are just the residents.

Mr. Krekun: Will it always stay at six?

Mr. Stoloff: There may be more. It goes by donation and the need.

Jacqueline Ricciani: It is just a different use. They are here so this board can insure that this property is being utilized properly according to the Town rules, fair Richard?

Richard Stoloff: Absolutely.

Steve Simpson: Thank you. Are there any other public comments?

None

Motion to close this public hearing and go back to our regular meeting by Susan Brown Otto, second by Mike Cassaro

All in favor – 6

Opposed – 0

Agreed and carried

Steve Simpson: We have a Short EAF and Part 1 has been on file in the Town Hall. I will read Part 2 into the record at this time.

Steve Simpson: Reading Part 2 into the record:

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

No. The proposed use is permitted by zoning.

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

No. The facility has operated for a number of years as a group home and there are no changes proposed at the site.

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

No. The use is permitted and has been in operation for a number of years.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

No. There are none in the Town of Bethel.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect infrastructure for mass transit, biking or walkway?

No. There will be no new impact.

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

No. There shall not be an increase in energy use associated with any approval.

7. Will the proposed action impact existing:

- a. Public / private water supplies?

No. The use is existing and has been in operation for a number of years.

- b. Public / private wastewater treatment utilities?

No. The use is existing and has been in operation for a number of years.

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

No. None exist on this site.

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

No. There will be no physical changes.

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

No. There will be no physical changes.

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

No. There will be no negative impact associated with this use.

Steve Simpson: That is the end of the Short EAF. None of the answers resulted in an answer of moderate to large impact may occur.

Motion to grant this application a negative declaration by Susan Brown Otto, second by Robert Yakin

All in favor - 6

Opposed-0

Agreed and carried

Steve Simpson: If the application were to be approved tonight it would be approved as a Special Use.

Jacqueline Ricciani: Is there a 239?

Steve Simpson: This was sent to the County for a 239 review.

Bette Jean Gettel: Correct. I have not received any response, and it has been more than 30 days.

Steve Simpson: At this point, because it has been beyond 30 days with no comment by the County we will move past this. The application, if approved tonight, we would be approving as a Special Use. With a Special Use we typically read Section 345-30, paragraphs I & J into the record. I will read them at this time.

Steve Simpson reading Section 345-30 Paragraphs I & J into the record:

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

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

All buildings are existing and there are no anticipated changes to the site.

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

Storm runoff, flooding and erosion and sedimentation control is not anticipated to be a problem as there are no proposed site changes.

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

There will be no negative impact on community services or utilities and there are no anticipated impacts on the educational system.

4. Environmental impacts in any form.

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

5. Impacts on housing availability.

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

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

There are no anticipated nuisance impacts such as noise, odors, vibrations or glare.

7. The adequacy of the trees, shrubs and other landscaping to buffer or soften a use in terms of visual or other impacts on adjoining property owners, Town residents and those visitors on whom the local economy often depends.

The site is well screened from passers-by and adjoining uses.

8. Impacts on nearby property values.

There are no anticipated negative impacts on property values.

9. Traffic impacts (see Section 345-22H).

Section 345-22H reads:

H. Access to Route 17B and Route 55.

- (1) No tract shall provide direct access to Route 17B or Route 55 if adequate alternate access can be reasonably provided by way of another road.

The site is to be accessed via an existing driveway off Route 55. There are no feasible alternatives to this access.

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

The driveway is existing and is well over 100 feet from any intersection.

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

There are no known factors that would relate to the health, safety and general welfare of residents.

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

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

The proposed use is unique, needed and permitted in the zoning district.

2. Whether the proposed use will have a detrimental or positive impact on adjacent properties or the health, safety and welfare of the residents of the Town of Bethel.

The use is not anticipated to have any negative impacts on residents of the Town of Bethel.

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

The proposed use is not anticipated to be detrimental.

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

The proposed use is not anticipated to have any new impacts.

5. Whether the granting of an approval will cause an economic burden on community facilities or services, including but not limited to highways, sewage treatment facilities, water supplies and fire-fighting capabilities. The applicant shall be responsible for providing such improvements or additional services as may be required to adequately serve the proposed use and any approval shall be so conditioned. The Town shall be authorized to demand fees in support of such services where they cannot be directly provided by the applicant. This shall specifically apply, but not be limited to, additional fees to support fire district expenses.

There are no anticipated economic burdens associated with any approval.

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

The proposed use is permitted in the area.

Steve Simpson: As far as conditions of approval, if approved tonight the conditions would be as follows:

- 1). The applicant shall acquire all approvals from all other governmental agencies. They must be approved. This would include the Department of Health.

2). All fees be must be paid to the Town of Bethel.

Richard Stoloff: If there are any other fees, I will discuss them with BJ.

Steve Simpson: If there aren't any other comments by the board at this time, I would like a motion to grant a Special Use Permit.

Motion to grant this application a Special Use permit with the previously listed two conditions by Susan Brown Otto, second by Mike Cassaro

Roll Call Vote:

Mike Cassaro – Yes

Susan Brown Otto – Yes

David Biren – Yes

Robert Yakin – Yes

David Slater – Yes

Steve Simpson – Yes

Motion passed 6 - 0

Richard Stoloff: I would like to say thank you to everyone.

Daniel Gettel has returned to the table.

2) Application for a proposed Multi-Unit Development located on Frances Street, known as Bethel Tax Map #: 34.-2-, 3, 4.1, 4.2, 24, & 25, proposed by White Lake Wood, LLC. (Harte/Kask)

Daniel Gettel: Susan we did speak before the meeting and I know you are friendly with some of the board members on a personal level, but I don't think it will be a problem. I think they will be able to put that aside and look at the code. I do want to put it on the record though. The application was subject to a pre-application meeting and a number of us were able to attend. Some of us are a little bit more knowledgeable about the application. Victor and Susan please let us know what you are doing, what you are proposing, kind of where the property is, if no one realizes it. However you want to do it.

Susan Harte: This is the White Lake Wood, LLC development. Does everyone know where the property is? It is right next door. There is 8.2 acres comprised of 5 different tax parcels. Three of them are here (showing on map) and I have this little corner here next to NYSEG. Then there

is a parcel here on the opposite side of Frances Street. This parcel right here (showing on map) I am in talks right now with NYSEG to purchase. They would like to have it to have a little better access to their own site.

Daniel Gettel: Jannetta for the record that is at the intersection of Frances Street and State Route 55. It is a gravel parking lot, NYSEG uses, does not own.

Jacqueline Ricciani: The owner is not identified.

Daniel Gettel: But Susan owns it, and the acreage is not part of the 8.2 that you mentioned, correct?

Susan Harte: This is less of a quarter of an acre. We are submitting an application and doing the project in two phases. Primarily just to go through and work out all the kinks in Phase 1, and see what the demand is, and what the costs are. Once we have worked everything out, we then want to go across the street. So the idea is, these are for market rate workforce housing. It is not subsidized housing. It is for working people. They will be two bedrooms, there will be eight quads, and the rent will be about \$1,800 per month. They are going to be townhouse style, two stories, grouped in four. This is the conceptual plan for the entire development. The idea is to use Frances Street as the main entrance to the development. We will probably have a secondary exit on this right of way road.

Daniel Gettel: Just so the board is aware, that is the driveway to the school. It is actually owned by the school.

Susan Harte: That driveway right of way is owned by the school, but we will have the right of way.

Jacqueline Ricciani: Is it attached to the property?

Susan Harte: I have the title search company working on it. She believes that this property has rights to that.

Daniel Gettel: If I can interrupt, we did speak about this during the pre-application meeting. I don't think it is necessary for fire protection. Robert, correct me if I'm wrong, but isn't it always nice to have a second exit?

Robert Yakin: Yes it is nice to have a second exit.

Daniel Gettel: Frances Street would also intersect with Steve Dubrovsky's property so there might be another out for him if the commercial development goes through. It is not necessary but it would be nice.

Robert Yakin: The only issue would be if we came in if there, and there wasn't a secondary access.

Daniel Gettel: I don't think you would just drive in and out. You would probably have a locked gate, and the Fire Department would just break the lock, however they do it. It's not Robert's district of course.

Robert Yakin: Right. That is Kauneonga Lake Fire District.

Susan Harte: There is an existing well on this property that we had tested by Mr. Fulton, which is 8.5 gallons of water a minute. We talked to the Department of Health because it is under five units we will not have to be regulated by the Department of Health, but when we do Phase 2 that will be considered a public water system and will have a lot of regulation there. The idea is to come in through Frances Street, and have parking in front of the units. I put a few pictures in your packet. Anyone who has driven down here can see it is completely wooded. The plan is to leave up this whole front line of trees, so it will be pretty well screened and we will do some other landscaping. The units in the back will have a little bit of an outside deck area. We will leave the rest as much natural open wooded space as we can. As required we will have recreational benches, maybe some exercise equipment. On Phase 2, how much do you want to know about Phase 2?

Daniel Gettel: It isn't going to hurt to give us an idea, a number of unit, sizes, perhaps discuss the swimming pool you would try to use. We don't want to overload the Town Park to have an additional thirty-two houses to Town.

Susan Harte: So Phase 2 on the second parcel, the plan is to do another 7 quad units. Also to the extent that we can, we want to leave it wooded. We are getting a conceptual SWPPP done by an engineer right now. There is a nice steel swimming pool that we are going to try to save. I am talking to the County and the Health Department, and I am getting some information on that. If we can save the pool, it really has a lovely geometry, and it looks like it is in pretty good shape. They said if it had been permitted before they may be able to grandfather some things in.

Daniel Gettel: I think the main thing Glenn, and correct me if I'm wrong, there is probably one drain, and it needs two.

Glenn Smith: If they can save the structure that would be good.

Susan Harte: I think it would be a great amenity. It is a pretty good size pool. Come home, take a dip after work. So this right now is a 30 foot right of way. So Frances Street, this a 30 foot right of way.

Daniel Gettel: There is another right of way that runs north to south Jannetta.

Susan Harte: This is actually a separate tax lot, owned by Igor who lives at the end of the road. We have met with Igor. He is very excited about the project. He is very enthusiastic. We plan to widen Frances Street. I think we have to go at 20 foot Victor? So we are going to improve and widen Frances Street. That will be the main access in and out. I am talking to NYSEG now. There are two poles that are within the 30 foot wide right of way, although I still think we can make our 17 and 20 foot wide road with those poles, especially the one that is pretty far in, like 3

feet. They are going to move that for us. The idea is, I think we have to be 20 feet within 300 feet of the building or 350 and then 17 feet going into the building. The units are going to be modular built. We are using a factory in Pennsylvania. We are going to do a cool metal and wood type siding. So the idea is to have an organic modern aesthetic. That's why I didn't want to do the pitch roof. We wanted to have it look as organic as we can keep it. This is the floor plan. You come in the front door, you go left into the kitchen, and you go straight, and there is a closet, a bathroom, a living room, then you can go into the dining room this way, and then there is a sliding door here and a deck. We have a nice chunk of outside storage. The second floor we have a master, another full bath, closet, washing machine and dryer. Every unit will have a washer and dryer on site, and a second bedroom. In Phase 2 we may do some 3 bedroom units. We are going to see what the demand is. So for Phase 1 this is the bigger picture of the development. The plan is to do extra parking here. We are going to have a screened in dumpster area. There is a lot of open space. The total square footage is like 1.36 acres. We are using about a third of an acre.

Jacqueline Ricciani: Is the parking area going to be blacktop?

Susan Harte: No, it will be gravel.

Jacqueline Ricciani: What are you going to do about snow removal?

Daniel Gettel: It would be the same, just in the spring it is a problem when they have to put all the gravel back.

Susan Harte: When we looked at paving prices, right now it is not really feasible. I have a couple of notes that Glenn had mentioned.

Daniel Gettel: Susan, if I could just interrupt. So the board is aware, it is on Town Sewer. I am not 100% sure that it is all in the district. That is something we do have to consider.

Susan Harte: I think that is something that we may have to do as an outside district user. With the sewer, the plan is to...Victor do you want to go over what the sewer plan is?

Daniel Gettel: Is this specific for Phase 1?

Susan Harte: We can do both. We will start with Phase 1.

Victor Kask: Basically we are pumping the sewage across the street to a pump station up here. In Phase 2, that is one of the reasons why we went over some of the detail for Phase 2, we have to locate this manhole then it would run up by gravity up the street.

Daniel Gettel: Is that a new manhole, or is it existing?

Victor Kask: The one on Route 55 is existing.

Daniel Gettel: The one on Route 55 exists, but you are going to put a manhole and gravity line?

Victor Kask: Yes. The rest of the facility can use it at a later date.

Susan Harte: The manhole is actually right there.

Daniel Gettel: Close to the intersection. So the rest of the board is aware, this use to be a bungalow colony. Susan, how many units were there?

Susan Harte: I think there were 17.

Daniel Gettel: There were quite a few. It has been torn down about 10 years ago. The parcel that makes up Phase 1 was probably always vacant. The colony was more across the street.

Susan Harte: There is a well, and a well house.

Victor Kask: They just drew water from it, across the street.

Daniel Gettel: When the bungalow colony was built probably all the sewers were across the street, so they put the wells separate too. I am just assuming.

Susan Harte: There are four additional wells on this property. And one is at 8" (casing).

Daniel Gettel: Is that a good sign, there being so many wells?

Glenn Smith: There are probably decent wells over there.

Daniel Gettel: I don't know what the draw down would be.

Glenn Smith: They could be low producing wells.

Victor Kask: It is 8.5 gallons a minute over here, so.

Daniel Gettel: Did they pump it for any length of time?

Victor Kask: Overnight.

Susan Harte: I gave him (Glenn) Eugene's report. I know they let it run quite a while. This parcel that was initially zoned commercial which we have to get the town to pass a law to incorporate to RS, which was passed in May. Right now we are getting a conceptual SWPPP for this piece and then also the plan for soil sediment and erosion for Phase 1.

Victor Kask: We are going to go by Glenn's letter. We have a lot of engineering work to do.

Susan Harte: A lot of the stuff we will be submitting for the next board meeting. We are going to provide more accurate topo, more detail on the layout of the water system. Where it is plumbed out, where it goes into the buildings. I think we have a grading plan and a drainage plan that Michael Reilly is doing. I think that is where we are.

Daniel Gettel: There is one little stickler with this. Phase 1 can't stand by itself because it is not large enough for four units. Phase 1 is 1.36 acres, and we can't connect it to the property across the street. They kind of both have to go together, which I think is understandable. I don't think it is an issue. I just want to put that on the record that we realize it is a 1.36 acre parcel.

Susan Harte: So we can't do...

Daniel Gettel: So you can't do a land hook ... it is a private road.

Susan Harte: So these three separate parcels were in a lot to make one, a lot combination. This one we can't do this because of the private right of way going through it.

Daniel Gettel: The County won't connect across a private right of way.

Jacqueline Ricciani: Can I have something showing where the parcel property lines are and what the SBL's are? That would be really helpful.

Daniel Gettel: I know the Town Board had it, I don't have it. Is there a reason a new EAF was turned in tonight? Was it to address some of Glenn's comments?

Glenn Smith: They addressed some of the comments that I had in my letter.

Daniel Gettel: Okay, so the long form was updated to address some of Glenn's comments.

Susan Harte: We updated the long form.

Daniel Gettel: Glenn did you want to touch on your review letter from last month, or was it the month before?

Glenn Smith: July 29th. The water is pretty straightforward. The plan that was done in 2005 a lot of the property used an onsite infiltration basin for the storm water. That takes a lot of room. The preliminary SWPPP might indicate where that water is going. That will affect where the trees are cut down. It basically meets zoning.

Daniel Gettel: So the board is aware, this is the first time we are looking at Section 345-27 which is under Multi-family Residences. It is pretty lengthy, pretty self-explanatory. There is quite a bit of engineering that will be involved. Susan will eventually have to touch on 345-16 which is the landscaping standards, we are going to have to determine what we are going to require for the project. If maintaining trees is what we want, or if we want them to dress up a certain area, that is something we are going to need to talk about as a board. Section 345-22 is the parking standards. Section 345-23 is Susan Brown's section, which we call the signage section. Susan is very passionate about signage.

Susan Harte: When I was talking to NYSEG, I told them that if I did sell them this parcel that I would want to retain a little corner to put a nice sign. We will get a sign design to you. I think

on the latest plans that Victor submitted we did do the landscaping. Like the kinds of bushes we were going to put.

Daniel Gettel: So there are additional bushes. I didn't notice that.

Jacqueline Ricciani: I don't think we have that sheet yet.

Victor Kask: It should be there.

Daniel Gettel: Phase 1 does have some landscaping on it. We do have that. We have a preliminary Jacy that shows it. Is anyone advising you about plants?

Victor Kask: I just look in my back yard and see what the deer don't eat.

Daniel Gettel: They pretty much eat anything anymore. This is also a special use project which site plan reviews are in Section 345-30, 345-31.

Susan Harte: Why a Special Use?

Daniel Gettel: I thought it was Special Use with Site Plan.

Jacqueline Ricciani: It's on the bulk table (as a Special Use).

Daniel Gettel: So they do have a full EAF. I think we need a little more detail Glenn, before we do Lead Agency, but that is not an issue because whoever we mail it to

Bette Jean Gettel: Did they address the school driveway?

Daniel Gettel: They are going through the title company. We'll call it the School's driveway.

Susan Harte: The road that goes into, it has a name....

Daniel Gettel: It has a name but is not a public road.

Susan Harte: So when people drive here that comes into Town Hall.

Daniel Gettel: Town Hall's legal right is off of Route 55, we share that with the Ambulance Corp.

Jacqueline Ricciani: It's more of a driveway than a road.

Susan Harte: Do you guys have right of way?

Daniel Gettel: I don't know. We have other access, but I don't know that answer. It is my understanding that we do, but I wouldn't know that. What standard would they have to improve Frances Road to?

Glenn Smith: The minimum road standard is 20 feet.

Daniel Gettel: In our standard, it would be a minimal standard for a private road. We are talking about depths of materials, finish. Right now it is probably a dirt road. I don't think there is much there at all.

Susan Harte: Right now there is no maintenance agreement there at all. I believe the town plows up to these two houses here to help them out. I was talking to Igor there should be a maintenance agreement with all of the users.

Glenn Smith: Who is going to plow the road? You guys, Igor?

Daniel Gettel: I think everyone who has property on that right of way, does Igor own the road?

Susan Harte: Yes. It is one tax lot. The County sold it at a tax auction.

Daniel Gettel: It is private road. There should be maintenance agreements. As an attorney you would understand that. Also if Steve Dubrovsky is interested in using it also he should be part of the agreement.

Susan Harte: I met with Steve, when there was a little bit more momentum on the corner. By our latest conversation with him we should leave Steve out of the conversation at this time. It is tentative right now. Whatever I'm going to do, I will do. Initially it was like yeah, his property abuts mine right here. He was thinking he would use this right of way like an emergency exit or something. I think it is tentative right now.

Daniel Gettel: It would seem to me if you have an agreement in place and he wants to join he would have to work out the renewal agreement with you all. The problem is your people are going to want to leave for work first.

Susan Harte: Ultimately I will be the one responsible. We will have to have people chip in.

Daniel Gettel: Are there any comments from the board? It is pretty straightforward. A lot of work has been put into it. My recommendation is to work closely with Glenn. I think a lot of it is going to be engineering. The SWPPP is going to be a big part of it I would think.

Susan Brown Otto: One thing about the signage, it is not in the law, but we typically ask for a sign with a stone wall planter underneath it, like the McKean Real Estate sign and the Bethel Woods sign.

Daniel Gettel: I don't know if you put it on the corner of Frances and Route 55 you may have an issue. You may want to consider putting it on your property on the other side of the parking lot.

Jacqueline Ricciani: And save yourself some trouble by making the sign and the design part of this application, so depending on the size, if it is too big you will have to come back, so just

throw it all in now. Make it easier for you.

Susan Harte: We will have some signage here. I think it would be nice to have a sign on the corner.

Bette Jean Gettel: It is a County Road, you will need County permits.

Susan Harte: I am also subject to what NYSEG wants to do. It will be a high profile site. We want to do it as nice as we can.

Jacqueline Ricciani: Whatever sign you want, make it part of the application.

Daniel Gettel: Susan, on part of the application will you be looking to do a curb cut on Route 55. I mean that is out of the question?

Susan Harte: There are already driveways that exist on that lot, but we are trying to keep it to no access on Route 55.

Steve Simpson: I see where the electric is for Phase 1.

Victor Kask: There is one existing pole here, and then there would be an underground line here.

Susan Harte: There are several poles already on the site.

Susan Brown Otto: Is there cable there?

Jacqueline Ricciani: I'm sure it is accessible.

Daniel Gettel: Are there any questions or comments from the board? Our Section 345-27 does call for a preliminary concept plan. It doesn't require a lot of detail. I think from the engineering side they typically look for some kind of nod from the Planning Board that they are okay with the concept before you go too far with it.

Daniel Gettel: Section 345-27B 6d reads: "A preliminary site development plan indicating the approximate location, height and design of all buildings, the arrangement of parking areas and access drives and the general nature and location of other proposed site improvements, including recreational facilities, landscaping and screening, the storm water drainage system, water and sewer connections, and/or central subsurface sewage disposal systems, etc."

Jacqueline Ricciani: The situation is... 345-27B 6d... I missed that.

Daniel Gettel: Glenn, the only stickler there is with the SWPPP plan, but you can't expect them to have a detailed SWPPP plan with a concept.

Glenn Smith: The only thing lacking is the storm water drainage system and like I said it is pretty straightforward.

Daniel Gettel: Am I right in assuming that they will be held to a standard that they are not going to increase the runoff on the property within the development?

Glenn Smith: They can't increase amount.

Daniel Gettel: But it doesn't go back when there were 17 buildings on the property, it goes back to what it is right now. I think that is our next step, if the board is comfortable with the application in the preliminary concept, that we consider granting it a preliminary development concept plan approval by the Planning Board?

Jacqueline Ricciani: So this plan complies with everything under paragraph 6?

Daniel Gettel: I think it does. We have the boundaries of the property, we have the map with the contours, and there is nothing over 15%. The site location sketch indicates location of property of the neighbors' streets and properties. Zoning district we know it is all in the...Susan, it is in two different zoning districts, correct? One parcel was kept in CS, the parcel you are going to sell to NYSEG? Jannetta, The property along Route 55 is zoned CS, but it does not affect the project. CS is the road frontage along Route 55.

Jacqueline Ricciani: I will need a copy showing all this.

Susan Harte: We had it when we did the Town law.

Daniel Gettel: Susan, it also asks for a general time table, which is kind of hard to judge, because clearly you are going to want to get Phase 1 in as soon as possible, but Phase 2 is another question of financing.

Susan Harte: The factory basically says when they put it on the line, they will have the unit complete in 4 days, and then it takes 2 days to come and put them up. They do 8 pods per day in the factory. We figure another month for all of the hookups, the siding, getting everything connected. You have two weeks of infrastructure, digging the sewer lines, stuff like that. For Phase 2 the plan would be, as soon as this is done, then to start in January of next year. Once we have done this and worked out all of the kinks. Once that goes in it should be relatively easy.

Daniel Gettel: The meets and bounds on the property, does it come from a survey?

Victor Kask: In a survey.

Daniel Gettel: Susan talks about one utility pole being in Frances Road and there is another question about the neighbor's fence that is very close to Frances Road I think. What degree of accuracy would we have on that, though? It's not really a Planning Board issue, but it may be an issue for you.

Victor Kask: Some of the utility poles have changed since the first survey was done. I'm trying to delete the ones that aren't there anymore. The ones in the right of way are fairly accurate.

Daniel Gettel: I just want the board to be aware that it isn't really part of our review but there is a question exactly where the right of way fits in the field. We don't have that accuracy. Either way it is going to be served by overhead poles. That is really for you to work through with NYSEG. All utilities will be owned and maintained by you. Nothing will be conveyed by the Town.

Susan Harte: Everything is going to be electric. No oil, no gas.

David Biren: She is going to do this all in one time?

Daniel Gettel: She is going to do Phase 1 first. We are going to review the SEQRA and the SWPPP as one.

David Biren: Okay, that is what I wanted to know.

Daniel Gettel: I think we have to have enough information Glenn, to give a declaration for the project. As far as the SWPPP plan goes, we can do the EAF for the whole project.

Jacqueline Ricciani: You are going to need all the water flows.

Motion to grant the application a preliminary development conceptual plan review approval by Mike Cassaro, second by Steve Simpson

Roll Call Vote:

Mike Cassaro – Yes

Susan Brown Otto – Yes

David Biren – Yes

Robert Yakin – Yes

David Slater – Yes

Steve Simpson – Yes

Daniel Gettel – Yes

Motion passed 7 – 0

Daniel Gettel: Good luck Susan. It is pretty straightforward. Like I said before it is a lot of engineering.

Susan Harte: Mike Reilly is going to work on the SWPPP. We will have all of the engineering stuff for you, so we should be here next month.

Motion to adjourn by David Slater, second by David Biren

All in favor - 7

Opposed – 0

Agreed and carried

Respectively submitted,
Gannetta MacArthur
Recording Secretary

8:40 PM