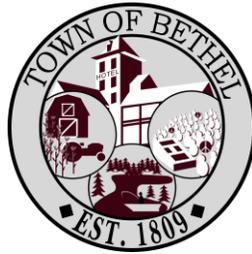


(845) 583-4350 Ext 105



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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 Wednesday September 5, 2018 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda at that time were the following;

In attendance: Daniel Gettel Chairman, Steve Simpson, Vice Chairman, Michael Cassaro, Susan Brown Otto, David Biren, David Slater, Robert Yakin, Alternate, Jacqueline Ricianni, Attorney, Vicky Vassmer Simpson, Liaison, Daniel Sturm, Supervisor, Jannetta MacArthur, Recording Secretary, Glenn Smith, Engineer and Jason Pitingaro, Engineer.

Excused: Wilfred Hughson

Seating Robert Yakin, Jr. Alternate

Quorum present

Pledge to the flag

Motion to approve the minutes from the August 6, 2018 Planning Board meeting by Steve Simpson, second by Susan Brown Otto

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: We do have two public hearings tonight. The first is for a project on Airport Road and County Road 55, the second is a four lot subdivision on Soule Road. If anyone would like to speak at either public hearing what we typically do is we open the meeting up for public comment, ask the applicant to make a presentation to the audience then take public comment. No one has signed up to speak at these meetings, so if anyone wants to speak after the applicant makes a presentation just raise your hand and we will call you up to the front of the room to the microphone, give your name for the record and make your comment.

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

Proof of mailings have been received

Daniel Gettel: Mr. Gottlieb is presenting. If you would tell the audience what you are proposing.

Tim Gottlieb: What is proposed is a 15,000 square building on a 200 by 250 foot developed area. Access will be off County Route 14. We have shown the well and septic, the grading and the lighting around the building and the screening on Swan Lake Road. We will need a storm water pollution prevention plan (SWPPP) which is in the works. We have parking. The applicant intends to maintain heavy equipment in the building. That is pretty much it.

Daniel Gettel: Does anyone in the audience have any interest in the Airport Road project? Would you come up to the front and give your name?

Motion to open the meeting up for a public hearing by Susan Brown Otto, second by David Biren

All in favor – 7

Opposed – 0

Agreed and carried

Jacqueline Ricciani: Do we have the mailings?

Daniel Gettel: Yes, the mailings have been received.

Bette Jean Gettel: State your name for the record please.

Joe McFadden: Joe McFadden. I live at the corner of Schoolhouse Road and State Route 55 right across from the proposed site. I was coming to see what was proposed and what limitations are going to be on the noise restrictions and stuff like that. I didn't know exactly what was proposed to do at this site exactly.

Ari Steinman: I am the owner of the property, and the guy putting up the building. Basically what we do is we have heavy equipment that we service. As far as noise and loud or strange noises, I don't expect any really. We will have equipment going in and out. Mostly out on the lowboy.

Joe McFadden: That was another question. I know if you have paving projects and stuff usually the equipment goes out 3am or 4am to go to a work site, to be there to start paving in the morning. Is there going to be any limitation to time, with the back up alarms and equipment running, you know at 3am in the morning, or whatever time? Is there going to be a limitation on when they can start, when they got to stop?

Ari Steinman: I think a lot of that is predicated on permits by New York State. You can't move this equipment without permits. New York State assigns us a time period of when we can move that equipment. For example, we can't go over a bridge during regular hours, traffic hours. They dictate to us what time we can go. We make out a permit application, and that dictates what hours we can

move the equipment. They give us direction. We don't have control over it, not as much as we would like to.

Joe McFadden: What kind of equipment?

Ari Steinman: Drills and excavators.

Daniel Gettel: These are substantial pieces of equipment. It benefits him to not have them stored at his site, because... they are out for hire, so it doesn't benefit him to have them there. I agree with him, as far as the time to move them, because they are permitted by the State in order to move them.

Joe McFadden: Usually it matters what size excavators, because usually you don't have to have a permit to move an excavator unless...

Daniel Gettel: These are substantial pieces of equipment.

Ari Steinman: (showing Mr. McFadden pictures of equipment).

Joe McFadden: What times are you working on the equipment?

Ari Steinman: Daytime hours.

Daniel Gettel: The way our zoning is set up all repairs have to take place inside the building, unless it is an incidental repair. Most have to take place inside the building. That will be controlled by our zoning because it is a Special Use Permit. That is one of our requirements.

Joe McFadden: I didn't know the equipment, if they were going to be able to work on it inside.

Daniel Gettel: The equipment is going to be maintained inside.

Ari Steinman: The equipment I just showed you, it is 63 feet long. That is why we need a building of that size. Not 100% can be worked on in inside, but 85-90% will be worked on inside.

Joe McFadden: Okay. That is what I didn't know. I know sometimes with paving equipment, other equipment, they come back and they break it down. They are out fixing them until late at night to get it to the job site in the morning.

Ari Steinman: Most of the time the equipment is not there for days. Paving equipment is typically going from site to site. Ours will stay at a site for two to three months. We go from site to site, when it breaks down, then it goes to the shop.

Daniel Gettel: It is permitted in the zone, the size of the equipment I know is substantial, but I agree with you it is not going to be moved day after day coming in and out. It is a rental business, not a normal rental business. It is not a business where people come to rent small pieces of equipment.

Joe McFadden: That's what I didn't know, bulldozers, excavators, moving in and out every single day.

Daniel Gettel: Nothing that would be used in this area. It's just too big.

Ari Steinman: You never know.

Daniel Gettel: Well, not right now.

Ari Steinman: We are trying to grow.

Daniel Gettel: You know what I'm saying.

Joe McFadden: Now that I see the equipment, I see what he is talking about.

Ari Steinman: It's exactly it. The shortest drill we have is 35 feet long.

Daniel Gettel: I can say what we did ask is we did ask them to address the buffers between your property and his. I know you are across the street. They are proposing planting 42 trees to try to screen it and try to be a good neighbor. I know that you are at a higher elevation, when they come out they are going to be lower than you. It is opposite your field I believe, not your house.

Ari Steinman: Also the building itself, the area around the building, is lower than the roadway by 4 feet, and you are at a higher elevation yet. There is a berm that is already here that comes up about 5 feet above the road. So from that 5 feet above the road.

Joe McFadden: So that is going to be coming right out by my house.

Ari Steinman: The most you are going to have is a low boy coming in. That is what you are going to have. Hopefully the equipment won't even go there, it will be working somewhere. Why do I want it there?

Joe McFadden: It doesn't make money sitting there.

Ari Steinman: No, it does not.

Daniel Gettel: Hopefully that will address your questions.

Joe McFadden: Yes, hopefully. Like I said, my main concern was the noise and stuff if they were running the machinery up and down outside or late. That was my concern.

Daniel Gettel: We will make it a statement that most of it will take place in the building, clearly not all of it can. We do have a building department that oversees and enforces that.

Joe McFadden: Okay, thank you.

Daniel Gettel: Is there anyone else from the public?

No one

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

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Mr. Gottlieb, my only note on this is you increased the screening along the road and added the lighting that we asked for at the last meeting. Those were my only two comments. Glenn, your comments. I will let you do your comments. They still need a SWPPP before they can get a building permit, is that correct?

Glenn Smith: Did the 239M review come back?

Daniel Gettel: Yes the 239M review did come back.

Glenn Smith: Other than that it was just the SWPPP.

Daniel Gettel: For the record, the 239M came back. Under proposed action it states it has been assessed for inter-county community, and county wide actions, community character and the proposed action will not adversely impact community character at the intercommunity county wide level. Under traffic, the proposed action has been reviewed by Sullivan County Division of Public Works. They supposedly measured the site distance at the proposed access location and the sight distances exceed the minimum required for 55 mph. This is interesting to the neighbors. It states that an environmental investigation is currently under way for the Sullivan County Airport in relation to the protection of the drinking water in the area. It also states the proposed action will not conflict with existing adjacent land use patterns. And they sent back as this back as local determination. So Glenn, your comments are pretty much addressed?

Glenn Smith: Yes. Other than the SWPPP, and the Sullivan County DPW permit.

Daniel Gettel: If we decide to approve it tonight that would be one of our conditions.

Ari Steinman: Which permit, the County permit?

Bette Jean Gettel: The County said they are waiting for our approval.

Susan Brown Otto: When the County looked at the driveway permit, and mentioned 55mph, did they take into consideration that the equipment moving on to the road can only...

Daniel Gettel: That is what the stopping distance is for. If somebody stops on the road it would give someone going in the opposite direction adequate time to stop, in order to avoid that. This greatly will exceed it now that they have leveled the road out.

Daniel Gettel: We do have a short EAF. I won't read Part 1 into the record, I will read Part 2 and Part 3.

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

No. The use is permitted by zoning.

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

Glenn, I checked small because any time you develop a property you are changing the use of the land. This is the permitted development of a vacant lot into a commercial use. Any action would result in a change.

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

No. This is a Commercial Area, adjacent to the only Industrial area in the Town of Bethel. The proposed use is consistent with other uses in the area.

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 existing infrastructure for mass transit, biking or walkway?*

No. This use is not anticipated to be one that would generate a lot of traffic or have a negative impact on mass transit, biking or walkways.

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. The new building must be constructed to meet today's energy code.

7. *Will the proposed action impact existing:*

a. *public / private water supplies?*

No. The proposed use is not anticipated to place a high demand on water from a private well to be drilled on this property. There is no well here, correct?

Ari Steinman: No.

b. *public / private wastewater treatment utilities?*

No. Utilities for the use would only be proposed to accommodate the limited number of employees, not customer foot traffic.

8. *Will the proposed action impair the character or quality of important historic,*

archaeological, architectural or aesthetic resources?

No. The site contains no historic resources.

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

No. There are no designated wetlands on the property.

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

That is also Small. There may be a slight increase in the potential for erosion during construction, which would stabilize after completion. This would be addressed by good construction practices.

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

No. There are no anticipated environmental impacts.

Daniel Gettel: That is it for Part 2.

Daniel Gettel: Glenn, do you have any comments on Part 2? I think it is pretty straightforward.

Glenn Smith: No.

Daniel Gettel: Under Part 3, in my opinion, we would check the box stating that the proposed action will not result in any significant adverse environmental impacts.

Motion to grant this application a negative declaration under SEQR by Steve Simpson, second by Mike Cassaro

All in favor - 7

Opposed - 0

Agreed and carried

Daniel Gettel: Section 345-30, Paragraphs I & J are the two I have to read into the record because this is a Special Use Permit. This governs what we can and can't do on the property.

Daniel Gettel: Reading Section 345-30 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.*

The building is industrial in nature and similar in style to a number of industrial buildings in the immediate area. There will be no sign I don't believe. There is no real signage associated with this. You will need a 911 address.

Jacqueline Ricciani: It sounds like there might be another sign.

Ari Steinman: I think we spoke about one sign that was less than 30 square feet.

Bette Jean Gettel: Less than 24 square feet.

Ari Steinman: Right. Which would be closer to the entry way so people know we are actually in there.

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

If approved the applicant will be required to obtain a SWPPP prior to obtaining a building permit. Glenn, is that something that is actually issued, or is it... You have said in the past they don't actually review it.

Glenn Smith: It is like a permit, DEC will review it. You have to have the SWPPP onsite.

Daniel Gettel: So that is something you would review as our engineer.

Glenn Smith: I should look at it and give it my blessing and just keep it onsite.

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

The proposed use will not have a negative effect on community services, utilities or the educational system. There is adequate police and fire protection in the Town.

(4) *Environmental impacts in any form.*

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

(5) *Impacts on housing availability.*

There is no anticipated negative impact on housing anticipated.

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

It is anticipated that all repairs, except for incidental repairs, are to take place inside the building.

(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.*

This is a commercial use to be constructed on a County Road. The applicant has proposed retaining a wide natural buffer zone between the proposed building and Airport Road, where the majority of the adjoining homes are located. The buffer zone along County Road 14 will remain, where possible, and will be supplemented as needed and shown on the Site Plan.

(8) *Impacts on nearby property values.*

It is not anticipated that the proposed use will have a negative impact on property values.

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

Section 345-22H specifically addressed access to Route 17B and Route 55. These paragraphs read:

(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.

It is beneficial to the applicant to have direct access to Route 55 (County Road 14), as reviewed and approved by the NYS DOT as that location offers the best sight distance for the proposed use.

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

We discussed that at the last meeting, and this meets that requirement.

(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 risk factors that would relate to the health, safety and general welfare of the residents of the Town of Bethel if this application is approved.

Daniel Gettel: Paragraph J is the second section we read into the record:

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.

This proposed use is specific and would not be classified as either in demand or in abundance in the Town of Bethel. The area proposed for this use is a commercial area where similar buildings and uses do exist.

(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.

This is a commercial area, in close proximity to the only Industrial Area in the Town, and the use is permitted in this district. It is not anticipated that there will be a detrimental impact on the health, safety, or welfare of the residents of the Town.

(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 one judged 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.

There is a need for commercial uses in the Town of Bethel. Commercial uses tend to drive the economy, job market and housing.

(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.

The granting of the approval will not place an economic burden on community facilities or services.

(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 property will be developed in a way consistent with the Comprehensive Plan and adequate landscape will be retained to buffer the use from adjoining uses.

Daniel Gettel: That is it for the Special Use Permit conditions. Are there any comments from the board? David, do you have any concerns or anything you want to raise now?

David Biren: Will these vehicles that are coming and going will they impede any of the school buses that travel that route?

Ari Steinman: I don't believe so.

David Biren: Okay, because we don't know what hours your vehicles will be traveling.

Ari Steinman: I don't believe they are going to impede anything.

Daniel Gettel: They share the roadway as far as I am concerned. You have a permit for the road just like the school bus.

David Biren: How many vehicles per week do you anticipate will be coming and going? Using your facility?

Ari Steinman: I only have three employees, so three vehicles. I have a low boy which may make one move a week or one move every two weeks if that. Sometimes it doesn't move at all for a long spell. A job is a job. If the equipment is all out the low boy sits in the yard.

David Biren: So no more than one or two trips per week?

Ari Steinman: I think initially when we move up here permanently. Once we are set up here I don't anticipate that low boy moving more than once or twice a week. And then maybe not at all for a month. I can't put a number on it. I know that I moved up to Northern Boulevard a month ago, and I am not moving out of there for at least another five weeks. That piece of equipment has been on the same job site for a 9 to 10 week time period.

David Biren: I am just wondering for the neighbors, noise-wise, hour-wise. You don't know what time of day or night you are going to be coming and going?

Ari Steinman: That is dictated by DOT.

David Biren: I understand that. I just want to know how many vehicles per week. So if you had a rough idea.

Ari Steinman: I appreciate the questions. Thank you.

David Biren: Are you moving the vehicle on West Shore Road?

Ari Steinman: Does that have anything to do with this project?

David Biren: It does for me.

Ari Steinman: Why don't we talk about it after the hearing? Thank you.

Susan Brown Otto: Two questions. What about the signage? I don't see any signs on the plan.

Daniel Gettel: He addressed that earlier. He is going to put up a sign that BJ can approve.

Susan Brown Otto: The second one is the white pine trees. Is there a need for a landscape bond given the fact that there are residences across the street?

Daniel Gettel: We have only done the landscape bond on commercial properties where it is... not for

a buffer zone, we have only done it for decorative landscaping. Those are the ones we have bonded.

Susan Brown Otto: The reason why I ask, it is one thing if there is a vacant field, but there are residences across the road.

Daniel Gettel: I think the white pines are far enough off the road.

Susan Brown Otto: I am just concerned they will die.

Daniel Gettel: Glenn, do you have any thoughts on that?

Glenn Smith: I agree that the board in the past has set bonds for decorative trees. The trees die within a year or two. Does the board have any provision in any condition of your approval?

Daniel Gettel: No, unless we are holding a bond. The bond implies that we are going to go in and replace the tree.

Glenn Smith: You haven't had a bond before to my recollection for screening.

Steve Simpson: What kind of doors are you going to use, or are they a complete pass through for the front and rear to the building, that type of door?

Ari Steinman: They are complete pass through doors.

Steve Simpson: The other 15% of this equipment will be done outside. Will that be done primarily at the rear of the building?

Ari Steinman: I hope so.

Daniel Gettel: You had said I think at the first meeting that if you store any vehicles here for the winter they would be stored in the back of the building, behind the building.

Ari Steinman: Yes, but there has to be some storage on the side of the building. I have to point that out. I'm not going to put a low boy in the back of the building. It is going to be on the side.

Daniel Gettel: But the equipment will be in the back?

Ari Steinman: Yes, the bigger equipment will be in the back. The low boy I am going to keep on the side. It is easier to pull out.

Jacqueline Ricciani: Which side?

Tim Gottlieb: On the Airport Road side.

Daniel Gettel: If we were to approve this tonight we would make it a condition that the equipment be stored behind the building as you had said in the beginning.

Ari Steinman: It may not be practical to store all of the equipment in the back of the building. The

majority of the equipment will be stored at the back of the building, but it may not be practical to store all of the equipment back there. I don't want to put a misconception in people's minds. The low boy may have to be on the side. We may have some equipment... whether it can actually be seen from anywhere, I don't think so. My site plan, the elevation, this area (the back of the building is much lower). Here we have a tremendous buffer. This actually comes up 5 ft above the road, and the finish elevation of the parking lot is 5 ft. below the road. A 10 ft buffer, Plus you have trees here. You may have a 10 ft natural buffer, plus another 10 ft of trees.

Daniel Gettel: Can we say there will nothing parked in the front of the building, fair enough?

Ari Steinman: We can say that I will use my best efforts to put it in the back. But the low boy I may have difficulty getting in the back. I may have to put that on the side.

Daniel Gettel: I just don't want to see them parked in front of the building. It doesn't benefit you either. You will maintain the buffer zone between you and Airport Road to the best of your ability. Are there any other comments from the board?

None

Daniel Gettel: If we approve this tonight there will be five conditions:

1. All fees be paid.
2. The applicant shall obtain all required governmental approvals including but not limited to, the County DOT Highway Permit.
3. The SWPPP shall be reviewed, approved by the Planning Board engineer, and put in place prior to the applicant receiving a building permit
4. The applicant is to make all effort to park the equipment in the rear yard or on the side yard, so it is not visible to the public.
5. The applicant is to maintain the natural buffer zone along the Airport Road side of the property to the best of his ability.

Daniel Gettel: I believe those are the conditions that we talked about.

Jacqueline Ricciani: Can we go back to the SWPPP that you need a town engineer to review it?

Daniel Gettel: Before I sign it.

Jacqueline Ricciani: That could take 6 months.

Daniel Gettel: Or before he gets a building permit.

Glenn Smith: What could take 6 months?

Jacqueline Ricciani: Getting the SWPPP and everything done.

Glenn Smith: That is up to them.

Bette Jean Gettel: The DEC is behind months too Glenn.

Glenn Smith: DEC is not reviewing.

Bette Jean Gettel: Who is reviewing?

Daniel Gettel: Glenn is reviewing.

Glenn Smith: The DEC is not requiring, you submit to them.

Bette Jean Gettel: Oh okay, it is between you and...

Glenn Smith: It is still a process.

Ari Steinman: Preparing the document. From preparation to the time it is submitted, is 8 to 10 weeks, which puts us at 2.5 months. Minimum for him to review is 30 days. It can take 3 to 4 months realistically.

Bette Jean Gettel: Do you want to change that to part of the condition to the building permit?

Jacqueline Ricciani: Yeah. I'm not sure you want to wait that long to sign off on the resolution. It sounds like the SWPPP isn't prepared yet

Daniel Gettel: Is the board okay with that? The SWPPP shall be reviewed and approved by the Planning Board engineer, and put in place, prior to the issuance of a building permit.

No response from the board

Daniel Gettel: Are there any other comments from the board? We have seen this application a number of times. Those are the conditions.

1. All fees be paid
2. The applicant shall obtain all required governmental approvals including but not limited to, the County DOT Highway Permit.
3. The SWPPP shall be reviewed and approved by the Planning Board engineer, and put in place, prior to the issuance of a building permit.
4. The applicant is to make all effort to park the equipment in the rear yard or on the sideyard, so it is not visible from the public.
5. The applicant is to maintain the natural buffer zone along the Airport Road side of the

property to the best of his ability.

Motion to grant this application a Special Use Permit with a Site Plan approval with the five conditions previously stated by David Slater, second by Michael Cassaro.

Roll Call Vote:

Mike Cassaro - Yes

Susan Brown Otto - Yes

Steve Simpson – Yes

David Biren – Yes

Robert Yakin – Yes

David Slater – Yes

Daniel Gettel - Yes

Motion passed 6 – 0

Daniel Gettel: Thank you Mr. Steinman. Good luck.

Ari Steinman: Thank you all.

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

Return receipts were received

Daniel Gettel: If you want to give a brief presentation of what you are proposing, and where the property is.

Zachary Szabo: We are proposing a four lot subdivision off Soule Road. We are proposing four, four bedroom houses.

Daniel Gettel: BJ, do you have the return receipts?

Bette Jean Gettel: Yes I do.

Daniel Gettel: We didn't have anyone sign in to speak at this one either.

Motion to open this meeting up for a public hearing by Susan Brown Otto, second by Robert Yakin

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Glenn, I have to do the EAF before we actually act on this because it is a subdivision but I would ask if you want to make any comments on your review?

Glenn Smith: I did a letter dated August 27th, everything was satisfactory.

Daniel Gettel: I think it is pretty straightforward. We do have a Short EAF on file. It is an Unlisted Action. I will read Part 2 in the record.

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

No. The use is permitted by zoning.

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

No. This is a four lot subdivision where all of the lots conform to zoning.

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

No. The subdivision is permitted by the existing zoning.

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 existing infrastructure for mass transit, biking or walkway?

Daniel Gettel: It is single family residences, correct?

Zach Szabo: Yes.

Daniel Gettel: Because that is part of the our zoning requirement.

No. This is a minor single family residential subdivision on Town Road. There will be no effect on mass transit, biking or walkways.

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. All new residences are required to meet today's energy code.

7. Will the proposed action impact existing:

a. *public / private water supplies?*

No. The developer has indicated that private wells will be installed and these wells can be installed maintaining proper utility separations between proposed and existing.

b. *public / private wastewater treatment utilities?*

No. Percolation tests indicate the site will support new private sewage disposal systems and utility separation requirements will be upheld for the new and existing.

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

No. The site contains no historic resources.

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

No. There are no designated wetlands on the parcel.

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

Glenn, that is also a small because during construction there is always some. There may be a slight increase in erosion during construction which would stabilize after completion. This would be addressed by good construction practices.

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

No. There would be no hazard with single family residences.

Daniel Gettel: In my opinion, under Part 3 we would check the box stating that the proposed action will not result in any significant adverse environmental impacts.

Daniel Gettel: BJ, nobody from the audience has signed up to speak?

Bette Jean Gettel: No one has signed up.

Daniel Gettel: Before I can act on the environmental, does anyone in the audience want to speak at the public hearing?

No one

Motion to close this public hearing and return to regular meeting by Steve Simpson, second by David Biren

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Are there any board comments? It is pretty straightforward. It is a simple four lot subdivision, typical flag lots.

Motion to grant this application a negative declaration under SEQR by Steve Simpson, second by David Slater

All in favor – 7

Opposed - 0

Agreed and carried

Motion to grant this application a Subdivision approval with the only condition being that all fees be paid, including park fee, by Mike Cassaro, second by Susan Brown Otto

Roll Call Vote:

Mike Cassaro - Yes

Susan Brown Otto -Yes

Steve Simpson – Yes

David Biren – Yes

Robert Yakin – Yes

David Slater – Yes

Daniel Gettel - Yes

Motion passed 6 – 0

Daniel Gettel: Good luck. Glenn, you didn't have anything did you on this application?

Glenn Smith: No.

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

Daniel Gettel: Do you want to update the board? It's been two months since we've see you. Has anything really changed? I know we asked for a Long EAF. We received the EAF, but it wasn't on time to be on last month's agenda, so I kicked you to this month.

Dale Koch: That's fine. So the big change is the folks at Prodigy. So Prodigy's network is the overall umbrella. They are the ones who are actually financing the project and all this stuff. They finally went ahead and signed contracts with an architect who is actually going to design these cabins. They contracted us to now start doing the design documents for the actual road and cabins, and obviously for the hotel and yoga studio. They are also talking to a general contractor who is

going to start preparing the work, and get things going on that end. We have been doing a lot of conceptual presentations. They have officially started to sign documents. That is the positive step my office just started doing, started doing our design plans. The SWPPP documents, and drainage plans, all that stuff. They are going to start rolling your way. Ultimately, the proposals are the same. I was here last Friday, I walked with the architect, general contractor, Lance, and those guys have met a few times, the property manager and Matt from Prodigy Network. They are really excited. They really want to get these things going. The cabins are being assembled in a warehouse somewhere to be tested. They will be taken apart, I have been told, then put in a shipping container, and get them somewhere safe. It's better than having them in an open trailer somewhere. The general contractor, his name is slipping my mind, knew a lot about the area. He has been doing a lot of work. He and Lance knew multiple contractors and site work guys so they are excited. Jay and I spoke before the meeting and I have a good sense of what needs to be submitted for the actual building permits.

Daniel Gettel: Are you still thinking of putting up two models, one of each model, at your own risk?

Dale Koch: I don't think they are going to get it together until May anyway. There are a lot of moving parts to put all of this stuff together. They really want to construct them this fall. I would bet, because of weather and all that fun stuff, that it will be Spring.

Daniel Gettel: Are they going to look like the original proposal that you showed us? So you are being consistent with what we have seen?

Dale Koch: Yes. No changes to what you have seen. The cabins are definitely going to be the first part of construction. They are going to piece it together from there.

Daniel Gettel: Are you also going to be able to give us an idea of what the hotel is going to look like also? I mean, you are concentrating on the cabins, but that is a substantial building too.

Dale Koch: I'm sure we can put some conceptual ideas together for that.

Daniel Gettel: We don't need the floor plan, we need to know number of rooms and kind of an idea of what style you are going to follow.

Dale Koch: The number of rooms is going to stay the same. That they have talked about. That is pretty much solidified. I can give you something conceptual of what the building will look like.

Daniel Gettel: I would be interested in that. The small squares that are on the western boundary, they are up against the Cochection line. What are they again? Are they campsites?

Dale Koch: He builds temporary platforms to put a tent on. Quite frankly I don't think they have been used to sleep in. I think they have just been used for mediation areas. They are temporary platforms. There was one or two out there for the summer. They started to take them down, the property manager.

Daniel Gettel: Jay and I did speak a little bit during the work session about those, because we do consider those assessor structures. Last Wednesday, I believe, the Town Board changed their

accessory use law which gives us a little bit of leeway to permit something like that. What we have now is, you are close to the town line, the Town of Cochection, but you own the property on both sides of the line. We are trying to protect you from yourself. There is a Local Law #2 of 2018, which gives us leeway to waive some of the setback requirements for accessory structures, for your application and certain others, in specific instances.

Jacqueline Ricciani: There are certain criteria. You have to have a hardship. It has to be something that is unique to this particular property.

Daniel Gettel: The uniqueness is you are your own neighbor.

Dale Koch: The geography is it is flat and it works for what they want.

Jay Zeiger: That is the only reason why it is two different parcels. It is because of the two towns.

Daniel Gettel: I do appreciate the fact that you walked the site and actually picked the sites. It is hard for us to say you can't put it there, even though it is the best spot on the property.

Dale Koch: I will be completely candid with the board. These cabins here, I think could rotate maybe slide one way or another.

Daniel Gettel: You are well off the property lines and you are talking the same number and same general area. I wouldn't have a problem with that.

Dale Koch: Okay, good.

Daniel Gettel: Parking and driveway, impervious materials?

Dale Koch: We would like to keep this as some kind of gravel driveway, the roadway serving the cabins will be some kind of gravel driveway. This driveway here is still stone. How we build the parking lot, and get all that settled, I would say at the very least there will be handicap accessible stalls that are required.

Jay Zeiger: If you all remember, they don't want cars traveling in here. They will park here and be shuttled by golf carts.

Susan Brown Otto: What fire district is it in?

Robert Yakin: It's all White Lake.

Susan Brown Otto: What is the truck access, Robert?

Robert Yakin: I was waiting for it to get around to me. As long as it did, last time we were here we talked about turn around access especially by the hotel. It looks like it is a turn circle up there. What is the diameter of that? Personally I prefer hammerheads, just make sure you review the code requirements for turn radius. We have two trucks that are 35 feet long. We require significant areas to turn them around.

Dale Koch: We were also talking about a turn around here, in case of multiple trucks that had to come down. They could pull off to the side of the road.

Robert Yakin: That would be appreciated, it wouldn't be necessary. We would block up everything anyway. It is a tanker shuttle situation in that area of the town. If anything did go wrong you are talking about 10 or 12 pieces of equipment there. We would just use the road anyway. Actually, the parking lot would make a pretty good area for us to stage, so that is good. I would make sure we have enough room for us to turn around if we have to get a truck up by to the hotel. Another comment I might have is you are talking about some type of gravel. Just to caution you a little bit, crusher run makes a lot of dust when it dries. You may want to think about that. Do you have any water? Is there a pond?

Dale Koch: There is a pond here, and then there is a big pond on the Cochection side.

Robert Yakin: A big pond is always nice for water access. I believe you said the hotel is 3,500 square feet. You may want to put in a dry hydrant somewhere on the property. We would actually be happy to provide you with some plans.

Dale Koch: We are proposing one by each pond.

Robert Yakin: The pond that is by the parking lot that would be an ideal location for a dry hydrant as long as that pond is 5 or 6 feet deep.

Dale Koch: It is.

Daniel Gettel: It isn't far from the parking lot.

Robert Yakin: It would give us plenty of water to give us a quick knock down on something. It would be an initial attack. I think it is pretty workable for us.

Daniel Gettel: Glenn you had some review comments.

Glenn Smith: All I had on the long EAF form, it was pretty straight forward, just corrections on the 239M review, I questioned the 1,000 gallons per day, and I thought that was low.

Dale Koch: That was a definite typo. We actually put in 10,000 gallons. We did some more research and it is about 6,500.

Glenn Smith: There are parks nearby. Lake Superior is about 3 miles away. That should be noted on the EAF. On page 2, for State Agency approval, I noted that you have to include the storm water SPDES permit from DEC. The septic system SPDES permit and the State Health Department water supply approval.

Daniel Gettel: What I would suggest, we did ask for the long EAF, is that you work with Glenn so that you both agree on the EAF. I was talking to Jay a little bit before the meeting about the time table for the EAF. If we do declare our intent to act as Lead Agency tonight, and we do circulate the EAF around, we need a 30 day timetable before we can act on it. We don't have that before our next

meeting. We could look at maybe a public hearing, county review in the next 30 days, but we wouldn't have enough time for the EAF. So you have a little bit of time to tweak the EAF with Glenn. Get us the hard copy, and then we will determine who to do the mailings to. When you submit the EAF, give us a few more copies of the site plan, or digital copies. What do you want BJ, it's up to you. The County does take digital now.

Bette Jean Gettel: I do need to send to the Town of Cochection. I will need some paper copies.

Dale Koch: I will send you six paper copies and digital copies as well.

Daniel Gettel: Give us six of the EAF.

Bette Jean Gettel: Call me tomorrow, and we will discuss. Are you declaring lead agency tonight?

Daniel Gettel: We are intending to, yes.

Bette Jean Gettel: There may be some other agencies that I may have to send hard copies to.

Dale Koch: We'll figure that out. No problem.

Susan Brown Otto: What about the sign that is on the map?

Dale Koch: So, we were trying to show full disclosure that there may be a sign. The last conversation we had it is just going to the address at the site. They don't know what they are doing.

Susan Brown Otto: Just so you know, about a month ago, a bus dropped off some people at the Woodstock monument stone, and they were trying to call an Uber to go to the site. My neighbor felt sorry for these kids that got dropped off by the bus service, so they drove them to the facility. There are going to be people trying to find your facility.

Daniel Gettel: There are not a lot of people in the Town of Bethel that know where Matt Smith Road is.

David Slater: That brings up a question that I had, is that driveway able to handle a bus or a tractor trailer. I guess on Matt Smith Road there have been both down to the end of it, and it is a dead end road, and my understanding is they tried to turn around and there is no room.

Dale Koch: From what I understand, when the yurt was delivered there was a 40 foot trailer that was able to go down the driveway and turn around down by the house. Apparently, not with too much difficulty either.

Daniel Gettel: It is a steep driveway, but it isn't hard to navigate.

David Slater: Yeah, but a 52 footer going down there?

Dale Koch: I would recommend this will have to be a conversation with our client. They have no other means of getting there, having people getting dropped off by giant coach buses. It's not going

to work. I don't think that was the intention. I think that is a better question to ask Matt Strombelli from Prodigy. There are certainly people who will be coming up here and they are certainly promoting it towards...

Daniel Gettel: The person at the end of the road is a well driller. He has had pretty substantial equipment down there.

David Slater: Somebody down that road said, I'm not down here to turn other people around, I only turn my equipment around.

Daniel Gettel: That's a good point. Glenn, we are waiting for the SWPPP. I would like to get it to the County for a 239 review. I think we have enough to get it to the County for now. It's on the Town line so it has to go to the County.

Bette Jean Gettel: It has to go to the County and to the Town of Cochection.

Motion to declare our intent to act as Lead Agency for the application by David Biren, second by Steve Simpson

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel: BJ, I don't know if we need a motion, but I will ask you to do the 239M mailings. You guys will work out how many copies she will need. Before the board leaves please leave your copies behind so we can send to the agencies. Work closely with Glenn. I am interested to know what the buildings are going to look like, now you have the freedom to do that.

Jay Zeiger: Can we apply for a public hearing in October?

Jacqueline Ricciani: No, you are sending out the 239M but we don't have the final EAF yet?

Daniel Gettel: Once we get the Part 1 EAF, it can go to the County for review.

Jacqueline Ricciani: Oh, okay, I thought it might not happen for awhile.

Bette Jean Gettel: No, that can happen tomorrow. We can do it electronically.

Motion to grant this application a public hearing for October 1st to begin at 7:30 pm by Robert Yakin, second Mike Cassaro

All in favor - 7

Opposed - 0

Agreed and carried

Daniel Gettel: Good luck.

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

Daniel Gettel: BQ Energy, Alicia Scott is presenting. We declared our intent to act as Lead Agency at the last meeting and offered my comments on Part 1 of the EAF. Those suggestions were addressed. The EAF was circulated, and the consensus of the agencies was that we would act as Lead Agency. We also discussed our need to have an independent Planning Board Engineer, as Glenn has represented the Town and the Town Board on the landfill parcel in the past. We opted to go with Jason Pitingaro, of Pitingaro and Doetsch. He is here tonight. You have reviewed the application for the Town Planning Board?

Jason Pitingaro: Yes, I have.

Daniel Gettel: Have you had a chance to look at Jason's comments. I know there is a lot that you and Jason need to work out now.

Alicia Scott: We did receive them, but not until yesterday afternoon, so we have briefly looked at them, but not gone over them in depth.

Daniel Gettel: I suggest that you work together to resolve some of those issues. A lot of them are technical, and they don't really need to be hashed out by the Planning Board. The application was sent to the County for 239M review as part of the EAF mailing. The County came back with a 239M review. Jason, I don't believe you have this.

Daniel Gettel: (reading parts of the letter) The proposed action has been assessed for the following intercommunity and county wide actions. The Division of Planning and the Office of Sustainable Energy has reviewed the site plan associated with BQ Energy's proposed solar development of the site of the former Bethel landfill. We applaud the effort to redevelop the landfill site and to include adequate screening and no additional tree clearing. The additional proposed 12% discount for residences will have a great public benefit, and we find the matter to be of local determination. So, the 239M is done and out of the way. Jason, do you want to touch on some of your comments? Just come up.

Jason Pitingaro: Sure. We reviewed all of the materials that were submitted. We had a chance to review the County's comments as well. We are reviewing a number of these applications in other areas. There are some general comments regarding the application for the checklist environmental assessment form. Generally minor in nature but for some consistency we think need to be addressed. Some contact with some of the outside agencies should be done anyway. Predisturbed and many of these things will not come into play but should be done anyway. There are a number of items, I know the plans are preliminary in nature, and there are a number of site plan items that are required on the plan per the code. There are sections of the code that pertain to the application, site plan, special use, and solar zoning. We ask that you address all of those. There are some additional items that should be considered too, I think that are relevant, the need for the decommissioning plan, and the estimate on that. I think one of the more important things to do is the coordination with DEC. We need to get a meeting scheduled with the DEC, Glenn, so we can go over the closure plan for the mine itself. I have been getting that ball rolling, sooner rather than later. I don't know if you want to

go through the comments in depth, there are quite a few comments here. I realize it is an initial submission.

Daniel Gettel: It is an initial submission, I appreciate the comments. There are clearly quite a few things they need to address. Glenn, the question on the landfill closure, now the Town hasn't used the mine in a number of years, but there is a closure plan?

Glenn Smith: There is a plan that the DEC approved. It expires in 2020. I don't think the DEC is going to want very much. It has grass and weeds. It should be done this fall. I'm sure we can get them over there pretty quick.

Daniel Gettel: You can't penetrate the ground more than 12 inches because it is a capped landfill. You are putting solar panels on and they are setting on the ground, but how do you anchor them?

Alicia Scott: The system that we use is ballasted. It is concrete tubs that we fill onsite that are fairly large and they are large enough that we don't need to penetrate the ground to anchor them.

Daniel Gettel: Clearly you have to work with the engineers resolving a lot of these other things. Jacy, do you have any comments, or does the board have any comments?

Susan Brown Otto: The decommissioning?

Daniel Gettel: We will get an actual plan and a budget on that.

Jason Pitingaro: Any visual stuff you are concerned about if so they should prepare something.

Daniel Gettel: With this site I don't think it is going to be an issue. You're not really close to Route 55. Jason, do you have any communication with FAA as far as solar projects near airports?

Jason Pitingaro: Not for solar, but for towers.

Daniel Gettel: This is relatively close to the airport. That was raised at another application that it could be an issue.

Jason Pitingaro: Do you want us to contact the airport?

Daniel Gettel: I think the applicant should look into that. Do you have any experience being close to an airport?

Alicia Scott: I know airports install solar on their own property, but we will certainly address that with them.

Daniel Gettel: Do you have any questions for us?

Alicia Scott: We had a question about SWPPP?

Daniel Gettel: I had a question about that too. Jason, what do you consider the disturbance, as far as the threshold for preparing a SWPPP plan?

Jason Pitingaro: The disturbance would be over an acre.

Daniel Gettel: But these are sitting on the ground. It is kind of questionable..

Jason Pitingaro: I think they need to... I am making the comment they need to make the argument whether it is necessary or not.

Daniel Gettel: We spoke at the last meeting about how it would be such a minimal disturbance. We didn't even think we would need it.

Jason Pitingaro: Okay. I will see how the application is being reviewed. New York State has issue basically a declaration that says as long as the road is constructed in a manner which allows storm water to pass through it, they are not considering the panels to be impervious, and most of the time there is not any need for ray control, it just needs erosion and sediment control measures. There is going to be construction that goes on site. That is another comment that I made, regardless whether or not you penetrate the cap or not there is installation. There is going to be heavy equipment on site. Provisions need to be made to store and put that equipment in areas that it isn't going to affect the landfill.

Alicia Scott: The equipment we use on the landfill cap are low pressure vehicles which are never stored on the landfill. They are used a couple of hours while we do construction during the day.

Glenn Smith: Is Sterling Environmental involved?

Alicia Scott: Yes they are.

Glenn Smith: They worked with us on capping the landfill. I'm glad Sterling is involved.

Daniel Gettel: I guess pick away at the list. Do you have any comments for us Jason, or any questions? I think work closely together. Glenn, I would appreciate it if you would be involved. You are representing the Town, but I would appreciate you be involved in it. Whenever you want to get a submission back to us let us know if you want to be on the next agenda.

Alicia Scott: I think that is our intention. We just couldn't get our engineers to turn around quick enough to get a new plan. If we get a new plan to you in a few weeks, can we get public hearing?

Daniel Gettel: It is a two week turnaround. We can declare a public hearing at the next meeting. If everything is on the site plan, you could have a public hearing in November. Jason, if you need to leave that is fine. You are not required to stay. Glenn you are required to.

5) Application for the extension of the Final Conditional Subdivision approval for the Preserve at Chapin Estates – Phase 5B (19 Lot Subdivision) located off Mountain Laurel Trail, known as Tax Map #: 55-1-9.3 & 13.1, proposed by The Preserve at Chapin Estate. (Bakner)

Susan Brown Otto recused herself

Daniel Gettel: This is a Chapin Estate subdivision we granted a conditional final approval back in March 2018. The conditional approval is in our code. Section 300-16(A) reads:

A conditional approval of a final plan shall expire within 180 days unless all conditions are satisfied and certified as completed. This period may be extended in the amount of time to be determined and as deemed appropriate in the sole discretion of the Planning Board, having evaluated the specific circumstances of the particular project and the current economic climate. No plan shall be signed by a duly authorized officer of the Planning Board until such time as all conditions are documented as satisfied.

Daniel Gettel: Glenn, we had spoken about this. Steve has a way of building or bonding the roads, which extends his approval times. I know you have something going through the DEC. We just got a DEC permit that was issued for the wetland disturbance. It was issued August 29th. We just got that this week, so clearly you are moving along on the approvals. But, it has only been six months since we actually approved it, so we do have to address that.

Glenn Smith: This whole preserve is 180 lots. The reservoir is here and Swinging Bridge is here. This is that section that was lot 180, and all the pink roads are either completed or under construction. The couple of sections of green roads are not completed yet. We have a stream and wetlands crossing here, and the permit came in last Friday. We are going to start on Monday to do that bridge to cross those wetlands. Now you can't get access to the property. That is why we need the extension on that one.

Daniel Gettel: Jacy, we have the ability to extend an approval a number of times.

Jacqueline Ricciani: As much time as you want to give it.

Daniel Gettel: In the past we have given you two years to complete your construction to get yourself to the point to file a map. I suggest we follow the same kind of time line. In the past we have extended the approvals in two year increments. Therefore we can extend item #5 and item #6 on the agenda to put both on the same time frame. We put it on the minutes last month that technically if we count the days this approval expired yesterday. We made it clear last month that we had every intention of addressing it at tonight's meeting.

Jacqueline Ricciani: Only because you moved the meeting due to the holiday.

Daniel Gettel: Are there any comment from the board on this?

None

Motion to grant this application a two year extension of the Conditioned Final Subdivision approval, with the same conditions as the previous approval, with the intent being that this approval extension will expire at our September 2020 Planning Board meeting by Steve Simpson, second by Robert Yakin

All in favor – 6

Opposed - 0

Agreed and carried

- 6) *Request for the reissuance of the Final Conditional Subdivision approval for the Preserve at Chapin Estates – Sections II thru V, known as Bethel Tax Map #: 55.-1-9.3 & 13.1, 55.C-1 21, 22, 26 & 27, 55.D-1-2, 4.1, 4.22, 7, 11, 12, 13 & 14 and 55.F-1-35, proposed by the Preserve at Chapin Estate. (Bakner)*

Glenn Smith: The same thing Mr. Chairman. There are about 6 roads that are not completed. Two years should be more than enough.

Daniel Gettel: We have extended this a number of times.

Motion to grant this application a two year extension of the Conditioned Final Subdivision approval, with the same conditions as the previous approval, with the intent being that this approval extension will expire at our September 2020 Planning Board meeting by David Biren, second by David Slater

All in favor – 6

Opposed-0

Agreed and carried

Daniel Gettel: Glenn you will update Steve (Dubrovsky)?

Glenn Smith: Steve was going to be here tonight but he had something come up. He apologizes.

- 7) *Application for a License Renewal with a Site Plan review to operate a transient campground with an occasional commercial outdoor recreation facility August 16, 2019 through August 18, 2019 located on Yasgur Road, known as Bethel Tax Map #: 25-1-14.1 & 15, proposed by Jeryl Abramson Howard (Howard).*

Susan Brown Otto returned to the table

Daniel Gettel: Zach do you want to present or do you want me to take it? How do you want to do it? We have what we need to renew if you want me to run through it.

Zach Howard: It is the same, not much to present.

Daniel Gettel: Reading Section 120-3 (d) Transient Campgrounds - Renewal of licenses.

(1) Any person to whom a license has been issued pursuant to this § 120-3, may seek renewal of that license in a subsequent calendar year provided that:

(a) An application is filed with the Code Enforcement officer seeking a renewal of the license in question;

There is a renewal application on file with the Town.

(b) The application fee is paid; and

The application fee was paid.

(c) The application relies upon a previously approved site plan with no substantial changes proposed.

The Site Plan submitted is the Site Plan used for the past event and no changes are noted.

(2) Evaluation by Planning Board.

(a) The Planning Board may renew a license if, in its sole discretion, it determines that:

[1] The applicant conducted the use in accordance with the terms of the license, the approved site plan and the applicable requirements of this chapter;

I understand the site was operated as shown on the plan and supporting documentation.

[2] The approved site plan was and will continue to be satisfactory in addressing its statutory purposes as delineated at Town Code § 345-31B;

The Site Plan submitted is the Site Plan approved for the past August license event and meets the minimum requirements of code.

[3] The transient campground or RV park is not a potential source of danger to the general public health and safety or the health and safety of the occupants of the campground or RV park; and

The yearly licensed campground has operated for a number of years and there are no known public health or safety concerns.

[4] The application for a license renewal does not contain any substantially new elements that compel a new site plan or the substantial amendment of the previously approved site plan.

There are no noted changes, besides the dates, of this application and the previously approved licensed event.

(b) The Planning Board may waive any public hearing requirements that may be otherwise applicable to the renewal of a license.

This, and similar applications on this site, have been subjected to a number of public hearings over the years. There were no known violations, nor complaints filed, in regards to this past event and I would entertain a motion to waive the public hearing for this application. I don't know if you need a motion.

Jacqueline Ricciani: You are going to need a motion.

Motion to waive the public hearing requirement by Susan Brown Otto, second by Robert Yakin

All in favor – 7

Opposed - 0

Agreed and carried

(3) In the event that the Planning Board elects not to reissue a license pursuant to a previously approved site plan, the applicant may file an application for the issuance of a new license in accordance with § 120-3B and C.

This would only need to be addressed if we decide not to grant this renewal.

Daniel Gettel: New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. This means these agencies must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake. SEQR requires the agencies to balance the environmental impacts with social and economic factors when deciding to approve or undertake an action. In this case, the action is the renewal of the license with a Site Plan approval.

Daniel Gettel: Part 2 of the EAF reads:

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

No. The use is permitted by zoning.

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

No. This is an event set to take place over a long weekend. There will be no long-term

change in use.

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

No. This is an event that has taken place over a number of years, and again, is permitted by zoning.

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 existing infrastructure for mass transit, biking or walkway?*

No. The event has shown not to place a noticeable negative impact on traffic. There should be no impact mass transit, biking or walkways.

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 be no increase in energy associated with this application.

7) *Will the proposed action impact existing:*

a) *public / private water supplies?*

No. Potable water will be provided by vendors on the site and non-potable water will be provided by on-site wells.

a. *public / private wastewater treatment utilities?*

No. Porta-johns will be provided to address wastewater treatment.

8) *Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?*

No. The site is not listed as being a historic site or resource.

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

No. The event is slated to take place over a long weekend and no extended disturbances are anticipated.

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

No. There shall be no site disturbances associated with the renewal of this license.

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

No. The renewal of this yearly license is not anticipated to create a hazard to environmental resources or human health.

Daniel Gettel: Under Part 3 we would check the box stating that the proposed action will not result in any significant adverse environmental impacts.

Motion to grant this application a negative declaration by Steve Simpson, second by Robert Yakin

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: If we were to approve this application tonight the conditions of approval would be similar to those of the past years. These would read as follows:

1. This license shall be valid for a one year concert series with camping to be held on specific dates, August 16 through August 18, 2019.

Jacqueline Ricciani: Do we have times for start and end?

Daniel Gettel: We never have in the resolution.

Jacqueline Ricciani: We should have it for the DOH so they don't have a problem.

Zach Howard: We always put it on the noise permit.

David Slater: Do you know what it was this year?

Zach Howard: It was Midnight on Friday until 12 noon on Sunday.

David Slater: Did that work for you?

Zach Howard: 60 hours.

David Slater: Okay. You mean Thursday night?

Zach Howard: Thursday night is our sound track.

Daniel Gettel: But we can't permit camping on Thursday night.

Bette Jean Gettel: 0:00 hundred hours on Friday until 12:00 hours on Sunday.

David Slater: If that works for you that's good.

Susan Brown Otto: Next year is the 50 year anniversary for Woodstock. Do they anticipate more people?

Daniel Gettel: You can't anticipate the crowd, they do provide us with numbers that we approve.

Zach Howard: I was reminded last year what we actually did was, we changed the hours. They were 4 pm Thursday, until 4 am Sunday, to allow for camping on Thursday night, because there is no camping on Sunday. We were still within the 60 hours.

Jacqueline Ricciani: So what dates are you looking for camping now?

Zach Howard: So officially it would be August 15th at 4 pm through August 18th at 4 am.

Daniel Gettel (continuing to read conditions)

2. The applicant shall maintain liability insurance covering the event and camping. The applicant shall provide the Town of Bethel with a Certificate of Insurance naming the Town of Bethel as a co-insured party no later than August 2, 2019 (two weeks prior to the event). The amount of said insurance shall be no less than \$1,000,000, as referenced in the Management Plan.
3. The contract information regarding security services, trash disposal and collection, sanitary services, potable water and other service providers listed in the Management Plan shall be provided to the Town of Bethel no later than August 2, 2019, (two weeks prior to the event).

Daniel Gettel: Jacy would you strike EMS services from yours?

Jacqueline Ricciani: After the first year, there was no contracted service.

Daniel Gettel: It still shows on the resolution. (continuing to read conditions).

4. The applicant shall obtain, no later than June 21, 2019, eight weeks prior to the event, all required Town, County, State and other Governmental Agency permits and approvals. This shall include, but may not be limited to, the New York State Department of Health, the New York State Department of Transportation, and the Town of Bethel Town Board. Prior to operating on this site all vendors shall have the proper licenses and/or permits.

5. The applicant shall, no later than June 21, 2019, eight weeks prior to the event, provide the Town of Bethel with copies of, or e-mail links to, all ticket sales literature or sites which shall clearly indicate that fireworks, glass containers and pets shall not be permitted on the site. The applicant is to provide the Town of Bethel with ticket sales information as available prior to the event.
6. The applicant shall otherwise comply with all other requirements previously imposed by the Town of Bethel and the courts.
7. The applicant shall, as necessary, act to ensure that traffic movements on NYS Route 17B are not impaired by enacting the traffic control procedures outlined in the Management Plan. The applicant shall also insure that interior roadways within the bounds of the camping area are kept clear of non-essential service vehicles as indicated on past approved site plans for the event.
8. The applicant shall permit the Town of Bethel Building Inspector, Code Enforcement Officer, and the Town of Bethel Constables to conduct site inspections to insure the conditions set forth in the Management Plan, the Site Plan, and this license are being honored.
9. No open-air music events shall take place within 150 feet of any property line and shall be screened from adjoining dwelling uses. Any speakers shall face to the east, away from immediately adjoining homes and agricultural buildings and shall be angled down towards the ground. Amplified music shall not be permitted earlier than 10:00 am, nor later than 2:00 am.
10. The applicant shall take affirmative steps to mitigate impacts on agricultural uses by:
 - a. Ensuring that there is no trespassing onto adjoining properties.
 - b. Monitoring the natural 150 foot wide buffer zones along any adjoining farmland to ensure that they are unoccupied by persons, vehicles, or debris of any kind. On-site parking shall be limited to a maximum of 600 vehicles, as the applicant has proven to be adequate.
 - c. Prohibiting the use of fireworks or creation of other similar noises likely to disturb farm animals and enforcing these restrictions at all times.
 - d. Erecting temporary fencing, only as required, to restrict entry to the site from adjoining properties and vice-versa. This shall be completed no later than August 9, 2018 (one week prior to the event).
11. The site and surrounding properties shall be fully cleared of all events and camping related debris, equipment and temporary structures no later than September 1, 2019.

12. No temporary structures shall be constructed or installed within the bounds of the buffer zone for the wetland, which may exist, on this property.
13. All fees shall be paid to the Town of Bethel prior to the issuance of this license.
14. The applicant shall not commence any site preparations for this event until such time as said applicant signs the resolution outlining these conditions, the conditions governing the issuance of the license.

Susan Brown Otto: Why are we striking paper lanterns?

Bette Jean Gettel: Because they are illegal in the State of New York.

Daniel Gettel: I think it is agreed we are striking EMT's, Paper Lanterns, and illegal drugs from the requirements.

Motion to grant this application a license to operate a transient campground with occasional commercial outdoor recreation subject to the previously referenced fourteen conditions by Steve Simpson, second by David Slater

Roll Call Vote:

Mike Cassaro - Yes

Susan Brown Otto-Yes

Steve Simpson – Yes

David Biren – Yes

Robert Yakin – Yes

David Slater – Yes

Daniel Gettel - Yes

Motion passed 6 - 0

Daniel Gettel: Good luck.

Zach Brown: There is something I would like to discuss, the escrow piece. According to Code 345-16 B, the fees are to be set based on what was required previously. Last year the only bill that we had for this project was \$280.00 for Jacy so I would like to know why \$500 is required this time, and what we can do to get the difference.

Daniel Gettel: You will get the difference back. We always take \$500. Whatever the difference is you will get back.

Zach Howard: Can I ask where the \$500 comes from?

Jacqueline Ricciani: That is usually the minimum for any application, and then it goes up depending on the complexity of what is involved.

Daniel Gettel: I don't see this as being complex, not much different than before.

Zach Howard: I don't either.

Daniel Gettel: It is the minimum number that we ask for.

Jacqueline Ricciani: Most applications take at least two appearances before the Planning Board.

Zach Howard: This is the first time ours hasn't.

Daniel Gettel: I don't think that is true, but that's fine.

Daniel Gettel: Vicky, anything from the Town Board?

Vicky Vassmer-Simpson: No.

Bette Jean Gettel: There is a training coming up, I have sent it out.

Daniel Gettel: There is one during the day at CVI, on September 26th.

Motion to adjourn by David Slater, second by Robert Yakin

All in favor – 7

Opposed - 0

Agreed and carried

9:15 pm

Respectively submitted,

Jannetta MacArthur

Recording Secretary