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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, October 1, 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, David Biren, David Slater, Robert Yakin, Alternate, Jacqueline Ricianni, Attorney, Vicky Vassmer Simpson, Liaison, Jannetta MacArthur, Recording Secretary, Glenn Smith, Engineer and Jason Pitingaro, Engineer.

Excused: Bette Jean Gettel, Code Enforcement Officer, and Susan Brown Otto.

Absent: Wilfred Hughson.

Seating Robert Yakin, Jr. Alternate

Quorum present

Pledge to the flag

** It should be noted that the tape recorder recording the meeting failed to record this portion of the meeting, together with the first agenda item discussed, BQ Energy. The following minutes have been prepared based upon notes taken by various board members during the meeting. **

Motion to approve the minutes from the September 5, 2018 Planning Board minutes by Steve Simpson, seconded by Robert Yakin, Jr.

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: One item on the agenda tonight is a Public Hearing for a Hotel/Motel style use proposed to be located on Matt Smith Road. I will entertain a motion to open the meeting up for public comment, at which time I will ask the applicant to make a presentation to the audience. This board has seen the project a number of times. There was a sign in sheet in the back of the room. After the applicant makes his presentation I will call the names off that list in the order in which they appear, will ask that individual to approach the microphone at the front of the room and will ask them to make their comment. In the event that someone wants to speak whose name is not on the list simply raise your hand after I have exhausted the list and I will call you up individually. Please address all comments to the board, not the applicant. This will not become a public debate, this is a public hearing. This is our opportunity to get public comment from individuals who may have specific input on the proposal and site.

Daniel Gettel: We are going to do Item #2 on the agenda first tonight since the public hearing is scheduled to begin at 7:45 pm.

- 2) *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: Just so the audience is aware. This is the Town of Bethel's landfill.

Alicia Scott: We did make some changes to the EAF, the site plan application, and the site plan.

Daniel Gettel: You have been working closely with Jason?

Jason Pitingaro: Yes we have.

Daniel Gettel: There were a couple of question that came up, parking being one. You should designate a parking area in a location not to conflict with transfer station traffic.

Alicia Scott: There should be about 20 cars. We have had experience working with active transfer stations. There are a lot of moving vehicles, and big trucks. You can tell us where we can be, and where we can't be. I brought some pictures tonight.

Daniel Gettel: Do you want to show them.

Alicia Scott: (showing pictures from a Beacon project). When we get materials we spread them out so it is easier not to steal the items. It also makes it easier for construction.

Daniel Gettel: How far are you with the construction here?

Alicia Scott: This was about three months along. This was done in the winter, and it was a long winter. This is one in Esopus. We were very close to this transfer station. We worked with the transfer station. We did the work on the least busy days of the week. That is the end of my pictures.

Daniel Gettel: There is a meeting at the site coming up tomorrow. Glenn Smith and Jason will be there, and Ms. Scott. They want to talk about the closing of the landfill.

Glenn Smith: It is the closing of the mine.

Daniel Gettel: Jason, we haven't discussed a lot of screening for this project. We should keep that in mind. I don't want to speak to for the board but we should consider screening.

Jason Pitingaro: We talked last meeting whether screening would be necessary.

Daniel Gettel: We also heard back from a number of agencies. It appears we will be acting as Lead Agency. Screening is on the table. You can see tomorrow when you go to the meeting. Jason, you have been talking about decommissioning. That is more between you and the Town Board.

Jason Pitingaro: We have been talking about this.

Daniel Gettel: Is that when construction begins?

Jason Pitingaro: Prior to construction. I think it is a safety mechanism for the municipality.

Daniel Gettel: I don't know what your life expectancy is on your panels.

Alyssa Scott: We don't know. The oldest ones are 15 years. We still expect them to be operating in 50 years, these are made even better. We propose an initial pay in, we struggle to get a cost for them in 25 years, and we struggle to get a bond, because it is too far in the present.

Daniel Gettel: How have you done it with your past projects?

Alyssa Scott: We say five years before it ends. In this case we have offered to put money in in the beginning, and in year 15 to put in some more.

Jason Pitingaro: A letter of credit is suggested. As far as guidance in the estimating, the other entities have used that mechanism, and have moved forward to get the bonds.

Daniel Gettel: There are a lot of details that are being worked out.

Steve Simpson: The pole line that goes in, will it be on the right side of the driveway? There is a trailer there with TV screens. Are you going to move the pole line?

Jason Pitingaro: That is something we need to look at. I'm not sure we need all 5 poles. Those poles are just place holders at this time.

Alyssa Scott: When we go to meet with the utility company at the site we will know, at that time, what they recommend.

Steve Simpson: This location is not as concerning as it would be off of a residential road. This is a pretty good use of the land.

Daniel Gettel: Perhaps the Town may move the trailer and the dumpster. The next step is a public hearing. You would do the mailings, certified, return receipt requested, for both sides of the road. BJ will give you a list.

Daniel Gettel: Are there any questions from the board?

None

Motion to grant this application a public hearing for November 5th at 7:30 by David Biren, seconded by Steve Simpson.

All in favor – 6

Opposed – 0

Agreed and carried

** It should be noted that the tape recorder recording the meeting recorded the remaining portion of the meeting, all of the second agenda item discussed, the Public Hearing for Prodigy Network Sanctuary. The remaining minutes have been prepared based upon that recording. **

1) Public Hearing 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)

7:51 pm – Public Hearing - Beginning Item #1.

Return receipts have been received.

Daniel Gettel: I will ask the applicant to make a brief presentation to the audience then will open the meeting up for public comment. We have seen this application a number of times.

Daniel Gettel: For the record, the County 239 came back as local determination. They indicated that an Ag Data statement will be required.

Motion to open this meeting up for a public hearing by Mike Cassaro, second by Steve Simpson.

All in favor -6

Opposed - 0

Agreed and carried

Dale Koch: I am Dale Koch from Bohler Engineer. We have been working on this project for over a year now with Matt (Strombeline) and Jay (Zeiger). There is a two story dwelling on the site along with a garage. First and foremost, we are proposing 16 foot by 16 foot cabins. They are micro cabins, a small living space, a loft area for sleeping, and a bathroom. The idea is the people that stay

there. They are shuttled by golf carts. We are proposing a parking lot to the east. We are also proposing a 1,700 square foot yoga studio, and a 3,500 square foot motel. The motel has an occupancy of 20, or 10 rooms. We will be changing and doing renovations to the existing house with a bigger kitchen,

Jay Zeiger: The house is not to be occupied for sleeping. There will be a kitchen area.

Dale Koch: There are some temporary platforms to the left of the property, for people who want to sleep in a tent. And then also a temporary yurt.

Matt Strombeline: It will be just for guests. You arrive and stay for 3 or 5 days.

Jay Zeiger: This will be more like a corporate retreat.

Matt Strombeline: This is a peaceful retreat.

Jay Zeiger: That is our presentation.

Daniel Gettel: At the last meeting we spoke about signage. I think that may be an issue we may want to discuss. That is one of the concerns. I have met some of the people in the audience. I tried to be fair with them and with the applicants.

Daniel Gettel: The first person on the list is Timothy Manzollio. Please come up to the microphone and state your name and address for the record.

Timothy Manzollio: We have the property that borders this property. The concern is I wonder what the setbacks are. The property that we have is that it is hunting property, and farm property.

Daniel Gettel: They have a lot of property that is in the Town of Cochection. They touch on the Town of Cochection. Originally this applicant appeared before the Town of Cochection Planning Board as some of the construction was also proposed in that Town. They tried to work with both towns, but it was becoming a logistical nightmare, who would act as Lead Agency, who would have the public hearing, etc. It was becoming difficult with two towns involved. The project is now just in the Town of Bethel. I think the Cochection piece is your buffer from the site.

Timothy Manzollio: It is not only us. It is a concern right now.

Daniel Gettel: They have rights too. It is their property.

Timothy Manzollio: Our property is in the logging program. It is going to affect you more than us.

Timothy Isbell: We are in 71 Matt Smith Road. We just purchased the property in August. We weren't aware of what was going on. The main reason we picked this site is because of the views. It is a quiet dead end street. Some of my neighbors told me they received a notice, I didn't receive a notice. As far as traffic, there is more traffic than you would expect. The lack of a sign is a problem. Our second main concern is trespassers. They don't know where the lines are. They park in my driveway. I told them they couldn't park there. They just got into their car and went to another neighbor's driveway. I am a little concerned about what is going to be ruined. I saw some of the

earlier proposals, the yoga studio and the hotel, has been pushed closer. I don't know why we need a parking for 80 cars, instead of just 20. I don't see any visual barriers from the parking lots. The traffic, trespassers, and the visual.

Ward Burlingame: I own property there. If all of this comes in... I mirror Tim Manzollio. We hunt that property. We are local folks. I don't think the kind of people that come here are going to be appreciative of us local folks hunting. I've been told not to go there several times. I don't support this at all. You are going to put this hotel/motel thing right in the back of Bruce's yard. I wasn't supportive of Bethel Woods either.

Matt Smith: Signed up, but does not wish to speak.

Carla Selby: It is a dead end, it is a quiet road. It is zoned agriculture. I worry about it setting a precedent. This is a hunting area. It is pastoral. I don't feel this is a good fit for this area. I heard busing will be bringing clients in. I worry about it being maintained. I am very much against it. If need be, I will seek legal counsel.

Karen Russell: I wanted to mention what you mentioned earlier. The traffic that is coming here, this is a very quiet road. No one comes down this road unless they live there or visit. We don't want all this traffic coming down the road. I have had people on my front porch. I have shared this with my neighbors. I can't imagine what the increase traffic is going to be. I don't know that any of these things have been taken into consideration. No one has mentioned the kids that live on this road.

Richard Divinte: My sister Carla just spoke. The construction topo that I saw, it looks like a lot of large equipment, it could disrupt all of the hunting season. In the spring we cut our fields. Is this going to be set up with DEC mud ramps so Matt Smith Road doesn't turn into a dirt road? People don't know what a posted sign is. Meanwhile I'm in a tree stand. There are a lot of people that come up just for hunting season. They shoot at twigs being broken. Is there anything in place for future expansion? Has anybody addressed the issue once they set this up, what prevents them from building additional hotels, another yoga studio? This is a different type of center. Once a law is passed, then they can raise it as much as they want it to. We fought it and took it away. The landowners here, first of all we don't know who owns it. Is it a corporation? Are they going to maintain it? Buffer zones are very important. It is just pristine land right now. There will be a lot of filling and cutting. I was a builder. I don't think it is the proper place to ruin a beautiful sunset area. I know for the Town it would be good. I don't know if we would be furnished with a time line. Is the DEC going to have them put in the wash barriers? Another issue was brought up. Everyone goes down there because there is no gps or cell service. The sheriff department goes down there. Are they going to put in towers for cell service? I know they make them, they look like a tree. It may benefit some people. I know it is a retreat, that means out of the way. It is way out of the way. The tractors go through there. We are always pulling cars out of the ditches. Is this is a corporation building or is it just an entity where the corporation will disappear. These are questions I am bringing up. The cell service is number one. I have a big concern. I am scared that other people will wander on our property during hunting season. We are still further than 500 feet away. If the board wants to take any of this into consideration. Cell service, you are going to need double the power. For a hotel you are going to need grease traps, sewer system. I am not for or against it. I just want you to be aware. Environmental impacts. You are going to go down, again, it is a concern, but I don't want to stop the Town of Bethel from any kind of progress. I just worry things may get out of hand, and what is going to stop them from expanding. Is there anything that says they can't expand? It is quite a few

people, quite a few parking spots. I don't know if they are going to grade, I don't know the logistics of it. If anybody has any answers, it will be greatly appreciated by the neighbors.

William Radzieski: Are you going to have individual sewers. The main house is going to be a restaurant. I don't know how many bedrooms are in the house. The Ten Mile River runs through. I am kind of concerned by the runoff. I don't know if the parking lot is going to be black top or gravel. Thank you.

Daniel Gettel: Anyone else from the public? Just so the public is aware, even if we wanted to act on this, we couldn't act on it right now. We don't have enough information. There are certain time lines we have to follow as far as the DEC, the environmental concerns. We can't meet that time line at this time. We can't even approve it tonight. There is not a lot we can do with this tonight. Do you want to address some of the concerns that were raised, as far as the ownership? I can address the expansion part. If they do anything that deviates from this site plan, they would have to come back to the Planning Board for change in the site plan approval. They could always expand into Cochection I guess, but Cochection would be bound by the same rules. Site plan review, approvals for Cochection, there would be more public hearings and things of that nature. It is hard to say it will never expand, but I have never seen any plans at this time for it to expand. If you want to talk about the ownership, I think it is a corporate ownership.

Matt Strombeline: Yes it is a corporate ownership, but we are a real estate company based in New York with about 15 employees worldwide. It is owned by Prodigy Network. This land was bought by our CEO about four years ago as his second family home. He decided to sell it to the company because he loved it so much. I can meet with you afterwards to talk to you about some of the concerns. We totally get it, and understand and we don't want to be bad neighbors. If there are ways to mitigate, we are not just coming from New York City, trying to bulldoze land.

Dale Koch: The parking lot as designed, we had a different setup when we originally were going into the Cochection property. We have since significantly reduced the scale of the project because we talked to the board here and the board in Cochection. It was changed after we didn't go through Cochection. We consolidated the project. We can reduce the size of the parking lot. If there was a smaller bus that comes up to drop folks to stay at the center, to provide a little more room in the parking lot, the bus can come up to the property and turn around, and not have driven down your street. In terms of the setback, the nearest building to Matt Smith Road is 1000 feet away, and just shy of 100 feet change in elevation. We want to maintain the look, part of Prodigy Network is looking to invest money here and make it into a nice corporate retreat. We are spending a lot of time with the Planning Board. We are coming up with a way to screen the parking lot really nicely. We are using tasteful architecture that matches the residences. I have spent a tremendous amount of time on the property trying to locate the cabins in a way that I guarantee you will not see them. They are 16 feet by 16 feet. In terms of a cabin in the woods you will not see them from Matt Smith Road.

Jay Zeiger: I think we want to defer to the Planning Board in reference to signage.

Daniel Gettel: We had a discussion at the last meeting that this project will clearly benefit by having some signage, as well as perhaps having some signage down the road, that say no buses past this point. There have to be ways you can work with the Town Board and the Town of Bethel to point out this is your property, no vehicles past this point, besides working with the people who live on the street.

Dale Koch: We are happy to do that as well.

Daniel Gettel: I think you can clearly work with the residents on the street to work out some of the details on that of where signage should go, and what it should be. I know there were people wandering down the road, perhaps a little too far. It is a little iffy where the end of the road is, where Bethel's maintenance stops, and where the cul-de-sac is. It is actually private property. That is something we need to look at, as far as keeping people that are on the road, on public property. Are there any comments from the rest of the board? We have a lot to think about, this is what the public hearing is for, and it is early on in the project. We are not looking to approve at this point, we are still lacking information on our end, and there are some things for us to digest as far as the public comment, and what you guys should consider moving forward.

David Biren: I think there should be some signage, showing children at play. I want to make sure there are no problems where certain people live, that have kids. We want to protect them in any way possible.

Daniel Gettel: That is also a Town Board issue. We have a Town of Bethel board liaison here.

David Biren: Something with the cell towers too, in case people do get off the beaten path.

Daniel Gettel: We don't have private cell towers in the Town of Bethel. And the cost would be astronomical for one project, so I don't see that happening.

David Biren: I'm sure they could look at something for their own property.

Daniel Gettel: I do see where cell service ends, and other people still have it, that could be a big problem.

David Biren: We should try to boost that. We don't need your guests trying to get onto peoples driveways to see if they can get some usage. They don't need that, could be bad neighbors that way. No trespassing signs all over the place, I can see that being annoying, but it is going to have to come up.

Matt Strombeline: We will have to get creative and work with the Town Board and come up with a good way not to have signs every 5 feet.

David Biren: I understand that, but we are going to have to protect the neighbor's properties in some way.

Daniel Gettel: Glenn, did you have any comments? Clearly you need additional information on your end.

Glenn Smith: In my June letter, I asked for a number of things. I asked for a more detailed drawing of building plans, septic system plans, water supply, storage and distribution plans, drainage plans, low lighting detail, construction detail, all engineering information.

Dale Koch: We will comply with all the regulations of the Town, the DEC, so we are aware.

Daniel Gettel: And the Health Department is going to be involved with the flow confirmation, and the sewer flows, and the water treatment, and all that.

David Slater: Dan, I have a couple of comments. I know a lot of people who spoke up here. I think for you, you are proposing a plan that I think is a nice plan. I think you have a nice piece of property. I have been down to the back of that road. You have heavy equipment. You are going to try to put a retreat there, and try to get along with your neighbors. They bring up some valid points. You are going to have tractors going down that road from farmers. You may want to think about that on your end, where you place things, and how you are going to do it. If you sit on that road, there is noise, there is dust. You are proposing a quiet retreat, and then you are going to ask these neighbors who have lived there their whole life, to be quiet, or to maybe curb their lifestyle, that is going to challenge them. You own the property. You are going to come here and say we want to build but you are asking to change the neighborhood for them. I think one thing you ought to think about is to appease your neighbors. They are your neighbors and they have been here a long time. In a few months you are going to hear some shots. I wouldn't put it past them to take a few extra shots just to let you know what it is going to sound like. They can do it, they are hunting. Think about that, you have someone coming up from the city for a retreat, and all of a sudden you have shots ringing out. They have the right to do it. You have to work with them. They came here to let you know what they think, and they brought some great points up. I know you have a lot of time and money invested, but this is their neighborhood, and you are trying to change their neighborhood. And that is a lot to ask.

Daniel Gettel: What we would typically do after a public, we would close the public hearing, but keep it open for written comment for 10 days after. If anybody in the audience wants to put something in writing, they forgot something, just get something to Town Hall in the next 10 days. I don't know that we are going to act on anything tonight like I said. I think there is a lot here for everyone here to digest. I appreciate everyone coming out. I want everyone to be a good neighbor and have this be a good project that works for everybody, but you have a lot of work ahead of you.

Motion to close public hearing and return to the regular meeting while keeping the hearing open for 10 days for written comment by Steve Simpson, seconded by David Slater.

All in favor – 6

Opposed-0

Agreed and carried

Daniel Gettel: That is it for our agenda items. I would like to thank everyone for coming out. It was a productive meeting. I would definitely watch the newspaper for when they come back.

Daniel Gettel: Vicky, is there anything from the Town Board that we need to know about out?

Vicky Vassmer Simpson: No.

Motion to adjourn by David Slater, seconded by David Biren.

All in favor – 6

Opposed – 0

Agreed and carried

8:35 pm

Respectively submitted,

Jannetta MacArthur

Recording Secretary