

(845) 583-4350 Ext 15



(845) 583-4710 (F)

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 December 4, 2017 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, Wilfred Hughson, David Slater, Jacqueline Ricianni, Attorney, Jannetta MacArthur, Recording Secretary, Glenn Smith, Engineer.

Excused: Bette Jean Gettel, Code Enforcement Officer, David Biren, Robert Yakin, Alternate, and Vicky Vassmer-Simpson, Liaison.

A quorum is present.

Pledge to the flag.

Motion to approve the minutes from the November 6, 2017 Planning Board meeting by Steve Simpson, second by Michael Cassaro.

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: We have a relatively small agenda this evening, but I would like to do one item on the Administrative section first, in case we have to set a date for another applicant.

2) *Administrative:*

a) *Set date for January 2018 meeting*

Daniel Gettel: Our 2018 schedule has not been set yet. If we stick with the first Monday of each month, January that would be New Year's Day, it was advised we have our meeting on January

8th, the building is available. I don't know if anyone has a problem with the 8th.

Susan Brown Otto: Is the 8th a problem with the Town Board meetings?

Daniel Gettel: Not on the Monday. I don't think they are meeting that week. But if we push it back further, we will have a problem with the Zoning Board.

Motion to schedule the January Planning Board on January 8th by Steve Simpson second by Susan Brown Otto.

All in favor – 6

Opposed - 0

Agreed and carried

1) Application for a revision to a previously approved Site Plan for the expansion of an existing storage facility located at 1998 State Route 17B, known as Bethel Tax Map #22. -1-46, proposed by 1998 Bethel Self Storage Corp. (Daley)

Daniel Gettel: Mr. Daley presenting. Would you like to come up? Do you want me to give a little background on it, or would you like me to start?

Steve Daley: You can.

Daniel Gettel: Okay, I will give a little background on it, and then I will ask you to do a presentation on it, what you would like to do. We did speak before the meeting. Mr. Daley purchased this property from Jeff Bank in October of 2010. The town's records indicate that buildings 100, 200 and 300 existed at that time. Those are the larger buildings on the property. He installed buildings 400 and 500 in 2013, buildings 600 and 700 in 2014, and building 800 in 2015. In August 2016 he purchased the parcel to the east, which was 22.-1-45, demolished the house and that parcel was combined into the storage building parcel. That increased the area of the parent parcel. In September 2017 he installed the 900 building. All of the buildings were installed with permits. One condition that had been on the plan was that a buffer zone be installed between the adjoiner and the storage buildings. Keep in mind he was not the owner of the property at the time, and that buffer zone was never installed. As a side to this, when the Building Department did approve the construction of the 900 building this year they did recommend that he put in a buffer zone between the 900 building and the adjoining residence that is next to it. That was recently installed. Glenn and I visited the site, and Glenn, that was actually installed after you and I visited the site. We did discuss how that would benefit the property also. I would suggest that if the Planning Board does go along with any extension that the buffer zone be extended as needed to buffer the new building from adjacent residences. Also, we should note that along the rear of the property, in the area of the proposed storage buildings, there is presently bulk storage, which the applicant has indicated will be removed from the site. This includes trailer bodies, boats, and a truck or two. The applicant has indicated those will be removed from the site, and I would also suggest that if the board considers approving this

modification that it also be added as a condition of the approval because the property in the back where you are proposing the storage building is already cleared and graveled.

Steve Daley: We will not be able to access those truck bodies once those buildings are up, so they have to come out.

Daniel Gettel: Mr. Daley, if you would please, what is your proposal at this time?

Steve Daley: Originally Bethel Storage was allowed 30,700 square feet (total) storage. As of today we have 25,260 square feet. There is approximately 5,000 square feet that I am still allowed to do. I am looking for the future. I would like to put 11,000 more square feet up, which added to the 25,260, would bring me to over 36,000 square feet. So I am only looking for an addition of 6,000 square feet. I know Glenn's letter said 10,000 square feet, but that is not the case. I am just looking for a total extra of 6,000 square feet. I have drawn on the map where those four new buildings are going. There are three in the back and one small one in the front. In speaking with Glenn, he gave me some advice about putting the trees, 20 foot apart, and that is what I did. If we need to put another one somewhere, I am okay with doing that. But at least I have the ball rolling. That's it. It's a pretty simple thing.

Jacqueline Ricciani: You said it was originally approved for 30,000 square feet. That is without the additional parcel you purchased. Is that right?

Steve Daley: Exactly.

Daniel Gettel: And that was in addition to the car wash area.

Jacqueline Ricciani: So all that area in the front would have been used. So the 30,700 square feet was for a smaller area than we have currently added on.

Steve Daley: Right. I added 1.37 acres on, and I think adding that on, I am just looking to increase 6,000 square feet. I think if you did the ratios I am not asking for the maximum. I am just asking for the extra 6,000 square feet.

Daniel Gettel: And the three proposed buildings in the back are in the area that was originally approved by the original board for storage. The fact that he built closer to the road, and filled in the area where the car wash was, it kind of forced him to come to us for the buildings in the back.

Steve Daley: If you were to look at the building The last building that is on the map, it is listed as the concrete slab, that building is on the new property, as would be the building just forward of that. That concrete slab is 20 x 100. That is 2,000 square feet, and the other building would be another approximately 2,000 square feet, so I am only putting 4,000 square feet on that 1.37 acres. That is all that will go on there.

Daniel Gettel: Are there any other questions from the board? It is relatively straight forward, but we have to treat it as a modification of an approved site plan.

Susan Brown Otto: I have a comment about the trees. I know you have planted trees already. There are some trees that the deer like better. The Town of Bethel septic building on 17B near Happy Avenue, the trees that are planted around that, all those trees, the deer eat all the trees and it looks terrible in my opinion. I want to know what portion are deer friendly trees.

Steve Daley: I didn't ask that question.

Susan Brown Otto: You see that little septic station on 17B and Happy Avenue....

Daniel Gettel: I believe the bulk of them are spruce. I really can't answer that. I know one out there was a long needle pine. It is probably a white pine, the condition of which I do not like. You said it is under warrantee?

Steve Daley: He told me he would guarantee all trees. I planted it. If it doesn't last, we will rip it out and replant.

Daniel Gettel: Glenn, you went to the property and you did review the proposal. Do you want to touch on your review letter? I don't know if the whole board got your letter.

Glenn Smith: I mentioned that the front of the property is in the Gateway, G17B zone, and the majority of the property is in the Ag zone. The fact that there are roughly 26,000 square foot existing buildings now, it is actually 25,100. Whatever the number is, I added up the existing buildings that is 40,850 square feet of total area, as compared to the 30,700 square feet that was approved. Actually that number is 36,200 square feet, so I guess it is more than the approval. It complies with the rear and front setbacks for the zoning. I mentioned the original site plan approval shows a 6 foot high stockade fence along the easterly bound, which doesn't exist anymore. Because of buying the adjacent parcel I suggested a double row of pine or spruce trees along the bounds from 17B to the rear of the wall of the last existing storage building, which we did discuss, to make as a condition of that permit that additional screening is back there as well for future buildings. The old truck bodies and storage containers in the back of the property would be removed. That would be an asset. Jacy, a M239, because it is on a State Road.

Daniel Gettel: That is not an issue if there is an extra week now between our meetings. Now we have 5 weeks between meetings.

Jacqueline Ricciani: Do you have an EAF?

Daniel Gettel: We do have a Short EAF, which is adequate. Glenn, the Section is 345-18 for the Gateway.

Daniel Gettel: Reading into record, paraphrased:

Gateway Design Guidelines:

Design to review standards; design to review all development in the R-17B, G-17B, H-17B, C-17B Districts, and the districts shall comply with the following design standards.

Building placement and site development shall respectfully incorporate the site's topography, existing vegetation and other unique features. .

Daniel Gettel: I'm not going to read it all. We are talking about a project that the property is relatively flat. It is pretty much all cleared in the area we are talking about building.

A new construction affecting existing buildings of historically traditional architectural design within the community shall respect the existing height, bulk, scale and existing architecture.

Daniel Gettel: We are talking about adding storage buildings to a storage facility, so that doesn't really apply.

Buildings shall relate in scale and design features to the surrounding buildings.

Daniel Gettel: Again, they all match. They are all the same color, same doors. You must be buying from the same manufacturer.

Materials, colors and architectural details used on the exterior of the building shall be compatible with the buildings style.

Daniel Gettel: Clearly it is.

The architectural treatment of the front façade shall be continued in its major features around all sides of buildings.

Daniel Gettel: These are simple steel structures.

All nonresidential uses shall prepare a landscaping plan consistent with the requirements of 345-16; existing trees with a caliper in excess of six inches shall be incorporated in the site design to the maximum extent practical.

Daniel Gettel: There are no trees that size that exist on the property. Driveways, site access and sidewalks we are not changing we are not changing anything. Parking and loading, they all load in front of their units. So there is not a question of loading docks.

Adequate lighting, which provides security and visual interest, shall be provided while minimizing adverse impacts, such as overhead glow and glare on adjacent properties or the public right of way.

Daniel Gettel: I don't think the public right of way is an issue. The edge of the light is shielded.

Signs shall be compatible with building style in terms of location, scale, color and lettering and in proportion with the size of the building and existing area signage.

Daniel Gettel: Again the sign was specifically approved for the property. I would not address

utilities, because there are no utilities associated with this.

Site shall be maintained in accordance with the approved plans and shall be free of litter. Landscaping shall be appropriately maintained; dead, dying or diseased landscaping shall be replaced as needed.

Daniel Gettel: I don't think that is an issue either. The gateway standard with the existing commercial development really doesn't touch on anything....I don't think that 345-18 is going to be an issue. When we talked in the field you mentioned your desire to put the building close to the road. Not that it is that close to the road, you want people to be able to see it. It is actually a storage building. You get a lot of comments that people don't know that it is there.

Steve Daley: They don't look to the left. They drive by at 60 mph.

Daniel Gettel: That is pretty much the area that the existing house was on right? That house was close to the road.

Steve Daley: That was 25 feet from the road. I will put it 100 feet plus from the road.

Jacqueline Ricciani: So this will be building #13 that will be 100 feet off the road?

Steve Daley: Yes, 100 feet plus off the road. It has to be because of the State.

Daniel Gettel: Are there any comments from the board. It is relatively simple. Our next step would be to grant a public hearing. We set a date for January 8th. Susan, are you okay with that?

Susan Brown Otto: I was just thinking about you can still have a good view to the road.

Steve Daley: I don't want it on top of the road. I would like it to be across from my office.

Daniel Gettel: I don't think you are hiding anything if anybody from the board wants to drive through. I don't think we are talking about limiting site distance.

Glenn Smith: So it is about 30 feet deep? The # 13 building would be accessible from one side of the building, along the front?

Steve Daly: Yes exactly.

Motion to grant this applicant a public hearing on January 8, 2018 by Mike Cassaro, second by Susan Brown Otto.

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: I will talk to BJ about getting a M239 out. You will be responsible for the certified mailings, return receipt. She will help you with that. She will give you the addresses and at least 10 days before the meeting they should be mailed out.

Daniel Gettel: We will continue the agenda as listed. We did 2a already, we will continue to 2b.

2) *Administrative:*

b) *Recommendation to the Town of Bethel Town Board on Local Law 2 of 2017 to amend certain sections of Chapter 48 of the Town Code captioned Planning Board and to amend certain sections of Chapter 345 of the Town Code entitled Zoning*

Daniel Gettel: Jacy, did you want to touch on this or do you want me to?

Jacqueline Ricciani: I can take it. The proposed local law is nearly identical to what is currently in the Town Code for the removal of Planning Board members, Chapter 345, and Zoning Board members, Chapter 48. It is identical except for the hearing officer. What is currently in place, as well as the proposed law with respect to removal from office, the first paragraph is identical. The Town Board has the power to remove with just cause, including with noncompliance with attendance and training requirements. That is already in there. The second paragraph is also identical with what is being proposed except for The Town Board would direct the Town Clerk to issue a written notice in order to be served on the party to whom it is directed. That is identical to what you already have. The difference is how the due process takes place. What is currently in the code is the person who is sought to be removed under the current code....the Supervisor has to appoint a Hearing Officer. That is the primary difference between what is in place in the code and what is being proposed. What they want to do is instead of having a Hearing Officer, which is an individual who would need to be hired from out in the community general speaking these are private attorney's, who act as hearing officers. Not necessarily arbitrators, these people come with a fee, the hearing officer would be the person who would need to be engaged and then conduct a hearing. What the Town is seeking to do is to change that requirement, rather than the Town having to hire an individual to act as Hearing Officer. What is being proposed is that the Town instead would just conduct a public hearing much like the public hearings we are currently familiar with. Under what is currently in the code, whatever the determination of the Hearing Officer is, everybody is bound by it. The Town Board and the Board member. What is proposed is the public hearing, which is basically the due process right of the member who is sought to be removed, to give the member the opportunity to be heard and present whatever they want. Then the Town Board would make the final determination. If the member who sought to be removed is not happy with the outcome, they have the same remedy. An Article 78. So what is different is the expense to the Town. The other thing to keep in mind is, and I meant to bring the Town law with me, the New York State law which governs all of this, is very brief, and it just says that the Town Board has the ability to do it. There is nothing in the State law about hiring a Hearing Officer that is not something that is required. That is an additional requirement that this Town came up with. By the Town adopting the proposed local law, the Town will still be in compliance at the State level. The same for the ZBA.

Daniel Gettel: There is just a minor tweak for the ZBA, which also just takes the Hearing Officer out of the equation.

Jacqueline Ricciani: Right, it is taking out the Hearing Officer, and replacing it with the Town Board.

Daniel Gettel: Jacy, my only notes on this, and I was at the Town Board meeting when this local law was presented, was it made a lot of sense when I was at the Town Board meeting. Our code is out of line with the State standards and the other towns in Sullivan County.

Jacqueline Ricciani: I have never seen a Hearing Officer.

Daniel Gettel: The idea right now is to bring it in line with the state and the other towns standards. The existing code would give a board member protection like a tenure school official or a union worker actually. I don't think a town employee would have the same rights if they were fired.

Jacqueline Ricciani: They would have a grievance procedure available to them. They could grieve something through Civil Service.

Daniel Gettel: A Hearing Officer is extreme. A definition of a Hearing Officer is the officer is government appointed to preside over agency investigations and hearings so that the agencies can exercise their powers through the court system. They often preside over ruling decisions that were made by agencies such as in disputes such as insurance and disability cases. I know why they put it in there, but I am comfortable with taking it out. If somebody has just cause to be removed from a board and then the Town then has to pay a hearing officer and go through a trial procedure that's pretty much...

Jacqueline Ricciani: And it does turn into a trial. They can become very cumbersome, very time consuming, provoke the member, who has to make themselves available, which are generally done during working hours. It's a much better, more streamlined process.

Daniel Gettel: What the Town Board is looking for is some kind of recommendation from the Planning Board on how to act on Local Law #2 of 2017.

Susan Brown Otto: How did this come about? Matching State code to our code?

Daniel Gettel: I think a question was raised to the removal of... how the town would go about removing somebody. Then it came up where did this come from and why does it call for a Hearing Officer. I have no indication that the Town Board is going to act on any specific removal but I know there is a question out there, where did this come from, and why is it in the code? We serve the town board.

Jacqueline Ricciani: According to the Town Code this provision was done in 2006.

Daniel Gettel: That was probably during the overhaul of the Zoning.

Susan Brown Otto: The moratorium was around 2007 or 2008.

Daniel Gettel: It was added in 2006.

Jacqueline Ricciani: On the map, Local Law #1 of 2009. It probably started the year before.

Susan Brown Otto: It probably started when the market crashed which was in 2007. We had this moratorium.

Daniel Gettel: In 2009 is when the thirteen zones were in effect. I don't have a problem with it. I have spoken to a number of people about it. They (the board) don't have to listen to us.

Jacqueline Ricciani: They are looking for input.

Susan Brown Otto: We are the only town in Sullivan County that has this?

Daniel Gettel: As far as I know.

Jacqueline Ricciani: I haven't examined all of them. It doesn't exist in Forestburgh or Lumberland.

Daniel Gettel: I know they looked at Forestburgh and Fallsburg.

Jacqueline Ricciani: Most towns go by the state level, which is very basic.

Motion to recommend that the Town Board adopt Local Law #2 of 2017 by Steve Simpson, second by Susan Brown Otto

Roll Call Vote:

Michael Cassaro: Yes Susan Brown Otto: Yes Steve Simpson: Yes

Wilfred Hughson: Yes David Slater: Yes Daniel Gettel: Yes

Motion passed 6-0

Motion to go into executive session to discuss reappointment of members by Wilfred Hughson, second by Susan Brown Otto

All in favor – 6 Opposed - 0 Agreed and carried

Motion to exit the executive session and return to our regular meeting by Wilfred Hughson, second by Susan Brown Otto

All in favor – 6

Opposed - 0

Agreed and carried

c) Reappointment of David Slater

Motion to recommend to the Town Board to reappoint David Slater for a seven-year term, by Michael Cassaro, second by Susan Brown Otto.

All in favor – 5

Abstain – 1

Opposed - 0

Agreed and carried

d) Reappointment of Robert Yakin

Motion to recommend to the Town Board to reappoint Robert Yakin as Alternate by David Slater, second by Wilfred Hughson.

All in favor – 6

Opposed - 0

Agreed and carried

e) Reappointment of Planning Board Chairman and Vice Chairman

Motion to recommend to the Town Board to reappoint Daniel Gettel, and Steve Simpson as Planning Board Chairman, and Vice Chairman by David Slater, second by Susan Brown Otto.

All in favor – 4

Abstain – 2

Opposed - 0

Agreed and carried

Motion to adjourn by David Slater, second by Mike Cassaro.

All in favor – 6

Opposed - 0

Agreed and carried

8:15pm

Respectively submitted,

Gannetta MacArthur

Recording Secretary