

Town of Bethel
Planning Board
 PO Box 300, 3454 Route 55
 White Lake, NY 12786

The Town of Bethel Planning Board will hold a Work Session on October 14, 2014 at 7 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake. A regular meeting of the Planning Board will follow on the same date at 7:30 PM. On the agenda at this time are the following;

In attendance: Daniel Gettel Chairman, Steve Simpson, Vice Chairman, David Biren, Michael Cassaro, David Slater, Walter Norris, Alternate, BJ Gettel, Code Enforcement Officer, Jacqueline Ricianni, Attorney, Jannetta MacArthur, Recording Secretary, Michael Weeks, Engineer, Vicky Vassmer-Simpson, Councilwoman, Lillian Hendrickson, Councilwoman and Bernie Cohen, Councilman

Pledge to the flag

Excused: Susan Brown Otto

Absent: Wilfred Hughson

Seat Walter Norris, Alternate for Wilfred Hughson

Motion to approve the minutes from the September 9, 2014 meeting by Steve Simpson, second by David Slater

All in favor – 6

Opposed-0

Agreed and carried

1) Request for a fifth extension of reissuance of final conditional subdivision approval for the Preserve at Chapin Estates.

Daniel Gettel: I did tell the applicant he did not need to be here tonight however, I see he is sitting in the audience. This is pretty much procedural. We have extended this approval in the past, the last extension was granted on August 13, 2013, with the intent that the extension would expire tonight October 14, 2014. This board has the authority to extend this type of approval. We are actually encouraged by the state to extend these approvals for subdivisions. It is common knowledge the Preserve at Chapin Estates has been tied up in litigation for years. The issue may be coming to a close, but it is still pending. The litigation alone makes this a clear candidate for an extension. Jacy, we're good with that, right? You have no comment on this one as far as the extension goes.

Jacqueline Ricciani: That's fine.

Motion to grant a final conditional subdivision approval extension to expire October 31, 2015 by Mike Cassaro, second by Steve Simpson

All in favor - 6

Opposed - 0

Agreed and carried

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Jacqueline Ricciani: You are making it more than a 1 year extension?

Daniel Gettel: We don't know when our meetings will be next year as we might be changing the date. We can go further than a year.

2) *Application for a Sign Permit to be located at 6 Waldheim Road, known as Bethel Tax Map #: 37-1-18.2, proposed by Malek Properties.*

Daniel Gettel: Carol Malek is here. Mrs. Malek would you like to speak tonight? Please correct me if I am wrong. This is a joint venture with BLDC and Sullivan Renaissance, and they are involved in this.

Carol Malek: I have a small grant that was granted for the sign.

Daniel Gettel: It is a permanent sign that is going to work for two businesses', yours and for Woodstone Development, which is adjoining. This is intended to replace the sign you have presently?

Carol Malek: It will be more toward the entrance.

Daniel Gettel: BJ, the reason it is here, it exceeds 24 square feet in size and you can't approve a sign that big.

BJ Gettel: Correct.

Daniel Gettel: While the board is looking at it, I should run through the sign criteria.

Reading Section 345 23 C

(1) The Planning Board shall review sign applications relative to the appropriateness and compatibility of their design, shape, materials, colors, illumination, legibility, location and size. It may approve, approve with modifications, or disapprove signs. Approval shall be based on consistency with the design criteria listed below:

(a) Signs should be a subordinate part of the landscape viewed from the road;

This is a sign set relatively close to the ground, a great distance from 17B.

(b) Signs within a given area should exhibit visual continuity, complementing each other rather than competing for attention;

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This sign is similar to the sign that has existed on this site for years, and I think that sign fit in well with the surroundings.

(c) Multiple signs should be combined into one to avoid clutter;

This sign has been proposed to serve both businesses located in the vicinity.

(d) Signs should be as close to the ground as possible, and ground signs shall ordinarily be preferred;

This sign is set close to the ground, and again, is set a great distance off 17B.

(e) A sign's design should be consistent with the architectural character of the building on which it is placed and not cover any architectural features on the building. It should be sized and located in proportion to the building to preserve a human perspective.

This is not a building mounted sign so this paragraph does not apply.

(f) Garish colors (e.g., fluorescent lime green) and materials shall be avoided, and vivid colors (e.g., bright red) shall not dominate a site.

This sign does not have what I would consider to be garish colors.

(g) The sign should be located so as to not interfere in any way with the clear views required for public safety by highway travelers or pedestrians.

The sign is located well away from the non-business specific traffic.

(h) The sign must not be an overhead danger or obstacle to persons below.

This sign is set low to the ground and no one has any business trying to get under it.

(i) The size of the sign shall be the minimum which will achieve ready visibility without becoming an unnecessary distraction from the highway view or detriment to the highway scenery.

It is my opinion that the sign is properly sized and again is set well off the main traveled way. Michael (Cassaro), would you agree that the sign is probably properly sized?

Mike Cassaro: For two businesses' yes. It is on premise as well.

(j) The sign shall not block the view of any other signs.

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There are no other signs in the area that will be blocked.

(k) The sign shall be of good construction quality that is easy to maintain in safe condition and good appearance.

This sign appears to be well designed and should be easy to maintain.

(l) Sign materials and design shall be compatible with the surrounding natural landscape.

The sign design is consistent with the design of the sign we are accustomed to seeing.

(m) The sign should not substantially interfere with the views to and from other enterprises or residences.

There are no enterprises or residences in the area that are not represented on this sign.

(n) All freestanding signs of 24 square feet or more in surface area on one side shall require landscaping around the base of the sign. The size of the landscape area shall be approved as part of the sign permit. Landscape plans shall be submitted and shall include the size, species, location and spacing of plant materials, method of separating the planter from the adjacent area and the irrigation plan for maintaining the landscape materials.

The sign design as submitted has adequate landscaping, especially when you consider how far off the roadway it is to be set. The applicants have demonstrated their willingness to provide and maintain landscaping on the site, of a scale that compliments the site and its location in relation to 17B. Again, this sign was designed in conjunction with Sullivan Renaissance, a group we can turn to for opinions on landscaping.

(o) No homemade freehand permanent signs shall be permitted.

This is not a homemade sign.

This application only involves our approving the sign design, as submitted, so an environmental assessment form would not be required. Ultimately BJ will have to issue a permit for its installation.

Daniel Gettel: Are there any questions from the board?

None.

Motion to approve this sign design as submitted and suggest to BJ that she issue a permit for its installation as long as all fees are paid by Mike Cassaro, Second by David Slater

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Roll call vote:

Mike Cassaro: Yes
Steve Simpson: Yes
David Biren: Yes
David Slater: Yes
Walter Norris: Yes
Daniel Gettel: Yes

Motion approved 6 – 0.

3) Application for a Sign Permit to be located on State Route 17B, known as Bethel Tax Map #: 33-5-8. (Rhulen)

Daniel Gettel: I do not see anyone in the audience for this application. At this time I would suggest that we table this application and come back to it later.

4) Application for subdivision and SEQRA review located on Plum Beach Road, known as Bethel Tax Map #: 31- 3-17.1, proposed by Shaya Boymelgreen.

Daniel Gettel: We discussed this during the work session. This is a new submission. We have seen the plan before, but we are going to treat it as a new submission, due to the new access. We want to discuss the proposed number of lots, and how you are going to gain access to the property.

Jonathan Farber - RF Landscape Architecture: It is a 4 lot subdivision on 28.2 Acres. Lot 1 is 8 Acres, Lot 2 is approximately 14 Acres, and Lots 3 and 4 are approximately 3 Acres. Access for Lot 1 is on the west side of the property off Naylor Road. The client has purchased the property on Naylor Road and will access Lot 1 from the west. There is a separate driveway for Lot 2, and there is a single driveway serving Lots 3 and 4, which are off of Lakeview Drive. The plan also shows a single tennis court and a handball court. We asked for a waiver to the sanitary system. There are two conventional systems, two alternate systems, so we would like to ask for that waiver again. I believe we received it last time.

Daniel Gettel: Jacy, I think we discussed this before, and I discussed with Dan Sturm. I believe since the Town Board gave them the waivers for the subdivision sewers, that they are still in place. That is something we can check. You may still have the permit to do that. We will have to check that. It is a Town Board waiver.

Jacqueline Ricciani: It is a Town Board waiver but has the design or location of the septic changed?

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Jonathan Farber: They are in the same spots.

Jacqueline Ricciani: We will need confirmation from Mike (Weeks), and then that should be fine.

Tim Gottlieb: The location is the same, but it is a little bit larger.

Daniel Gettel: I just have a couple of comments. Jacy, in the past, has told this board that we should remember that we do not have the power or authority to determine property rights. What that means is who has rights to use what road, who has the right to go here, who has the right to go there, what the deeds allow for certain people in the community to do. We are not a court of law. We do not have the power to make those decisions. I think that has to be said just because of the access. We note that one driveway is coming through Naylor Road and we know in the past that one of the sticklers for this project was access. We had approved the project before then there was a ruling made on access that made it necessary for them to come back.

Pamela Richards, Attorney: Just to be clear, the access will be going through property that the applicant is buying outright, with no question of ownership.

Jacqueline Ricciani: Is that parcel vacant?

Pamela Richards: Yes.

Jacqueline Ricciani: Is that part of an existing Homeowners Association?

Pamela Richards: I do not know, but we will look into it.

Jacqueline Ricciani: Just make sure there are no restrictions on the use of the land. We can't use that as a basis to deny the approval, but it is just something that we want you to be aware of.

Pamela Richards: We will look into that. It may have already been confirmed that it was fine, but I will make sure we double check it.

Daniel Gettel: Are there any questions from the board? Again, we have seen this subdivision before. Not a lot has changed except the access. Lot 3 and Lot 4 are serviced by a private 50 foot wide right of way, although they do have road frontage on Lakeview Drive. That will be deeded. We have had that before. Moving forward, what I am going to suggest is that we ask Michael Weeks to look at it again. He was the original reviewing engineer. I would also like a submission of the sewage disposal system plans. I believe there is a SWPPP plan that was prepared before. If you could, submit that information to Michael. Make sure Michael gets a look at it before our next meeting. I assume you are coming back to our next meeting. I think we need Michael's comments before we move any further along with the subdivision. Any other documents you might need Michael?

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Michael Weeks: That should be fine

Daniel Gettel: You have a long EAF I believe?

Jonathan Farber: A long EAF was completed and sent.

Daniel Gettel: If Michael finds those acceptable we can consider it a complete application and move on to Lead Agency. As soon as you have your documents together, give Michael the information. Forward it all to him.

Jacqueline Ricciani: Are those actually two separate lots (off Naylor)?

Jonathan Farber: I believe they were combined. There is one tax lot number on that.

Michael Weeks: Is there a consideration to consolidate that with lot number 1?

Pamela Richards: It is the property owners wish to keep the lots separate at this time.

Jacqueline Ricciani: Do you know the acreage of that lot?

Jonathan Farber: Just over an acre.

Michael Weeks: That right of way is going to take away from the gross acreage and now make it nonconforming.

Pamela Richards: It doesn't change the area of the lot.

Daniel Gettel: I believe you should look at our subdivision regulations for a buildable lot. If you build a road, that road area is no longer considered buildable. You may want to look at that before you move forward. I don't think it will affect our review.

Michael Weeks: A couple of things to look at, the street section in the subdivision. It talks about where you have to have road frontage, and where access has to be from. Make sure you comply.

Pamela Richards: The concern being for the new lot, or the access?

Jacqueline Ricciani: The driveways have to go from the front of the property.

Michael Weeks: For Lot 1, and possibly for Lot 3 and 4 as well.

Daniel Gettel: Going back to the discussion we had originally, the handball court and tennis court will not be illuminated for night play?

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Jonathan Farber: No.

Daniel Gettel: When you get your documents together, submit them to Michael for his review.

5) *Application for a Special Use Permit with Site Plan review to allow for boat sales to be located at 1063 State Route 17B, Mongaup Valley, known as Bethel Tax Map #: 38-2-89, proposed by Boat Wise, Inc. (Payne)*

BJ Gettel: Mr. Payne received an emergency call that he had to fly back to Florida for a family emergency. He tried to have a person from John Galligan's office appear for him, but no one was available. I recommend you table it.

Daniel Gettel: I am going to table it to the end of the meeting. I'm not going to carry this over and over again meeting to meeting.

6) *Application for a Special Use Permit with Site Plan review for a commercial project located at 1459 SR 17B, known as Bethel Tax Map #: 34-3-1, proposed by Maser Consulting, P.A.*

Justin Dates: Since the last time we have been before the board, we developed our preliminary site plan package. The site is on the corner of Schultz Road and Route 17B. It is the former Bank of America site. The parcel is about .47 Acres in size, located in the Route 17B, H17B zoning district. We are looking to do two expansions, one to the south and one to the east to make a Dunkin Donuts facility. The existing site is the building and the parking area around the building and along Schultz Road. We want to create a more channelized access into this site. Off of Schultz Road we are parking in the back. Route 17B is the main frontage. We have proposed parking in the rear, and also designated a drive thru and a drive by lane in back of that. Existing traffic will go out the same as the traffic patterns go out today. For grading, we do have to fill some of the site to get the drive thru up to the first floor elevation. That will be done in this area (showing on map), and cut the grade back towards the southern end of the property. There is a swale in this and in this area, (showing on map). Our proposed design is to have some curbing to separate the parking from the drive thru to eliminate the conflict. We have incorporated some catch basins to help facilitate the storm water collection. The utilities on site, the site is currently serviced by an existing septic in the southeast corner and a well that is directly adjacent to the eastern side of the building here. The well is actually below grade. Having discussions with the Health Department on that, we cannot use the existing well for the simple fact it is right over where our drive thru will be and also it is below grade. We have to propose a new well, shown in our landscape island here, which we have to coordinate with the Health Department. We are not looking to utilize the septic. We will be abandoning the septic. We are proposing to connect to the town facility up here at the

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intersection of Route 17B and Route 55. The lot is currently not in the sewer district. We are pursuing an outside user agreement with the town to obtain municipal sewer rights. We had a meeting last week with the Town Board where we presented the project to the board and the supervisor provided a draft agreement that the applicant has gone through. We are providing copies back to the supervisor to keep that process moving forward. The flows for the Dunkin Donuts, it has 18 seats. Based on DEC design flows we can use 25 gallons a day per seat, so we are at about 450 gallons per day. Because of the elevation change from our site to Route 55 we need a pump station. We designed a dual pump to facilitate that. We will have coordination with the DOT on that and also for a portion of the drive that currently exists in the right of way of Route 17B. Initial discussions with the DOT said that we would need to facilitate a Use and Occupancy Permit, which we coordinate with them. We are also proposing some drainage updates. We will have to coordinate that with the DOT as well. Landscaping and lighting plans for the project, the existing site consists of buildings and paved areas. We have reduced the impervious area by about 200 square feet. That is based upon our incorporating islands and working out the circulation on site and also with no landscaping out there now. We have incorporated landscaping around the building, mixed shrubs, ornamental trees, river birch, hawthorns, and a good palate of species for this zone. For lighting, we have site lighting, full mounted fixtures. They are shoe box style, for the parking areas and access points. Do you want me to touch on the building architecture a little bit at this time?

Daniel Gettel: Michael, do you want to talk about the site first? A lot of the site has to do with your comments. As far as lighting goes we had talked about the shoe box lighting. They are not in the code. I believe The Dollar General has a mix, ornamental in the front, and shoe box in the back.

Justin Dates: I did look at that tonight. They have shoe box lighting along the rear. The front has kind of pediment mounted light.

Jacqueline Ricciani: You need something decorative.

Daniel Gettel: I believe they have decorative lighting along the front of the building, and the parking lot was shoe box lighting. I believe we accepted that.

Justin Dates: Can we put decorative in the front, and the shoe box in the rear? They are all full cutoff lights, with a flat lens. Everything is projected down.

Daniel Gettel: Michael, you mentioned something about light spillage on adjoining properties. We both picked up on the fact that there are no details on the monument sign, what the base of that is going to be. Michael, if you could run through your comments, the board hasn't seen them, I have.

Michael Weeks: My first comment is relative to storm water runoff. On your SEQRA form you indicated that there are no discharges to adjoining properties but it looks like you have three. The most concern to me was the one on the southern property line. I think the way you have it directed now, it looks like it is to the south. You may be redirecting it from where it goes now. Maybe I just need some

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additional information from you. The existing plan does show a swale that looks like it cuts toward the east of the property.

Justin Dates: The cut was kind of pulled back this way, we can look at that.

Michael Weeks: You are showing a standard accessible space for a car, I believe the first parking spot needs to be sized for a van. If you could would you verify that.

Justin Dates: Okay.

Michael Weeks: You've got some details on your monument sign. On the architectural it shows what the sign is going to look like. Nowhere do you show how you are going to mount it. Susan is not here, but her comment would be are you going to put a stone planter around it?

Justin Dates: We are still working on the details of that but that is something we were looking to go with. There will be cultured stone around it that would match the building. It will be added on to the site plan.

Michael Weeks: There are no plants shown at the sign on the landscape plan.

Daniel Gettel: You can show it next time.

Michael Weeks: The landscaping code requires a 15 foot buffer, with one deciduous tree every 35 feet of linear against the property line.

Daniel Gettel: Which property line would that be?

Michael Weeks: It would be all.

Justin Dates: We are looking around the location of the existing building.

Daniel Gettel: It isn't required, it is at our discretion. It doesn't say we shall require. We can waive that. I don't think the buffer is going to add anything to the property, perhaps to offset this you could add a little bit more landscape to other places. You could add something somewhere else.

Justin Dates: We could add some trees along the perimeter.

Daniel Gettel: It is not a firm requirement, but it is at our discretion. It would be hard to meet that condition. If you could, add some trees just to soften it.

Justin Dates: What is there now, this will be a vast improvement.

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Michael Weeks: Lighting fixtures should be decorative.

Justin Dates: We will look at the ones along Route 17B.

Daniel Gettel: How does the board feel about that, the lights decorative on the front of the building, and the back shoe box style?

David Biren: I think they should also be decorative along Schultz Road.

BJ Gettel: UTA has lighting in their parking lot. It is not decorative.

Daniel Gettel: That has nothing to do with this application. It's one or two lights.

David Biren: I think to make the community happy there should be some decorative lighting on Schultz Road as well. We're not talking a great deal. I would appreciate that.

Justin Dates: We could do that.

Michael Weeks: Our code has some specific standards on how much spill over you can have. You've got the eastern property line where you have over two based on cutoffs. As you look at changing the lights you should look at that.

Justin Dates: We will look at additional shielding.

Michael Weeks: Some additional details on the storm water outlets on the pump station. We need outside approvals for water system, sewer system, and DOT. We spoke about the entrance where you are extending an island where there is now pavement, on Schultz Road, right at the intersection. I am concerned the cars are going to drive right over that. Cars can just 45 (degree) that corner on Route 17B. If there is grass there, they may still do that.

Justin Dates: We can look at that. The DOT is involved too.

Daniel Gettel: At this time, there is a wide entrance there. You can have a car coming in, you can have a car waiting to turn left, and still have a car exit going right. There is enough room for three cars in the intersection. We don't want you to cut it down so much that you are going to bottle neck yourself behind a car trying to turn left. I want you to make sure people can still make a right to go towards Monticello. Maybe you will want to coordinate that with the DOT, and give us some details on the intersection. That would probably be better, show how you want to better define that intersection.

Michael Weeks: Now we are adding that driveway.

Daniel Gettel: They are pulling the curb back.

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Justin Dates: That is how it operates today.

Daniel Gettel: I think we need to look at that intersection. A little bit more detail of how you are going to manage that intersection.

Justin Dates: Trying to establish a continuous width on Schultz Road, and curb.

Daniel Gettel: There is a reason it flares out by Route 17B, the people used to drive...

Justin Dates: How the grade goes out to Route 17B, we were looking to set up....

Daniel Gettel: Work with Michael on that, and coordinate it with the DOT. You have Michael's comments, correct?

Justin Dates: Yes.

Daniel Gettel: We can talk about the building.

Justin Dates: We included some elevations of the proposed buildings. Existing is vinyl siding, the architect has spruced up the building from what is there. We are looking to do hardy plank the full perimeter of the building on the top half. The lower accent is cultured stone, beiges, tans, etc. There are dormers to be added to front elevation. We replaced the hand railing, awnings will be incorporated. We have a cupola going up to dress it up. The Schultz Road elevation, you can see the cupola, dormers, and a decorative fence on the upper addition we were talking about. Going around the building the siding and cultured stone wraps the building.

8:15 pm Susan Brown Otto arrived and took her seat on the board.

Justin Dates: This will be the eastern elevation, the drive thru. Again, stone, another awning on this side. You can see the copula. We do quite a few improvements to the building. This flat section here is where the addition is in the rear. It shows the proposed building signs on Route 17B, the Dunkin' Donuts signs.

Jacqueline Ricciani: The giant donuts where the windows are. That's not really going to be there is it? Being the coffee cup and donuts?

Justin Dates: Those are murals.

Jacqueline Ricciani: They are really going to be there?

Justin Dates: They are proposed.

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Daniel Gettel: They are not windows. They are meant to look like windows. They are mounted on the exterior wall. And the door knob is pink.

Jacqueline Ricciani: Those are panels. It looks like a sign to me.

Daniel Gettel: I believe it is an advertisement.

Justin Dates: We can look at that as the sign package.

Daniel Gettel: What is the color of the roof?

Justin Dates: We are using the existing roof.

Daniel Gettel: Where is the orange?

Justin Dates: Canopy's are orange. Some trim colors. The trim work is white.

Daniel Gettel: There are 13 colors on this building, at least. I think it is a nice looking building. We may have an issue with the murals. I don't want to speak for the board, it is a nice building. We may have a little bit of an issue with the three pictures, the murals. Michael do you agree this is going to increase the signage?

Michael Weeks: Yes. It is going to increase the signage square footage.

Justin Dates: We can look at that.

Michael Weeks: Are the awnings pink?

Daniel Gettel: We have a short environmental form. We can declare our intent to be Lead Agency, but do a short form.

Motion to declare our intent to act as Lead Agency by Steve Simpson second by David Biren.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Michael, do you think they will be ready for a Public Hearing next month? Justin, are you okay with that.

Justin Dates: Yes, I would like to request that.

Jacqueline Ricciani: Can we get a color mock up of the signs, and the monument sign?

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Motion to schedule a Public Hearing for November 11, 2014 set to begin at 7:30 pm by Steve Simpson, second by David Slater.

All in favor - 7

Opposed - 0

Agreed and carried

BJ Gettel: A 239 will be sent to the County.

Daniel Gettel: Justin, please meet with BJ. You will need to do a certified mailing to the adjoiners. BJ, you may want to ask the County to expedite their review. There are not 30 days between this and our next meeting.

BJ Gettel: Okay.

Daniel Gettel: At this time we will take a short break to give the next applicant time to set up.

Break 8:25 pm

Returned 8:30 pm

7) Application for a Transient Campground and Outdoor Recreation to be located on Best Road for specific dates, known as Bethel Tax Map #: 16-1-39, 22-1-1, 22-1-4, 22-1-21, and 22-1-22, proposed by Bethel Woods Center for the Arts and ID&T/SFX Mysteryland, LLC.

Nick Schwartz with CHA: I am going to start the presentation. It will look the same as last month. Some things were swapped out as far as the plans. There is some SEQRA work in here as well. I will be happy to answer any questions at the end of presentation. It should be about 10 minutes. I will update you in terms of items that were different then the last time and also additional information that the reviewing engineer had asked for. We can kind of go through that as well.

Daniel Gettel: Nick, did you receive Glenn's comments?

Nick Schwartz: Yes I did. At the very end I can go through those and provide a response for those. This is for Mysteryland 2015. Since the last time we were all together, there are new camping zoning laws that were adopted, and are in force now, so this is for a transient campground under the new zoning law. This is not a special use permit, it is a licensed application. That is the first difference that we have from last month. This is the project team. ID&T/SFX Company, Brian Tamke is here, the project manager and lead for Mysteryland, the festival itself. We work with Backbone International. Those are the folks that really make the festival happen. Bethel Woods, they are the host for the festival. CHA Consulting is the site engineer of record for the camping improvements, the applications, as well as the

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mass gathering permit that we are going through with the Department of Health. This is kind of a run through of 2014. I think that is helpful to set the stage for the 2015 festival. Last year we had 16,000 patrons. There were approximately 7,500 campers, there were 8,500 day users. There were 2,850 camping cars. There were 1,600 day user cars. Lessons learned. Whenever you do something like this for the first time you continually want to improve on your festival so it is attractive to the town as well as your patrons. You are also looking for lessons learned. Lessons learned from last year. We need to increase the number of showers. It was asked by the patrons and a noticeable part of the festival when everyone wanted to use the showers at once. We got a lot more showers. We needed to look at the drainage in some areas, along Best Road, and the crew camping areas. We set the stage for improvements to that. We proposed different camping improvements that will increase and address those comments and lessons learned from this past year. Need to strengthen the operational signing on and off of the site. This is how you get into the site, how you get into the festival, how you get in and make your way through the different areas. That specifically addresses' some limited amounts of folks that jump the fence. Some increase in security is the one thing from the operational and security plan that is on the tickler list of things to address. So what are we proposing for 2015? We are looking for up to 20,000 campers. We are looking for up to 10,000 day users. That is going to be a festival total for approximately 30,000 people. I am going through some of this SEQRA information that was presented to the board last month, and share with the public, give them the opportunity to hear the same things as the board. This is a Type One Action. This is likely going to involve a coordinated review. We completed a full environmental assessment form, completed Part 1. There are some questions Glenn (Smith) had. He is looking for clarification on a few things. We are happy to revise and provide that signed form by Thursday of this week. That way we can provide that back to the board. Again the board needs to review Part 2, and determine the significance of the project. That really just sets the stage for what you as a board need to do, which you already know. So where are we looking at these different supporting features, and what does the campsite and the campgrounds look like for this year. Last year the camping was generally regulated to the Best Road area. For those of you in the audience, the Amphitheatre at Bethel Woods is here (showing on map). This is West Shore Road, Best Road comes down to the dog leg there, Happy Avenue is to the south, and Hurd Road is to the north. We are looking to utilize, maximize the camp site area that we had last year, and really increase it here this year. We are looking to approximately house 15,000 tent campers in those locations. The other area that we are anticipating having camping is on Darling Road, I think it was the Woodlands Camp site, off of Darling Road. As those of you that were here for the last Planning Board meeting know, we actually showed parking in this area here. We have since revised and updated the plan, I think to provide a better product and to provide better parking accommodations that really maximize the parking that's available in proximity to the site, as well as maximized the use of that for just camping.

Daniel Gettel: Are you saying you took the parking out of the Darling camping area?

Nick Schwartz: Yes we did. We took the parking out of the Darling camping area.

Daniel Gettel: I thought that was what was on the plan. There is a discrepancy in parking that we will talk about later.

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Nick Schwartz: Then there is parking in the large field right adjacent to, and on Best Road, right now. We used approximately a third of that, those open fields for parking last year. We are looking at completely parking the fields this year, and as well as the parking that was associated with this area here, is now moved down to this open field east of the old Gabriel farm, and to the north of West Shore Road. What I will do when we get into this, I will kind of explain a little bit more how this is going to function. This parking looks very remote from where it is, but operationally I think it will work well. I think that ties into both traffic, security, and the questions that some may have about the Darling site up top.

Jacqueline Ricciani: How many parking spaces are you allocating for each of those locations?

Nick Schwartz: There are 5,800 parking spots here and approximately 1,200 over there. That meets the festival totals that we would need for both of these areas, for approximately 20,000 people. You would need about 7,000 to 7,100 parking spaces. We looked at a conservative number, and looked at the attendance number from last year, and how many camping, and the camping site ratio was, and it rounds out to 14.3, 14.5 parking cars per camp site. That is how we generate that number. This is kind of a muddy mess when you look at it. This shows the crew camping is down on the flats like it was last year, this is the entire upland area of Best Road, we are doing nothing on the back side hill as it goes down and tapers off to the east. There is the open field off to the right after you go through the dog leg on Best, as well as the upper portion of the two fields that are on the western side of Best Road. This is what the block parking layout looks like for each of those locations. And then what the areas are for the campsites up here. You may ask yourself, what these circles are. The large circles represent a 500 foot radius that the Department of Health requires for sanitary facilities, the smaller circles, those represent 250 foot radius, which you have to have both drinking fountains and water spikets within 250 feet of the campsites. I wanted to make sure that everyone understood what the circles were because if you look at them, while they are labeled sometimes, you wonder why they are there. That is why. Not only are these plans used for the license, they are also going to be used for the Department of Health for their application process. When you look at Darling Road, Darling Road is right along here. There is an existing roadway that comes in, wraps itself around and goes out. There are remnants of old roads that are in there, that go back and forth through the old campground as well as open space here. The intent with this is to preserve all of the large trees, preserve everything that we can and still just clear under brush to clear out for camping. You can see that the campsites are the blocks here. These areas here are shower and sanitary facilities here. We have three different setups to meet the DOH requirements. We have emergency access that runs all the way around it. We have emergency access that runs all the way around the campsites to provide access in reasonable proximity for emergency vehicles. These are served by separate utilities from the rest of the campgrounds. We are not bringing water lines all the way from the Bethel Woods water tank up here. These are going to be supplied by a temporary potable water service.

Daniel Gettel: Just on that thought, so the board is aware of it, if something goes wrong with the water system the Health Department can just send everyone home. It is to your advantage to have a good potable water system. It is a transient operation.

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Nick Schwartz: This is the larger area. You can see generally this area here is when you go out to the site and see the hedge road that is where that is. Operationally there is the parking area down here, where the intent is to park the smaller lot here first. You take the same Route 17B up to Happy Avenue. Instead of going all the way up and around and back down we are going to fill this lot first. What happens after that, folks get out of their car, they are either shuttled or moved off road within a lined area with fences on both sides, so we keep 20 feet of West Shore as an emergency access. When you get to Best, you come to this security entrance. Once you come in and through and pass security they will call for guest services to get your bracelets, tags, and tickets that you need, and then you are escorted to the camping sites here. The intent is to camp this side first, and fill campsites from south to north.

Jacqueline Ricciani: You moved the entrance to the other end?

Nick Schwartz: There are two entrances. We are going to park here first, we have a dedicated walkway that goes up and around Best, and you come into the security entrance at this point. We are going to camp from this side from south to north, when this lot is filled, when we have the 1,298 cars plus or minus there, this lot gets closed, traffic is funneled up and around just the same as it was last year. You come down and we start parking cars on the southern end of the field, and move to the north. We close this security gate down, and this security entrance opens up here, again we have a dedicated walkway off the road, with fences on both sides to make sure folks know where and how to go. Once they come through the security entrance here, then again we continue to fill the campground here. If for some reason there are folks here that have decided that they would like to go to this area, or have tickets for that area, then there will be a shuttle service at either of these locations that would shuttle folks up there. The security tent is right here.

Daniel Gettel: I believe they are separate tickets.

Brian Tamke: Not sure how we will delineate it, but it will be determined.

BJ Gettel: Brian wasn't that the parking lot last year where you guys had the security tent?

Brian Tamke: No, that was across the street.

Susan Brown Otto: Is it hilly there?

Brian Tamke: No.

Daniel Gettel: It's not that marshy spot that I'm thinking of?

Nick Schwartz: No, the marshy spot is down in here.

David Biren: Is there employee parking, or are they not bringing cars?

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Brian Tamke: Best field, and directly across the road there.

Nick Schwartz: There will be some employee parking in the back of the Gabriel farm, but the majority of it will be up in that area.

David Biren: It's just not designated.

Nick Schwartz: We can make sure that it gets designated.

David Biren: Yes please.

Daniel Gettel: Brian if I use your numbers will 1,300 people pull this event off? Are there 1,300 employees? If I use the numbers in the report, that's what it comes out to. I know there are quite a few. I don't know if the 1,300 number is right.

Brian Tamke: During event days we will have somewhere around 500 plus security guards. It's close. They will come in teams. They will come in groups.

David Biren: Why do you need about 400 parking spots?

Brian Tamke: They will park on Hurd Road. The Gabriel lot is for utility vehicles, heavy machinery.

Daniel Gettel: Please put the crew lot on the map, and the maximum number.

Nick Schwartz: When you look at your sheets there, there is one sheet that kind of has parking but no background. This is a sketch for the area we are talking about. I think there is ability within the legislation itself to provide a sketch of the camping area, for parking. This is the intent, these are all laid out, gps points, and so they can be recovered and put in the field. It is currently a corn field. It will accommodate the 1,298 cars that park there.

BJ: I hope you will have gravel there. You will have mud.

Nick Schwartz: They will have to be tilled and a cover crop put on it, and after that we should be good to go. We can start to look at the utilities. We'll provide the color that has just been revised and updated for the DOH submissions. There are two things. One, the bright colors are the colors of the different water lines. At the tank with the main line that runs up, around and down into this location. Off of that we have branches that come down and serve all of the water spigots and drinking fountains. That is where the blue ovals are, within that 200 foot radius. Also they service the showers, toilets, and hand washing facilities. There are 30 to 60 showers in there. There are also porta johns, and hand washing facilities. In this here, there are five. Last year we had one that was located in here. We recognized the need to provide those facilities in accordance with DOH guidelines, as well as what we

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believe the occupancy of the festival and the camping area would likely use and likely be happy with at the end of the day, and provide correct sanitation for those users.

Daniel Gettel: For the record, last year you met the minimal requirements.

Nick Schwartz: We absolutely met all of the minimal requirements. There weren't enough showers for everyone who wanted to take a shower at one time. We have given a lot of latitude for any type of event to happen with respect to everyone wanting to take a shower at one time.

Jacqueline Ricciani: How many times will the facilities be serviced?

Nick Schwartz: I would imagine daily. I know that is part of the conversation we are having with the contractor.

Daniel Gettel: I believe it is in one of the reports too.

Nick Schwartz: It is. I believe they are to be serviced daily. If not, on a much more needed basis. If somebody says we are having a problem, you call and they will be able to get that item take care of.

Brian Tamke: They can be serviced as needed; they are serviced during off peak hours of camping, when people are inside the venue.

Nick Schwartz: The other item on this is the waste water. This is where the frack tanks are. This is grey water, not black water here. There are setups in different zones; they reach to each of the camping areas. We are talking about the transient application for the campgrounds itself. One thing to note is that we mentioned in the lessons learned before, one of the things we want to do is to service these facilities with vehicles and not have emergency vehicles turn into a mud pit. Based on the amount of use we saw last year we are anticipating improvements along here, you see the grey outlines, and those are actually 20 foot wide gravel roads there. They will be able to service any type of vehicle that is there, both from the initial setup for all of these large scale areas, as well as the daily serving. In the Darling Road, the Woodlands Campsite, a frack tank is here. It services all of the shower facilities. A temporary water service is up here via a tractor trailer water tank with a pump on the end of it. We have the drinking fountain and spigots as well as the mains that connect to all of the shower facilities that are there. This shows within the set of drawings you have, these are the improvements. One, we are showing the layout of the gravel road that go through the campground area, the other item we noticed was on this side of the road. This is where the large festival tent was down here last year. This is Plaza Central. One thing we noticed last year, we had to load everything off of Best Road. Not only big items during construction, but also during the festival. You have deliveries of ice, food and water. All of which were going in off of Best Road. The amount of traffic, and the potential for conflict along Best Road was really high. This year what we are doing is installing a gravel access road behind Plaza Central, so you are taking all of your deliveries and bringing them to the back in back of Plaza Central. This way we won't have a lot of conflict out front with people moving back and forth as delivery

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vehicles move up and down Best Road.

Jacqueline Ricciani: Do you anticipate the gravel road to be permanent?

Nick Schwartz: Yes.

Jacqueline Ricciani: How close is it going to be to the property line near the neighbor?

Nick Schwartz: I would have to look at that.

Jacqueline Ricciani: Right now it is pretty grassy, a lovely kind of lawn area. I was wondering how that would look by the gravel road?

Daniel Gettel: I don't know if we have a specific regulation for that, or if it is just an aesthetic.

Jacqueline Ricciani: Maybe put up some screening for the neighbors.

Daniel Gettel: I don't know if we can enforce it, if it isn't in the code.

Nick Schwartz: If there is an opportunity to move it, we will absolutely do that. Right now it is shown based on the layout of Plaza Central, and based on the ability to put the roadway in the area.

Jacqueline Ricciani: It is a great idea to move those kinds of things off the primary roads. We know all the campers are moving back and forth. It is more of an aesthetic comment.

Nick Schwartz: It will look like any other access road that a farmer would put in. They put gravel in first. It wouldn't look too out of place there. It wouldn't be like a black top road going through there, which is the only difference. Those are really the only improvements we show on the Best Road side. Down in the crew camping area the issue last year was that we had a lot of rain that came down off the hill. It all goes down the road and washes right into the camping area. This year we are anticipating installing a swale that goes down to a level spreader, a large dissipater at the end of the swale. To convey storm water that comes off the hill, as well as storm water that comes off the existing road that is there. It is going to go into a ditch. It is going to give it a large area to dissipate the swale itself. It is 3 feet at the bottom, 9 feet at the top, so it can handle a lot of water, and slow the water down. It is not a paved swale, or grass swale, it will slow the water down better, because you are going to have more opportunity for the up and down movement through the rock. That is the extent of the improvements we are presenting for Mysteryland 2015. If this sets, maybe some minor tweaks in the future, but right now this is what it looks like. I think last month we went through the mobility plan. Again traffic off of Perry Road, down West Shore to Hurd, the same as this past year. Also, going up Hurd Road and then to Happy Avenue for the daily visitors. The daily visitors used the existing parking that Bethel Woods has on the south side. The Holy Grounds campsites coming up Happy Avenue and over West Shore, over to Laymon, down Best for crew parking. These aren't necessary the order of the operations, these

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are just the way to number the lots. Road closures again, maybe Brian can speak more to this than I can, but right now looking at West Shore to Happy to Hurd, and then again Best Road for the parking lot to West Shore. I don't think we are looking at any other road closures other than that.

Daniel Gettel: How long are the road closures, for the weekend?

Brian Tamke: For Best Road we wanted limited access the week before. And then for West Shore, we want to do it for the weekend. We would like to close by 7:00 am on Friday, and reopen in the evening on Monday. We think it would be beneficial for us to close it a little bit earlier than 7:00 am on Friday, but again you will have the mobility plan.

Nick Schwartz: That concludes the presentation portion of the meeting. Potential schedule, the board has to declare itself Lead Agency, the coordinated review, we need to set a Public Hearing and take action later on.

Daniel Gettel: If you just give us a minute. One thing that is interesting to talk about is that the application is for a transient campground under the new code. Right now open air concerts are still covered under the old code, until the Town Board enacts a new code. You may still need a special use permit for the camping concert itself. That is still pending legislation. Jacy, you and I both had parking questions after reading the engineering report. Do you think they cleared them up?

Jacqueline Ricciani: One of the things, the engineering report has different numbers for the number of parking spaces, but when you look at the site plan, I think they are the numbers you just gave us now for this presentation. I am assuming those are the correct?

Nick Schwartz: I will look back at the engineering report, and provide an updated engineering report. As you notice the report said draft throughout it. There is a reason for it. I wanted to make sure Glenn (Smith) had a chance to review it. The board had the ability to review it, and we will provide a new one with undraft on the copy. We will address the comments from Glenn, and this board.

Daniel Gettel: I would imagine you are going to have another contract with the sewer district. I know Susan went up to the site on Darling Road. I was able to get up there also. I appreciate the fact you were putting in emergency access roads, and appreciate that you are using the roads I was able to see when I was up there. There isn't a lot of disturbance. Eric was a little concerned about site disturbance. Was there any thought given to how you would be going from the camping area on Darling Road to the festival site? Are you going to use Best Road all the way up?

Brian Tamke: There is a connecting four wheeling path we are going to work on.

Nick Schwartz: (Showing on the map) The ATV path comes to the bottom side of this field, camping is at the top.

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Susan Brown Otto: There is a fence there now? It kinds of make a 90 degree turn?

Daniel Gettel: I know you walk behind one of the houses, probably the old Reinshagen house. That is a better idea, to keep the people off the road.

Susan Brown Otto: There are two houses there. The Min Reinshagen house, and the house down there where the light is. The Min Reinshagen house is occupied. There is a chicken coop there that is collapsed. From a potential danger standpoint, is that all going to be roped off so no one can access that?

Nick Schwartz: There is fencing all the way around. The woods will also be fenced off.

Susan Brown Otto: There is a house in the middle of the camp. That is a privately owned home.

Nick Schwartz: We don't intend to infringe on any of the properties. We are going to enclose that entire area.

Daniel Gettel: Can you show that house on future submissions? That is in the middle of the campsite. All of the maps say Sorrintino. Is that the previous owner, or is Bethel Woods the owner? Allan (Scott) might know that.

Allan Scott: Previous owner.

Daniel Gettel: I thought you were renting the parking spaces?

Nick Schwartz: We will throw an aerial around it.

Brian Tamke: The parking spaces along Best Road, we are renting them.

Nick Schwartz: I forget the name of the current property owner.

Brian Tamke: West along West Shore Road that is Bethel Woods property. These are all things we are addressing. We wouldn't propose 1,200 parking spaces there.

Daniel Gettel: As far as what is going to be permanent, obviously you are going to have gravel roads, and they will be permanent. Are any of the water infrastructures staying there?

Brian Tamke: No.

Nick Schwartz: There will probably be one or two more culverts installed, like the one across West Shore Road last year. The DOH has indicated they want to see all water crossings underground. Even if it is a temporary facility, they want to see a separate culvert.

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Daniel Gettel: That is something the highway department installs. The applicant pays for the culvert, and the highway department puts them in. That is how it worked last year.

Susan Brown Otto: As Dan mentioned, I had a tour of the facility, of the proposed campground. I probably spent an hour and fifteen minutes there. At the time, there was parking proposed in there, I appreciate that has changed. I love trees, and I am happy to hear that you are keeping the beauty of the woods there, and clearing out the underbrush. That campground has really grown up since the last time it was used. My concern is the emergency access. I heard you say that you are adding some gravel roads on the Best Road, I just have concerns that emergency vehicles can get down there. One year we had a ban on burning during that period of time. I appreciate that the campers don't have open fires, but in a dry year all you need is a match, and you have a fire. That is my concern. I don't know if it is possible if something can be open on the ATV trail, that could be used as an emergency access.

Daniel Gettel: Actually there is a plan in there that probably addresses' your concerns. It shows the roads that are going in.

Nick Schwartz: Right here, this is the existing access. We can show it connecting, this way you have a complete loop in the camping area that follows that area. That is not a problem. That is comparable to the fields itself. It allows penetration for the emergency responders. It allows them to access the areas adjacent to it with their vehicles, this way they can provide the service they need to in relative proximity to individuals that need assistance.

Brian Tamke: The Best Road will be even clearer than last year. Access from the north or the south for any major emergency should be more feasible in 2015.

Nick Schwartz: Again, in conversation with the DOH, they stated they want to see 20 foot clear access. No encroachments.

Susan Brown Otto: There's not going to be any cars there this year?

Nick Schwartz: No.

Susan Brown Otto: Is there any camping this year at Landers?

Brian Tamke: Probably. We don't know how we are going to present it yet. We obviously want to use as many of the campgrounds in the area as possible. Perhaps run shuttle systems. Maybe link the website.

David Biren: Where are the EMT sites? Please have them on the plan next time.

Nick Schwartz: We have one anticipated here; there is a large facility here, and a comparable facility there. I believe there are smaller med tents in other areas.

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Brian Tamke: Yes. In the festival site, behind the main stage, behind Gabriel Farm, there is a primary medical for camping on Best.

David Slater: My question is, last year you had 7,500 campers. I'm a high school teacher, and I talk to my kids a lot. I can name five kids that were camping there last year. Whether they buy the ticket illegally, I don't know how they got in, but they were there. I saw proof. I saw pictures and I saw tickets. You are now going to triple this. Are you tripling security? It is for 21 and older, but you had 17 to 18 year old kids there last year.

Brian Tamke: That is something we saw happen last year. Some people hopped fences. We are going to increase security. We have central points of security. We noticed that it is something that will continue to occur. Anytime you see a venue of this size, you increase security, medical from horses, to ATV's, etc.

David Slater: You increased the parking area, you increase your fence area, and you increased access points.

Brian Tamke: You will see much more security.

Daniel Gettel: Brian, to keep this in perspective, compared to some of your other events in other countries, this is smaller than some of the others you pull off. Typically they are around 40,000. This is not uncharted territory.

Brian Tamke: Absolutely not. As these events grow, the services are necessary to support the growth.

Susan Brown Otto: I am concerned about the corn field, and the parking there on West Shore. I don't know if you hydro seed or whatever.

Brian Tamke: We have some other meetings tomorrow in the area. We are going to walk it in the afternoon. That concern will be raised.

Daniel Gettel: We did have some talks with Bethel Woods and Mysteryland as far as making some improvements to some of these fields before the event. We don't have a restriction that says that Bethel Woods can't repair their own fields. You may see some work going on in the crew area they mentioned as what we know has Plaza Central. BJ is aware of it. We don't really have a specific regulation. If Bethel Woods wants to improve their own property, they can. Jacy, do you have any comments? It is a Type One Action. When we did the past SEQRA, we talked about duration. We do have to do Lead Agency. Obviously we are the most logical.

Jacqueline Ricciani: The application is being presented to you guys. Although our code doesn't specifically limit the hours of operation, the Department of Health does. You know you are limited to

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60 hours by the Department of Health unless it is waived again this year. Is that your question?

Daniel Gettel: I'm talking when we actually do the EAF, we have to consider the duration of the actual event.

Jacqueline Ricciani: I think because it is a limited duration it is going to minimize the impact. Glenn had a couple of comments, Nick said he is going to update.

Daniel Gettel: I don't think we have to address Glenn's letter. A lot of it has to do with items in the Part 2 of the EAF. He filled out Part 2, and then he asked for revisions to Part 1. I really can't do Part 2 until I get the revisions to Part 1.

Jacqueline Ricciani: You're not going to do it until you have a public hearing anyway.

Daniel Gettel: Right. Glenn did ask about the Darling Road, water supply. Would that be different than what you call the Holy Ground that has been addressed? They will be separate. As far as the waste water goes, you addressed that.

Nick Schwartz: In a week we will have a letter with a full response and updated information to address Glenn's concerns, so the board has it, and Glenn has it.

Daniel Gettel: Then it will be available in Town Hall in a week too. Glenn does ask how you delineate the parking spaces. We mentioned that last time, with ropes.

Brian Tamke: We will probably be doing it with stripes and paint.

Daniel Gettel: You are going to have the parking lots marked, so people know where they are. Emergency routes that are on Darling Road should be labeled roads if they are gravel roads, 20 feet wide. Glenn thought the engineering report was comprehensive and complete. He does question the one plus mile of compacted gravel road through the main camping areas, will exceed the one Acre threshold, therefore requiring preparation of a SWPPP, and a submittal of notice of intent to the DEC. I think we have a SWPPP. I don't think Glenn was provided with that.

Nick Schwartz: I provided three copies.

Daniel Gettel: I didn't provide one to Glenn. It came in after I gave Glenn his submission. It is in town hall if anyone is interested. I just never got it to him. Glenn wants to make sure you are asking for the waiver of the 60 hours which is part of our new code, which he addressed last month I believe. What is the status of the sound consultant evaluation, of the one stage in particular?

Brian Tamke: We are currently speaking with that company. We are reviewing site plans. It's a little bit of a longer process, but we are in the middle of mitigating. The way you angle it, they look at the

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site plan, the area, and they look at the angle of the sound. It can either be directed towards the ground, if you move it a certain number of degrees in one direction it will help address the situation. We liked it where it was.

Daniel Gettel: We are still going to be provided with the structural reports for the stage. Those are really Glenn's comments, if anyone wants to go to Town Hall to review them. They mostly have to do with the EAF. As far as time wise goes, I imagine you want to have approval by Christmas. I know we talked about that last year. First I think we should declare our intent to be lead agency for SEQRA.

Motion to declare our intent to be Lead Agent by Susan Brown Otto, second by Walter Norris

All in favor - 7

Opposed – 0

Agreed and carried

Daniel Gettel: BJ, you have mailings that have to go for the 239. I think the plan is sufficient for the mailings. You need 12 sets to go to the different agencies, plus the 239? It will be more than 12. I want to make sure the 239 goes out also. We proposed to have a Public Hearing on October 28th. We did this last year, set up a special meeting.

Jacqueline Ricciani: The public hearing is not just for the transient campground, it is also for the outdoor amusement. Both of them need to be in the notice.

Daniel Gettel: Any comment on the night of the 28th?

Susan Brown Otto: I may not be able to come.

Motion to schedule a Public Hearing for October 28, 2014 set to begin at 7:30 pm by Steve Simpson, second by David Biren.

All in favor – 6

Opposed – 0

Agreed and carried

Daniel Gettel: Gentlemen, whatever you can get to us between now and then, as far as addressing some of our concerns. If anyone has any concerns go to Town Hall. Whatever BJ has on file you are welcome to look at. They have been good about giving duplicates of everything and numerous copies.

Daniel Gettel: At this time I would like to take a short break as the applicant removes his equipment.

Break 9:30 pm

Return to meeting 9:33 pm

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8) *Review and recommendation on proposed Local Law #2 – 2014 (reintroduced) to amend Chapter 345 – Zoning.*

Daniel Gettel: So the board is aware, I think Rita provided everybody with copies of this Local Law. Section 345C was revised. As you know the code addresses zoning. Part of the zoning was that if someone has an event, an open air concert venue or thing of that nature, they are supposed to come to the Planning Board for more of a license as opposed to a special use permit. What we realized in the committee is that people like the Dancing Cat, Benji and Jakes, the smaller places that have restaurants with indoor entertainment could be caught up in that if they had an outdoor event. So, there is a section added to the new Local Law #2 that states that any place qualifying as an eating or drinking place may conduct an occasional or temporary commercial outdoor recreational facility as an assessor use without undergoing separate site plan review for that assessor use provided it shall be less than 200 patrons in attendance. That was the change in the code. We thought there was enough of a change to reintroduce it and have a new public hearing. It gives them the opportunity to have that entertainment, without them having to come to the Planning Board.

Susan Brown Otto: Does that impact Hectors?

Daniel Gettel: Hector's could be having an outdoor event, and they do it now. As long as it is 200 or less people, it's not illegal now. It doesn't get them caught up in the other zoning. The town attorney thought it needed to be reintroduced to the Planning Board, and a public hearing needed to be done.

Motion to recommend to the Town Board that they to approve Local Law #2 as reintroduced by Mike Cassaro, second by Walter Norris

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Susan we are going to jump back to item #3, because we did not have the applicant in the audience at the time, so we decided to table that until the end of the meeting.

3) *Application for a Sign Permit to be located on State Route 17B, known as Bethel Tax Map #: 33-5-8. (Rhulen)*

Daniel Gettel: Mr. Rhulen applied for a sign permit to put a free standing sign opposite what we know as John Payne's Marina on Route 17B. It is generally located between the church and the Bradstan, I believe. It is more than 24 square feet in size. It is too large for BJ to approve so she sent it to the Planning Board. My comment is I ran through the sign requirements for our review. As proposed, it doesn't meet very many of the requirements of our zoning, as far as landscaping, as far as being set low

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to the ground. I know Mike (Cassaro) had some concerns about the sign, the size. As proposed, it does not conform to our sign ordinance.

Jacqueline Ricciani: If the application is not complete.

Daniel Gettel: If you consider it doesn't meet our zoning, it's not complete. Since the applicant has had this on our agenda twice, and has not shown up either time I would suggest to BJ that she not approve this application, if that is okay with board, until such time an application is resubmitted that conforms to our zoning. We will then make a recommendation to BJ?

Susan Brown Otto: The size of the sign, if the landscaping and everything else was in compliance, is the sign large enough to approve? Because that big sign that was proposed on Pucky Huddle Road, that had to go to the Zoning Board.

Daniel Gettel: It is larger than BJ can approve, but it is small enough we can approve it without it going to the Zoning Board. Mike, you had some concerns about the actual size. You thought it was too big for that location.

Mike Cassaro: Anything in site of the State Road is subject to State criteria. In the State criteria they would never overstep you by approving something without your approval. Really the ball is in your court.

Daniel Gettel: It is not a sign that advertises anything on that property. It is more of a billboard.

Mike Cassaro: A nonpremise advertising sign would have to have a commercial building with the business that is on the sign operating in that building.

Daniel Gettel: I don't know if we need a motion.

Jacqueline Ricciani: You can recommend to BJ to deny the permit. The applicant can always resubmit.

Daniel Gettel: And revise the application to conform to current zoning. As a board we would recommend to BJ that she deny the permit.

Daniel Gettel: Item #5 on the agenda was also skipped over. That was an application for a special use permit for Bethel Tax Map #: 38-2-89, proposed by Boat Wise, Inc. (Payne).

5) Application for a Special Use Permit with Site Plan review to allow for boat sales to be located at 1063 State Route 17B, Mongaup Valley, known as Bethel Tax Map #: 38-2-89, proposed by Boat Wise, Inc. (Payne)

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As BJ stated, Mr. Payne had to go out of state. He was not here, and was not able to get representation in time for the meeting. I did a preliminary review of his site plan. He only submitted one plan. It made it a little difficult to review because I wasn't able to take it out of Town Hall. He did say he would be back the next day with additional copies. As far as I can tell he never came back with additional copies. I did ask Laurie at Town Hall, and she said he did not come back.

Susan Brown Otto: Does he have to pay any money?

Daniel Gettel: He paid for the application. He does not get that back. Escrow he does. What I would say about Mr. Payne's project is that he did want a Public Hearing. Section 345-30 B under the heading of Application Site Plan required, it says the Planning Board shall be under no obligations to schedule a Public Hearing or take any action with respect to a Special Use Permit application until a formal application has been made on forms approved by Town of Bethel, and a detailed site plan providing the following information be submitted. Then it lists our site plan requirements. Most of them are not on the plan. The plan submitted is more of a survey map than a site plan. I would recommend to the Planning Board that we suggest that Mr. Payne look at the sections that have to do with the Special Use and the Site Plan. For the record, I would once again suggest that he would look at Section 345-30, the Special Use Procedures, Section 345-31, the Site Plan Standards, Section 345-23, the Signage Standards, Section 345-22, the Parking, Loading, Access and Traffic Standards, Section 345-21, the General Commercial and Industrial Standards, Section 345-18, the Gateway Design Standards, Section 345-16, the Landscaping Standards, and any other zoning that would pertain to his application. I do think that someone has to take that plan to run through the Zoning book to find out exactly what needs to be shown and what is lacking from the plan as submitted. I would like to ask the board their opinion. In the past all Commercial Projects on Route 17B have been reviewed by Michael Weeks. We have never had an issue with that. Michael has agreed to review Mr. Payne's plan if he does in fact address these certain sections that need to be addressed in order to make a complete application. I would recommend that any submission that comes to Town Hall office goes to Michael Weeks for review. Assuming that the escrow account is in place, and all the monies are there. I am also concerned about the excavation that took place within the right of way. Not only is it on John's property, but also in the right of way of the State, of Route 17B. I know they infringed on that. I don't know if the State has any comment on that. They are aware of it.

BJ Gettel: The State DOT has been out there. I will follow up and see what was done.

Daniel Gettel: I don't want to approve a project and find out there are violations from the State that we don't know about. I would like to know what is going on with them. As far as Mr. Payne opening up a second entrance off of the State Route also.

Susan Brown Otto: Is he in compliance with what we approved the last time?

Daniel Gettel: He is in compliance with some of them. I actually have them here. I don't know if we should run through them without him being here to defend himself. He is in compliance with only a few

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of the original... What we did was we sat down with Mr. Payne before he made the initial application. I thought we tailored a list of conditions we could live with as far as what he needed to run his business, and what we needed as a town to address our zoning. We spent a lot of time spelling out what he could and couldn't do and how he was going to do it. He never made a comment at the meetings that he couldn't live with what we approved originally. When the problems started to arise, he wasn't in town, he was in Florida. His guys couldn't handle it. For some reason Mr. Payne has not been able to meet the requirements of his own Special Use Permit. I think we went out of our way for him.

Jacqueline Ricciani: So much so BJ did give him a violation. He did appear in court in front of Judge Rhyne on not just the violations that BJ identified by not complying with the special use permit, but also because of the site work that he had undertaken without getting permission from this board.

Daniel Gettel: We have no idea what site work he is doing behind the building. All that we know is that he is creating an unstable bank that people are either going to fall off, or the bank is going to collapse. Nobody knows how it will be stabilized.

BJ Gettel: And Mr. Payne will not permit me on the property.

Daniel Gettel: We don't know exactly what his contractors have in mind for that, because we don't have anything, even on the new site plan that was submitted tonight, it doesn't show any activities in this area.

Jacqueline Ricciani: And there is a safety issue here. Let me look into that.

Susan Brown Otto: The special use permit is for how long?

Daniel Gettel: That doesn't expire.

Susan Brown Otto: Is there anything we can do given his past history?

Daniel Gettel: It is called an injunction, I believe. That would be a town....

Jacqueline Ricciani: Hold on. Are you talking about stopping the boat storage, or are you talking about the pending application?

Susan Brown Otto: He has been before us. He was supposed to do certain things. A lot of things weren't done. He is doing more things that he is not supposed to be doing, and he wants to do more things.

Jacqueline Ricciani: And the town has taken action. BJ has filed information. It is an enforcement action in front of Judge Rhyne. When we appeared in court in September it was with the understanding that he would diligently pursue this application and that case was adjourned until December with the

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expectation that it would give him enough time to at least get to the public hearing phase. The site plan he submitted is inadequate, and he isn't here. That will factor when we appear in court in December. He can be prosecuted. Penalty would include fines. The next step to shut him down, then you are going to Supreme Court and get an injunction. That is quite a costly undertaking for the town.

Michael Cassaro: If you put conditions on a special use permit, the condition is that you do x y and z, you can't take that permit away?

Jacqueline Ricciani: No. Just because this board has the power to approve something, it doesn't mean you also have the power to take it away.

Michael Cassaro: There are avenues that handle....

Jacqueline Ricciani: You have to go to Supreme Court. Once you have violated the special use permit, BJ has written up the charges, they have been filed against him. It has appeared in front of the judge, and there will be an enforcement action. If you want to now take away, then that is a whole other level of proceeding. Now you have given someone a permit, they now have vested rights which are something you have probably heard before, this man has now relocated his business to this location, and he has an interest in continuing to do that. So, before you can just take it away from him he has got due process rights and this is something that would end up in Supreme Court.

Mike Cassaro: So in other words, if I get a special use permit, and I don't meet the conditions, I am in violation of the agreement. I can just pay fines, and it stops there, and I can....

Jacqueline Ricciani: Correct. Until the town takes the next step.

Steve Simpson: Who sets the fine?

Jacqueline Ricciani: The judge.

Daniel Gettel: If it is a repeat offense, I would imagine the fine would get larger. It's not as if people in the town haven't as a courtesy spoken to Mr. Payne, but you speak to Mr. Payne about moving boats one day, and you go back the next day and there are twice as many boats there. It's like he is thumbing his nose at everybody.

Jacqueline Ricciani: The thing about the fines, they continue from day to day, so every day that he is in violation, it could be an additional fine. It's not like \$250.00, write me a check and go away. These can really be a substantial amount of money.

David Slater: Can we use him not meeting the requirements from the first special use to not look at the second?

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Jacqueline Ricianni: You can take his history into account.

David Slater: We can use that if he doesn't meet our first requirements, we can take all of that into account?

Daniel Gettel: I think moving forward we would have to develop a plan where we come up with a new special use with as few conditions as possible.

Jacqueline Ricciani: Before you can even cross that bridge, I mean, you need a new site plan, you need a management plan, there is so much that is lacking.

Daniel Gettel: I'm not willing to sit down with him like the last time, and try to relocate his business in an existing building the way I did the first time. I'm just not willing to do it, and spend the time, not after all this.

Jacqueline Ricciani: Until we actually see what he is proposing we shouldn't get ahead of ourselves.

Daniel Gettel: Like I said there are excavations going on there, but his plan doesn't even address what the excavation is.

David Slater: This is two meetings in a row we have had this on the agenda.

Daniel Gettel: This is the 3rd this year.

Susan Brown Otto: His sign on wheels that he has, are they in violation?

Jacqueline Ricciani: I wouldn't say illegal signs. He was approved to have signs, but the signs were to be mounted on the building, and it has never been mounted on the building the way it is supposed to be.

Daniel Gettel: Mobile signs can not be located within 25 feet of the right of way. They are on the right of way. We are choosing our battles. We didn't violate him for that, I don't believe. All we can do is provide him with the minutes when they come out, after they approved at our next meeting, we can give him a copy, so he knows what we spoke about at the meeting. Between now and then I can't do much for the guy. I suggest we move on.

Daniel Gettel: Vicky, is there anything from the Town Board?

Vicky Vassmer Simpson: The Public Hearing for Local Law #2 will be on October 22, 2014, at 7:30 pm. We also have a Public Hearing that night on the budget. The town board accepted the tentative budget, and now we have a Public Hearing for that night. We did come in under the tax cap.

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Motion to adjourn by David Slater, second by Michael Cassaro

All in favor – 7

Opposed – 0

Agreed and carried

9:55 pm

Respectively submitted,

Jannetta MacArthur
Recording Secretary