



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 March 2, 2015 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 were the following:

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, Michael Cassaro, Susan Brown Otto, David Biren, David Slater, Wilfred Hughson, Vicky Vassmer-Simpson, Councilwoman, Daniel Sturm, Supervisor, Jacqueline Ricianni, Attorney, Glenn Smith, Engineer, and Jannetta MacArthur, Recording Secretary.

Excused Walter Norris, Alternate and Bette Jean Gettel, Code Enforcement Officer

Pledge to the flag

Daniel Gettel: The minutes from the February 16th meeting are not yet complete. If anyone is interested in speaking at the public hearing, please sign in as no one has signed in yet.

1) Public Hearing for a Special Use Permit with a Site Plan review to allow for a Commercial Use in the C-17B Zoning District located at 1095 State Route 17B, Mongaup Valley, known as Bethel Tax Map #: 38-2-93.4, proposed by Schoch Revocable Trust & Linda Forte. (Gottlieb)

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

All in favor – 7

Opposed - 0

Agreed and carried

Proof of mailings receipts were received

Tim Gottlieb: The proposal is to change an existing residence to an antique store, and the remaining residence to remain a single-family residence. We are constructing 9 parking spots, and 1 handicap space. We will install a landscaped sign in accordance to the town regulations. The DOT has reviewed our plans for the entrance. One entrance is for the antique store, in and out, and the other entrance will remain for the single family residence with a gate in the middle of the driveway to prevent any traffic from the antique store going out the exit on the easterly side of the property.



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Jacqueline Ricciani: Is that gate existing?

Tim Gottlieb: No. It will be installed. We are going to use the existing sanitary facilities, we don't see a need, based on the information we have been provided, we didn't see a need to increase the size of the septic system for the antique store. The hours of operation will be Memorial Day to Labor Day, daily from 9am to 5 pm, Labor Day to New Years Eve, or New Years Day, Thursday to Sunday 9 am to 5 pm, and New Years Day to Memorial Day, Friday to Sunday 9 am to 5pm. That's it.

Daniel Gettel: You did add some site lighting to the plan.

Tim Gottlieb: Yes we did. We put motion lights on all corners of the building, and we have ground lights on the landscape sign, and lights along the walkway.

Daniel Gettel: Is there anyone in the audience that would like to speak on this application?

No one

Motion to close this public hearing and return to the regular meeting by Steve Simpson, second by Mike Cassaro

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Glenn, if you don't mind, please go over your comments. I believe you had a review letter on this, and they have pretty much addressed all of your comments.

Glenn Smith: Yes, they moved the parking spaces back about 15 feet from where they were on the original plan. They added security lights on the corners of the building, as Tim mentioned, and also some low voltage lighting along the sidewalk from the building to the parking area. They reduced the length of the sign, from 12 feet to 10 feet. It is about 3.5 feet high. There is a light on both sides of the sign, low voltage bulb, 50 watt, and they added shrubs around the sign. I questioned the septic system if it was old or new, and it was rebuilt a couple of years ago and it should be more than adequate for the number of visitors they will have at the store. We are waiting on the DOT letter on the driveway. I mentioned, I guess you didn't receive the letter, the issue was the County asked about a few more trees.

Daniel Gettel: Mr. Gottlieb, there was a comment from the County, we don't have it in writing, but the 239 from the County apparently was going to read that the parking lot should be better screened on the Monticello side.



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Tim Gottlieb: Glenn had mentioned that before the meeting. We have no problem putting a few trees there.

Daniel Gettel: We don't have that in writing. We know that it is coming. Jacy, you are okay with that, if we address that, and we don't have a letter?

Jacqueline Ricciani: That's fine.

Daniel Gettel: For the record the sign was also relocated to block access to the sidewalk. That was raised last time.

Tim Gottlieb: Yes, so a portion of the landscaped area is over the sidewalk. We wanted to keep the sidewalk so they could maintain the sign without walking through the grass.

Daniel Gettel: But that will encourage people to park in the parking lot, as opposed to parking on the side of 17B, walking down the sidewalk.

Tim Gottlieb: Right.

Daniel Gettel: Obviously, the State has to approve the driveway improvements, and that would be a condition of any approval we grant here tonight, if you get that approval. We also have an operational plan that Jacy had mentioned before. It lays out the hours of operation and the use of the building. The State 239 did come back saying that the new driveway standards have to be met, and I understand they are in the works.

Tim Gottlieb: We revised the plans the day we got the comment letter from the DOT. We sent it back and that is the letter that I believe you have. Now I have an email that said they were going to be reviewing it.

Daniel Gettel: The applicant has completed a Short Environmental Assessment Form. This form has been on file with the Town for quite a while so I will not read Part 1 into the record. Part 2 is the Impact Assessment, which is our responsibility to complete as Lead Agency. I will read through Part 2 into the record at this time.

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



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No, the proposal conforms to zoning and there are similar uses in the immediate area.

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

Yes, but a Small Impact. The use will change, but the proposed commercial use is not a use that I would anticipate having a high impact.

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

No, there shall be no change.

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

No, there are none in the Town of Bethel.

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

No, there shall not be an adverse effect on traffic associated with a use such as this. There shall be no impact on mass transit, biking, or walkways.

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

No, this will be a renovated facility and there will most likely be a decrease in the amount of energy you would associate with the original residential use.

7. *Will the proposed action impact existing:*

a. public / private water supplies?

No, water shall be private and provided by an on-site well. The water demands associated with a use such as this are less than that of a typical residence.

b. public / private wastewater treatment utilities?



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No, sewage flows will be accommodated on site and the sewer flows may be anticipated to be well below the flows associated with a residential use.

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

No, this is not a historic building.

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

No, none exist on site.

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

No, site disturbances will be minimal.

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

No, there shall be no hazard to human health.

None of the questions resulted in an answer that was moderate to large impact may occur, and the reasons for the findings are clear, so there is no need for us to complete Part 3 of this form.

Are there any questions from the board?

None

At this time I would entertain a motion that we grant this application a Negative Declaration.

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

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Section 345-21 of the Zoning Code is the section that addresses general commercial and



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industrial standards. There are only two paragraphs that pertain to this project and the paragraphs are “A” and “F”, which are as follows:

A. Which gives us the right to increase the setbacks for a building that is adjacent to a residential use and gives us the right to ask for more landscaping along the perimeter.

This is an existing building where the setbacks are not proposed to change, and the building to be renovated is not in close proximity to a residence other than one also owned by the applicant. We also asked the applicant to consider some additional landscaping along the front of the parcel to shield the new parking area from view of the road, and they have complied with that request.

F. Which sets the lighting standards.

The lighting shown on the plan is residential in nature and also conforms to zoning.

Daniel Gettel: Section 345-30 of the Zoning Code outlines the Special Use Procedures and Paragraphs “I” & “J” are the two that I typically read into the record when Special Uses are proposed. They read as follows:

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

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

This is the renovation of an existing building. The building design, lighting and signage conform to the current zoning. The building design will not substantially change and the signage proposed includes features and materials that we as a board requested the applicant to include.

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

The applicant has not proposed any substantial site disturbances.



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

There are adequate community services to accommodate this use. There will be no impact on the educational system.

(4) Environmental impacts in any form.

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

(5) Impacts on housing availability.

There will not be a noticeable negative impact on housing availability as this proposal only takes one residential unit off the market.

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

This is a commercial area and there are no anticipated nuisance impacts.

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

This is a commercial area and the existing landscaping around the perimeter of the property is to be maintained.

(8) Impacts on nearby property values.

There are no anticipated negative impacts on nearby property values.

(9) Traffic impacts (see § 345-22H).

Section 345-22H addresses driveways that have direct access to NYS Route 17B. This parcel fronts on NYS Route 17B, but not on another street. The proposal is to utilize an existing driveway, which is not located within one hundred feet of a roadway intersection.

(10) Any other factors, which reasonably relate to the health, safety and general welfare of



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present or future residents of the Town of Bethel.

There are no known health factors, nor are there any foreseen impacts on safety or the general welfare of the Bethel residents.

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

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

This is the renovation and reuse of a building in a commercial zone and although similar uses exist in the area I do not feel there is an overconcentration of this use.

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

Any reuse of a vacant structure, as long as the use conforms to zoning, may be anticipated to have a positive impact on adjoining properties.

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

There are no anticipated detrimental impacts.

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

The application was subjected to an environmental review and a negative declaration was granted. The application is anticipated to have a positive impact on the economy and job creation, but no real impact on housing availability or open space preservation.

(5) Whether the granting of an approval will cause an economic burden on community facilities or services, including but not limited to highways, sewage treatment facilities, water supplies and fire-fighting capabilities. The applicant shall be responsible for providing such



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improvements or additional services as may be required to adequately serve the proposed use and any approval shall be so conditioned. The Town shall be authorized to demand fees in support of such services where they cannot be directly provided by the applicant. This shall specifically apply, but not be limited to, additional fees to support fire district expenses.

There are no projected economic burdens on community services.

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

The applicant has presented a plan, which conforms to zoning.

Daniel Gettel: That is the end of Section 345-30. Are there any comments from the board?

None

Daniel Gettel: Glenn, do you feel your comments have pretty much addressed so we don't need to make that a condition of approval?

Glenn Smith: Yes.

Jacqueline Ricciani: In the past there has been discussion about outdoor displays.

Daniel Gettel: Yes, we did discuss outdoor displays in the past. Has that been resolved on how you would limit outdoor displays? Mrs. Forte, if you would like to be heard you will have to come up and speak into the mike.

Linda Forte: We have no intention of displaying anything outdoors for any great length of time. The outdoor display would be done during the course of business hours. We agree that nothing would be displayed along the edge of 17B. Anything would be relatively close to the existing building.

Daniel Gettel: Does anybody have any real concerns about that? I don't want to see the whole yard filled up obviously, but I don't think that it is your intent to fill up the whole yard with furniture.

Linda Forte: As we discussed, at certain times of the year, there will be mums and pumpkins during the fall to make the environment festive. We may have, on occasion, wheelbarrows with various plant life,



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things of that nature. We have been keeping up with the Harvest Festival at Bethel Woods, which is one of our favorite events, so perhaps some local flowers. We have no intention of leaving out lawn chairs or wagon wheels.

Daniel Gettel: Well furniture, tables, because you will be selling furniture in the building. Does anyone have a comment on that?

Mike Cassaro: I remember from the last meeting, I thought it was a nice idea.

David Biren: No additional signage then?

Linda Forte: No.

Daniel Gettel: With the exception of the sign that is proposed.

David Biren: Yes, of course.

Motion to grant this application a Special Use Permit with a Site Plan approval with the conditions that all fees be paid and that the State DOT driveway permit be obtained prior to the completion of any driveway excavation, or driveway improvements by Steve Simpson, second by Susan Brown Otto.

Roll call vote

Mike Cassaro – Y
David Biren - Y
Daniel Gettel - Y

Susan Brown Otto - Y
Wilfred Hughson - Y

Steve Simpson- Y
David Slater - Y

All in favor

Daniel Gettel: Good luck Mrs. Forte. Based on your project narrative you did mention that you wanted to reach out to agencies when you have your opening. The town does do ribbon cutting ceremonies. We do like to do ribbon cuttings in the Town of Bethel. If you contact the Town Clerk I'm sure she can set up a ribbon cutting when you are ready to open up your business.

Linda Forte: Thank you very much.



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2) *Application for a Special Use Permit for a Summer Camp to be located at 300 Segar Rosenberg Road, known as Bethel Tax Map #: 17-1-27.2, proposed by Camp Mayan Torah. (Wasson)*

Daniel Gettel: Randy, if you would like to update the board on what has changed since the last application.

Randy Wasson: Basically we have, since the Board gave us a negative declaration last spring, we have been to the State DEC and the Health Department for their various reviews and approvals. The DEC had made a determination that the stream was not a protected stream, so we didn't need any permits for our culvert crossings for the driveway coming in, for this crossing right here (showing on map), or for our utility crossing. They also reviewed the proposed improvements, and the SPDES permit, for the existing sand filter plant and for the sanitary sewage discharge and they found everything to be in order. They approved the plans and the engineers report and the SPDES permit. It is a 5,500 gallon a day permit. The Health Department has reviewed the water supply system and they have approved that under the health code. The wells, the yield of the wells, are satisfactory. The proposed disinfection system, storage tanks and so forth that has all been approved by the Health Department. They also reviewed the plans for the buildings. We have two dormitories. We have a shule, a kitchen/dining room and a mikva building. These are the new buildings. They reviewed those and signed off on those as well, primarily for use and egress, things like that. So that is basically it. We have also added here in black, we originally just had a row of trees in front of the parking between the parking and the road, we have taken two out, and we spread it out some. I think they were just a little too tight before. We went from nine to seven there and we put a couple right here in front of the propane tank (showing on map). Then we put another nine trees right in here to try and screen the rest of the camp. These would be more on the high ground.

Daniel Gettel: For the record the first group of trees is around the parking area, the second group of trees is in the middle of the camp.

Jacqueline Ricciani: Is that existing, or proposed?

Randy Wasson: These are proposed. This is a panorama. This is the view from the parking lot. There is the tank I was talking about. We are going to put a couple of trees in front of that. Here are the bungalows on top of the hill. You can see it is partially screened. These are going to be white pine. We are going to stagger a row of those, nine more, between those bungalows and where the hill drops off down by the road. As you can see the rest of the property is pretty much screened naturally. A lot of pine trees there, largely screened year round. This one you can see also. There was a concern about the view of the new buildings from the road but I think you can see they are in the back of the property.



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There is nothing around them on the neighbor's property. That is all well screened. You won't see any of that. That is basically it. We are requesting site plan approval, a special use permit.

Daniel Gettel: Glenn, do you have any comments at this time? You have been in the loop as far as the approvals.

Glenn Smith: My last review letter was January 29th. Randy addressed what was in the prior letter. That involved the sewer system and the water system. The Health Department provided a wastewater flow confirmation letter to the NYSDEC. That report should be submitted monthly to the Town Building Department to get an idea of what flow will be generated there. The other comments I had was that several bedrooms in the staff housing are proposed not to be used and I questioned how that is going to be enforced. Randy got back to me about that.

Daniel Gettel: That was also a Health Department concern that they raised.

Glenn Smith: The sand filter needs to be tested, and the results sent to the Building Department. Randy indicated that would be sent to the Town. I had a question about the dechlorination system and sewer system, which they answered. I had suggested the grease trap. I thought it was too small. That was revised on the plan, they made it larger. That is what I had at that point and nothing since.

Daniel Gettel: I know there are a lot of board comments. Are there any comments from the board at this time?

Steve Simpson: There are 15 staff housing units on the site. A few of those are to be an infirmary, office, storage space, sheds, casino, staff housing, who is going to be in the 15 staff units?

Randy Wasson: That would be the camp staff, mainly teachers. If they are married it would include their wife and kids. The Health Department, they limited the occupancy of the units to one bedroom per unit with the exception of one or two. That is basically it.

Daniel Gettel: You realize, that is almost impossible for us enforce.

Randy Wasson: I understand that but they have to meet the health code, the fire code, the building code, and they also....Glenn just suggested more frequent submission of water usage. The other concern is the overload on the sewer, if they are using too much water. The water usage would tell you that.

Daniel Gettel: And if you exceed the sewer flows or water usage, everybody goes home?



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Randy Wasson: There would have to be an enforcement action. That isn't for me to say.

Daniel Gettel: That is a problem.

Randy Wasson: It's a problem if they are over.

Susan Brown Otto: How many people do you envision staying there over the summer?

Daniel Gettel: In the staff, or in the entire....

Susan Brown Otto: Staff, students, campers, whatever they are called.

Randy Wasson: The students would be staying in the two dormitories. Each dormitory will hold a total of 50 people. Some would be counselors, I don't know. I think there is a required number, percentage, I don't know, but anyway it would be 50 in each building, so that would be 100. Then we presented previous numbers of 38 to 40 for staff, and families. The only way we can limit that, or agreed to limit with the Health Department, was through a bedroom count. That is all we can do. Bedroom counts translate to water usage, as it does to population. For purposes of this, in meeting with the Health Department and in their flow confirmation letter that they provided to us, is that we had to give to the DEC, they wanted these to be taken as bedrooms, as kind of a more conservative approach.

David Biren: You are saying theoretically there could be six to eight people in a bedroom.

Randy Wasson: I'm not saying that. I'm saying two things. In the buildings that are allowed to use one bedroom, they will use one bedroom. In the ones that are allowed to use two, they will use two. They have a limitation on their sewer flow.

David Biren: You are not telling us how many people there are.

Randy Wasson: I don't know if the guy that is staying in this bungalow is going to have just a wife, no wife, two kids, four kids, I can't answer that.

David Biren: There could be 200 people in this facility easily.

Randy Wasson: I think that would cause a problem very quickly.

David Biren: What is the remedy if the sewer doesn't work?



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Randy Wasson: If the sewer doesn't work, they are in violation.

David Biren: What does it do? They aren't going to go home, that is what I am saying.

Randy Wasson: Your concern is that you can't enforce it. The DEC, the Health Department, and BJ can enforce it.

David Biren: I would rather see that we know there is a certain volume of people and that the sewer can carry a certain volume, and you aren't doing that. It doesn't lend itself to credibility in my eyes.

Daniel Gettel: I get the whole number thing with the flow confirmation, and Glenn and I did have a discussion on this. I do think that the Board recognizes that the sewer system originally was set up for 18 units. Granted, they were of a different size, most were two bedroom units, but it was originally set up for 18 units. In order for you to get your 15 units plus and additional 100 boys, you pretty much had to give up all the laundry services on this property. There will be no laundry services on this property. I think everything has been given up so you can get to the number you want and I do think it is an issue. You have a number and you are trying to make everything conform to that number instead of trying to improve the sewer to actually accommodate the number of people you are going to have. I do agree if something goes wrong with the sewer, they are not going to send anyone home.

Randy Wasson: I don't know that. They do have two sessions. If they have an overload in their first session they're not going to have their second session. You will have to enforce that.

Daniel Gettel: It is a concern because the way you read the numbers now, you went from 18 units down to 15 units. You eliminated 3 units and added 100 kids. That is the way it looks, by eliminating laundry.

Randy Wasson: We never added 100 kids. We always had a 100 back here.

Daniel Gettel: I'm talking about the original camp population, which was an elderly population over the last couple of years, compared to what you are proposing now that it is a new use.

Randy Wasson: It doesn't matter. It could be a youthful population.

Daniel Gettel: It reads that you are eliminating three units, and adding 100 kids, by adding low flow fixtures. I get the whole numbers issues but it does read that way. I also think it should be clear that originally the DEC wrote a letter saying they wanted to know if the stream crossings were reasonable, and they never came back and said they were actually reasonable. They came back and said they have



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no jurisdiction over them because you were able to prove to them they didn't have jurisdiction over them, so I don't think it is a win win that the DEC is onboard with this application. I just think they don't have the jurisdiction to regulate those crossings. That should be clear for the record. Correct me if I am wrong.

Randy Wasson: The DEC was out there. They acknowledged that it is an unprotected stream. They have no jurisdiction.

Daniel Gettel: It was unusual that we got a letter requesting that...they wanted us to see...they wanted you to show it was reasonable to cross it. It was never really addressed that way. It was just that they didn't have the power to regulate that.

Randy Wasson: I think Dan what they gave you was a form letter.

Daniel Gettel: I don't know that.

Randy Wasson: I'm quite sure it was, and they hit all of the items. I can't address their wording, I mean if the stream is dry in the summer....

Daniel Gettel: We have never gotten a letter saying, are the crossings reasonable. Maybe it will be something that is going to start coming out. I don't know.

Randy Wasson: The second crossing is right between the two dormitories. The reason why we put that crossing there is so you could pull fire trucks right in front of the dormitory. We could shorten that, but I think you would prefer that.

Daniel Gettel: I am just asking that it be clear on the record, not like the DEC has jumped on board, their concerns were addressed. They just can regulate it. In my mind, they just can't enforce it.

Randy Wasson: They can't enforce it. It is an unprotected stream because they consider it insignificant.

Ivan Kalter: If I could jump in. I think you have to rely upon the good faith of the applicant and enforcement by the Town Code Enforcement Officer. If somebody really wanted to jimmy the population figures, we can say okay, we will have a few bungalow units. They can always adjust by having larger dorms and having more staff in the dorms. So if somebody really wanted to jimmy the figures, they could do it. That is applicable to any subdivision. We plan a certain population per area. Who is to say how many people are living in a bedroom. Who is to say that what was intended to be an



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unoccupied basement is now finished and occupied. I think you have to rely upon a certain amount of good faith. Anybody could jimmy the figures if they want to. I don't know what the answer is. I understand the board's concern about using vacant bedrooms that are supposed to be unoccupied but once again, you have a code enforcement officer, you have a methodology for fines and violations, and that would be a way of enforcing it. Do an inspection and see if those bedrooms are occupied or not.

Glenn Smith: Mr. Chairman, it is very specific in the Health Department confirmation letter, the population in the two dorms are 100, and in the 16 bedrooms that the flow per day is 94 gallons per day. It is based upon two people per bedroom, so that is 132 people. That is the number that all these flows are based on now. If you have 200 people you are going to exceed the flow. If you have 110 it will be less than the flow. 132 people is what the Health Department's flow number is based upon.

Daniel Gettel: We are also being told that even though there are very few two bedroom units, some people may come up with a couple of kids. That throws the totals right out the window.

Glenn Smith: You are exactly right. Those two bedroom units, who knows how many.....

Daniel Gettel: On an antiquated system.

Randy Wasson: On a rehabilitated system.

Daniel Gettel: On an antiquated rehabilitated system.

Susan Brown Otto: Weren't there problems before that was brought to our attention?

Daniel Gettel: We were provided with pictures at the public hearing that indicated the sewer system was not maintained, in disrepair. It was never really proven, but we were provided with pictures that showed that.

Randy Wasson: And we provided pictures ourselves. I don't know whose pictures you are talking about.

Daniel Gettel: I don't know either.

Randy Wasson: Glenn has a copy of the report. I think your file has one. The problem with the sewer system was, it was not maintained and it was overgrown. Sand filter systems need regular maintenance. They have to be maintained. It won't work right in the future if it isn't properly maintained. We are



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proposing, among other things, to completely remove the sand, remove the under drains, and reinstall all of the under drains, so it has brand new sand. That is really all we can do, but the filter itself for all intense purposes, will be new. We will put a liner it, there is no liner in the filter right now. That is all we can do with it. There is no question that it was in bad repair. Frankly it still is right now.

Susan Brown Otto: Will there be campers bused into the facility, or only children that are staying in the dorms using the facility?

Randy Wasson: The bungalows, staff housing, as well as dormitories, the dining room, the shule, everything, all the flow will go to the sand filter.

Susan Brown Otto: No, in terms, a different question. In the summer time you frequently receive school buses, and people are going to different places. Do you anticipate children attending from other facilities?

Daniel Gettel: Day campers?

Randy Wasson: No day campers.

Steve Simpson: Again, I'm going to say it, and I have said it several times already, I still see an existing nonconforming, expanding use, which you can't do. Honestly, you cannot have bungalows with counselors and their families living up here for the summer. That is a summer bungalow colony, and now you are expanding by adding all of the other buildings. In my world it is black and white. It's a definite.

Ivan Kalter: A bungalow colony does not have dormitories, or a kitchen and a dining hall. If you have a camp, and you have dorms with children, you need facilities for staff. You already have bungalows, that is why those bungalows are going to be used for staff. If this was starting from scratch, and those structures weren't in existence, you would still have your dining room, kitchen, you would still have the dormitories for the kids, and you have other buildings for administration and the staff and people who are going to watch the grounds. So if you were starting from scratch, you would still have those detached buildings. Here you already have the detached buildings, so we are utilizing them because they are there.

Steve Simpson: Utilizing with who?

Ivan Kalter: Staff with their family.



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Steve Simpson: Then it is a bungalow colony, and again it is an expansion of a nonconforming use. Any way you look at it that is what you are looking at here.

Ivan Kalter: Why would you spend a lot of money for a kitchen, dining room, and dorms if it is a bungalow colony? It doesn't make sense.

Steve Simpson: That's right. That is what I am saying. It doesn't make sense, it's not allowed. It is a bungalow colony, and it is an expansion of an existing bungalow colony, which can't be. We have been down that road several times. I don't know how else to tell you. Families coming up and living in structures, whether they are existing or brand new, is one thing. Families coming up is one issue. Counselors living in dorms is different. This is an expansion of a bungalow colony. Where I come from a bungalow colony is a summer location where a family comes up for the summer, and in this case they are coming up for the summer and they are going to enjoy the fruits of the countryside at a bungalow colony.

Ivan Kalter: What bungalow colonies. I don't know of any kind of bungalow colony in this town, and maybe you can fill me in. In Fallsburg we have many facilities which have, and most of the expenses are delegated to dormitories, kitchen and dining room. If you can tell me a bungalow colony that has all these facilities, I can understand your point. I don't know of any. It is inconsistent. You could have a bungalow colony, now the use has changed. The use is now a camp.

Steve Simpson: With a bungalow colony.

Ivan Kalter: It is one ownership, one entity, one purpose.

David Slater: If it is a camp though, Jacy correct me if I am wrong, Section 345-13. We do have a provision in the law. It says, "A summer camp shall not include temporary or permanent shelters, buildings or structures designed for use or occupancy by family members of the children who attend the camp or the employees who work there." You are telling us those bungalows are going to have families, and family members of your employees, and it says, I believe if I am reading this right, that you can't have permanent shelters for family members of the children who work there. Am I reading this correctly Jacy?

Jacqueline Ricciani: Section 345 what?

David Slater: 13, it falls under summer camp. It was amended.....



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Daniel Gettel: Reading the definition of a summer camp under Section 345-5.

“The development or use of a lot, tract or parcel of land for recreation or instruction on a seasonal basis within the approximate time period of May 15 to October 15 offering access to recreational or educational facilities and which includes any or all of the following features: temporary or permanent shelters, buildings or structures that are designed for warm weather, seasonal use, including cabins, dormitories, cafeterias, gymnasiums, community centers, administration buildings, and similar structures designed for use by the camp attendees; ball playing fields; basketball courts; tennis courts; running tracks; swimming pools; horseback riding facilities; hiking or riding trails and similar recreational or educational facilities. The seasonal occupants of a summer camp shall be limited to the owner and his or her immediate family, the caretaker, children under the age of 18 years who may pay a fee or tuition to attend as campers and persons employed by the owner or operator of any such camp to support its functions, including counselors, cooks and maintenance personnel. A summer camp shall not include temporary or permanent shelters, buildings or structures designed for use or occupancy by family members of the children who are attending the summer camp or the employees who work there.”

Daniel Gettel: I do agree with your assessment of the definition of summer camps, that it doesn't include staff's families. Mr. Kalter it is interesting that you say starting from scratch. I was asked early on in this application before it even came to the Planning Board, if it would be something that we would entertain as a board and my initial reaction was to say that the applicant would be better off finding a more suitable piece of property and start from scratch. That is exactly the words we used originally. I don't think much has changed. First the project was presented to as a summer camp by the original engineer. Then at a subsequent meeting when the engineer didn't show up, it became a bungalow colony, it was described to us as an expansion of a bungalow colony at a meeting that followed that, with new representation it was presented as a school, not a summer camp at all or a bungalow colony. When we stated that we reviewed it as a summer camp in the past, with the definition in our code we felt it was a summer camp and we were prepared to proceed with the application as a summer camp, it became a summer camp. This project has always had an identity crisis. Sometimes a duck is simply a duck, and I think it is a duck. I don't know what else to say. Randy, I know you were brought into this application later on. Most people here were. I know a lot of this was presented before you became involved with the application. I think you need to be aware that we were told a number of times we would be sued if we didn't go along with this application. I think the applicant is aware of that. I know Mr. Zieger is aware of that. We have also been told we would be sued if we did go along with the application. We have been threatened by both sides. It is kind of a wash as far as that goes, and that doesn't really influence us any way. The applicant has also approached my former employer a number of times trying to get him to get me to go along with the application. That doesn't work with me. I asked him to stop that, and apparently it didn't stop. There has been some pressure from Mr. Adler's office on me to approve this project. I don't appreciate that kind of stuff. It has no bearing on Mr. Wasson's presentation or Mr. Zieger's, but I do think it is something that should be on the record that there has



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been a problem with this application. It is unique to this application. It has never happened on another application before, and I don't understand the rationale. We typically try to look at projects simply based on their merit, and I think that is how we need to review it tonight. I think we have to look at the merits of the project, not who is going to sue who, and who is going to get sued, and who is going to threaten who, and who is going to contact who's boss, who is also 86 years old and doesn't need that kind of stress. I don't know if the board has any other comments.

Susan Brown Otto: I would like to go on record. I have been down that road several times and I think the character of the road is quite special. With regard to what used to be there and people coming up during the summer, staying at the co-op, I think the size of this development would have a major impact on the character and nature of this very special road. It is not in character with the inhabitants on the road.

Daniel Gettel: If you compared the casino building that is existing on the site, to the shule building which is proposed now, the best compatible use that I can find on these two projects, I believe the shule is more than 5 times larger than what was there before. It is an enormous increase of what was there originally. We are talking 5 times larger than what was there. I do think it is a substantial increase of what was on that road originally.

Susan Brown Otto: What is the square footage of the shule?

Randy Wasson: I think it is just over 7,000 sq ft.

Daniel Gettel: On the plan the casino is a little less than 1,500 square feet. We are talking about a substantial increase.

Randy Wasson: This is the shule, this is the casino.

David Biren: A 7,000 square foot building for 132 people?

Randy Wasson: Well you have classrooms, you have the rabbi's office, and you have

David Biren: But you said 132 people is what the septic system can hold.

Randy Wasson: I didn't say that.

David Biren: That's what Glenn and the Health Department is saying, so that is what I am using. That



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is a big building for 132 people.

Randy Wasson: It is not all sanctuary or worship space. Like I said, it is classrooms, rabbi's office, coatroom, book room, have you been to any camps?

David Biren: It says new shule and classroom.

Daniel Gettel: We do have a floor plan.

David Biren: It looks large for 132.

Daniel Gettel: For the record, there are four classrooms, and there are quite a few bathrooms.

Randy Wasson: I have nothing to do with the architecture.

Daniel Gettel: I can read through the special use procedures like I did on the last application to try to move it through if that is where we are. I'll read through the Special Use permit, paragraphs I and J, Basing my comments on what I am hearing from the board and my own personal opinions on this project. If that is okay with the applicant I will read through that now.

Daniel Gettel: Section 345-30 of the Zoning Code outlines the Special Use Procedures and Paragraphs I & J are the two that I typically read into the record when Special Use Permits are proposed. These paragraphs read as follows:

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

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

For years this site was operated as a seasonal bungalow colony. The existing buildings are to be renovated and the majority of them are to be used as staff housing. New



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buildings are to be constructed along the rear of the property. The proposed buildings are utilitarian at best and have little or no relationship to the existing buildings or to those of surrounding structures. Although permitted by zoning the size of the proposed buildings greatly exceed those of the existing buildings as well as those found in this neighborhood. In the case of the shule the proposed building is almost five times larger than the comparable building found at the original colony. Lighting is residential in nature and should not be an issue. Signage shall be kept to a minimum as the applicant has indicated his desire to simply replace the existing single sign.

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

The applicant has completed a drainage plan, which should lessen any impact this development would have on surrounding properties. Sediment and erosion control measures must be in place prior to any construction-taking place at this site.

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

There are adequate community services to accommodate this use as far as police protection; emergency services and the education system are concerned. Municipal sewer services are not available in this area, so the applicant has proposed utilizing the central sewage disposal sand filters that were installed to serve the original bungalow colony. At the Public Hearing concerns were raised as to whether or not the existing system had been functional or efficient enough to serve the needs of what was a dwindling colony population, although these claims were never substantiated. The applicant has proposed refurbishing this system to realize the design flow of 5,500 GPD, which is the discharge amount listed in the SPDES Permit. In order to come in under this permitted discharge amount the applicant has to enter into an agreement with the State DOH that no laundry services shall be permitted on this site, including that of the staff buildings. The water distribution system has been approved by the New York State Department of Health, with the demand being monitored. Is that correct, I do believe they approved that?

Randy Wasson: Yes.

Daniel Gettel: Continuing reading.

(4) Environmental impacts in any form.



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The application was subjected to an environmental review and a negative declaration was granted. I do want to point out that this board was hesitant to act on the Long Form, but did so to accommodate the applicant and the approval process. The New York State DEC concerns were addressed, but the determination was that they did not have jurisdiction over the stream crossings, as the stream was not classified, not that the proposed crossings were reasonable. I also think it should be pointed out that some of the concerns raised during the review of the EAF still exist, especially the community impact concerns, but I think the magnitude question is different when you are considering an environmental impact as opposed to a Special Use Permit.

(5) Impacts on housing availability.

There will not be a negative impact on housing availability.

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

Again, Summer Camps are permitted by zoning as Special Uses, but introducing one hundred campers to an area that had accommodated a bungalow colony with a dwindling elderly population may result in nuisance impacts. The applicant has proposed encompassing the main camp area with a fence, but it was pointed out that this enclosure was restricting the children down to a fifteen-Acre portion of the property. It should also be pointed out that at the time the project was initially proposed the minimum land area required for a Summer Camp was twenty-five Acres. Since the initial submission the zoning code was revised to clarify that this was intended to be buildable area, not a bulk area. When the road frontage, the land that lies beneath the utility easement and the stream and stream buffers are subtracted off the bulk area the parcel is no longer considered to be of an adequate size to accommodate a summer camp.

The site contains a swimming pool, a handball court, a small-unnamed court, and a small paved play area adjacent to the pool. None of these amenities conform to current setbacks, which were enacted to lessen the impact these recreational uses may have on adjoining properties. It is reasonable to assume that introducing a younger population to this existing facility will dramatically impact the use of the limited recreational facilities. Short of proposing a privacy fence around the perimeter of the swimming pool, proposed primarily to benefit the camp population, no improvements have been proposed to lessen the impacts these recreational facilities may have on adjoining lands. No additional recreational facilities are proposed on this parcel, nor is it clear if additional facilities could be proposed within the bounds of the fenced in area that would conform to zoning.



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If adequate recreational facilities are not provided the campers may be anticipated to find their amusement elsewhere, whether it be an impact on the existing Town recreational facilities, or being the campers getting into mischief amusing themselves. Establishing a camp on a secluded residential street may result in any number of nuisance impacts. There are no anticipated impacts associated with odors, glare or lighting.

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

It was pointed out to the applicant that landscaping would be an item this board would consider as part of this Special Use Permit application. In response to this, the applicant has proposed installing eighteen (18) white pine trees, (the number may change now) nine (9) of which appear to be specifically required by code in the parking area. The remaining nine (9) white pine trees have been proposed to supplement the existing buffer zone along the nine hundred plus foot of road frontage. Not only has the applicant proposed installing a minimal number of common trees in a relatively small area, he has also reserved the right to make substitutions to the species and locations of the plantings. The landscaping, as proposed, may prove to be the minimum required to screen the units from view, but has not been proposed to improve the appearance of the site whatsoever. No indication has been made that the applicant has any interest in improving the appearance of the existing site or the existing buildings. It should be pointed out that this roadway is the primary route used to access a previously approved nature conservancy office, which is unique not only to the Town of Bethel, but also perhaps to the County. Some have raised concerns that this application is in direct conflict with that permitted use.

(8) Impacts on nearby property values.

It has not been demonstrated that the proposed use will have a negative impact on nearby property values.

(9) Traffic impacts (see § 345-22H).

Twenty six (26) off street parking spaces have been proposed as part of this application. This would indicate that the site is intended to be used by the camp population only and not by outside users. If approved this would be a condition of approval. The adjacent roadway will see an increase in truck traffic as required to supply the kitchen and to meet



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the needs of the proposed camp. This is a quiet, residential area and this daily truck traffic may have a negative impact on this roadway, especially if delivery vehicles access the site from County Road 141 to the east, and then proceed west along Seger Road to get back to the County Road. This may not be the most logical route, but there are other camps in that direction and it is reasonable that that will become a delivery route. Restricting truck traffic from utilizing the portion of Seger Road that is not needed for deliveries would not be enforceable.

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

Foot traffic associated with a use of this nature, especially where the needs of the population may not be met on the site, has been shown to be an issue at other similar facilities in the area, especially on weekends. Within a half a mile of this property is a raceway that sees an exponential increase in truck and trailer traffic on weekends. Introducing foot traffic to the area, which has no sidewalks or proper street lighting, would be a concern that would need to be addressed. Not allowing foot traffic might not be enforceable.

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

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

Summer Camps exist in abundance not only in the Town of Bethel, but also in the surrounding towns. There are an abundance of Summer Camps in this town, some most likely affiliated with this applicant. There is no deficiency of this use.

As far as the specific site is concerned I spent quite a lot of time on this road when I was younger and it was known simply as Seger Road. This goes back to the day when Denise used to ride the school bus, do you remember that Mr. Sturm? This was, and still is, a quiet residential street that is enjoyed primarily by the people who live on it. This is not a road one would take as a shortcut. With the exception of the Highlands Conservancy it



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does not lead you to a business. This is simply a quiet, residential street. For as long as I have lived in the Town of Bethel this bungalow colony has always been an anomaly on this street, not the norm.

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

An argument can be made that the renovation of a site to accommodate a new use may have a positive impact on the area as the site might otherwise remain unchanged, unimproved, or possibly unmaintained, but as a board we were provided with no information on what improvements, if any, are to be made to the existing units. In this case a stronger argument may be made that the expansion of this bungalow colony may have a negative impact on the neighborhood based upon the information raised during the Public Hearing.

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

Some impacts could be reduced with site improvements, but some safety concerns and some quality of life concerns may not be able to be reduced by enforcement. However designed this project will always be a use that is not compatible with the low-key residential nature of the neighborhood. The original site was an anomaly, not the neighborhood norm.

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

The application was subjected to an environmental review and a negative declaration was granted. There may be a short-term increase in construction jobs, but no real impact on the economy, housing availability or open space preservation.

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



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fees to support fire district expenses.

There are no projected economic burdens on community services and the site improvements will allow for fire access to the newly proposed units.

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

The site was operated for a great number of years as a bungalow colony. New bungalow colonies are no longer permitted in the Town of Bethel and existing colonies are considered pre-existing, non-conforming uses. Pre-existing non-conforming uses in the Town of Bethel cannot be expanded and one can argue that the applicant has requested that we allow him to expand a bungalow colony by calling it a summer camp.

That is the end of the Special Use Procedures. I have tried to base these responses not only on my own experience with this site and my review of the plan, but also on the feelings of a number of my fellow board members. I also think it should be pointed out that we advised the applicant numerous times that we would be reviewing the Special Use procedures, and I do not feel this application has met those requirements. Are there any board comments?

Susan Brown Otto: I have a question, regarding the 25 Acres? Could you repeat that?

Daniel Gettel: When the initial submission was made to the board, it was pointed out to us that the property existing right now is 25.39 Acres and we had questioned whether that was a bulk area or a buildable area. We were told it was a bulk area. There was a little discrepancy in our code that needed to be corrected because I believe the intention was that it was intended to be...it was changed in order to address applications like this. At this time, an applicant would have to come in with 25 buildable acres, which they do not have. When you subtract off the utility easement that bisects this property, plus you subtract off the road bounds as well as the buffers around the stream, they are well under 25 Acres of buildable property. They don't meet the current code that is in effect today. There is a question of whether they met it originally when submitted. That is a good question, but when they resubmitted there was a discrepancy in the code.

Susan Brown Otto: I would say the property values would go down.



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Daniel Gettel: I don't know if we can say that. You would have no way of knowing that. You have an instance now where there may be no improvements made to the property, and making no improvements might actually drop the property value in the area as opposed to somebody coming in and actually try to rejuvenate it. It is kind of a double-edged sword. You can look at it two ways. I don't know that we can say either way.

Susan Brown Otto: The last thing, with regard to the screening and the trees, the white pine trees, the white pine trees they are not the most effective trees out there for screening.

Mike Cassaro: My problem is with David's definition, this bungalow colony has expanded itself. It remains a bungalow colony. If you set that precedent in this area we are going to end up looking like Fallsburg, and to me that takes away from the character of this neighborhood. You set that precedent.

Susan Brown Otto: This road is very special, the character of the road.

Daniel Gettel: Any other comments from the board? In my opinion, the site plan demonstrates the applicant's resistance to develop the property in a way above the minimum that would be required by code. The parcel barely met the minimum size required at the time it was presented, and again now that the zoning has been clarified, the parcel no longer meets minimum for a summer camp. We stressed to the applicant that landscaping would be an item we would pay particular attention to, and the applicant returned to us with a plan showing they would be willing to install 9 pine trees, most likely the trees are relocated from the rear of the property. He also reserved the right to make substitutions of those species, and to relocate them, as he felt necessary. No effort has been made to dress up the parcel, to lessen the impacts. This is also true for the sewer system. The applicant has proposed rejuvenating the existing sand filters to accommodate the expanded colony. During the public hearing photos were submitted, and it became apparent that the sewage disposal system had not been maintained in the past. The sewage disposal system has a discharge capacity of 5,500 gallons per day. This was originally designed to accommodate the 18 residences. The applicant has proposed introducing 100 new campers to the site, while still occupying 15 or the original 18 units. Even the Health Department questioned how this would be enforced. Justification of the sewer flows is accomplished not by making an investment to increase the capacity of the sewer system, but by stating on the plan that a number of the existing bedrooms will not be occupied, which we can not enforce. Low flow fixtures will be installed camp wide, water supply main will be monitored, and that no laundry facilities will be on site. If you look beyond what the applicant wants and consider what has been proposed to address what he needs, everything is at a minimum. I get the fact that the applicant has already purchased the property. We used to see applicants who were interested in purchasing a property appear before us first, then contract, then deed. We are now seeing applicants where the parcel is purchased, they come to us, and the use is



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molded, manipulated, and described in a way to try to make it conform to our current zoning. This is not the route I would have suggested this applicant take. You don't buy a property and try and get it to conform to zoning. You buy a property that conforms to zoning.

Jacqueline Ricciani: Do we know when the applicant purchased the property?

Daniel Gettel: I don't know. It was purchased before it came to the board.

Randy Wasson: Mayin Tohar is the owner.

Daniel Gettel: The owner/applicant is on the plan.

Jacqueline Ricciani: The congregation owns it?

Randy Wasson: Yes, this is owner/applicant.

Jacqueline Ricciani: I have something from March 2014 that has, you're looking at the site plan? I'm looking at the application.

Daniel Gettel: Any comments from the board? I feel we need to keep the meeting moving, but I cannot in good conscience recommend that the project be granted a Special Use Permit. I am only one member of the board.

Susan Brown Otto: What about the definition issue, with the way the project was proposed as family living in the buildings, and the definition of a summer camp?

Daniel Gettel: It doesn't conform to zoning.

Ivan Kalter: I think Randy would like to address some of your comments.

Randy Wasson: I just want to be clear about the wording in your code. Is it buildable or useable able?

Daniel Gettel: I call it buildable, but I do believe it may be called useable area. It does state you have to subtract off certain things.

Randy Wasson: Does it specifically say easements? Because I was told you could put parking lots, you could run roads under easements.



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Daniel Gettel: I believe it does.

Randy Wasson: Okay. That was done after the original application. One of the other things I would say is on minimal landscaping I would say that was my fault because my understanding the last time I was up here on this project, back in the spring, was that you just didn't want to see these buildings. I am proposing screening, you keep saying 8 trees, but what we do is ...it is more than 8.

Daniel Gettel: Perhaps it's 9.

Randy Wasson: That has always been an optional thing. We have been before this board before, and if you say you think it needs some more of this, some more of that, we want to see something more decorative instead of just pine tree screening.

Daniel Gettel: Randy, one thing unique with this property, you have to acknowledge the fact that all of the recreation is right along the front of this property, right along the road, some within 10 feet of the road bounds. I do believe that when you consider the population that was at this property 2 years ago, as compared to a 100 kids, I think it is reasonable to think there will be an increase on the recreation. There is no attempt to even screen the recreation, or relocate the recreation facilities. I don't know that we have ever had a plan that there is absolutely no proposed recreation at a camp. There is absolutely no recreation proposed.

Susan Brown Otto: No basketball court?

Randy Wasson: There is a basketball court.

Daniel Gettel: That is what I am saying. They are all intended to be used by the 100 kids, but they are right there in the open, in the open field right along the road. I do think that is going to be a detriment to the neighborhood.

Randy Wasson: The swimming pool is there too.

Daniel Gettel: We are not asking you to relocate the swimming pool. But you realize none of that conforms to any sort of zoning that we have in effect right now. None of the locations of any recreation conforms to zoning. I'm just saying there is a reason for zoning and there is a reason that most of the recreation is supposed to be 200 feet from a property line for an impact such as this. There is no screening proposed to even decrease that impact.



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Randy Wasson: We can add that. I wish that had been mentioned as a concern. It was always indicated before that the bungalows were visible. I asked specifically...

Daniel Gettel: You specifically asked me that question and I do recall that I told you exactly that. I'll concede that we really do not want to see the buildings. When you read the special use conditions it specifically talks about lessening the impact on the neighbors by using landscaping or buffer zones or things of that nature. That is not addressed on the plan.

Randy Wasson: If that were something you would like to see, this is the first time the questions have been raised to me.

Daniel Gettel: We did point out to you and the applicant that we would be reviewing the special use conditions, and to pay particular attention to the special use conditions, which are the conditions that I just read into the record. It is not completely out of left field. It is in the code.

Randy Wasson: You talk about the truck traffic that is coming for the dining room.

Daniel Gettel: And the laundry.

Randy Wasson: The laundry is off site that is a weekly occurrence, a couple of days per week, for a period of hours. You also talked about the racetrack traffic. I don't see where the traffic is an issue.

Daniel Gettel: I have a concern that if you don't provide recreation on a property, things for the kids to do besides studies, they are going to look for amusement elsewhere, and a lot of these camps do have a lot of foot traffic of people walking on the streets, especially on Saturday's and Sunday's, when the track is in full swing. There is a lot of truck traffic on that road, and there is no lighting, no sidewalks. I do think that maybe something that should be addressed if this were to move forward.

Randy Wasson: We can certainly add...

Daniel Gettel: I'm not asking you to increase the height of the fencing or anything to keep the kids in, but it is clearly an issue with other camps in the area of people walking in the streets.

Randy Wasson: We can move the rec facilities to the back. As you can see, there is a lot of green space there. That is not a problem. We can add more screening, add decorative screening if you want, flowering trees that is all easy to do. I understand concerns about the traffic. I don't think we are going to have an impact on the neighbors back there. We can put rec facilities back here, if we don't change



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the grade, we can put a ball field, we can clear it, it is useable. We can't put any structures. We can put a parking lot in there. It's not buildable.

Daniel Gettel: Your hard sell is going to be how is this going to fit the neighborhood? I don't know what you can do to make it fit the neighborhood.

Randy Wasson: Other than screening the front, there isn't much I can do except to say that the bulk of it is in the back. If we move the rec activities to the back, I think most of the population will be in the back, but not the pool. It's a nice pool, there is no reason not to use that pool, but aside from that there are a couple of courts, a basketball court, a handball court I believe, they can go to the back. That isn't an issue. As far as the buildings themselves, I think we understand that there was going to be improvements made to the existing bungalows. We didn't convey that to the board, the bungalows get improved. They are leveled up, painted, they get repaired. They are brought up to the building code. We can do those things.

Jacqueline Ricciani: You can't have them occupied by the family members of your counselors.

Randy Wasson: Well, we may have to change that. One of the things I want to say, the applicant mentioned expanding the sewer. I had said not right now, but he said why don't we as long as we are going to the DEC, propose an expansion to the sand filter plant. My response to him was because right now we have an existing permit, we just have to get through so that we can get back to the board. They don't have a problem to expand the plant, for the purpose of making sure that he can have the number of people that they want, and that he is not in violation. That is something they are willing to do, that is not something they can do before this summer. That is something we spoke about internally, like I said, they asked, and I said let's not complicate things it seems like we have questions floating around, let's just keep it simple. It's something we could do, and probably will do for 2016.

Jacqueline Ricciani: Are you withdrawing your application, or do you want the board to make a motion?

Randy Wasson: I'm not asking for a motion, do we need a motion tonight? We can come back and get some of these things addressed.

Daniel Gettel: If we deny your application, you cannot bring back for another year, with the same application, I think you would be better off if that is your inkling, I think you are better off to withdraw the application that is what Jacy is getting at.



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Jacqueline Ricciani: It is up to you.

Randy Wasson: Why would I withdraw the application?

Jacqueline Ricciani: Like Dan said, if you are denied, you have to wait a year.

Daniel Gettel: You can't come back with the same application.

Randy Wasson: We are just asking you to hold off on a vote until we come back.

Jacqueline Ricciani: No, you start making some of these changes you are talking about, relocating that is going to be a substantial change to the site plan, you are basically going to be starting from scratch, then you need another public hearing. I'm telling you, you start relocating and moving things you are going to need another public hearing.

Daniel Gettel: If you propose recreation, the neighbors ought to know you are proposing recreation and we are going to require another public hearing.

Randy Wasson: If I come back with another application, you are going to hold another public hearing any way.

Daniel Gettel: If it is substantially different.

Randy Wasson: If I come back with something else, I mean, I am not proposing to change these buildings, but I would be moving the rec, adding the landscaping, and various things I talked about:

A. You are saying we can't come back for a year.

Jacqueline Ricciani: If you are denied.

Randy Wasson: B. You need a hearing anyway.

Jacqueline Ricciani: Well, it's kind of two different things. What Dan was saying was, what generally happens is, once the special use criteria are reviewed and discussed, the next thing that happens is a vote to approve or deny the application. If you are denied, as Dan says, and I am going to rely on him, if you are denied, you can't come back for a year. On the other hand, if you say to this board well you know give me a chance to make some modifications, you come back with this application with



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modifications, it is going to have another public hearing, we will have to do a new SEQRA again, because now, the modifications are so significant that I'm going to advise this board not to rely on any of the prior findings that they have made. On the other hand if you withdraw and start again, you are kind of in the same boat just trying to modify, then you can clean up some of the application, who is the owner....

Randy Wasson: What you are also saying is you are saying when we apply originally, we were allowed to, we didn't have to include buildable area. 25 Acres didn't have to be buildable. If we come back and we don't have that then, we go to the Zoning Board of Appeals.

Daniel Gettel: Let me read the section Jacy is referring to please before we get too far. Section 345-31, paragraph J, which is reapplication.

"Reapplication. An applicant whose application site plan approval has been disapproved by the Planning Board may reapply for site plan approval for the parcel in question if the subsequent site plan application is materially different from the site plan that was disapproved or if a period of one year has elapsed from the date of the Planning Board determination."

Daniel Gettel: I think what it is saying is that if you come back with a plan that is similar we have to wait a year in order for it to come back unless it is substantially different, materially different.

Jacqueline Ricciani: This board determines what is presented if it is subsequently materially different or not.

Ivan Kalter: I don't know if it is substantial. You are going to be adding some sport facilities. I am not sure that is a substantial change.

Jacqueline Ricciani: Even though it may not be material enough change to trigger the section that Dan just read, depending on what you do, it may trigger another public hearing.

Daniel Gettel: I just want you to be aware of the section. I'm not trying to persuade you to do it either way. I just want you to be aware of it.

Jacqueline Ricciani: And you have your occupancy problem with the bungalows.

Ivan Kalter: I think we will need time to discuss all of the alternatives. I don't know if we are ready to make a decision of what is substantial and what changes have to be made.



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Jacqueline Ricciani: So you are waiving the 62-day requirement?

Daniel Gettel: They have already waived that.

Jacqueline Ricciani: Okay, good.

Daniel Gettel: We can table until we hear back from them?

Jacqueline Ricciani: It is up to the applicant how they want to proceed. If you want to be on the agenda, you need to let BJ know 14 days prior to the meeting, if you are going to be submitting anything, or making any changes. The first Monday of the month.

Daniel Gettel: I don't know if we need to table it or to just rely on the applicant to . . .

Jacqueline Ricciani: The applicant has asked the board not to take any further action at this time. The applicant is going to consider their options. If they want the board to consider anything on this application they know what the process is to submit.

Ivan Kalter: Sounds like a plan.

Jacqueline Ricciani: Okay.

- 3) Application for a Special Use Permit with Site Plan review to allow for a new Rabbi's House, a Classroom Building and two (2) Shule additions located off State Route 55 and Zupnick and Zupnick Road, known as Bethel Tax Map #: 13-1-7.2, proposed by Camp Divrei Yoel. (Wasson)***

Daniel Gettel: This is the first time we are seeing this application.

Randy Wasson: Camp Divrei Yoel, it's on State Route 55, this is the main campus, the buildings you see in green, this represents an existing classroom, we want to double in size, and then just put a roof on the whole thing. Approximately 3,000 additional square feet added for the existing shule. We are showing it here, we have an architect involved, he is looking at a couple of different options, and it might come off on the L shape. This is not the final plan, but wanted to introduce the project to the board. It is about 3,000 square feet; and then the 3rd building to be proposed is to be a single-



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family home for the head rabbi. That is the proposal. It is a teaching facility, a school. There are a couple of dormitories, kitchen/dining room here, mikva, a lot of staff housing here, it's not shown here because it is actually the Nachlas Yakov property, it is the same ownership essentially. We had submitted an application to the board for that. We have withdrawn that from the board at this time. We are talking about two buildings with additions and one new building for the rabbi.

Daniel Gettel: This is the same application as item #4 on the agenda. I believe it is run by the same basic organization except that was withdrawn from the agenda as requested by the applicant prior to meeting. They operate under a different name, but I believe they both operate in conjunction with one another. You are asking for a new Rabbi's residence, and during the work session we were discussing whether that is also going to be replacing another Rabbi's structure or if there was one there before.

Randy Wasson: This is a brand new building. Right now the Head Rabbi is in this building right here, in the center of the property. This is a little bit closer.

Daniel Gettel: So what you are saying you can't simply get a building permit for that as a replacement, it is a new structure.

Randy Wasson: Yes.

Daniel Gettel: And the other building would be occupied by someone else I assume.

Randy Wasson: Yes.

Susan Brown Otto: What are the little dashes?

Randy Wasson: They are the existing sewer systems, leach fields. The rabbi's house will have its own.

Daniel Gettel: Also we need to note this is Camp Divrei Yoel, which by definition, and we did have a preapplication meeting about this, so this shouldn't be new to anybody, I was at that meeting, Camp Divrei Yoel by definition, the town has always recognized as a summer camp. I believe based on our zoning we would consider this to be an expansion of a summer camp, which I believe is permitted by the current zoning. I assume somewhere along the line the applicant feels we made a mistake, that they are not a summer camp but a private school. In order for this application to proceed we have to determine again, a duck is no longer a duck, it is now a school. Is that pretty



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much what we are looking at?

Randy Wasson: It is a school. I mean....

Daniel Gettel: We had this discussion. I am putting it on the record. We did have this said at the preapplication meeting.

Randy Wasson: Yes, it is a school.

Daniel Gettel: Are there any questions from the board? We did discuss this at the worksession. We are at the preliminary stage for this, I don't know what your deadline is for building any of this, and I don't think you are looking for it for this summer? You may be but you guys determine....

Randy Wasson: We are hard pressed for that.

Daniel Gettel: I think you are going to be hard pressed for that, I agree. I would suggest moving forward that we ask the applicant to provide us with some documentation outlining the rationale that although the facility had been accepted as a summer camp, and in the recent past has demonstrated not only by the name of the facility, and past permit applications, but also by the definition of a summer camp that was included in the town code, and specifically tailored to allow operations such as this that exist in the Town of Bethel, that an error was made and this facility always was and always should have been considered to be a private school. I would also suggest that the applicant include in the document what distinguishes this facility from others in the town that over the years have operated in a similar manner and have always been considered to be a summer camp. Not only by us, but also by the New York State Department of Health as evidenced by the yearly permits they all seek. I would also like the document to address what has changed. How is the site to be operated any differently than in other years, and what triggered this request that it should now be recognized as a summer school. I know that is quite a lot for you to jot down, Randy but I think it is pretty.... what we are looking at is why is this now considered a school when all these years it has been a camp and that zoning has worked until right now at this moment. What distinguishes this from any other camp in the town? I don't expect you to answer alone. It is something the attorneys should look at and the applicant should be involved with. I don't think it is up to us to try defining and determining what the use is. I think you guys should probably provide us with some documents on what distinguishes this from any other camp in the area. I also spoke with Glenn prior to the meeting. I recommend that Michael Weeks be the reviewing engineer because if you look at the file you will find my name on it, you will find Glenn's name on it, you'll find my name on it, and we need someone independent to work as the reviewing engineer. I don't think Glenn has



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worked on it in quite awhile, but I don't want to start off.....

David Biren: What is the population?

Randy Wasson: I don't know.

Daniel Gettel: We are early in the planning process, and that may be something you may be able to provide us with.

Steve Simpson: I would also like to see a break down of these buildings by number and what they represent.

Randy Wasson: We'll do the same thing. We will give you a table with the use and population and so forth.

Daniel Gettel: Randy, there has been some talk locally about the site sewers not being adequate, especially where the main shule is tied into. I did see some notation. I think it said in your application that you may need to expand that system. Am I wrong?

Randy Wasson: It is sized for the current population. I don't know, the dorms are under....we have withdrawn that application.

Daniel Gettel: I do think that needs to be looked into. Whether the systems have to be examined, monitored, assessed, or expanded as needed. I think we need some information on that to be provided to Michael. I think I got that from your own document, that there may be an issue with that sewer. That is all I have. Like I said it is in the preliminary stages. I am more interested to see why this is now a school and not a summer camp. Do you need anything else from us? Giving more people an option to use the bathrooms in the shule would increase the flows for that particular building, I believe, if that made any sense. The shule doesn't increase the camp population, but it may affect that system.

Randy Wasson: I need to know what the uses within the shule are.

Daniel Gettel: It's not one central sewer, is it?

Randy Wasson: No. There are a number of them.



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Daniel Gettel: There is a SPDES permit, but it covers multiple sewers. Did you need anything else from us? Are there any other comments from the board? I do think moving forward we have to determine what is the real use is. Like I said, I want to get Michael (Weeks) onboard. I don't think we need a vote from the board on that, but I think it makes the most sense. I agree with Steve that we need some kind of population figures and some kind of use of what the buildings are. Jacy, are you okay with where we are so far? It is just preliminary.

Jacqueline Ricciani: That's fine.

Daniel Gettel: Thank you, Randy. Like I said, item #4 was pulled from the agenda. We don't need to review that tonight.

~~4) *Application for a Special Use Permit and Site Plan review to allow for twenty (20) Duplex Units, a 5,000 sq. ft. two story Classroom Building, two (2) single story Dormitory Buildings, and an eight (8) unit Visitors House located on Cohen and Cohen Road, known as Bethel Tax Map #: 13-1-4.2, proposed by Camp Nachlas Yakov. (Wasson) (Client pulled this from the agenda)*~~

5) *Application for a Special Use Permit with a 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)*

Daniel Gettel: I spoke to John in Florida. I want to get that on the record. Most of the board is aware that John Payne and I have been communicating back and forth through emails in an attempt to move this application along in the approval process. John reached out to me from Florida, and I reiterated some of the concerns the Planning Board has raised at past meetings and stated what we needed done in order to address some of our concerns. I informed John, and he agreed that any correspondence would be placed on the record as part of the file. The board was made aware of the emails that went back and forth, and at this time I entertain a motion that we receive and file the email correspondence from John Payne and myself between February 23rd, and February 27th.

Motion to receive and file email correspondence between John Payne and Daniel Gettel between February 23rd and February 27th, made by Steve Simpson, second by Susan Brown Otto



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All in favor - 7

Opposed - 0

Agreed and carried

Daniel Gettel: If you want would you address what you discussed with John, and what changes have been made since the last application, or what has been done to address some of our basic concerns.

Al Chase: I received the forwarded emails, which finally gave me some direction on how he is doing his business. The board had asked to show.... I guess first of all, he narrowed it down to 16 full size boats, which are considered pontoon boats on trailers. I tried to lay them out across the plateau that would be his sales lot just to show where they would fit. He also would put a four foot high wood post with rope to try to deter people from climbing up the bank from 17B to look at the boats. It would kind of direct them to the entrance way to the middle driveway there, and directs them to the parking area.

Daniel Gettel: As far as the sales lot goes, we did have some talk during the work session that a lot of squares that are shown would make it very difficult to get boats into those slots. I get the fact that you would park a boat, but if you go all the way to the most southerly space, in order to get that boat in or out you would have to move at least 3 or 4 boats so there is going to be an issue for John to move boats around in that storage space. I don't think it necessarily affects the displays. Glenn, correct me if I'm wrong, it might be nice to have a boat behind a boat as far as the display goes, but I do think it is going to be hard to access and get the boats into those spots.

Al Chase: Right. I think in one of his emails he said I could only put as many boats as would actually fit on the lot.

Daniel Gettel: That is why we asked him to allow you to determine.

Al Chase: Right, he says, show the board how many spaces would actually fit on that land.

Daniel Gettel: Now, am I right in assuming, and I believe Jacy had this issue, that there will be no further expansion of this sales lot?

Al Chase: If there ever was, he would have to be granted.

Daniel Gettel: I mean as far as this application goes. This number of boats fits on what exists, on what we know as the cleared area right now. John was originally talking 25 boats. In order to accommodate 25 boats he would have to expand it right now.

Al Chase: As far as I know, he is not looking to expand the lot. He wants to utilize what's there. That is why he was arguing not to have the topo done at this time. He's not designing anything. He doesn't want to cut into the bank. He's not putting in a retaining wall. He just wants to utilize what exists.



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Daniel Gettel: We did discuss that in the event that John does decide to, if business picks up or if he does feel the need to expand the existing lot, he will have to provide the town with accurate two foot topo along the frontage of the area.

Al Chase: That is on the map right now.

Daniel Gettel: At this time, I don't know if Glenn agrees with me or not, I kind of took a step over him on that. I don't know. Since there are no changes proposed at this time, that topo probably won't be that helpful. I know it is difficult at this time of year to provide accurate topo, especially when you are shooting it from scratch with the spot elevations. It is a little hard with the snow cover. I don't really think that the benefit we would see by getting the topo at this time, pushing John off two months in his approval process, would really justify us requiring it. I think that a good compromise is that John has indicated that he will not be expanding the sales lot at this time and at this time it only accommodates 16 full size boats. As far as full size boats, there was some discussion of what is a full size boat. He does intend to sell some jet skis, some rowboats, some kayaks perhaps. So we are not talking about all full size boats. I do think moving forward we as a board would have to determine if he mixes in smaller watercrafts, what would be the maximum we would permit on the lot. For instance, if there are 15 full size boats on the lot, and he wants to mix in 2 smaller water crafts, that would probably constitute 16 spaces. We have to come up with some kind of comparable number for a small watercraft as compared to a full size one. We do have some work we have to do. I do think John should be involved in that.

Al Chase: He is supposed to be here at the April meeting.

Daniel Gettel: That would be very helpful. As far as the landscaping that has been proposed, I know you touched on the fence a little bit. If you want, would you talk about the grass and the boulders that are there now?

Al Chase: He is supposed to move the boulders completely off of the state right of way line. The only way he could have kept those boulders was a special permit from DOT and he doesn't want to go that route. I know in front of the sales lot he is going to move the boulders back and I talked to the DOT in Monticello, Ed Mall, and he said the state doesn't want to have the boulders on the driveway portion either, the drive leading up to the sales lot, because it creates a liability for the state. If a car were to come off the road hit a boulder, there is liability. I mentioned that to John. Those boulders may have to disappear completely.

Daniel Gettel: As far as dissuading people from parking on the shoulder of 17B, John is talking about installing that wood post. It is a rope fence that is similar to what the Flea Market has off Pine Grove



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Road. That is probably, that is more than 30 inches high there?

Glenn Smith: At the Flea Market? I think that was around 4 foot also. 4 foot should be adequate. Like Al said there is a bank up there.

Daniel Gettel: We did have an issue at the Flea Market. I didn't think it was that high. I am okay with that. That will be supplemented with some ornamental grass plantings. I assume some of the boulders they will save, perhaps they won't. You mentioned the existing driveways. Would you discuss the proposed access to the service building? How is John proposing getting from the sales lot to the service building and vice versa?

Al Chase: Any boats that were brought onto the property would come into the parking area to the west of the block building. John told me that if they needed servicing or inspection they would be placed inside the building. There is an easterly garage door on the other side of the building that he would take the boat out along the face of the nonstorage building and there is an old grass roadway there that runs right along the face of the building. It leads right down to the easterly drive entrance which would bring them right up into the sales lot. He isn't taking it out on 17B. That is what he is trying to eliminate. There is the shale drive behind the buildings. He says in the future if he can bring that up to grade, he's not sure when he can do it, this way any new boats being brought in. The same method would be used instead of going through the building. They can go around the back of the building, again staying off of 17B, bring down the shale drive and up into the sales lot.

Daniel Gettel: That is the route the majority of the board is in favor of, especially since it is keeping the people off of 17B. For the record, this is spelled out in the plan. Glenn am I right? The proposed access to the sales lot is spelled out in the plan. Spelling it out does restrict John in the future from what he can and cannot do. The only problem that we have with that is there is a question of a time frame of when that shale driveway will be improved. I do think that is something that John should address. Better sooner than later. I am not going to tell him when he should make that improvement, but I do think it should be made. There is a disturbed area behind the service building at this time. I do think that.... The issue that we have with John is with violations of the code. Jacy, what is in front of the court is the excavated sales lot in anticipation of going to the Planning Board. John is arguing that the disturbance behind the service building was required to gain better access to the service building itself. I don't know if that is something in our hands or in the Building Department hands, but it is something that has to be addressed. I don't know if we are going to enforce it or if the court is going to.

Jacqueline Ricciani: What's going on in the courts is not what is being addressed or what was happening behind the building because frankly we don't exactly know. BJ wasn't allowed on the property. All that is addressed in the court is what is clearly visible from the roadway and that is the



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display area. And before we can address it we have to know exactly what is going on back there. I don't think anyone from the Building Department has ever seen what is back there.

Al Chase: He wanted to gain access, so he cleared that all out and when he was in the process of doing that he came across all this shale so he said I'll take the shale and use it to coat the proposed sales lot.

Jacqueline Ricciani: But I think he did more than just coat it. He seemed to have done some grading and some excavating, more than just throwing down some crushed rock. That is why there is something going on in court.

Daniel Gettel: I think that has to be resolved in the court. It is not part of this application. I don't think it is something that we can enforce on our end.

Jacqueline Ricciani: And there is not much you can do about what went on behind the buildings.

Daniel Gettel: Glenn I think it is reasonable to think that if you have a building that was built at the toe of a slope that is not maintained or occupied for 20 years, that it may be silted in. A lot of water runs down to the building, a lot of silt could clog up the doors that are there. That is my understanding of what was done, but clearly it went a little beyond that. That might have been the initial intent of getting some equipment in there, but it went way beyond of what the intent was.

Glenn Smith: Since I have been involved with this there is so much snow on the ground you can't see what is going on back there. With the question of the display area, the 16 boats, what is the problem with making that wider?

Al Chase: It actually goes right to the toe, that bank. He would have to cut into the bank.

Glenn Smith: I wasn't sure if he could take some trees down.

Al Chase: When we located that plateau area, I guess there used to be an old house there at one time, we pretty much located the toe of the bank. To go farther back it would require excavation.

Daniel Gettel: I think one of the things you are going to have to address from your end is that you show five customer parking spaces. I guess it will be tempting to add five boats to that area since it is immediately adjacent to the boat display area. We have to put some kind of restriction that they are intended just for patron parking as opposed to boat storage. It is the same cleared lot. The plans should be updated if the boulders are going to be moved or removed.

Al Chase: The ones directly in front of the sales lot, he told me he would move them back. He wasn't



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sure if DOT would allow him to keep the ones along the driveway entrance.

Daniel Gettel: That is the first 4 on the northerly side?

Al Chase: Yes.

Daniel Gettel: The plan says they are to be moved back. If they are going to be removed it should be shown that they are going to be removed because that will open up the parking area for the patrons. I do think that is an obstacle for the people who are driving there. I would make sure that everything that is shown on the plan is exactly what John is willing to go along with. As I said in the past, I am hesitant to get involved in helping him design this thing, but I am also not really willing to set a lot of conditions on his operation because in the past, I am not going to say that John violated the conditions, but he did kind of imply that we took some rights away from him by putting to many conditions on him so I think the least number of conditions we can set on this probably the better.

Al Chase: I will speak to Ed Mall from the DOT. He said if those boulders were left along the driveway he would have had to get a use and occupancy permit. I don't think John wanted to get a use an occupancy permit because there is a lot involved with that.

Daniel Gettel: You should be telling us he is not going to apply for that permit if he isn't going to.

Al Chase: That is the impression that I got, that he wasn't going to. I'm not saying he isn't going to. I can't speak for him.

Daniel Gettel: Well you are here to speak for John, and your plan speaks for John, that is kind of what the problem is. Are you comfortable submitting this plan to the County for their review, with the landscape that is shown?

Al Chase: I believe so.

Daniel Gettel: We do think there may be an issue with the county, as per their 239 review.

Al Chase: I know Glenn mentioned a 15feet.

Glenn Smith: That's zoning.

Al Chase: A landscaping strip. If we were to do that it would take away too much of the sales lot to be considered a sales lot anymore.



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Daniel Gettel: That has always been the argument for this particular site.

Al Chase: It would basically kill the whole deal. You can present it to the county. They are either going to accept it.....if they require it, it will kill the deal. It is out of my hands.

Daniel Gettel: Are there any other comments from the board? With the restrictions that have been placed on this we do think it is getting closer to where we could move the plan to a public hearing. I do think John has addressed some of our basic concerns, especially with the restrictions of the existing driveway. It is my understanding that the DOT is in favor of using this proposed driveway, so it is a little bit hard for us to say not to use it, but I do think restricting it from going from one driveway to the other is a big part of the problem in the past. Al, we had also discussed during the work session the delivery of boats, and you had mentioned that they get delivered to the original driveway, let's say the most northerly driveway. Is that correct?

Al Chase: Right, that is what John was saying.

Daniel Gettel: I understand the driveway has been improved at this time so a truck can get in there. If a truck gets in there, how does it turn around, and how does it get unloaded. How do they get the boats get off the truck?

Al Chase: I'm not sure if they use forklifts.

Daniel Gettel: I don't think John has a forklift, that's why I would like you to find out how that operation actually happens? Clearly there is a note on the plan that says that will not happen within the bounds of 17B, which I think is important.

Al Chase: You're right, it can't.

Daniel Gettel: But, I would like to know for this board's knowledge how that is accomplished.

Mike Cassaro: How do you pull in that parking space? How do you get a car in there, and get a car out of there? Shouldn't the boats be in on an angle, in and out?

Al Chase: They are 20 foot to begin with, so a typical car....

Daniel Gettel: Scale wise you could pull in perpendicular to 17B and still have enough room to back out, depending on how many obstacles are in the way.

Mike Cassaro: If you move those boulders.



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Daniel Gettel: That's why I think the plan should show where the boulders are going to be relocated.

David Biren: I don't think you can submit this plan to the County.

Daniel Gettel: That is why I am asking if they want to do that. In order for us to get a county review by the next meeting, it has to go out now. That is why I want you to be aware that there may be some implications if we submit to the county, they may have problems with it. If you are willing to take that risk, I am willing to ask BJ to forward it to the County for their review, to the County and the State. The state will probably come back with the same conditions as the Antique Shop down the road. You need a permit for this, you need a permit for that. I don't expect a lot from the state, but you never know. But I would be concerned about the County. We will submit it if you want, but John is taking on a risk.

David Biren: Can't you wait until John comes back?

Daniel Gettel: Then that puts everything back another month. It's really their call. In order for this to go to the County, it would have to be submitted by March 6th to make the 30 days.

Al Chase: Can he notify the town? I'll talk to him tomorrow.

Glenn Smith: Mr. Chairman, the County has been pretty adamant the last year or so on the 239 reviews. They want what they call a complete submission. Anything that is modified after the review, they have to send a complete new submission and they won't review if it isn't a complete submission.

Daniel Gettel: That is why I want John to make that determination because it has been something that has been discussed, and I do think that John needs to make that determination. When does John plan on selling boats on this lot? Does he have a date?

Jacqueline Ricciani: The plan says April to October, 8:00 am to dusk. I thought it was by appointment only?

David Slater: It does say by appointment only.

Jacqueline Ricciani: Then why does it say 8:00 am?

Daniel Gettel: It is my understanding that each boat is going to have a weather proof container on the boat with specific information on that boat itself along with a contact number. I know that is something that has been kicked around and misinterpreted in the past. That is my understanding after speaking with John about how he intends to actually advertise and have these consignment boats.



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Jacqueline Ricciani: Off-season?

Daniel Gettel: Off-season there is no storage on this lot.

Jacqueline Ricciani: What's he going to use for security?

Daniel Gettel: That is part of the initial special use permit that he parks a truck in the driveway. He wants to maintain that. I think it is a bit tacky, that's his call, that's really not part of this application. That is security for the back lot.

Jacqueline Ricciani: So that is going to be on the existing drive?

Daniel Gettel: That is part of the storage part of the business. I think it is more important to point out that there will be no boats in this area during the off-season.

Jacqueline Ricciani: So he doesn't intend to park another truck across the westerly driveway?

Daniel Gettel: It's not down by the road, it's up in the woods.

Jacqueline Ricciani: The email going back and forth was not real clear about that.

Daniel Gettel: It is where the tree line starts. That is what we are referring to.

Jacqueline Ricciani: I've seen it. I didn't know if he was going to have a second one.

Daniel Gettel: No, because there will be no storage here.

Jacqueline Ricciani: Okay.

Susan Brown Otto: As I recall the court date was February 23rd. What happened on that date?

Jacqueline Ricciani: It was adjourned. The next date is May 18th. We canceled the meeting. He is coming back and making progress so the meeting was adjourned. The expectation is everything will be done by the time we go to court.

Daniel Gettel: Jacy, just so you are aware of it as part of this application we do have to look at the original special use permit because it does address no sales and it also addresses that no boat shall be parked within a 100 feet of the right of way. That will have to be amended.



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Jacqueline Ricciani: It also says that if he does want to do retail sales, he has to come back, so you think we may need to amend those conditions?

Daniel Gettel: I think we may need to amend them, the part within 100 feet of the right of way, or at least address it in the new one. I think we just need to address it.

Jacqueline Ricciani: I think that was because you didn't want him to just put the boats in the front with a for sale sign, like what happened all summer. We can do something like no sale of boats outside the area designated, something like that.

Susan Brown Otto: What about the signage of the boats?

Daniel Gettel: There was a question of signage and John was supposed to get us a picture of the sign he intends to install on the building. Originally he proposed installing it on the building and it never got installed. We do want to draw his attention to the fact that we want proper signage installed and portable signs are not permitted in the Town of Bethel within 200 feet of the right of way, don't quote me on that. His portable signs do not conform to zoning.

Al Chase: He mentioned about having something on the building, taking a photograph and superimposing it on.

Daniel Gettel: But we don't have that so if he is proposing that this time we need to have it.

Susan Brown Otto: I see signs for Interstate 86. Does that mean John Payne boats?

Al Chase: In the past he has been affiliated with that. This is Boatwise.

Susan Brown Otto: That is the name of the corporation but there are these signs that say Interstate 86. There are at least 2 if not 3 of them.

Jacqueline Ricciani: Is that a separate company?

Al Chase: I don't know.

Mike Cassaro: He has property by Exit 106 on 17, which is route 86.

Daniel Gettel: What are your thoughts on moving forward? Do we wait for a revised plan? Do we move to a public hearing and wait for John to tell us about the 239? I don't have an issue asking the neighbors what they think because we do want to get them involved early on.



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Jacqueline Ricciani: Here is the other thing when you think about the timing. You can schedule for a public hearing in April, but then in April you are going to send the M239 review. You might as well just do it. If you have a public hearing next meeting you won't be able to act on the application without having the 239 back from the County.

Daniel Gettel: Unless the 239 goes out by Wednesday.

Jacqueline Ricciani: Based on this plan I don't know if there is enough information in these notes for the County.

Glenn Smith: You will find out when you submit to the County.

Daniel Gettel: That is why I am asking them to determine it because I agree with you, I think there is going to be an issue when it goes to the County, but if they want to submit it I don't have an issue with that.

Glenn Smith: What do they have to lose?

Jacqueline Ricciani: Just that they want more information and it will delay it.

David Biren: It may delay it even longer if you have revised plan.

Jacqueline Ricciani: Well get everything, the tractor-trailers, the boulders, figure out everything. Come back to the April meeting, they have it all done, the landscaping and everything is done. April meeting you schedule a public hearing, send out the 239, set the public hearing for the first Monday in May, get the 239 back, and you have it all set.

Daniel Gettel: Al, I do think that does make more sense moving forward. I think you will be caught up at the County. I'm not putting everything on the County, like I said in the past this is more of read between the lines.

Jacqueline Ricciani: That is why I have asked for a management plan, or something that will explain.

Daniel Gettel: John has indicated he will be providing a management plan so that is something you should speak to John about.

Jacqueline Ricciani: It doesn't have to be pages and pages, but it does have to explain how it is going to operate. How boats are going to come in, how customers are going to come in.



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Al Chase: I did try to incorporate his email comments onto the map, like the last note up there.

Daniel Gettel: I do think if we had a management plan or operational plan or narrative, similar to the Antique Shop, even when it is submitted to the County, it is more of a narrative of what you are proposing as opposed to just giving them a plan with notes on it. We are calling it a management plan. It really is more of a narrative and it would be better for the County to state that it is more of an expansion of an existing use. I think it is better to take a look at the plan as far as presenting it to the County with the idea that we would be looking at a public hearing in May and also a submission to the County, expecting a response from them in May. That would be something we would do in April. Do you need anything else from us?

Al Chase: Any recommendations from you that you feel that needs to be added or revised.

Daniel Gettel: I think you should pay particular attention to what the County is going to want as far as landscaping, fencing, more specifics on the fencing. You do in fact intend to move the boulders, show that the boulders are going to be moved, or removed, where they will be moved to, and things of that nature and information on how the boats are brought to the site how they are going to be unloaded off the tractor-trailer, and how the tractor trailer would navigate out of the lot.

Jacqueline Ricciani: Like we said before, if there is a boat in the middle how you are going to move them. I assume they are all going to be on trailers.

Al Chase: John will come up with this in his narrative.

Daniel Gettel: I think John should come up with the narrative.

Jacqueline Ricciani: He probably has it figured out in his head.

Daniel Gettel: Thanks for coming in, I hope it was helpful.

6) *Administrative – Pre application meeting for March 19th at 4 PM to discuss the YGS Torah Center (former Daytop property). Please remember to stay in touch with BJ.*

Daniel Gettel: If anyone on the board is interested in attending this preapplication meeting, we can have two more people attend. BJ has already scheduled the meeting.

Jacqueline Ricciani: That date is for sure?



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Daniel Gettel: Yes, it is already set up. I do plan on trying to get there. If anyone is interested in attending please contact BJ. We can't have more than 2 more people attend.

Motion to adjourn by David Slater, second by David Biren

All in favor – 7

Opposed – 0

Agreed and carried

Respectively Submitted,

Jannetta MacArthur

Recording Secretary