



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 June 1, 2015 at 7 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, NY. A regular meeting of the Planning Board followed on the same date at 7:30 PM.

At the time the work session was scheduled to begin the meeting room was found not to have lights and limited power at the outlets. The meeting was moved to a room, in the same building, which is typically occupied by the Town of Bethel Youth. The entrance to the meeting room and building were posted advising attendees of the required change in location, and the meeting commenced at 7:30pm. Unbeknownst to the board at the time, power failed to the outlets in this second room causing the tape recorder to stop recording. These minutes have been prepared based upon the initial recordings, notes provided by the Planning Board Chairman and the Planning Board Clerk, and recordings made later in the agenda with a hand-held tape recorder.

In attendance: Daniel Gettel, Chairman, Michael Cassaro, David Biren, David Slater, Wilfred Hughson, Vicky Vassmer-Simpson, Councilwoman, Jacqueline Ricciani, Attorney, Glenn Smith, Engineer, and Bette Jean Gettel, Code Enforcement Officer.

Excused: Jannetta MacArthur, Walter Norris, Steve Simpson and Susan Brown-Otto. The board did have a quorum with five members.

Pledge to the flag

Daniel Gettel: I assume everyone on the board has had the chance to read the minutes from the April 6th Planning Board meeting. The minutes were not released until after our last meeting. If there are no comments from the board I would entertain a motion at this time that we approve the minutes from our April 6, 2015 Planning Board meeting.

Motion to approve the minutes of the April 6, 2015 Planning Board meeting by David Slater, second by Michael Cassaro

All in favor – 5

Opposed – 0

Agreed and Carried

Daniel Gettel: We also got the minutes for the May 4th meeting recently. If there are no comments I would also entertain a motion that we approve the minutes from the May 4th Planning Board meeting.

Motion to approve the minutes of the May 4, 2015 Planning Board meeting by David Slater, second by Michael Cassaro

All in favor – 5

Opposed – 0

Agreed and Carried

Daniel Gettel: Tonight we have a Public Hearing for the former Daytop Village property. In a moment I will open the meeting up for a Public Hearing. No one has signed in to speak at this time. If anyone would like to speak at this presentation I will ask the applicant to make a presentation to the audience. If anyone would like to make a comment after that I would ask that you raise your hand. I will ask you to stand up, state your name for the record and make your comment at that time. This is a Public Hearing. This is not intended to be a question and answer period nor is it intended to be a public debate. We are simply here to listen to the public.

1) Public Hearing for a private school to be located at the former Daytop Village Property, 4483 State Route 55, Swan Lake, known as Bethel Tax Map #: 8-1-48, proposed by YGS Torah Center.

Daniel Gettel: At this time I would entertain a motion that we open this meeting up for a Public Hearing for the former Daytop Village property

Proof of mailings receipts were received

Motion to open this meeting up for a Public Hearing for the former Daytop Village property by Wilfred Hughson, second by Michael Cassaro

All in favor – 5

Opposed – 0

Agreed and Carried

Tim Gottlieb: My name is Tim Gottlieb from the office of Joseph Gottlieb, P.E. P.C. What we are proposing is to convert the existing Daytop Village Center into a school. Right now there are dormitories on the westerly side of the property that will be used to house the students. On the easterly side will be the school, the dining facility, maintenance facility and sewage treatment plant. There are two water systems. One for the westerly side and the maintenance building and one separate one for the dining hall and where the school will be. The existing sewage treatment plant has a capacity of 40,000 G.P.D. We are in the process of getting the SPDES permit changed over to the applicant. That's about it.

Daniel Gettel: Would anyone from the audience like to comment on this application?

No one

Daniel Gettel: If no one from the audience would like to speak I will entertain a motion at this time that we close this Public Hearing and go back to our regular agenda.

Motion to close this Public Hearing and go back to our regular meeting by Michael Cassaro, second by Wilfred Hughson

All in favor – 5

Opposed – 0

Agreed and Carried

Daniel Gettel: Glenn, you had some comments that were outstanding after your review of the project.

Glenn Smith: I made my comments back on April 27th. I had some questions on sewer and water, landscaping and lighting. Tim Gottlieb got a response back to me last week on the sewer and water along with an engineering report and the information on the sewer plant that we had asked for to address four or five of my comments. Then I got a copy of a letter from you Friday addressing my remaining questions that I had. He has addressed the vast majority of them. Outstanding was to get the final SPDES permit from the DEC. I guess that is in the process. The name is apparently being changed out. A copy of that should be provided to the Town. One of my comments was that the applicant should provide some information on the occupancy of the buildings. They should verify that the two hundred plus people that are going to be there for the first year have a room to sleep and that ultimately the four hundred and fifty people can reside in the existing buildings. Tim does say that BJ does have some information on the occupancy question. I just had a couple comments on the application, revising some of the tax map numbers and revising the zone designation as it is in the RS zone, which Tim says is going to be done. He should submit an amended application addressing the things I requested.

Daniel Gettel: We are going to ask that they resolve your issues, which will be covered under that.

Glenn Smith: I brought up one comment that the Town zoning requires two foot contour interval topography of the site. Since they are not proposing any buildings or utilities I am not sure if that is required. It is in the zoning but it could be waived by the board. I told Tim that on a portion of the Site Plan, on the west side of the highway, it shows a six foot high privacy fence and the rest of the fencing was post and rail. I questioned if it is one or the other. Tim says it is a privacy fence where it is shown and post and rail where it is shown.

Marvin Newburg: Mr. Chairman, if I may, just recalling from the last meeting as far as Glenn's

comment about the capacity of the dormitories I know an inspection was done and I believe it was reported that there is adequate room there for the students who are going to be there. I would also ask, we are making great progress getting the SPDES permit turned over and history would show if we could get a conditional approval, conditioned on getting that final permit I think it would be helpful for our getting it from the DEC.

Daniel Gettel: How does that affect your timeline as far as opening the school? I know you are ready to open, but you clearly cannot open until the DEC approves it.

Marvin Newburg: Absolutely.

Daniel Gettel: As far as the Health Department goes you have met with them about the water?

Tim Gottlieb: I met with them. I discussed it. There are really no changes to the water system at all.

Daniel Gettel: So you don't need anything from the Health Department. The DEC is the main governmental agency.

Marvin Newburg: Yes. And the other, if I may, as far as combining the tax map lots I have written to the Assessor. We will take care of that. I have spoken to the Real Property Tax Map office and once they get an okay from Ms. Brown, as long as we meet a couple of conditions as far as ownership, etc. they will be ready to approve. I spoke with Ed Hominick there.

Daniel Gettel: BJ, do you have any comments on the occupancy question?

Bette Jean Gettel: They have more than adequate room for them. By the time we went through all of the buildings they are in excess of four hundred students. The building they plan to open this year, they have more than two hundred beds.

Daniel Gettel: For the record, which building is that, the most southwesterly building?

Bette Jean Gettel: Yes.

Daniel Gettel: That will be the dormitory used for this season.

Bette Jean Gettel: Correct.

Daniel Gettel: Are there any comments from the board?

None

Daniel Gettel: Did we hear back from the State on the 239 review?

Bette Jean Gettel: No.

Daniel Gettel: So that one is a wash. We did not hear back from the State and they had adequate time to respond.

David Biren: The pool is not going to be used so that is just going to be secured and that's it, right?

Tim Gottlieb: Right now it is not going to be used. They may put it in a different location.

David Biren: So it will be relocated at a later point so you are just going to secure it, lock it and that's it.

Daniel Gettel: You understand our concerns as it is located right off the road.

David Biren: That's correct, that's why I raised it.

Daniel Gettel: Clearly, it does not meet setbacks. You don't up and move a pool either. Moving forward I would like you, if you decide to revamp the pool, I would like to see it relocated.

David Biren: Can we get a time frame on how long it is going to take to shut it down permanently?

Daniel Gettel: Simply lock the gate?

David Biren: It's going to take more than that. You have a lot of kids there. It won't take much for a young person to climb the fence and possibly get hurt. That is why I am asking these questions.

Bette Jean Gettel: What are you looking for?

David Biren: Somehow remedy the situation. You said you are going to move the pool which means you are not going to use this pool.

Marvin Newburg: We don't have any plans to move the pool.

David Biren: No, they are not going to use the pool.

Daniel Gettel: Is there any water in the pool at this time?

Marvin Newburg: No.

Daniel Gettel: There is no water in the pool.

David Biren: Can you bury the pool, since you are not going to use it?

Bette Jean Gettel: No.

David Biren: So, can it be removed and just cover that land up?

Solomon Greenfield: We are just going to close it with the fence.

David Biren: You are going to what? I am sorry.

Solomon Greenfield: Close it with a fence.

David Biren: With the fence that is there or with a higher fence? I just don't want to see someone get hurt that is why I am asking.

Tim Gottlieb: A solid fence.

David Biren: It's right on the road so again you are putting up a solid fence which is what the State doesn't want.

Bette Jean Gettel: It already has a solid fence. It is already there.

David Biren: Okay.

Daniel Gettel: Glenn, do you have any suggestions? I would not suggest that they bury the pool. Clearly that's just throwing it away.

Glenn Smith: The Health Department requires a minimum four foot high chain link fence around the pool, so if you can meet that it meets the Health Department requirements. The gate has to be locking and self-closing. That is all the Health Department pushes for. The pool is going to be empty. I think that takes away some of the attraction.

Daniel Gettel: Yeah, it is more of a danger of it has water in it.

David Biren: I understand that I am just...

Glenn Smith: If it is empty that would make a big difference.

David Biren: Okay.

Daniel Gettel: Do you know how deep it is, approximately? Tim, is it an eight foot deep pool?

Tim Gottlieb: I don't know.

Bette Jean Gettel: If I remember the records correctly it is an eight foot deep pool.

Daniel Gettel: We would like you to meet the minimum Health Department requirements for securing the pool, fair enough?

Tim Gottlieb: Yes.

Marvin Newburg: Absolutely.

Daniel Gettel: I don't think we need to make it a condition of approval, but BJ, during you inspections would you see to that?

Bette Jean Gettel: I will see to that.

David Biren: Thank you.

Daniel Gettel: Jacy, do you have any comments?

Jacqueline Ricciani: No, not at this time, just what you are going to be doing about the fencing that is going to be along the road.

Daniel Gettel: I was going to suggest that Tim describe it at this time. That goes along with the County 239 review.

Tim Gottlieb: What we had before was solid PVC fencing, five foot high. We changed that to a post and rail that basically....

Marvin Newburg: That is a lot of fencing. You had concerns last time.

Tim Gottlieb: Basically, it goes from the entrance here, down along (showing on map) to the second entrance and then it also goes along this property line, this frontage, to this chain link fence with privacy slats so this dormitory has some privacy for the students.

Daniel Gettel: Like we spoke before the meeting, that's less than one hundred feet long. That's what it looks like to me based upon the scale, the privacy fence.

Tim Gottlieb: Yes, something similar. We took the fence off on this side (showing on map).

Daniel Gettel: I think the split rail fence, in my opinion, was to keep people from crossing and running out into the road. Can you touch on landscaping?

Tim Gottlieb: We did a full landscaping plan which you have. It meets the requirement of one deciduous tree every thirty five feet and then some shrubbery at the entrances.

Daniel Gettel: Do you have any comment on that Glenn?

Glenn Smith: My comment in my original report was that the landscaping will add color and visual interest, but not screening, if that is the Town's intent. It apparently conforms to zoning, but if you are looking for screening it will not.

Daniel Gettel: We are not screening parking lots either in this case. The main structures are well off the road. The kitchen/dining room building is almost a thousand feet off the road.

Jacqueline Ricciani: So there is no fencing on this side of the road, just the one side?
Tim Gottlieb: No, this side.

Daniel Gettel: Just the residential side.

Jacqueline Ricciani: Okay.

Daniel Gettel: Do you have any thoughts on the pond, on securing the pond? That is something interior, something internal. It does not affect the Town but you should consider it with people walking down the driveway there. It is a nuisance.

Daniel Gettel: Jacy, what is your take on the County 239 letter? They recommend.... They are not in favor of the vinyl but they clearly did not review the plan that shows the split rail. That is my interpretation of the County 239 letter. There has been an issue with....

Jacqueline Ricciani: Their recommendation is that there not be the vinyl fencing all the way down and the plan complies with that recommendation.

Daniel Gettel: I think we should run through it for the record. It talks about lighting details not being provided, but there are no new lighting fixtures. It is an existing facility, it is the re-use of an existing facility, and I think the lighting there is adequate and is not overbearing nor is it glaring into the road. They talk about if you are going to plant new trees that the vinyl fence should be behind the trees. In this case, it is not a privacy fence so I do not believe it really an issue. They say that the chain link fence with the attached screening material have an institutional appearance that can detract from the rural visible quality of the mainstay of Sullivan County but we would also like to point out that we are talking about less than a one hundred foot long fence only in the area that is needed to give the dormitory privacy.

At this time, power to the outlet serving the tape recorder in this second room went out. The remaining portions of these minutes have been prepared based upon individual notes from the meeting provided by the Planning Board Clerk and the Planning Board Chairman, together with a hand-held tape recorder, which will be discussed later in these minutes.

Daniel Gettel: I believe the the plan conforms to the County 239 review and therefore we do not need to take any further action on that matter. At this time I will run through Parts 2 and 3 of the Short Environmental Assessment Form, which are our responsibility as Lead Agency.

Short Form EAF Part 2

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

No, the proposal conforms to zoning.

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

No, this use is similar to the previous use of the parcel.

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

No, this use is similar to the uses on other parcels in the immediate area.

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

No, there are none in the Town of Bethel.

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

No, not substantial. Students will be brought to the property and will reside on the parcel, not be bused in daily. 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 is the reuse of an existing facility with no new construction proposed.

7. Will the proposed action impact existing:

a. public / private water supplies?

No, there are no public water supplies and the existing facility is served by private wells which are adequate to serve the proposed population.

b. public / private wastewater treatment utilities?

No, there are no public sewers in the area and the existing sewer plant will be utilized to meet the needs of the proposed population.

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

No, this does not involve the use of a historic building or resource.

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, there shall be no disturbance of wetlands or waterbodies.

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

No, this is the reuse of an existing facility and any site disturbances shall 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.

Daniel Gettel: That is the end of Part 2 of the EAF. None of the questions resulted in an answer that was moderate to large and I believe the reasons for the findings were clear so I do not believe there is any need for us to complete Part 3 of this form. 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 Michael Cassaro, second by Wilfred Hughson

All in favor – 5

Opposed – 0

Agreed and Carried

Daniel Gettel: Are there any questions or comments from the Board? If not I would suggest that if we decide to approve this application tonight that we do so with conditions. I would suggest that these conditions be as follows:

- 1) Prior to occupying the property the applicant shall obtain State and Agency permits and approvals.
- 2) The maximum number of students permitted at the school shall be four

hundred (400).

3) The applicant shall insure that the review comments listed in a letter prepared by Glenn Smith, dated April 27, 2015, are addressed to the satisfaction of Mr. Smith.

4) All fees are paid to the Town of Bethel.

Daniel Gettel: If there are no comments from the board I would entertain a motion that we grant this application a Site Plan approval based upon the Site Plan as submitted with the previously discussed four conditions.

Motion to grant this application a Site Plan approval based upon the Site Plan as submitted with the previously discussed four conditions by David Slater, second by Wilfred Hughson

***Michael Cassaro – Yes
David Slater – Yes***

***David Biren – Yes
Daniel Gettel - Yes***

Wilfred Hughson - Yes

Motion approved 5 – 0

Daniel Gettel: Thank You Gentlemen.

2) Application for a Special Use Permit for an Antique Retail Shop located at 1100 State Route 17B, next to Airport Road, known as Bethel Tax Map #: 38-2-3, proposed by Antiques Retail Shops. (Groper)

Synopsis of Item #2 on agenda

Presenting – James and Jenny Vielandi, applicants and Eric Groper, attorney for the applicant.

A discussion was held regarding the fact that although the Country Bum’kin Antique Shop has existed at the above referenced street address for a number of years a Special Use Permit was never requested, or obtained, when the business relocated to this previously converted residence. At this time the applicants are interested in purchasing the building, continuing to operation of their business, and are requesting that a Special Use Permit be granted.

The Planning Board raised concerns regarding what appears to be the occasional secondary use of the property for flea markets and/or yard sales, specifically the fact that there have been instances where yard sale patrons have parked their cars on the shoulder of NYS Route 17B, creating safety concerns not only for those patrons, but also for passersby. The applicant did acknowledge that four times a year the property is used for yard sales, not flea markets, primarily

over holiday weekends. It was pointed out that this was apparent over the recent Memorial Day weekend when the local constabulary visited the site to reputedly advise the owners that measures had to be taken to persuade patrons not to park on the shoulder of the road. It was also pointed out to the applicant that in the past the State had taken measures to shut down two flea market/yard sale businesses in the immediate vicinity for this very problem and that the Planning Board had recently granted a Special Use Permit for a similar business in the area and had raised the same concern with that applicant. The applicant acknowledged that they temporarily placed chairs with caution tape on the shoulder of the road during the Memorial Day weekend to dissuade patrons from parking there. The board advised the applicant that moving forward a plan should be in place to address this concern and that perhaps traffic cones could be placed along the road shoulder in advance of the event instead of lawn chairs and caution tape. It was advised that the applicant reach out to the NYS DOT for their opinion on placing cones or if they would recommend an alternate solution.

Lawn displays were also discussed as the applicant does have a number of displays of Adirondack style chair sets which are left in the lawn areas for extended periods of time. The board pointed out that other applicants in the area had indicated their willingness to not have overnight lawn displays of merchandise which is available in their store. It was suggested that if this practice of having lawn displays was to continue that perhaps it would be best to cut down on the number of items on display at one time, to move the display further away from the road and not leave them so spread out, or to remove the display items overnight. This would allow the display to be visible as intended, but perhaps not be a potential distraction to passersby. The applicant seemed open to this suggestion.

It was suggested to the applicant that a narrative, similar to narratives this board has requested and received in the past, be provided. This narrative would address hours of operation, how the business is to be run, seasonal or year round usage, etc.

The applicant was advised that due to the fact that the site is located on a State road that both a County and State 239M reviews would be required and the Clerk to the Board was requested to make those submissions.

The Planning Board was provided with a Short Environmental Assessment Form and a motion was made as follows:

Motion to declare our intent to act as Lead Agency by David Slater, second by Wilfred Hughson

All in favor – 5

Opposed – 0

Agreed and Carried

The applicant was also advised that a Public Hearing would be required as part of the application. A motion was made for the Public Hearing as follows:

Motion to grant this application a Public Hearing for July 6th, 2015, set to begin at 7:30 pm by David Biren, second by Michael Cassaro

All in favor – 5

Opposed – 0

Agreed and Carried

The applicant was advised that they would be required to complete the certified mailings, return receipt requested, and were advised to contact Bette Jean Gettel to obtain the addresses.

3) Application for a 2 lot subdivision at 139 Murphy Road, known as Bethel Tax Map #: 7-1-20.15, proposed by Patricia Reising. (Siciliano)

Synopsis of Item #3 on agenda

Presenting – Patricia Reising, applicant, Anthony Siciliano, Surveyor for the applicant.

A discussion was held regarding the fact that the application is for a two lot subdivision in an RD Zoning District with Lot #1 being considered the proposed flag lot, as it is vacant, and Lot #2 being the parent parcel, as it contains an existing residence. It appears that Lot #1 conforms to Zoning Section 300-21B-3, the standard for flag lots, and Lot #2 conforms to zoning on its own, without the proposed lot. Each lot exceeds the minimum required lot size of three acres, with the proposed flag lot exceeding this minimum, exclusive of the access “flag pole” portion of the lot, as required by code.

The Subdivision Map, as presented, includes twenty foot contour interval topography which indicates the land rises from the road to a plateau where, conceptually, it appears that a home could be constructed. Mr. Siciliano described the property as having gradual slopes which rise to this plateau, which would indicate that a driveway could be constructed to access the plateau while meeting the slope standards as set forth in zoning. A discussion was held and it was determined by the Board that the requirement for two foot contour interval topography could and would be waived in this instance as the proposal is for a simple two lot subdivision and this type of waiver has been granted in the recent past for similar proposals.

It was also discussed that in the past the Board has requested that soil percolation tests be completed on the proposed lot to demonstrate that the lot is buildable. Ms. Reising was informed that as part of the building permit procedure she would ultimately be required to provide these test results anyway, and she indicated that an engineer would be hired to complete the testing. Mr. Siciliano questioned the need for a deep test pit and was advised that would not be required for this simple subdivision. Mr. Siciliano further stated that the soil percolation test, when completed, would be located and shown on the map. The applicant was advised that the soil test need not be completed in time for the next meeting, as the board could approve the subdivision with the condition that the map not be signed until such time as acceptable test result information is received by the Building Department.

It was discussed that in this instance the Board did not feel it necessary to have the application reviewed by a Town Engineer and that the review could continue without one. A Short Environmental Assessment Form was provided by the applicant and a motion was made for Lead Agency as follows:

Motion to declare our intent to act as Lead Agency by David Slater, second by Wilfred Hughson

All in favor – 5

Opposed – 0

Agreed and Carried

The applicant was also advised that a Public Hearing would be required as part of the application. A motion was made for the Public Hearing as follows:

Motion to grant this application a Public Hearing for July 6th, 2015, set to begin at 7:45 pm by Michael Cassaro, second by David Biren

All in favor – 5

Opposed – 0

Agreed and Carried

The applicant was advised that they would be required to complete the certified mailings, return receipt requested, and were advised to contact Bette Jean Gettel to obtain the required addresses.

It was at this time Bette Jean Gettel made a move to flip the tape thought to be recording the previous agenda items and it was discovered that the outlet serving the tape recorder in this second room had gone out and that in fact the meeting was not being recorded. A brief recess was taken and a working outlet in this second room could not be found. In order to keep the meeting running the attorney for the next applicant, Jay Zeiger, offered to provide the Planning Board with a battery powered hand-held recorder he kept in his car. Item #4 on the agenda was recorded on this hand-held recorder.

4) 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 Mayin Tohar. (Wasson)

Daniel Gettel: Mr. Wasson, if you would please let's discuss the changes since the last time you were here a number of months ago.

Randy Wasson: Okay. Just so you can get everyone in here, you know Jay Zeiger, Mr. Mandel and Mr. Freedman are both here from the camp. We were last here in March. We went over the Special Use requirements in great detail and you had a number of comments.

Jay Zeiger: BJ was kind enough to send us those minutes for the March meeting. What Randy and I did was we went through those minutes to see what issues were raised at the meeting and we tried to address the following.

Randy Wasson: That's right and my cover letter was rather lengthy, but I tried go into some detail on why and what we did.

Daniel Gettel: Some of the key points.

Randy Wasson: Some of the key points. I will just take them in the order of my letter. There were concerns, a lot of concerns from the board about the fact that we might have too many people there or our sewer might not have the capacity at 5,500 GPD to handle the one hundred campers plus thirty-two staff which is all that we are allowed under the current NYS DOH flow confirmation letter.

Jacqueline Ricciani: How many?

Randy Wasson: One hundred and thirty two, altogether, everybody, total. By the State's numbers that works but the board had a concern that if we had family members we might exceed that. I said in my letter, and this is true, my client had asked me about using some of the additional bungalows in the future, what we would have to do. I said we would absolutely have to expand the sand filters.

Jay Zeiger: If we go beyond the one hundred and thirty two.

Randy Wasson: In doing that the DEC would be modifying that permit and they would be actually provide, they would reissue that permit for the higher flow rate to cover everything we are talking about but they would also upgrade that so we would have to provide a higher level of treatment in order to meet their upgraded standards. We actually have to filter it twice. We did talk about that, it is something that they are certainly willing to do, but at this point in time there is no sense approaching the DEC as there are a number of concerns to get through with this board. Going forward that is certainly something the Camp wants to do. And that would be completed before there is any more population than we are allowed under the current permit.

Jay Zeiger: The application that we are proposing and I know there has been some discussion at some of the earlier meetings, that the sewer plant that served the prior bungalow colony may have had some issues. What we are proposing is to significantly refurbish what's there and

what's there will be the reconstruction of the plant if you will. The reconstruction of the system will be reviewed by whatever agencies we need to satisfy.

Randy Wasson: They have already reviewed it. The DEC has already reviewed the initial renovation to get that system up to snuff.

Jay Zeiger: For one hundred and thirty two people.

Randy Wasson: For one hundred and thirty two people. The neighbors had complaints about odors and so forth. There is no denying that the system was in poor repair. We proposed some repairs to the siphon chamber, to the sand filter and so forth that would allow for the approval of the DEC and the Health Department for occupancy of one hundred and thirty two people.

Jacqueline Ricciani: And you got the approvals of both of those agencies so far?

Jay Zeiger: Jacy, if you remember what happened here is we, probably a year or more, got a negative declaration on the Site Plan. After the negative declaration we were asked to go back to the third parties and get their approvals which happened over nine or ten months, we then came back here, and I did not have the pleasure of being here that night. I was surprised that there were material comments made by the Planning Board which we thought we had addressed before the negative declaration was issued. We had a misunderstanding on whether the Planning Board had an opportunity to think about what we had submitted to them further but this is what we are addressing now, the additional comments.

Jacqueline Ricciani: Well, with all due respect, I think that this board has had a number of issues with this application from its inception. I mean, if you really want to go back into the history it started when it was a school, then it went to a camp, then there were going to be families, then there weren't going to be families, so to say that you were kind of blind-sided after the negative declaration I don't really think is fair.

Jay Zeiger: After we got past all those issues we were consistent for three or four meetings and five or six months that we were a camp and that was everything that we submitted for five or six months and yes, there may have been some initial issues, but by the time the negative declaration was issued we were here three or four times consistently with a camp. In any event, I am not saying if I want a criticism or complaint, I am just giving the history. I was surprised, whether I misunderstood or not is neither here nor there but what we are doing today is addressing those.

Jacqueline Ricciani: One of the things that did come out at the last meeting, and I did have the chance to review all of my notes on this project, at the last meeting it came out that some of the families of the counselors, or the families of some of the staff members rather, were going to occupy some of the bungalows. That seemed to be a problem with what our definition of what a Summer Camp is. I am not sure that's really...

Jay Zeiger: We were consistent before the negative declaration that that was the intention. The bungalows are only going to be occupied... at least one person in every one of those bungalows will be an employee of the camp whether that be as a teacher, a rabbi, a counselor or the kitchen/dining room staff. Every one of the bungalows must have in it at least one staff person. In some instances there will be more than one where a husband would be a rabbi and a wife would be an office person. When the application was submitted and even at the time of the negative declaration, we were consistent with that route.

Jacqueline Ricciani: And that was always a problem for this board.

Jay Zeiger: Well, because the board was saying it's a bungalow colony, an extension of a bungalow colony. I thought we had gotten past that as well. We are building a dormitory for one hundred students. That is not even close to an expansion of a bungalow colony.

Jacqueline Ricciani: And what are you going to do with the existing bungalows?

Jay Zeiger: The existing bungalows, remember this is a sleep away camp, are going to be used for office, sleeping facilities for the staff, infirmary. They are going to be used for everything that is in furtherance of the camp. Every bungalow that is going to have someone sleeping in it that will be an employee of the camp. They will pay no rent.

Jacqueline Ricciani: There will be additional people sleeping in the bungalows.

Jay Zeiger: Depending upon who is hired. If a person is single there will just be that person. If a person is married his spouse may or may not be with him, but they would have the option of doing that.

Jacqueline Ricciani: And children, probably.

Jay Zeiger: Conceivably there might be children, all within the one hundred and thirty two.

Jacqueline Ricciani: And that is a problem with our definition.

Jay Zeiger: Your definition was adopted after the negative declaration, so the application was pending.

Jacqueline Ricciani: Are you sure?

Daniel Gettel: October was your declaration, I think.

Jacqueline Ricciani: The occupancy of the bungalows after the dorms were built has always been an issue with this board, from my understanding, regardless of when that definition came into being. I don't recall that this board ever thought it was going to be acceptable to have

families occupy the bungalows after the dormitories were built. That just brought forth that prior contention that it is perpetuating the bungalow colony, or an expansion of the bungalow colony.

Jay Zeiger: But how is it an expansion of a bungalow colony? You have existing bungalows that are already there. Whatever expansion that is occurring is not happening to the bungalows. The expansion is the building. We are not proposing building any bungalows. We are proposing building dormitory buildings, a shule and classrooms.

Jacqueline Ricciani: So the people in these bungalows are not going to be utilizing the dining hall, not utilizing the ...

Jay Zeiger: Yes they will.

Jacqueline Ricciani: So how is that not an expansion if you are now providing facilities and services for the people in the bungalows to use? How is that not expanding the bungalow colony?

Daniel Gettel: Jay, I do feel it's fair to say that the fact that this board has considered this the expansion of a bungalow colony has been an ongoing problem with this board. There are people on this board who are very passionate about that, that it was described to us as a bungalow colony. You are bringing in I don't know how many people. Randy, how many staff houses? Are eight going to be used, ten are going to be used? It is twelve I believe.

Randy Wasson: Twelve. Three other buildings will be used, but not for housing.

Daniel Gettel: Jay I think we are talking about bungalow colonies as a use and I think you are talking about the actual physical bungalows. That may clear up our position a little more. You are describing to us that you are going to have a group of people come up and they are going to bring their families, but you don't know how many people there are going to be. You know how many buildings are going to be occupied, but you have no idea if it is going to be one person in a building, you don't know if it's going to be eight people in a building. I know you are going to say you are not going to increase above the one hundred and thirty two, but we don't have the authority or the manpower to go around knocking on doors and counting heads, counting beds. How we are going to hold you to that number I don't know, but to say that it has never been an issue, it has always been an issue.

Jay Zeiger: I did not say it has not been an issue. It has been an issue since day one. Since day one we have been consistent in saying that this is not a bungalow colony.

Daniel Gettel: But you are describing a use where you are bringing up a group of people and some of them will have jobs for the summer and some of them will be coming up to enjoy the property, to enjoy the scenery, to enjoy ... just like everyone else in a bungalow colony does.

Jay Zeiger: There are material differences. Number one, in a bungalow colony there is one owner and everyone that occupies it, every bungalow that is occupied, is a rental income to the owner. Over here, nobody that is occupying will be paying any rent and in fact in every one of those instances they will be paid to be there. They are paid employees. Number two, you are not talking about unaffiliated parties that are occupying the bungalows. You are talking about employees in every instance. Nobody can live in that bungalow unless at least one person is employed in the operation. We started out having the bungalows. Had we had vacant land we probably would have approached it differently because from an efficiency standpoint this is not the most efficient way of developing a camp, but they are existing buildings which we are using only in furtherance of the camp. You must be employed with them to be living there, and the people that are living there are not paying for the privilege of being there. They are being paid to live there.

Jacqueline Ricciani: But not all of them.

Jay Zeiger: Well, the ones that aren't are all affiliated as spouses or children of ones that are.

Jacqueline Ricciani: What is the age of the campers?

Mr. Freedman: Thirteen and fourteen years old.

Jay Zeiger: Your question was the campers.

Jacqueline Ricciani: Right, the campers that are going to be in the dormitories.

Daniel Gettel: Well, we can't ask you about the people in the bungalows because you have absolutely no idea who they are going to be. We can't ask you what ages they are.

Jay Zeiger: We will know before we open who will be there and we can report that to the Building Department.

Jacqueline Ricciani: I think you are clearly contemplating having families there because one of the facilities you are maintaining is the children's playground.

Jay Zeiger: Jacy, what would be the difference if we tore down every one of the bungalows and we built one big building for thirty people and we said our thirteen staff members are allowed to live in that one big building plus they are allowed to bring their wives and their children? They can't bring strangers. What would be the difference whether they are in individual bungalows?

Jacqueline Ricciani: The difference is our definition of Summer Camp does not permit it, whether they are in individual structures or one giant structure. Our definition does not permit it.

Jay Zeiger: And your definition changed after our negative declaration.

Jacqueline Ricciani: There was plenty of discussion, like the Chairman said this issue about the use of these bungalows has been since day one of this application. I don't think that relying on the negative declaration means that this board accepted that families were going to be there. The SEQRA review talks about bodies, land use, and traffic. It talks about number of bodies, not whether those bodies are adults, children, spouses, aunts, nieces, whatever. The fact that you got a negative declaration does not mean that this board made any judgement about the status of the people occupying those bungalows. They looked at how many people there were going to be, what the occupancy is, what the capacity is, the water, the septic, whether the roads were sufficient for that number of people. That's what they look at. Now we are getting to the point where, frankly, the same problem that you have had all along is what is going to happen to those bungalows. The negative declaration is not helping you.

Jay Zeiger: Jacy, what is the definition of a Bungalow Colony?

Jacqueline Ricciani: We don't have one in our code, I don't believe.

Jay Zeiger: What is the Planning Board's perception of a bungalow colony?

Daniel Gettel: I think the fact that you are saying it has to be a rental, I don't think ...

Jacqueline Ricciani: Bungalow colonies are used seasonally. I think everybody is going to agree with that.

Jay Zeiger: I agree.

Randy Wasson: Typically they are also a spouse who commutes to the city.

Jacqueline Ricciani: There are existing bungalow colonies in the Town of Bethel where you are going to find individual housing structures for spouses and families and amenities for common use. That is a bungalow colony. They are everywhere in this town.

Randy Wasson: You cannot change a use of a piece of property? What if this were a farm, you kept the barn, you...

Jacqueline Ricciani: If barns are permitted that's fine, but expansions of bungalow colonies are not permitted.

Jay Zeiger: How are we expanding a bungalow colony?

Daniel Gettel: We consider the existing use of the bungalows as a bungalow colony and you are expanding the use of the property by adding to the population. That is how we view it.

Jacqueline Ricciani: And adding amenities that the occupants of those bungalows are going to use. They are going to the Mikvah. They are going to the Dining Hall. They are using the ballfield. You are adding things to the property for them to use. How is that not an expansion?

Jay Zeiger: Because the use is not the use as a bungalow colony. The use is a camp.

Jacqueline Ricciani: So you are telling me that those family members who are in those bungalows are not going to use and of the camp facilities because the bungalow colony is not expanding. So anything that is around it is not for their use.

Jay Zeiger: People who work at a camp are allowed to use the facilities.

Jacqueline Ricciani: But not their spouses and not their children. Of course the people that live there are.

Jay Zeiger: Fine.

Randy Wasson: You are just saying that because the regulation changed, your definition changed for a summer camp, you can't have spouses or children.

Jacqueline Ricciani: That's right because that is what our regulation says.

Randy Wasson: But that is not the regulation when the negative declaration was approved.

Jacqueline Ricciani: Okay.

Randy Wasson: We have gone through this and have never changed our presentation as far as the families since probably last March, one year ago, fourteen or fifteen months, we have acknowledged in the negative declaration that we are changing the use to a camp. That is right in the findings. So now, you are saying that because the definition of a camp changed after the negative declaration you can't keep the old definition of a camp where we have families. You are saying, by keeping the families, you're saying it's therefore a bungalow colony even though we are taking the kitchens out the former bungalows. Everyone is going to dine in the central facility. I am not saying they won't use the amenities, of course they are and this board asked us to provide more amenities.

Daniel Gettel: For the campers.

Randy Wasson: And the staff.

Jay Zeiger: Mr. Chairman, if you please.

Daniel Gettel: Clearly we are not going to get past this juncture. I would suggest Mr. Wasson, if you would please, move on to your next point. I don't know if you are at a certain number, but we did kind of bounce around a bit.

Randy Wasson: Let's go through some others. One of your comments was that even though the DEC determined that the stream was not jurisdictional ...

Daniel Gettel: Let's skip that one.

Randy Wasson: Okay, building sizes. You are concerned about building sizes?

Daniel Gettel: That's number three I believe?

Randy Wasson: No, number four. We are increasing the population. We are providing camp facilities for one hundred campers, teachers plus staff with an essential dining hall. They need big buildings as you see. This is not usual for other camps to have the same size buildings. I do not know if that is still an issue, but the buildings are what they are. They are well screened. They are way back on the property. On this aerial, I think this is the closest building. This is one inch equals sixty feet, so if this is ten inches this would be six hundred feet, but it is also in the woods behind the existing bungalows. Everything is totally screened. There is no development on either side. This is the power line running through it.

Daniel Gettel: There were two comments made. As part of the environmental assessment it was pointed out that we are not talking about buildings that are unusual in size to other camps in the area. As the Special Use review points out, which is when we look at the neighbors and the actual use of the property it does not fit the neighborhood, the size of the buildings.

Randy Wasson: I mean there are no other camps.

Daniel Gettel: That doesn't mean that we should have another, that we should even propose a camp here then. You are arguing for us then.

Randy Wasson: No, I am not arguing, but I am certainly discussing a permitted use.

Jay Zeiger: It is a permitted use.

Randy Wasson: It is to the rear. It is not going to be noticed. This roadway, frankly, has little on it.

Jay Zeiger: Dan, would you prefer two smaller buildings instead of one large building. I mean is there an alternate proposal on that that would be more positive. We can take the position that we satisfy the requirement, but you look like you are not happy about it.

Daniel Gettel: Well you propose a shule with classrooms which is a seven thousand square foot building on a quiet, rural road with no camps within a mile of it. You don't think it is incompatible with the neighborhood?

Jay Zeiger: Well, the reason why we think this is not, one of the primary reasons is because of the screening and the location of the building within the camp. Randy's explanation is that there is no visibility so if there is no visibility how does that...

Daniel Gettel: Are you saying it should be a twelve thousand square foot building, that you can go even larger? That we should just ignore it?

Jay Zeiger: No, I am saying that it should be a seven.

Randy Wasson: Well, it's over a thousand feet off the road.

Daniel Gettel: That is what I am saying. The fact that it is located one thousand feet off the road does not mean that it should be a seven thousand square foot building.

Randy Wasson: Well, what's the number?

Jay Zeiger: And my suggestion that it should be...

Daniel Gettel: That is over ten times what is required by code, by square footage.

Randy Wasson: We are speaking about the impact.

Daniel Gettel: We are trying to justify why the building is of that size. We are not trying to say that you need that size because you have... You know code requires a certain square footage per person. Glenn, feel free to jump in but... We are trying to justify the size of the building and why it's this size. You can't just justify that by saying well, no one is going to see it. If no one is going to see it can be three stories and it can be twenty-one thousand square feet.

Jay Zeiger: Well, it's not three stories.

Daniel Gettel: Is that the shule?

Randy Wasson: Okay, this is the shule. This is the floor plan of the shule, single story with four classrooms.

Daniel Gettel: Would you give me a size for the record please?

Randy Wasson: At least three are twenty by twenty, twenty by twenty-four, these three.

Daniel Gettel: So that is twenty five kids in a room?

Randy Wasson: Yes, one hundred kids, four rooms. We have a study hall, worship area here.

Daniel Gettel: Can I get a rough area for the record. I know we did not get into specifics.

Randy Wasson: Sixty by... I am looking for a number here, it looks like forty.

Daniel Gettel: I think it is less than forty. Scale wise it does not look like forty feet.

Randy Wasson: I am going to say sixty feet by forty feet, twenty four hundred square feet.

Daniel Gettel: So, twenty four hundred square feet.

Randy Wasson: Something like that. It is all there, you can see. You have a big lobby, a decent lobby with substantial restroom facilities here. We have offices for six Rabbis that are here for the summer. This is a little water cooler and a coffee area for refreshments.

Daniel Gettel: Because the teenagers need that coffee area.

Randy Wasson: That is pretty standard stuff. Is it spacious, maybe it is, but I don't you can go wrong trying to be spacious.

Jacqueline Ricciani: What is that in the corner, is that another ...?

Randy Wasson: Restrooms.

Jacqueline Ricciani: Bathrooms.

Randy Wasson: That is bathrooms, this is a covered porch. The numbers don't change, as far as population, we can squeeze things down but I don't think that accomplishes anything.

Jay Zeiger: We are well under a hundred and fifty children.

Daniel Gettel: We are talking about comparing the sizes of the buildings to what exists in the area. And that is how we came to this.

Randy Wasson: Do we have a farm in the area, in comparison. I am not trying to be cute, but it is single story, it is one thousand feet from the road and it is totally hidden. You can't do better than that.

Jay Zeiger: Would two thirty five hundred square foot buildings be something you would consider?

Randy Wasson: Would that really help us. I don't think that accomplishes anything.

Daniel Gettel: Number six?

Randy Wasson: No, number five, recreational facilities. There was a lot of concern about that. I understood your concerns. One was that there are two courts, one court is here and one court is here, there is also a paved area here that is not being used, a children's playground, swings, merry-go-round, and playground equipment.

Jay Zeiger: All that exists.

Randy Wasson: All that is existing, and a swimming pool right here. There was concern that the kids were going to play in the front yard and that passersby would be exposed to I don't know what. Not enough recreation was proposed. What we are saying in our answer is that we have taken the baskets down in this area and the courts will not be used and that this will not be a recreational area for the kids. The pool, yes, it is obviously in use and the playground for the small kids. That would be a very small number of people in any event. What we have added in the back is a basketball court and a softball field.

Jay Zeiger: This whole recreational facility will be illuminated.

Randy Wasson: We have tried to devise something that will occupy a number of campers, not two or three at a time. A tennis court might occupy four or five people. Basketball courts might occupy thirty at a time, ballfields another twenty. Whether it needs another basketball court, if that is the case, we would be fine with that. Point being we are trying to keep everybody in the back and are trying to provide recreation for decent numbers. We are proposing walking which does not show up on the plan very well. This drawing was rotated as we wanted to show the entire property. The border cut it off out here, and we tried to get it. This is it. We are proposing some walking paths, not cleared paths, but marked paths through the woods. There are about three thousand feet of this altogether. The back is fenced all the way around. The back side of the property we followed more of the easement. The power line is here.

Jacqueline Ricciani: Is that fence existing, the one you are describing?

Randy Wasson: No.

Daniel Gettel: Proposed.

Randy Wasson: And then around the ballfield right here. We proposed walking paths with the idea that the guys would something to do, someplace to walk without walking on the road. That was one of the other comments. There should be no walking on the road, it is a County road with no sidewalks and is located near the racetrack. The camp has indicated that it is not their policy that the kids are not to be on the road. It is not good for them and it is not good for the neighbors. So we've got that. He was pretty adamant about that. I don't know, Dan you made a comment that there were some trees and we could delete them or chuck them, I am not sure

where that is coming from. There was one comment on the last page that says any changes are subject to the engineer's approval.

Daniel Gettel: Well considering that the engineer drew the plan and then said the engineer can make any changes he likes I think that that pretty much is how I interpreted it.

Randy Wasson: That is a standard note and you know it.

Jay Zeiger: But that wasn't the intent.

Daniel Gettel: The standard notes usually say the engineer and the building department or somebody in the governmental agency that is overseeing.

Randy Wasson: That's right, but any changes the Planning Board has to approve of. You wanted two things as I understand it. You wanted screening. You wanted to screen any kids in the front. You wanted to screen them. You wanted to also screen the buildings. What we proposed is installing forty seven pine trees. Most of the trees are pine trees. If you want to change the pine trees that is minor thing. If you want deciduous trees we would be fine with that. Maybe we could get a little guidance on that. I don't think screening should be an issue as it is currently wooded.

Daniel Gettel: Well the comment made by the County, since the applicant for Daytop is still sitting here, is the County did come back and say that, I believe, the landscaping as proposed at Daytop would provide for some visual interest and color. I think that is a good indication of what the County as a whole and the Planning Department looks for. My discussion with Mr. Smith was that it sounds like you are going to go to the back of the property, dig up a tree, and plant it in the front yard. That is exactly what it sounds like. You are going to put in court so you are going to lose seven trees. Let's put them in the front and make the Town happy with the planting.

Randy Wasson: Those pine trees are all fifty or sixty feet high.

Daniel Gettel: This plan is flat. I can't tell the height of the trees by looking at the plan.

Randy Wasson: Okay, we are flexible. We want to give you what you want. We proposed something, I know it doesn't thrill you, but I think it accomplishes something. Whatever it is you want.

Jay Zeiger: This is in response to the comment. The proposal is to add nine more white pines and they are not coming from the back of the property. They are new trees. They haven't been growing in that place.

Daniel Gettel: I think the intent of what we were requesting was in order to soften the use, not necessarily the view, but it's the use of the property. To dress it up a little bit for the neighbors, to give the neighbors a little bit, because they are going to be putting up with additional noise.

David Biren: So why don't we do this. If we go further why don't you bring in a landscape architect and let them recommend something. How's that?

Daniel Gettel: Kind of what Daytop did.

David Biren: I don't know. I have no idea what Daytop did.

Jay Zeiger: We are fine with that.

Daniel Gettel: If they move forward.

David Biren: Like I said, if you move forward.

Daniel Gettel: Number seven.

Randy Wasson: The board was concerned about the appearance of the existing buildings and that the applicant did not indicate that there would be any repairs or improvements to enhance their appearance.

Daniel Gettel: I believe there is some kind of construction going on there now.

Randy Wasson: BJ would know more than I do.

Bette Jean Gettel: I did give them permission to level-up the buildings, to fix the electrical, and repair the roofs.

Daniel Gettel: They will have to call an electrician out there.

Bette Jean Gettel: They haven't, right. Whether you approve them or not the current use is a bungalow colony. They are permitted to use it as a bungalow colony. However, they need to be safe bungalows. This is what they are doing.

Daniel Gettel: In Randy's letter he states they are going to paint them, level them, repair windows and prune back some of the trees.

Randy Wasson: Yeah, those are some of the things they need to work on.

Daniel Gettel: It was not occupied last year. I believe it was not last year, it was occupied the year before, so if it is not occupied it can no longer be considered to be a bungalow colony. Number eight; truck traffic.

Randy Wasson: Okay, I think you had some concern about the trucks going on Seger Road, how many there would be and their using the road as a through street to other camps. I can't tell you that the camps out there will not use it as a through street, it is a possibility. The total number of trucks they are going to have on that road during the week, maybe five to ten. There will be trucks during construction, garbage trucks. If trucks enter from the County side the traffic would be minimal. They are using large vans for deliveries.

Jacqueline Ricciani: Box trucks?

Randy Wasson: Yes, box trucks. Some of the staff may have cars, but it's not like they will have to commute to work. They are on site. They pretty much stay on site. I don't think there is going to be an issue with that.

David Slater: What about buses, in and out?

Randy Wasson: A lot of busses, no, not a lot of buses. They will bring them up at the beginning of the season and pick them up at the end of the season. Some will come in groups...

Daniel Gettel: There is no day camp.

David Slater: No one else is going to come in and use these facilities? All of the people are there? With the size of the kitchen, the dining hall... these are big buildings.

Randy Wasson: They really are.

David Slater: I am a teacher in a school and you can house twice as many children easily. I have classroom in school. I would love to teach in a classroom that big for twenty five kids. It's as if you are expecting other people.

Jay Zeiger: No.

David Slater: So this space...

Jay Zeiger: Our limitation is one hundred students. There are not going to be buses. It appears like this, this facility. (Indicating traffic patterns on map with applicant, inaudible)

Jacqueline Ricciani: No one is going to come from the outside to use the Shule?

Jay Zeiger: No.

Jacqueline Ricciani: Then why do you have parking spaces?

Daniel Gettel: Why do they have a coffee bar?

Jacqueline Ricciani: The coffee bar? People may want to have coffee if they are going to be there for a couple of hours. So why does it have parking spaces if nobody is coming from the outside?

Randy Wasson: You have to provide a certain number of parking spaces on a site plan and with those spaces we use a minimum.

Jacqueline Ricciani: Is that exactly how...

Randy Wasson: Yes. We can put a parking lot in the front or we can put it there. There may be someone coming in to see a Rabbi or something like that. It's not like there's many visitors, it's just someone coming in to see a Rabbi.

Jacqueline Ricciani: Why would someone come to see the Rabbi if they (inaudible).

Randy Wasson: A parent, something to do with their children.

Jacqueline Ricciani: Oh, is that like visiting day?

Jay Zeiger: We are not even talking about visiting day. We are not going to have a gate locked. There are visitors, but those visitors are not going to be participants in the program.

Daniel Gettel: You mentioned the six Rabbis. I assume they will be staying in the units.

Mr. Freedman: Yes, the bungalows.

Daniel Gettel: And some of them are young and have no kids?

Mr. Freedman: No.

Daniel Gettel: That is what you are trying to lead us to believe.

Mr. Freedman: No, they have children. Four of them are married with children.

Daniel Gettel: You are trying to lead us to believe that you have no idea what the staff is going to be or how many kids are going to be in a unit. And they are young people, some aren't even married, and some don't have kids. Now there are six Rabbis on a camp with one hundred kids. That's one Rabbi for every fifteen kids. You guys are knee deep in Rabbis.

Jay Zeiger: Well, there is a ratio of how many hours a day...there is a ratio with the Health Department.

Daniel Gettel: Those are counselor requirements not Rabbi requirements I believe.

Jay Zeiger: How many hours a day of classroom? Is it eight hours, ten hours?

Mr. Freedman: Eight to ten hours a day.

Randy Wasson: Another thing about that parking lot Jacy is it does have a handicap space.

Jay Zeiger: Anyway, that's a summary of the applications and additions that we made in response to the comments you made. We think we have addressed your comments. If there are some areas you feel we haven't we would like to talk about it.

Daniel Gettel: I think the fact that at the last meeting the last comment made was we are going to occupy it as a bungalow colony.

Jay Zeiger: We never said that.

Daniel Gettel: You may not have been here.

Jay Zeiger: Over the summer?

Daniel Gettel: At the last meeting it was our understanding that it was going to be occupied as a bungalow colony and then soon after that a permit was asked for from the Health Department.

Jay Zeiger: Oh yeah, we are not denying that. Our vision was to occupy it as a camp for this summer, but then with all of the delays, getting the third party approvals and getting us back here we realized that was not possible so for this summer it will be occupied as a bungalow colony.

Jacqueline Ricciani: When the applicant initially came they were going to use the bungalows for the campers and then the following summer you were going to build the dorms. Is that still the plan?

Jay Zeiger: No.

Jacqueline Ricciani: So you are going to build everything and then...

Jay Zeiger: The idea was Jacy, and maybe we got ahead of ourselves, the first summer we intended to be 2014, where we would use the existing facilities to much more of a scale. The second summer, which we intended to be 2015, was where we would use the new construction. At this point we have no expectation of operating the camp this summer.

Jacqueline Ricciani: But if you were to get approval within the next couple of meetings then you could build all of these structures over the winter and then next July have everything set and ready to go?

Jay Zeiger: Correct.

Jacqueline Ricciani: So no phasing?

Jay Zeiger: Correct.

Jacqueline Ricciani: Who is the actual owner? Was the property recently sold?

Jay Zeiger: It sold about a year ago to Mayin Tohar.

Mr. Freedman: We own it.

Jacqueline Ricciani: Do you know the name of the entity that owns the land?

Mr. Freedman: Mayin Tohar.

Jacqueline Ricciani: Right, but no Inc. or Co. or LLC?

Mr. Freedman: Inc.

Jacqueline Ricciani: Is that under the Department of State...

Jay Zeiger: Because when a religious corporation is formed the filing is with the County Clerk wherever the corporation is formed. This has been a corporation for thirty years. They own and operate a school in Brooklyn. So they would have filed in Brooklyn. Jacy, if that's important we can get you a copy.

Jacqueline Ricciani: Just something to tell me who the owner is. Just tell me who the owner is.

Jay Zeiger: We can do that.

Jacqueline Ricciani: Has it changed since the original.

Jay Zeiger: Yes because the original submission was before the purchase was complete.

Jay Zeiger: Jacy, do you want to see the deed? Doesn't it come through BJ's office?

Bette Jean Gettel: It doesn't come to my office Jay; it goes to Marge's office.

Jacqueline Ricciani: There is nothing on the County website.

Jay Zeiger: I will send you a copy.

Jacqueline Ricciani: Regardless of Real Property, I guess the record had not yet been updated, the ownership card.

Jay Zeiger: I will get you a copy of the deed and if you want to see the certificate of incorporation I probably have that also.

Jacqueline Ricciani: Just give me a deed so I can see who the owner is, who the record owner is, if you are telling me they are a bona fide religious organization duly formed.

Jay Zeiger: Yes.

Daniel Gettel: Jay, just for the record we typically have applicants who come for approval before they purchase a property. We don't typically have someone who purchases the property, then comes for approval. You have to be fair to this board. The property was purchased with outstanding issues. That is really not anything that has to do with this board.

Jay Zeiger: I didn't say it did.

Daniel Gettel: Randy, just a little note, it is very minor considering the point we are at right now, but the ball field has to be one hundred and fifty feet from any property line, it is considered unenclosed recreation.

Randy Wasson: We were trying to take advantage of the easement.

Daniel Gettel: Did you revise the EAF for this? It would have to be. Glenn, do you have any comments on this application? I don't know when you got this plan.

Glenn Smith: I have nothing at all. I don't have what you are looking at. I was at the March meeting.

Daniel Gettel: I think it's important. You haven't seen anything that is new. I think it is important that you get a chance to look at the map. Other than that are there any board comments?

None

Daniel Gettel: Clearly we did tell you that if any changes were made you would have to have another public hearing. We would require a second public hearing. There are substantial substantive changes to the plan.

Jay Zeiger: I don't see the need for a second public hearing. I don't see the substantial....

Daniel Gettel: Well, you have a number of property owners who now are going to have a ballfield within two hundred feet of their property. I do feel that is something the public should be made aware of. That is one of the issues that the Town has with ballfields.

Jacqueline Ricciani: Lighting.

Daniel Gettel: If it is going to be illuminated? I don't know. We do have problems with noise and ballfields and a lot of neighbor complaints. How does the board feel about this application? Has anything really changed? My opinion of this project as a whole really hasn't changed. I appreciate the fact that you have tried to address some of our concerns, but I think one of our main concerns was that the property is barely twenty five acres, if in fact it is twenty five acres. This plan just demonstrates to me, and probably the Town Board, that maybe twenty five acres is not enough to have a bona fide camp when you give the kids recreation and try to give them something to do, walk and play. It seems to me that this plan demonstrates the property isn't large enough for a facility such as this. That is my thought looking at the map. I get the fact that the original person that laid this out came up with a concept. Mr. Wasson is living with this original concept and is trying to make it work, but do think it shows that this property is undersized. As far as the location of the parcel, I don't know how to get past the fact that I do not think this is a good parcel for a summer camp. I do not think this is a good neighborhood for a summer camp. I am not one on the board that is passionate about camps and a bungalow colony for a use, but the fact is it was described as three different uses, and it seems to be whatever use is going to benefit the application at that time. Maybe that is not fair, but that is the fact.

Jay Zeiger: This was originally proposed as a camp.

Daniel Gettel: But once you saw opposition, it was a camp, it was a camp, it was a camp. Once there was opposition to it being a camp it morphed into a school.

Randy Wasson: I can say that when I took over this project I felt it was a school. I felt it fit the definition of a school. That is the only reason I presented it that way.

Daniel Gettel: And if this were proposed as a school, let's say not even on this spot, would you be proposing it on a four acre lot which is school zoning?

Randy Wasson: I suppose not.

Bette Jean Gettel: Are you considering giving this a second public hearing and if so when?

Daniel Gettel: I don't know. Glenn, do you want a chance to look at it? I really do think the other people on the board should get a chance to look at it too. We have a very limited board tonight. You are going to open as a bungalow colony this summer. If we have a meeting in July or August that would not really affect your timetable. I would rather take time to let us digest this. Perhaps talk as individuals amongst ourselves and give Glenn a chance to look at it. I don't know if your review (Glenn) is going to have much to do with it because yours would be more of a technical review and we are more of a special use.

Glenn Smith: I think I should look at things...

Daniel Gettel: No, I think it's justified that you look at it, but as far as moving forward...

Glenn Smith: We are still tied to the one hundred and thirty two people. They added recreation.

Daniel Gettel: That, and the white pine trees.

Glenn Smith: Is there a revised EAF or not?

Daniel Gettel: It has to be resubmitted. I believe there is more clearing than before. I believe that has to be updated. We would have to run through the Long EAF again. Correct me if I am wrong attorneys. But I believe...

Jacqueline Ricciani: If there has been a substantial change.

Daniel Gettel: Well, I think with more of a disturbance you would have to.

Jay Zeiger: You and I may not agree on the definition of substantial change.

Jacqueline Ricciani: Putting in a ballfield?

Daniel Gettel: Do you have topography for the back portion Randy or does it end where you have it? Does the topo end where you end it on the map?

Randy Wasson: No.

Daniel Gettel: Is it Adler topography?

Randy Wasson: No, the topo that we have was shot by Anthony (Siciliano).

Daniel Gettel: I don't know if it warrants spending money on more topography just to cover the walking paths.

David Biren: The pool is close to the road. Is that going to be relocated?

Daniel Gettel: It is close to the road, I believe it is a concrete pool. So it is not an idea that they can go in and move it. Daytop, I believe, is a steel pool which can be moved. I don't think we are going to require them to move a concrete pool or fill it in. I don't think the pool is necessarily used for recreation. Would you consider it more of a recreational use or is it more of a religious use?

Randy Wasson: Religious use.

Daniel Gettel: Religious use. It is not like there are going to be a lot of water fights or water basketball games. I think in this instance being closer to road really doesn't. I do not think the pool location is holding this project back. Jacy, what do you suggest as far as moving forward? Do you have any suggestions or should we just digest it?

Jacqueline Ricciani: I do agree that a second public hearing would be in order. And frankly, considering what the applicant has done since the last meeting and public hearing that were obviously done in response to some of the comments that we heard and I think if some of those come out at the next public hearing they may be pleasantly surprised to hear about some of the improvements and what the Planning Board...

Jay Zeiger: By the way Jacy, I don't remember crystal clear, but it is my recollection that at the initial public hearing there was really no public opposition.

Jacqueline Ricciani: Were you here?

Jay Zeiger: I thought I was.

Daniel Gettel: What hearing did you come to?

Jay Zeiger: Maybe I missed...

Daniel Gettel: We were threatened to be sued after that one. I think there was a little opposition.

Jay Zeiger: Maybe I am not remembering it and Jeff Kaplan was here, but I don't remember the congregation...

Jacqueline Ricciani: There were concerns about noise, general state of disrepair, what it was and what it was going to become.

Jay Zeiger: They were complaining about the sewer and whether they were going to keep it and upgrade and modernize it. They raised questions of the use and where the kids were going to be.

Daniel Gettel: If we were to going to consider approving this, Randy did point out that the DEC would entertain the option of expanding the sewer plant. What stops you from putting in a second or third dormitory and having four hundred kids? You would need an amended site plan approval from us.

Jay Zeiger: That was a stipulation.

Daniel Gettel: I don't think that the NYS DEC is going to let you expand to any degree, but what would be your total capacity?

Randy Wasson: I don't think so.

Daniel Gettel: I am just trying to put in your statement about the NYS DEC allowing it. Double filtering I don't think would double your capacity.

Randy Wasson: No.

Daniel Gettel: It might add twenty five percent? I don't think it would be fifty percent.

Randy Wasson: No, I am just saying we might occupy more of the site with an addition.

Daniel Gettel: That would allow you to increase the staff then.

Randy Wasson: I am not sure where some of the staff is coming from now, but it might allow them to live on the site. They will require that we filter the discharge twice, increasing us from fifty five hundred gallons to eight thousand gallons, a big number. Right now we just want to run fifty five hundred gallons through one filter. For the eight thousand it would require a SPDES permit, run it through the filter once, and filter it twice, through the sand, a set process.

Jay Zeiger: I think the applicant would agree to some resolution stating the number of occupants for now and look at the future we will not exceed one hundred and thirty two plus twenty percent or something.

Jacqueline Ricciani: Where did the eight thousand gallons go? You reference eight thousand.

Randy Wasson: One of the things you have to understand right now is that there is no laundry, in any of the bungalows or on-site. So if we want them to have washing machines and additional bedrooms...

Daniel Gettel: Or additional bedrooms.

Randy Wasson: Or a combination of the two what happens when you start increasing the per bedroom flow or additional washing machines...

Daniel Gettel: It would not be fair to use Randy's eight thousand gallon number against him but that is a substantial increase that could lead to a substantial increase in the number of students as the students have a very low flow due to the centralized dining.

Randy Wasson: Still probably sixty or seventy gallons per day.

Daniel Gettel: You just added twenty five hundred gallons. What I am saying is if you take the per student flow as opposed to a couple of washing machines it could be substantial. I am sure the number is down a lot since... they must be dropping the number (washing machine flows). It was ridiculous.

Jacqueline Ricciani: Well, if they were putting in a dozen washing machines.

Daniel Gettel: Washing machines used to have a very high flow and I am not sure if they ever changed that.

Glenn Smith: What Randy pointed out is they did modify the tertiary as opposed to what is there

now. They would have a lot higher quality discharge than the one that goes out now.

Jay Zeiger: I wonder if it would pay to ask BJ to schedule a meeting to sit down...

Daniel Gettel: I don't know if that exists in our code, a post-application meeting.

Jay Zeiger: There are solutions to some of your concerns, for example on the sewer plant our long term objective is not to increase the number of students materially above one hundred, but they do ultimately want to get the bungalows fully occupied by staff as now the staff has to be located off site. Upgrading the sewer plant, phase two of what Randy is talking about, is going to make that possible if it is palatable to the board. Anything that needs to be discussed...

Daniel Gettel: The problem with your proposal is who makes those decisions on this board? Two people and everyone else go along, or do we do it in a public meeting with all seven of us here?

Jay Zeiger: I think something could be done. I don't think that two people should make a decision and the rest of the seven go along.

Daniel Gettel: Jacy, your thoughts on giving them some guidance in a meeting such as that which is really all we can do? Only two people from the board could sit down and try to give them some guidance, but I don't think...

Jacqueline Ricciani: Especially at this stage in the game. This has been kicking around for over a year already. What you get from one or two members of the board is obviously not going to be binding on the rest of the board. It would be better to address the full board.

Jay Zeiger: We are addressing the full board now. What give and take can...

Daniel Gettel: We need to digest your changes.

David Slater: I am a numbers guy and your numbers are like a shell game to me. If you actually look at your schedule you have seventeen bedrooms over here, not sixteen. There is always a number change. And bringing a family in for a summer camp, part of the definition is that families cannot be a summer camp. If we are going to limit that, you say one hundred and thirty two occupants, but you put down one hundred and thirty four. It could be one hundred and fifty, or one hundred and eighty. There is no way of locking down that number.

Jay Zeiger: Like any camp, any property, we are telling you that our dormitory will be limited to one hundred kids, and I am not suggesting that my client would do it, but who is going to tell him or monitor that they are not going to put a hundred and twenty kids, a hundred and thirty, a hundred and fifty.

David Slater: That is the thing we have to protect BJ from. She is the one that has to check it.

Jay Zeiger: But, if she did give you an indication that she is okay to supervise the dorms. The law of violation that you are talking about is not BJ and her law; it is the Health Department that approved this based upon a certain count we gave them. There is the NYS DEC that approved the sewer plant based upon that number. It's not a number that they can violate without real consequences.

David Slater: I agree.

Jacqueline Ricciani: Is there a number for the counselors living in the dormitory besides the campers?

Mr. Freedman: Not in the dormitory, in a bungalow.

Jacqueline Ricciani: So there is not going to be an adult in the dormitory?

Mr. Freedman: They are not supervised all night.

Jacqueline Ricciani: One adult per fifty students?

Bette Jean Gettel: There is a different ratio for nighttime versus daytime, and that is the Department of Health.

Jacqueline Ricciani: One per fifty?

Bette Jean Gettel: Yes, I believe that is what it is. Technically they are at rest.

Daniel Gettel: I believe that is right. I personally think that moving forward we need to digest this. I think that Glenn needs to be given the opportunity to look at this. If you would like to be on the agenda for the next meeting, after our public hearings, I would welcome that.

Jay Zeiger: Can we put it to a public hearing in July with the understanding that you are digesting what we are proposing. You may not be overjoyed, but we can get the public input. Maybe, as Jacy suggested, with some of these proposals the public may be satisfied.

Bette Jean Gettel: That would be our third one.

David Slater: Why don't we put it to August, give our two members that are not here a chance to look at it too. We are not sure...

Daniel Gettel: That is originally what I proposed.

Mr. Mandel: I would like to ask a question. After being put back and forth, I heard a fact, an issue, which Jacy brought up, about a bungalow colony...

Jay Zeiger: This gentleman is Mr. Mandel. He is the executive director of Mayin Tohar, which again is not an entity formed for this purpose. Mayin Tohar owns and operates several camps in Sullivan County and in Brooklyn.

Mr. Mandel: What I heard tonight is the issue, which we know and we are aware of that a big building in such an area is not appropriate. My question is we have spent a lot of money and time and have yet to be finished. Every meeting we read the minutes and we are spending more money, more effort, more engineering, and sewer, and legal fees, whatever works over the last ten months addressing whatever came up. My question is bottom line, the bungalow issue. Can we get through that or not. If we can't get through that we should get a denial and we will argue in front of a court of justice. It doesn't pay to come up with another plan, another public hearing. If this is an issue, if this is not an issue, all engineering. A legal issue, we believe we meet the definition of a camp where all staff members are working for the camp and not that they come in for the summer. If we can't get over this point then what's the purpose of making more plans?

Daniel Gettel: We were asked specifically by your attorney at the time, at the last meeting you were on, not to vote on the application. We were prepared to vote on the application at the last meeting and your side asked us not to vote, to give you a chance to come back and try to address some of these comments. You are back now fulfilling what you requested.

Fredericka Taylor: it is not even approved as a camp yet. How can they now tell you who their staff is going to be?

Daniel Gettel: Can we have your name?

Fredericka Taylor: How can they say how many people they are going to be if they haven't even hired the staff yet because it is not even approved yet?

Daniel Gettel: If you want to speak we need your name for the record.

Fredericka Taylor: Okay, my name is Fredericka Taylor and I want to say something else. I know I am only a member of the public, but I am a realtor. I specialize in camps. I have sold camps in a five county area. I sold them...

Jacqueline Ricciani: You should not be directing your comments to me. I do not make the decisions.

Fredericka Taylor: It seems that we are trying to pull the wool over your eyes with the bungalows and the families. They are not doing anything that all orthodox camps do. Their youth is at the camp. They all have staff that brings their families. They may have a number of children, but the staff's children go out to other camps and the only children that are on the property during the day are the youngest children who are not old enough to go to other camps. You are not going to have fifty kids running around during the day.

David Biren: First let me say I take that personally. You should not be saying that. Secondly...

Fredericka Taylor: Saying what?

David Biren: That I am trying to come against them.

Fredericka Taylor: No, I am just saying that...

David Biren: Mam, I am not. I am not. I know Jay very well personally, and he can tell you that. Okay? If I have a problem then I will say that. This is not a public hearing. Have a seat. Cop a seat. This is not a public hearing and I am not going to take that from you or anyone else. The map is not correct and that is it. Don't say that to me okay? I am not picking on anybody.

Daniel Gettel: With all due respect to the people who may be sitting in the audience, we are basing our decision on a history. This is not the first time we have seen this. I know somebody may be sitting in the audience looking at this fresh, with new eyes, having no idea of what was discussed at previous meetings. As far as the staff goes, on who is going to be there, whoever is going to be there, we are not pulling that out of a hat. That was discussed by your side.

Jay Zeiger: We are not arguing. We are not arguing that point. We said I think consistently since I have been here that the Rabbis and the counselors that were hired would most likely have a spouse as well as children. I have never said anything differently. What we have always said, consistently, is that concede to the number that the Health Department has allowed us to have. Now that we know that number is one hundred and thirty two that is our representation to you that it will never exceed one hundred and thirty two. In Randy's letter he spelled out the Rabbis, the counselors and the other staff that would be living on-site. And that number amounts to twelve or thirteen, or twelve or fifteen. The thirty two non-campers, the rest will be spouses and children.

Jacqueline Ricciani: No. You are having one hundred campers.

Jay Zeiger: Right.

Jacqueline Ricciani: You've got six Rabbis and their spouses, that's twelve. That means you have twenty for clerks, administration, counselors, everybody else.

Jay Zeiger: That is all spelled out in Randy's letter what this will consist of. He also says in his letter...

Jacqueline Ricciani: But they have families.

Jay Zeiger: Correct, but the total will not exceed...

Jacqueline Ricciani: Jay, you said you are not going to have enough people to operate unless

they are all living on-site, but somebody just said that the future goal is to bring everybody on the site. Everybody, there is not enough housing.

Jay Zeiger: There is enough housing. Not all of the bungalows are being used.

Jacqueline Ricciani: Is it true that they are being used for storage? You have to have an office. You have to have an infirmary.

Jay Zeiger: Which we can move with an amended site plan. We can move to a different location.

Jacqueline Ricciani: To build another structure?

Jay Zeiger: Not necessarily.

Jacqueline Ricciani: Is there room in the shule that you can use?

Jay Zeiger: There are offices in the shule right now.

Daniel Gettel: I don't think we are getting anywhere. Jay, if you would like to advise your client, we would entertain having a public hearing in August to see if the neighbors object or are in favor of it. That is fine. I cannot answer for the board how this would go if we were to vote today. I cannot anticipate... You guys have to make the call if you want to proceed or if you want to... it is really not our call. We are not enforcement, we are a regulatory board. We have certain zoning which we are supposed to uphold. That is what the zoning says for camps in the Town of Bethel. That is what we are supposed to do. I am not qualified to give you an answer or make a projection on how the board is going to vote, especially when two of the board members are not here.

Mr. Mandel: And my question to you is about the bungalow colony.

Daniel Gettel: And my answer to you is that you are going to have a hard time convincing the majority of the board that this is not an expansion of a bungalow colony. I think that that's as fair as I can be. We are going to move on in our agenda. We do have one more item. Jay, are you okay with that at this juncture? I don't know that we are getting anywhere.

Jay Zeiger: Yeah. I don't think that this choice is mine to make. They won't vote tonight because...

Daniel Gettel: Because we need a public hearing if we are going to vote.

David Slater: Can we make a motion to have a public hearing for August?

Daniel Gettel: I don't have the documentation.

Bette Jean Gettel: I also need to send it for a 239 review.

Daniel Gettel: You have to for the public hearing?

Bette Jean Gettel: Yes, because they are close to four hundred and seventy five feet off the County Road. I have no choice.

Daniel Gettel: Here Jay, you can take this (recorder).

At this time Mr. Zeiger's business with the board was complete. He left the recorded tape, but took his hand-held recorder. The synopsis of Item #5 on the agenda was completed based upon notes provided by the Planning Board Clerk and the Planning Board Chairman.

5) Administrative – Resignation of Planning Board member

Synopsis of Item #5 on agenda

It was discussed that Walter Norris, the alternate member to the Planning Board, had submitted a letter to the Town indicating that his schedule had changed and this change would not allow him to continue as a member of the Planning Board. The letter indicated that he was therefore resigning his position. A motion was made to receive and file this letter of resignation as follows:

Motion to receive and file the letter of resignation prepared by Walter Norris by David Slater, second by Wilfred Hughson

All in favor – 5

Opposed – 0

Agreed and Carried

A discussion was held where the Board requested that Vicky Vassmer-Simpson, Councilwoman and Liaison to the Planning Board, advise the Town Board of our interest in having this vacancy advertised as an opening specifically for the alternate's position, and that the advertisement indicate our intent to interview applicants at our regularly scheduled July 6th, 2015 meeting.

Ms. Simpson indicated that she would advise the Town Board of our interest and intent and further indicated that the Town Board agenda had not yet been set, so she was not aware of anything that would be discussed at their next meeting that might impact the Planning Board.

Motion to adjourn by Wilfred Hughson, second by David Slater

All in favor – 5

Opposed – 0

Agreed and Carried

10:30 pm

Respectively submitted,

Daniel E Gettel

Planning Board Chairman