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Town of Bethel

Planning Board

PO Box 300, 3454 Route 55
White Lake, NY 12786

The Town of Bethel Planning Board held a Work Session on September 12, 2016 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda was the following:

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, Michael Cassaro, Susan Brown Otto, David Biren, David Slater, Wilfred Hughson, Robert Yakin, Alternate, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricianni, Attorney, Jannetta MacArthur, Recording Secretary, Vicky Vassmer-Simpson, Liaison, Daniel Sturm, Supervisor, Lillian Hendrickson, Town Board Member, Michael Weeks, Engineer, and Glenn Smith, Engineer.

Full board is in attendance. No need to seat an alternate.

Pledge to the flag

Daniel Gettel: We have eight items on the agenda tonight. If the meeting runs to 10:30 pm we will probably take a pause and decide how far we will go with the agenda. Our procedure is that we normally don't entertain any new business after 10:30 pm.

Jannetta please let the record show that Glenn Smith and Michael Weeks are both in the audience tonight acting on independent projects. We haven't seen Michael in awhile; I want to make sure people remember what he looks like.

Motion to approve the minutes from the August 1, 2016 meeting by Steve Simpson, second by David Slater

All in favor – 7

Opposed-0

Agreed and carried

Daniel Gettel: Jannetta, I believe there was a date wrong on the previous minutes. It was in two different places, before it was filed with the town, it was corrected.

Jannetta MacArthur: So I don't need to make a correction.

Daniel Gettel: No, I made the correction.

Jannetta MacArthur: Okay, thank you.

1) Application for a 2-lot subdivision to be located at 537 Hurd Road, known as Bethel Tax Map #: 16. -1-2.1, proposed by Patrick & Karen Murtagh. (Murtagh)

Daniel Gettel: Do you want to tell the board what you are looking at, or do you want me to take it, whatever you like.

Patrick Murtagh: Why don't you present. If you have questions, I'll answer.

Daniel Gettel: This is the first time we have seen this application. It is a two-lot subdivision; Mr. Murtagh owns a piece of property on Hurd Road, at Prince Road. He is looking to subdivide the lot into two lots. Both lots are a little over eight acres. BJ, it is the Ag zone, I do believe we have to do Ag data, if you would take care of that, please. The minimum lot size in this district for a single-family home is three acres. It clearly meets the minimum lot size. Both lots currently have existing driveways. Anyone familiar with the property knows there is shale. Deep test pits were done, and of course shale was present. It was determined shallow absorption type systems would have to be installed, which we can approve. Percolation tests results came back between 37 and 42 minutes, which isn't quick, but it is a good indicator because it shows the water isn't running through the shale. It does show filtration. Are there any questions from the board? This is the first time the board is seeing this. Since it is a two-lot subdivision, BJ, we can accept a short environmental assessment form. We don't have to declare our intent to be lead agent for a short form, so our next step would be to schedule a public hearing, which can be scheduled for October 3rd. Are there any questions?

None

Motion to schedule a public hearing on October 3rd at 7:30pm by Susan Brown Otto, second by Mike Cassaro

All in favor - 7

Opposed - 0

Agreed and carried

Daniel Gettel: BJ, do we have enough time to get the Ag data statement out? Do we have 30 days?

Bette Jean Gettel: Negative, but we will make it work.

Daniel Gettel: We will see you October 3rd. You are responsible to meet with BJ to send out the notification letters, return receipt, for neighbors within five hundred feet. She will give you a list of names to notify. You have to mail them ten days prior to our meeting.

2) Application for a Sign Permit for a property located at 1998 Route 17B, known as Bethel Tax Map #: 22. -1-46, proposed by 1998 Bethel Storage Facility.

Daniel Gettel: Why don't you come up and tell us what you are proposing.

Steve Daley: The sign is up already on one of my buildings. I put it up on the last building I put in. It is a twenty foot by eighty foot building. It is a six foot by sixty foot sign.

Daniel Gettel: It is a banner style sign. Jacy, have you seen pictures of it?

Jacqueline Ricciani: Yes.

Daniel Gettel: It is an existing sign that was put up on one of the storage buildings. It is pretty far off the road, not right on the road.

Steve Daley: I don't think it is intrusive. It actually softens the appearance of that big white building that was there. We made sure it looks nice, it has nice curvature to it, and I don't think it is intrusive or distracting at all. It doesn't have any lights on it and I won't put any lights on it.

Daniel Gettel: On the application it had an electrician's name. I was going to ask you about that.

Bette Jean Gettel: Yes, there is, but that is not....

Steve Daley: I think it asked for one. There aren't going to be any lights on it.

Daniel Gettel: As I said before the meeting to the board, there are certain sections of the code that I have to read through for every sign. The town board likes me to read page after page after page, so I have four pages I have to read. You are welcome to take a seat or stand.

Susan Brown Otto: May I ask a question? I am just curious. How is it attached at the end?

Steve Daley: It is attached by one by twos, on the top and on the bottom. It is screwed into the building. On the side too, it is all locked.

Daniel Gettel: It was breezy when I was there, and it was fine.

Steve Daley: We get a lot of wind there.

Daniel Gettel: Anyone else?

No one

Daniel Gettel: Okay, BJ, the reason he is here, Section 345-23 C, Permit Application says:

345-23C - Permit applications. All freestanding signs and signs of 24 square feet or more in total surface area on one side shall be submitted to the Planning Board for review and approval prior to permit issuance.

Daniel Gettel: Clearly this sign is larger than twenty four square feet.

345-23E - Planning Board approval.

Daniel Gettel: Is the Planning Board process, paragraph I?

345-23E (1) The Planning Board shall review sign applications relative to the appropriateness and compatibility of their design, shape, materials, colors, illumination, legibility, location and size. It may approve, approve with modifications, or disapprove signs. Approval shall be based on consistency with the design criteria listed below:

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

Daniel Gettel: As I mentioned, this is a banner sign mounted on a building that sits well below the level of the road. The background color is white to match the buildings on the parcel and the lettering is green with red numbers. The building with the sign is set back off the road in a gully, where the sign could be set entirely below the elevation of the road. This naturally lessens and buffers the impact this sign would have if it were mounted on a building at an elevation higher than, or equal to, that of the road. You do have to look for the sign in order to see it when you drive by.

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

Daniel Gettel: Again, this sign is set well off the road. There are no signs in the immediate area that would compete for attention, and in fact it appears that the owner has removed a number of signs that had littered the parcel in the past. Is that correct: It seems like quite a few have disappeared?

Steve Daley: Yes, as soon as I got her (BJ's) letter.

Daniel Gettel: Along with the neighbor's house.

Steve Daley: I'm glad you noticed that.

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

Daniel Gettel: And as I mentioned the vast majority of free standing signs associated with the establishment that has littered the roadway in the past have been removed.

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

Daniel Gettel: The sign is mounted to a building which was constructed close to the ground. The sign is not as high as the building, but appears to be properly mounted.

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

Daniel Gettel: The sign is plain, which is consistent with the storage building character of the site, where you have white buildings with simple clean lines. The size of the sign does not overpower, but does compliment, what be a simple white walled building with no windows facing the roadway. The size of the sign is in direct proportion to the building.

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

Daniel Gettel: The colors are ones that could be garish, but none are. The background is a simple white and the lettering is in muted red and green.

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

Daniel Gettel: The sign cannot obstruct or interfere with any views of the highway. I would like to point out the UPS sign right on the roadway. When I exited your driveway turning left in my car, towards Monticello, I couldn't see. You may want to move that box sign back behind the pole. I don't always have my pickup.

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

Daniel Gettel: The sign is not located in an area that would commonly see foot traffic.

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

Daniel Gettel: The size of the sign is consistent with the scale of the building and what would be expected proportionally for a banner sign. It is not considered to be an unnecessary distraction, as passers-by have to look for the sign.

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

Daniel Gettel: No other signs exist in the immediate vicinity.

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

Daniel Gettel: BJ, I believe the design conforms to standards accepted by the Planning Board and Building Department. This sign is subject to a yearly permit renewal, where the condition of the sign can be monitored. If found to be in poor condition the permit can be revoked or the sign

be replaced in kind. This sign has existed on this building for a number of months and shows no sign of loosening or deteriorating.

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

Daniel Gettel: The sign materials are consistent with the style of the building it is mounted on and the font style is simple, easily read at a glance.

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

Daniel Gettel: There are no other enterprises or residences in the immediate vicinity of this sign that would be affected.

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

Daniel Gettel: This is not a freestanding sign so landscaping is not required.

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

Daniel Gettel: This is not a homemade sign.

345-23F - The following regulations shall apply to all signs:

(1) All signs shall be immediately removed when the reasons for their erection no longer apply.

Daniel Gettel: BJ, this is a code enforcement issue, but again, the permit for this sign has to be renewed yearly, so if the sign is no longer needed the permit can be withdrawn.

(2) Signs shall not be permitted on the roof or above the roofline of the building to which they are attached.

Daniel Gettel: This sign is mounted on one side of a building.

(3) No part of any sign shall project above the top or beyond the ends of the wall surface upon which it is located.

Daniel Gettel: The sign does not protrude beyond the bounds of the existing building.

(4) Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures in the district where the sign is located.

Daniel Gettel: The sign is mounted to a building that was installed as required by zoning.

(5) No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.

Daniel Gettel: The wording on the sign is limited to that of the business name and phone number.

(6) No light shall be permitted that by reason of intensity, color, location, movement or directions of its beam would be a distraction or would otherwise interfere with public safety. Flashing lights shall not be permitted in connection with any sign.

Daniel Gettel: This sign is not illuminated.

(7) No sign shall be attached to any tree, fence, utility pole or other object not intended for such use.

Daniel Gettel: This sign is mounted to a building, as permitted by zoning.

(8) A portable sign shall be considered a freestanding sign and be subject to all regulations pertaining to such signs. All portable signs shall require permits, however.

Daniel Gettel: This sign is not considered portable.

(9) No sign shall exceed in height 1/2 its distance from the highway right-of-way, notwithstanding any other height limitation which may also be applicable.

Daniel Gettel: This sign is located well off the bounds of NYS Route 17B.

(10) Vehicles parked in specific highly visible locations for extended periods of time so as to serve in a signage capacity shall be subject to all the requirements contained herein.

Daniel Gettel: This is not a sign mounted on a vehicle. Bear with me, I am almost done. Jacy, this is one you and I have discussed.

345.23J - The signs actually physically attached to the supporting wall of a business building shall not be counted in the number of signs permitted hereunder but shall be limited in total coverage for all signs to a maximum of 10% of any wall surface area. The Planning Board may grant waivers to this regulation in cases where the entire wall is devoted to a single sign (e.g., "Mail Pouch Chewing Tobacco" type signs) otherwise meeting the review criteria contained herein.

Daniel Gettel: We discussed this section of the code. This does permit signs that are dedicated to covering the wall of the building, with a waiver from the Planning Board.

Jacqueline Ricciani: But this says this is limited to 10% of the wall.

Daniel Gettel: We can grant waivers to that regulation.

Jacqueline Ricciani: If this board finds that the entire wall is devoted to the sign.

Daniel Gettel: It is pretty hard to argue that. My answer is, the sign as proposed does cover the vast majority of the entire wall surface of the building and does conform to the design criteria, so a waiver of the 10% maximum wall surface coverage can be considered. "Mail Pouch Tobacco" appears to be a generic name adopted for a style of advertising where full barn building faces were painted or adorned with one single advertisement, which this kind of is. Are there any questions on the sign ordinance part of the zoning code from the Board?

No one

Daniel Gettel: BJ, you have a short EAF?

Bette Jean Gettel: Yes I do.

Daniel Gettel: Reading Part One of the EAF:

Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?

No.

Does the proposed action require a permit approval or funding from any other Governmental Agency?

No. We are authorizing the sign permit.

Daniel Gettel: Just to summarize, the action is permitted by the current zoning. It is consistent with the adopted comprehensive plan. The site does not adjoin a state listed Critical Environmental area as there are none in the town.

Will the proposed action connect to an existing public/private water sewer?

No

Daniel Gettel: The site does not contain any historic structures. It is pretty straight forward. Clearly there is very little disturbance of land.

Daniel Gettel: Our part of the short EAF is to do Part 2 & 3. They read as follows:

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

No. This type of sign is permitted by zoning if a waiver is granted.

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

No. The sign itself will not result in a change of use or greater intensity of use.

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

No. This is a site that contains a number of similar business buildings, and the sign mounted on one of the buildings, set back off the road in a gully, will not have a negative impact on the area. The sign is permitted.

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.

Feel free to chime in, if anyone disagrees.

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

No. There shall be no negative impact on the level of traffic.

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. The sign uses no energy.

7. Will the proposed action impact existing:

a. public/private water supplies?

No. This is a sign.

b. public/private wastewater treatment utilities?

No. Again, this is a sign.

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

No. There are no historic resources or the like in the area and the sign is permitted as part zoning, addressing the comprehensive plan and aesthetic resources.

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 measurable change.

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

No. The installation of the sign would not have involved any site disturbance.

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

No. Not to environmental resources or human health.

Daniel Gettel: That is the short EAF. Jacy, one of the questions in the EAF involves the waiver. I do believe we have to act on the waiver before we do the negative dec.

Jacqueline Ricciani: Yes.

Daniel Gettel: I am sure everyone is familiar with it. I think it is clear that the sign takes up the majority of the side of the building, and I think it is a good proportion to the size of the building, with that being said:

Motion to grant the application a waiver of Section 345-23 Paragraph J as allowed by the specific section as the entire wall of the building is devoted to the single banner style sign by Steve Simpson, second by Susan Brown Otto

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: With that being said, we can move onto the negative declaration. I think it is fair that installing a sign has very little impact as far as environmental concerns go.

Motion to grant this application a negative declaration by David Biren, second by Susan Brown Otto

All in favor - 7

Opposed - 0

Agreed and carried

Daniel Gettel: Jacy, I think the right motion would be to direct the Code Enforcement Officer to

process the application through the Building Department?

Jacqueline Ricciani: Subsection “C” says that for this size, submitted to the Planning Board for review for approval prior to the permit issuance. So this board has approved it, and direct BJ to issue the permit.

Daniel Gettel: So we would approve the size of the sign?

Jacqueline Ricciani: Well you would approve not just the sign, but also the content. You approved the sign because it complies with the criteria.

Daniel Gettel: So you want us to make a motion to approve this sign as proposed, or as it exists?

Jacqueline Ricciani: Correct.

Daniel Gettel: And to direct BJ to issue the permit.

Jacqueline Ricciani: Like all other approvals, you can put conditions on this.

Daniel Gettel: It is a subject to a yearly approval. You are aware of this right?

Steve Daley: Yes.

Daniel Gettel: It is in his best interest to maintain it.

Motion to approve the sign as presented to the Planning Board and direct the Code Enforcement Officer to issue the permit through the Building Department by Susan Brown Otto, second by Steve Simpson

Roll call vote:

Mike Cassaro – Y

Susan Brown Otto – Y

Steve Simpson- Y

David Biren – Y

Wilfred Hughson – Y

David Slater – Y

Daniel Gettel – Y

Motion Approved 7 – 0

Daniel Gettel: Good luck.

3) Application for a Sign Permit to be located at 951 Route 17B, known as Bethel Tax Map #: 38. -2-63, proposed by River Edge. (Siegel)

Daniel Gettel: We pretty much have to follow the same procedure for this application. Mr.

Siegel is presenting.

Daniel Gettel: This is also a sign application for the River Edge Restaurant. Section 345-23C of our code reads:

245-23C - Permit applications. All freestanding signs and signs of 24 square feet or more in total surface area on one side shall be submitted to the Planning Board for review and approval prior to permit issuance.

Daniel Gettel: This one is here because it has been deemed a freestanding sign. Mr. Siegel, did you want to make a presentation?

Jeff Siegel: Basically, the owner of the River Edge Restaurant purchased a digital sign, filled out a permit, and then we didn't really hear anything. Then he had to fill out a second permit and we were instructed that because after the first permit, I don't know what the issue was, but he filled out a second permit and then we were told we had to come to the Planning Board to get a permit for his sign which he uses to advertise his business.

Daniel Gettel: Just for the people in the audience that don't know, the sign, would you call it a digital....

Jeff Siegel: It is a digital message board. It is a LED message board that you can.... there are lots of things you can do, and there are lots of things you shouldn't do with those boards. Basically the way the sign currently is and has been, meets all the New York State DOT requirements, so it is not moving, flashing, blinking, it doesn't say stop, doesn't say yield, or danger or anything like that. The sign basically just changes. There is no transition in between each thing that changes, it just appears. He is here to get a sign permit. Currently it is a temporary sign on a trailer, which he was waiting for the permit so that he can landscape around the bottom of the trailer. The reason that he doesn't want a permanent sign currently is because the New York State DOT is going to change that bridge, rip up the road, and reconstruct down by his restaurant. So for him to spend the money to put up the sign permanently, and then when the DOT gets done we have to reup the sign some place else on his property. He would rather not have to do that.

Daniel Gettel: Do you know if that is permanent taking or are they just going to use that land and grant it back?

Fouad Kerendian: We are not sure which way they are going to go.

Daniel Gettel: They may permanently take land from you, or they may just take it for a while.

Fouad Kerendian: They are putting in a temporary bridge, they might come to my side, might go to the other side, we are not sure what side they are going to go yet.

Daniel Gettel: Is there a time frame on the replacement of the bridge? I don't think there is, but is there?

Fouad Kerendian: In 2018.

Daniel Gettel: I did have the opportunity to drive by the sign. I don't tend to go to Monticello too much, but I did happen to drive by it. I did show the board pictures of it, so you are aware. If you are interested in the pictures, I can provide them after. We will put them on the record if there are any concerns of what we have already seen. I am assuming you realize that some of the aspects of this sign are problematic to our zoning. I can run through the zoning sections, but I think...we can't ignore certain items of the code. If the sign is internally illuminated, it is not permitted by our code. That is my interpretation of the code, and that of our town attorney. I want you to be aware of that, because I can read through the zoning, but we are here to regulate zoning. This is the first time we have seen it, we don't have any... I don't really have a strong opinion on this sign, but there are problematic sections that I can't overlook when we go through the sign ordinance. I think you should have been made aware of some of those by going to the Zoning Board, a lot of things were brought up at the Zoning Board and they said the Planning Board would handle that at their end if it goes to the Planning Board.

Jeff Siegel: Well, the Zoning Board wasn't River Edge, it was Bright Advertising Inc, and we were looking to put up a billboard, which is advertising an off premise businesses. That is not what this sign is doing here at River Edge.

Daniel Gettel: Well immediately after the Zoning Board decision, the other sign came down, and this sign went in. That is the coincidence.

Jeff Siegel: Bright Advertising puts up billboards. One is going up on 17B in the next four weeks. Bright Advertising also sells digital message boards. We sold one to Charlie Barbuti that he has on his building in Liberty. I have sold them to a few other businesses outside the County. After the billboard issue with Bright Advertising, because it wasn't zoned for billboards which ultimately the decision as to why the sign wouldn't be allowed, not that sign that is there, it was a bigger sign that was going to be placed there, twelve by sixteen. The sign that is there now, it is three by six. When the billboard wasn't going to go, then my partner and I said okay it was just a matter of business, we weren't mad at anybody, so we moved on to the next part of our business, that's all. He showed an interest in purchasing the sign to advertise his business. Which his business has increased since he has had that digital sign out there, to draw people into his business during afternoons, evenings and weekends, when there are concerts at Bethel Woods, people tend to stop in for a bite, or whatever. He chose to put up the sign, keeping within the lines of what the NYS DOT says that you should do, what to have on the sign, what to do with the sign. With regards to the code, digital message boards are the new signs and they are not going to go away. There will be more business' that are going to want those signs for their business, to advertise and promote their business. So I think it would be prudent of the board to start to look into that. This might be the first sign, to change those parts of the codes and keep it strict enough so that you don't have a free for all, like in the Village of Monticello. In the Village of Monticello, they are not enforcing those digital signs. I didn't sell anybody those signs, but they are just letting them do whatever they want. Those signs move, and flip and flash, it looks like an emergency vehicle stopped there sometimes. That is not what you want to have happen.

Daniel Gettel: We are a regulatory board. We can't write zoning, we are just here to regulate it. That is the Town Board they would have to look at the sign code, and make any changes. We can't waive sections of our code, especially ignoring certain sections. I would be more than willing to go through the zoning.

Jeff Siegel: None of us are asking you to ignore anything.

Daniel Gettel: I am more than willing to run through the sign criteria. I am just telling you there are areas that are problematic, and I don't think it should be a huge surprise, because the zoning is what it has been for years.

Fouad Kerendian: Can I ask a question?

Daniel Gettel: Absolutely.

Fouad Kerendian: Why was it...when I went to give a check for the permit, before I made the investment, I paid a \$2,500 down payment. Something should have been done. Stop... the permit for the sign, something should have been done.

Daniel Gettel: I went to a number of Zoning Board meetings before you made this application to the Planning Board, and I would think it was pretty clear there were going to be problems all along with this sign, as far as the Planning Board process. I was at the first two Zoning Board meetings. I wasn't at the final meeting. I can't speak to what the resolution was.

Jeff Siegel: The resolution was..

Daniel Gettel: I don't believe the resolution covered more than that, Jacy will address the resolution. There were sections of the codes...

Fouad Kerendian: They were turned down because they were advertising other businesses. They said if it was our own business, they said they would have passed it. That is what I understand happened.

Daniel Gettel: Billboards are not permitted. I can't speak for the Zoning Board.

Jeff Siegel: When you make a sign permit for a digital message board type sign, that a business wants to do, then it should go to the Town Board, not the Zoning or the Planning Board?

Daniel Gettel: Until the zoning is changed by the Town Board, I think the Planning Board's hands are tied, as are the Zoning Board's because it is specifically not permitted in the town, and we don't have the authority to just ignore that. I know you are not asking for us to ignore it, I am just being frank with you. It is in our code. I don't know the answer. The only answer is to... that if you think that it is going to be the thing people want it in Bethel, the people you need to speak to, and I don't want to put the Town Board on the spot, but they are the only ones that can make that determination.

Jeff Siegel: We went to the Zoning Board for one thing. We are here at the Planning Board for a different thing, and I'll go to the Town Board if that is the thing to do.

Daniel Gettel: You will find we are the nicest board of the three.

Jeff Siegel: We didn't think that any of the boards that we went to weren't nice, but for my partner and myself, and for Bright Advertising Inc, it was just a matter of business. It was turned down because the billboards weren't allowed, and wasn't in the code so that was ultimately the reason that they gave. Okay, we spent our money, we put our money into the sign permit, it is just business. I am a businessman, so we moved on. This sign has nothing to do with what we went to the Zoning Board for. He wants a sign to promote and advertise River Edge, not anyone else's business but his business, which is in the Town of Bethel, which he pays taxes to.

Daniel Gettel: Jacy, would you touch on what the Zoning Board's resolution was? Especially does it go with the property or with the applicant? There is a little bit of a fuzzy area there apparently.

Jacqueline Ricciani: Well, Mr. Siegel is correct. It was his company who would come to the board to make the application. But the application before the ZBA was for a use variance. When the ZBA applied the criteria for a use variance, they found that what was proposed did not fit the criteria for a number of reasons. I can run through them if you like me to.

Daniel Gettel: I think for the record, and the board's benefit you have to, it's not a lot...

Jacqueline Ricciani: I certainly can. The criteria are:

1. The applicant cannot realize a reasonable return, provided the lack of return is substantial as demonstrated by competent financial evidence.

Jacqueline Ricciani: The applicant did not submit any financial information whatsoever about their inability to have a financial return without the variance.

2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

Jacqueline Ricciani: The ZBA found the hardship was not unique, because the property in that district is subject to the same zoning code requirements as anywhere else in the town.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood.

Jacqueline Ricciani: The ZBA found that granting the variance would alter the character of the 17B gateway and would be adverse to the goals of the comprehensive plan, although the board did recognize there are currently existing billboards in the area. Part of the comprehensive plan is to minimize billboards in the future to maintain a more scenic entry way into the town corridor and finally...

4. That the alleged hardship was not self created

Jacqueline Ricciani: The ZBA found it was self created, because the applicant did not own the property, and could seek to sell this billboard anywhere else that they wanted to. They didn't have to sell it there.

Jacqueline Ricciani: Based on all those criteria, the use variance was denied. I also have to say that the different criteria that a sign has to comply with were never reached, it was never addressed, was never even part of the consideration. The only thing that was considered was the location and size and the subject matter. The design or illumination, none of that was considered by the ZBA.

Daniel Gettel: It wasn't considered as part of the decision, but it was discussed at the meeting. It's not like it wasn't discussed at all, but it wasn't part of their resolution.

Jacqueline Ricciani: It was definitely discussed, just because those criteria were not a basis for denying the variance, it doesn't mean it was some kind of implicit approval. That's all I'm trying to say.

Daniel Gettel: I can run through the sign criteria, but I don't think we will be able to approve it based on the zoning we have in front of us. An application was made to go to the Planning Board. Once an application is made you have the right to go to the Planning Board. I can't answer if you should have been directed somewhere else. I don't have any control over that.

Jeff Siegel: So because of the criteria that is already in the town code, which is up to the town board to make a change, modify, or whatever, you would be forced to, because of what's in there, because of how the sign is lighted...

Daniel Gettel: I think we have some discretion, but there are several sections we would pretty much have to overlook.

Jeff Siegel: So we go through this so he knows what sections they are, so when he goes to the Town Board, he will be able to say, a, b, c, d.

Daniel Gettel: I would be more than happy to put it on the record, and then it is in the minutes and you can go to the Town Board with that. If you want something to change you have to go to the Town Board, I believe. You are welcome to take a seat. I will run through the same criteria as I read for the other applicant. And if anyone on the board has anything to add, I think we pretty much talked about it in the work session.

Section 345-23E - Planning Board approval

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

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

Daniel Gettel: In our opinion, it is not reasonable to consider a sign of this nature, where the sign is illuminated from the interior and changes color frequently, to be a subordinate part of the landscape.

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

Daniel Gettel: There are no signs of this style or make-up located in the Town of Bethel. This sign has been compared to the signs in front of Bubba's Restaurant and the White Lake Fire House, but both of those signs are of a single color and are only used to supplement or enhance the main signage for the facility.

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

Daniel Gettel: The applicant has met this requirement as the sign flashes through a sequence of messages, I believe fourteen messages?

Jeff Siegel: That could change. That is up to the owner of the property how many messages you have in sequence.

Daniel Gettel: Continue reading the code.

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

Daniel Gettel: Like you mentioned, you are a little hesitant to put in any landscaping and we have not been provided with detailed information on the final design, but by nature this is a ground sign and the applicant has indicated that if approved the sign will be permanently affixed to two posts set in a landscaped base.

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

Daniel Gettel: The sign is not a sign mounted on the building. The proportion of the sign to the site may be correct, but perhaps not to the building.

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

Daniel Gettel: Our position is, although it is the understanding of the board that the operator can control the color and intensity of color for each "phase" of the scrolling sign, including fading

from one display to the next, the operator has demonstrated a lack of willingness to do so during the time the sign has existed on the site.

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

Daniel Gettel: The sign exists in the location of the previous sign and does not interfere with views required by highway travelers.

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

Daniel Gettel: The sign is not in an area that would commonly see foot traffic.

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

Daniel Gettel: It is debatable whether the sign meets the intent of this section. The size of the sign being reviewed is smaller than that of those it replaced, but the ones that existed on this site had grown over the years to be of a size beyond what would have been permitted. Not necessarily by design, but by demonstration, the intensity and sequencing of the colors used by the operator have shown to be overly distracting to some motorists. We have gotten quite a few complaints on this sign.

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

Daniel Gettel: No other signs exist in the immediate vicinity.

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

Daniel Gettel: The sign, as a package, is of a good construction and appears to be being used as intended by the manufacturer.

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

Daniel Gettel: The sign material is not compatible with the surrounding natural landscape and at the time of submission the board was not provided with any detailed design information regarding the final appearance of the sign.

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

Daniel Gettel: There are no other enterprises or residences in the immediate vicinity of this sign that would be affected.

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

Daniel Gettel: The applicant has indicated that landscaping will be provided once a final location is chosen for the sign. The applicant maintains that a future bridge replacement project will take place in the near future that will require contractors for the State to temporarily route commuters through the portion of his property presently occupied by the sign. No timeframe for the permanent placement of the sign, or details on landscaping were provided by the applicant as part of the submission.

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

Daniel Gettel: This is not a homemade sign.

345-23F - The following regulations shall apply to all signs:

(1) All signs shall be immediately removed when the reasons for their erection no longer apply.

Daniel Gettel: Again, BJ, this is more an enforcement requirement than a regulatory one.

(2) Signs shall not be permitted on the roof or above the roofline of the building to which they are attached.

Daniel Gettel: This is not a roof-mounted sign.

(3) No part of any sign shall project above the top or beyond the ends of the wall surface upon which it is located.

Daniel Gettel: This is not a wall-mounted sign.

(4) Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures in the district where the sign is located.

Daniel Gettel: This sign is centered on the building and an assumption can be made that the sign meets this requirement as the building as originally constructed with a permit. I don't know how we are supposed to determine if it meets side yards specifically.

Jacqueline Ricciani: It is not in a side yard.

(5) No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.

Daniel Gettel: Again, this is more an enforcement requirement than a regulatory one, but the requirement is being put on record for the applicants benefit.

(6) No light shall be permitted that by reason of intensity, color, location, movement or directions of its beam would be a distraction or would otherwise interfere with public safety. Flashing lights shall not be permitted in connection with any sign.

Daniel Gettel: Again, this is another judgment call. It is the understanding of this board that the intensity of color, color and movement of the screen can be controlled to lessen any impact, but in the past the applicant has not demonstrated this capability. Regardless, the only avenue the Town would have to regulate and enforce this requirement would be through constant monitoring by Code Enforcement, an agency in town that is not staffed to provide this specific service.

Daniel Gettel: It should be pointed out that the applicant chooses to illuminate this sign twenty-four hours a day, which I think is a little extreme, seven days a week. This is not only vastly different than any other business along this travel corridor, but during off hours the sign appears to always say the business, or portions of the business, are open when they are clearly not. Switching the sign off, or toning down the illumination of the messages, during off hours when the lighting is most distracting may greatly reduce the distraction potential.

Daniel Gettel: It should also be pointed out that this specific section of roadway has seen a high number of accidents in the past. Most of these have been attributed, rightly or wrongly, to distracted drivers. The safety of this corridor must be weighted when the potential for additional distractions is considered.

(7) No sign shall be attached to any tree, fence, utility pole or other object not intended for such use.

Daniel Gettel: This is a freestanding sign, not mounted to a tree.

(8) A portable sign shall be considered a freestanding sign and be subject to all regulations pertaining to such signs. All portable signs shall require permits, however.

Daniel Gettel: At present the sign has wheels and is considered a temporary, portable sign. No timeframe has been set for the permanent installation of any sign.

(9) No sign shall exceed in height 1/2 its distance from the highway right-of-way, notwithstanding any other height limitation which may also be applicable.

Daniel Gettel: It was pointed out at a previous presentation to another municipal board, which would be the Zoning Board that the sign is at present relatively close to the State right of way.

No information on the exact location of the highway bounds was provided at the time of this submission.

(10) Vehicles parked in specific highly visible locations for extended periods of time so as to serve in a signage capacity shall be subject to all the requirements contained herein.

Daniel Gettel: This sign is portable, but at present is stationary and not associated with vehicles that can move the sign from place to place for extended periods of time.

345.23I - The owner, lessee or occupant of any parcel of land in the Township may erect and maintain on such land not more than one freestanding sign or one freestanding sign per 200 linear feet of lot frontage up to a total of three signs, whichever shall be greater.

(1) If such signs are pole signs or portable signs, they shall not exceed 32 square feet each in surface area or 20 feet in height and shall be set back from the edge of the highway right-of-way line no less than 25 feet. All pole signs shall be separated by a distance of no less than 100 feet.

Daniel Gettel: The size of the size does not exceed thirty-two square feet of surface area or twenty feet in height, but cannot be set back twenty five feet off the highway bounds as the owner has indicated in the past that the existing sign was in close proximity to the road bounds.

Susan Brown Otto: May I ask a question? There is signage on both sides, if it is three feet by six feet that is eighteen square feet.

Daniel Gettel: We only count one side.

(2) If such signs are ground signs, they shall be permitted, provided that they do not exceed 64 square feet in surface area each or six feet in height.

Daniel Gettel: The sign does not exceed this requirement.

(3) Nameplate signs shall be permitted on all lots, provided that they do not exceed two square feet in surface area or one in number per lot.

Daniel Gettel: This is not a nameplate sign.

345.32O - Where permitted, signs shall be illuminated only by a steady, stationary (excepting for indicators of time and temperature), shielded light source directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises. The illumination shall not make the sign resemble traffic signals or be excessively bright.

Jeff Siegel: Can I just ask a question? So, the Fire Department and Bubba's, although they are just a single color, they are not illuminated from the outside, they are illuminated from the inside.

Daniel Gettel: I am not saying they are permitted either.

Jeff Siegel: I thought they were permitted.

Daniel Gettel: I believe there are a lot of signs in the Town of Bethel that are not permitted by the town. And I assume the Fire Department is aware of that.

Jeff Siegel: Okay, thanks.

Daniel Gettel: This is a sign that is illuminated from the interior and does not conform to this section of code. By nature the sign images cannot be considered to be steady or stationary as the images either flash, as demonstrated by the existing sign, or fade into the next message, as stated but not demonstrated, on the screen. Light being illuminated from the interior is not shielded nor is it directed solely at the sign, but quite the opposite. One can easily stand on one side of the sign at night and determine exactly when the other side is changing images based solely upon the glare.

Daniel Gettel: An argument can be made that the sign causes excessive glare for motorists, pedestrians, and neighboring businesses as witnessed by the fact that at night the sign is visible long before it would be reasonable for a person with good vision to actually make out any image on the sign. This glare is compounded by rainy weather and the fact that the operator chooses to illuminate this sign twenty-four hours a day, regardless of whether the business is open or closed. To date no attempts have been made to lessen this impact. That is our code in a nutshell for signs.

Jeff Siegel: We can get a copy?

Daniel Gettel: Our minutes will be out in a few weeks. They will be online also.

Jacqueline Ricciani: This section of the code is available online.

Daniel Gettel: If you like, I can give you the specific sections we have a problem with. We do have pictures for the file, but I can't give them to you until we file them. I can proceed with the environmental. It's not going to end up in an approval.

Jeff Siegel: We know where the permit is going to go, it would end up no.

Daniel Gettel: I would suggest you visit the town, check out the file, and see what is in there as far as the pictures. They will be on file, and look at the town code. We have gotten quite a few complaints about glare on the highway.

Jeff Siegel: All of those things can be corrected.

Daniel Gettel: That's fine, but it hasn't been addressed, and the sign has been there.

Fouad Kerendian: No one really asked us to address it.

Daniel Gettel: That is one of the reasons we are here, to point out potential problems.

Jeff Siegel: Those are simple things.

Daniel Gettel: You had mentioned the Zoning Board, but the sign we are reviewing here tonight, is this sign.

Jeff Siegel: We will take care of those, and address those.

Daniel Gettel: Jacy, I think we should receive and file the photos, and as far as the application, table it until they come back?

Jacqueline Ricciani: It is pretty clear the sign doesn't comply with the criteria.

Jeff Siegel: For both of us it is a new area, what is the difference if you withdraw or have it turned down?

Jacqueline Ricciani: There is no limitation on a sign when you can reply. You have already done the initial paperwork.

Daniel Gettel: I think it would be better to table it for now. Give you the opportunity to review what we consider are the stumbling blocks and maybe some of them can be corrected. I do agree these signs are coming. I do think that the Fire Department, in particular, is missing the advantage of actually using that sign to supplement a much nicer sign. If that were used to supplement a different sign instead of being the sign, I think they would be much better off, but that is my opinion.

Jeff Siegel: I thank you all.

Susan Brown Otto: What about the lawn signs up and down 17B? They are River Edge signs.
Fouad Kerendian: We will take care of that.

Motion to receive and file four pages of photos, numbered 1-4, first two pictures of glare on the highway, and the other 12 of random pictures by David Biren, second by Steve Simpson

All in favor – 7

Opposed - 0

Agreed and carried

Motion to table this application until such time the applicant chooses to return by Susan Brown Otto, second by Wilfred Hughson

All in favor - 7

Opposed-0

Agreed and carried

4) *Application for a Non-Transient Campground with Outdoor Recreation Facilities to be located at 34 Yasgur Road, known as Bethel Tax Map #: 25. -1-14.1, 14.3, 14.4, 15, & 16.1, proposed by Yasgur Road Production. (Illing)*

Wes Illing: This is the last map. I changed two characters on this map from the last time. #11, the noise report came in. I had suggested it to be 75 dba above ambient. The bottom line is that wasn't the case. Based on the measurements we made on site, it is easy for us to meet that, and 18 dba is very quiet. Basically on note 11, we changed it from 75 to 18. We are saying at the property lines the noise levels aren't going to be 18 decibels above ambient, as opposed to the 75 we had originally on the drawing.

Daniel Gettel: In his report I thought I saw 88 decibels. I don't know why, but a lot of people got that email, and couldn't open it. I was only able to print it once.

Wes Illing: It was hard for me to print.

Daniel Gettel: I don't have a copy. You probably received it that way.

Wes Illing: It took me about a half an hour to print. That is my only copy, if you read it real quick maybe I can offer some interpretation.

Daniel Gettel: The note on the IES drawing suggested the decibel level to be allowed to be 75 decibel level above ambient, it should be changed to 18 decibel above ambient, or up to 88 above. That is the final number then?

Wes Illing: What I am suggesting because the ambient levels will change with time, with the traffic on the freeway whatever. I am assuming they are going to go up over time. This should be simply 18 decibels above ambient. If noise levels went down, if there were no gas vehicles, and if everything was an electric vehicle, then the 18 decibels above ambient is a tougher criterion than 88 decibels. Does that make sense to everybody? We measured out at the field, and we were comfortable with the 18 decibels. And you really can't hear...

Daniel Gettel: I assume you are talking about the last event that was there?

Wes Illing: Yes, when we had the August event, it created an opportunity to go out there and take a whole bunch of measurements all over the place to see what the actual noise levels were at different points. In this report, you have a map where he took the measurements, and did some calculations to see what the decibels levels were going to be at the property line, and they are zip. I think there was an article in the newspaper. They also noticed how quiet it was. They couldn't hear the bands at the property lines. The bottom line is, where I told them in the beginning about putting these stages in the woods as opposed to what they had done previously, really makes a difference in making the music quiet, and so it doesn't disturb the neighbors.

Susan Brown Otto: What about the wind?

Wes Illing: The wind is noisy.

Jacqueline Ricciani: How about by the stage?

Wes Illing: They took measurements by the stage.

Jacqueline Ricciani: Not according to this. The stage is down here.

Wes Illing: They measured in these locations.

Jacqueline Ricciani: That isn't where the music is going to be coming from on this application.

Wes Illing: That's fine. It's the same thing. We are going to have similar acoustics. When they have the 18 decibels relatively ambient...

Jacqueline Ricciani: They are different distances.

Wes Illing: If you want to sit down and do the map, the bottom line the distance is so far, that 18 decibels is a cake walk.

Jacqueline Ricciani: There is a separate section in the Town code that addresses noise and permits, and I know this has come up before. If you are having amplified music, that is addressed in a different way than you are seeking to address it.

Daniel Gettel: I think David Slater has addressed that a number of times.

Wes Illing: Yeah, but Town code says that when it becomes annoying, or nuisance level, than it requires a permit.

Jacqueline Ricciani: It says amplified music is deemed to be unreasonable.

Wes Illing: If you want to impose an annual permit, fine.

Jacqueline Ricciani: It's not annual. I think the application needs to be made fourteen days prior.

Jeryl Abramson: Can't I be treated like the other campground in town?

Daniel Gettel: Who came to the Town Board and requested a noise permit for six specific concerts that they had this year.

Jeryl Abramson: So can I do that, go to the Town Board.

Daniel Gettel: Absolutely.

Jacqueline Ricciani: It's not seasonal. If you have a schedule when bands will be performing, you can come at the beginning of the season, and say these are the bands that are going to be performing and then if you add here and there, you just have to come back here and there.

Jeryl Abramson: Okay, sounds simple.

Wes Illing: We will work with the Town Board on that. The interpretation is a little bit different I think. Let's move on. As requested last month, on August 2nd, at 8:28 in the morning, I sent the building department a copy of this, I emailed Freda Eisenberg a request to review our submittals again as you guys requested a second M239 review.

Daniel Gettel: Not exactly....but keep going.

Wes Illing: Anyway, I sent her this email, and the town has a copy of that email, BJ if you want a copy for your records, I have a print out for you. Basically I asked her to review it, and I haven't heard from her, and it has been over 30 days. Apparently the County has no comment on our site plan at this point. They are happy with what we submitted.

Daniel Gettel: I think that is a stretch.

Wes Illing: Well, they haven't responded.

Daniel Gettel: That doesn't mean they are happy with it, Wes. It means they haven't responded.

Wes Illing: They have nothing significant to write about.

Daniel Gettel: You are assuming that. You have nothing to support that statement. You make these blanket statements that you cannot back up.

Wes Illing: Okay, Dan, based on the first letter they wrote, which they didn't have very much of any significance to say, I think that is a fair statement. But okay, we'll go with that. We got a letter from the White Lake Fire Department, we went through the letter in detail, and there were a couple of things we really liked about the letter. The bottom line is the letter in its entirety doesn't cite any requirements in the code. That is because there are no code requirements for a campground with only utility buildings. I have a letter for you, because I went into the code, and I did look up exactly what the State of New York requires, an access road. I will read this into the minutes.

Daniel Gettel: Was this sent out earlier today?

Wes Illing: As I read through this, I may stop and make some clarification to the board of the State Code.

First of all I would like to thank the White Lake Fire Department for reviewing our site plan and issuing a letter on August 19th to the Planning Board. Unfortunately we did not receive this letter until September 6th, despite the fact that we requested it on July 19th. There were no specific codes that were referenced in the letter. It appears the letter is citing requirements for applications far beyond the requirements for our campground. There are no requirements for fire apparatus access roads for campgrounds unless there are buildings in the campground which trip various thresholds defined by the State of New York.

Wes Illing: If you have a campground with certain types of buildings, then you are going to trip the requirements for fire access roads. If you don't have any buildings to trip the criteria then no access roads are required by the State of New York. No if's, no and's, no but's, no questions, there are none required. Campgrounds with only utility buildings are exempt, and specifically exempted in the New York State Code. When you go to Chapter 5, Section 503.1.1, Exception #4 states that fire apparatus access roads are not required for Group U occupancies. And group U occupancies are utility buildings. Utility buildings are restrooms, or a water treatment building. They do not offer an exemption if you have cabins up in the woods or an institution with people or invalids. You don't get exemptions from fire access roads unless you have people sleeping basically up there in the woods. Then you would have to have a fire access road. If you don't have a structure that has people sleeping it is not going to be required, or handicapped people. Campgrounds are exempt in the State of New York. There is no code. Then we looked at the upcoming code, because on October 3rd, the Town of Bethel, whether it wants to or not, will be adopting the IBC code that was published by the State of New York. The State of New York had some exceptions of the IBC code, because there were certain things in the code, the State of New York did not feel it warranted.

So as the adoption of the code approaches it is important to recognize the exceptions the State of New York took from the IBC, in a 2016 uniform code supplement published in March 2016. So in particular, buildings in particular buildings with utility classifications were entirely exempted from building and facilities. Our restrooms and water treatment buildings are classified as utility buildings, as such there are no requirements of any kind defined by the fire code, by the State of New York, for fire apparatus access road currently or when the new code will be adopted by the Town of Bethel for any portion of the campground in the forest.

Wes Illing: So what we did, we proposed a fire access road, above and beyond what was required by the code. Just because we thought it would be a good thing to have. When we proposed that, it's not required. We can do anything we want with that fire access road. We want it to be functional. As far as anybody imposing any requirements on that road, there are no requirements for that road. The road isn't even required to be there. There were a few things we really liked about the Fire Department letter. One of the things was they noted there were a couple of the intersections that looked like they were pretty sharp. You look at the turning radius they give us in their letter, but turning radius for pumper trucks for example is twenty four feet. What we are going to do when we build the access drives, we are going to make sure the inside radii of those access drives have a minimum radius of twenty four feet to enable pumper trucks to go through there. They also pointed out they wanted pull offs. We designed this road to be similar features those required by the State for single family homes built up in the middle of nowhere. So Section 511 defines requirements for the fire access road for single-family dwellings. This section of code, an access drive twelve feet in width is adequate by the State of New York.

This same section also requires pull offs, every 500ft, and those pull offs must be a minimum of 50ft long, and 20ft wide. Turnaround locations shall simply enable the fire department to be able to turn around.

Wes Illing: That is the extent of the requirements of a fire access road for a single family home,

remotely located from the road. That is a requirement above and beyond what this campground is required to have. But the applicant said lets see if we can build a fire access road, with features similar to what the State deems adequate for a single-family home in a remote location, which is what we did. We were offering this Planning Board something above and beyond the requirements of the State of New York. Despite the fact it is not required by State law, the applicant has provided an access drive similar to the features defined by the State of New York for single-family homes. While the applicant is entitled to exceed existing code requirements it is arbitrary and capricious for the White Lake Fire Department to impose or suggest a set of requirements far above and beyond what the State of New York has deemed adequate. I hope this clarifies any misgivings or misinformation you guys have been given regarding these access drives or access roads. These are the requirements defined by the State of New York.

Daniel Gettel: We discussed this a numerous times at the Planning Board, that town code does address streets within a campground, and they cannot be twelve feet wide.

Wes Illing: We do not have any streets. We have an access drive.

Daniel Gettel: Wes, we talked about this, I told you drives are not a physical things. Drive is what you do on the highway. These are not drives. Then in your own letter you described them as roads. You just read a letter to us and described them as roads.

Wes Illing: That's not correct Dan. Read the letter.

Daniel Gettel: Access roads, Mr. Illing.

Wes Illing: That is what the State calls an access road. I call what we are doing an access drive. It's different.

Daniel Gettel: Do you want to act like we never had this discussion about streets?

Wes Illing: I told you at the time we are not proposing any roads or streets in this campground.

Daniel Gettel: That is not how we left it last week. We agreed at the last meeting that you needed a waiver to that specific section of code, because you didn't meet the street requirements. That is in the minutes from the last meeting, and that is in the waivers that Jacy drew up.

Wes Illing: I don't remember discussing this at all.

Daniel Gettel: If this were a nontransient campground, you are welcome to the recordings, if this were a nontransient campground, I would agree with you because they can be feet wide. We already established this as a nontransient campground, they have different standards that you have to meet, Chapter 300 of the subdivision section, which would set the minimum width I believe at eighteen feet. If you want to argue with me about semantics, if it is a drive, it's a road, it's a driveway. It has had four different names in the last two months.

Wes Illing: I have never changed. What we have on our plan, it has always been an access drive

from day one. It has never been anything other than that, never. If you look at our written submittals it has always been called an access drive.

Daniel Gettel: Glenn, do you remember the discussion.

Glenn Smith: The driveways in the code have a minimum width also.

Daniel Gettel: I don't dismiss as readily as you do the Fire Department's letter. Wes, we have waivers we did discuss, there is a major checklist going around. I know Jacy added in the resolution, if we discuss you needing a waiver, we have to put it in the resolution that we discussed it and determined you didn't need it. Jacy is there a way for you to pull out of your resolutions exactly what the final waivers were that we discussed at the last meeting?

Jacqueline Ricciani: Certainly.

Daniel Gettel: Our next logical step would be to act on the waivers. If you would, you also have a section of code that states what can and cannot be waived. Am I right?

Jacqueline Ricciani: It really boils down to five.

Wes Illing: Four is what we discussed.

Jacqueline Ricciani: What the applicant submitted in August had seven.

Wes Illing: That's right, and then we agreed three of those weren't going to be required.

Jacqueline Ricciani: Right, but since you submitted a document requesting waivers, everything requested is being addressed.

Wes Illing: That's fine.

Daniel Gettel: Do you suggest that we put them on the record, Jacy?

Jacqueline Ricciani: If you want me to just identify....

Daniel Gettel: Do we need to review the waivers we already discussed that we no longer need?

Jacqueline Ricciani: No, they are included in the proposed resolution, but I think the board has already come to a consensus that either already applied, or addressed in another way. There are five that remain, that this board needs to take action on.

1. DOH waiver.

Wes Illing: By the way, for a matter of information, this application is going to be reviewed by Albany. It has been sent to Albany for review. They are great to work with.

Jacqueline Ricciani: Do you have a time frame on that by any chance?

Wes Illing: They are slow.

Daniel Gettel: Why do we need a waiver of that, Jacy? That just mentions for the record, 124-B-5.

Jacqueline Ricciani: Because you are not required.

Daniel Gettel: Reading Chapter 120 B-5:

If an applicant receives a relevant waiver from the State Department of Health, it may seek a waiver of any of the requirements of this Chapter 120 which pertain to the same subject matter as the State Department of Health waiver, upon written application to the Planning Board. Said waiver application must provide written evidence of the waiver received from the State Department of Health. Notwithstanding the foregoing, the Planning Board shall not be required to grant any waiver application.

Wes Illing: That last sentence is what I was asking for a waiver from.

Jacqueline Ricciani: Even if the applicant can get a waiver from this board, this board is not bound to accept, essentially accept, the waiver from DOH and whatever they are permitting or not. You are not bound by what the DOH does.

Daniel Gettel: The only thing we had discussed if the Planning Board wasn't in favor of connection, correct me if I am wrong Wes, because this is going back, but then we don't agree on what we did 30 days ago, but, if the Planning Board favored you connecting into a municipal system, but the Health Department said this is another system that can accommodate the waste, we agreed that we wouldn't go against that, as a specific treatment of the waste.

Jacqueline Ricciani: We are not there yet.

Daniel Gettel: I am kind of missing what waiver this is then.

Jacqueline Ricciani: The pump and haul.

Wes Illing: The DOH gives me a waiver, what I was asking for a waiver from your code, that your code says, even if DOH gives us a waiver, you could turn around and say, sorry you're not going to get the waiver from the Planning Board, and I wanted a waiver from that requirement.

Daniel Gettel: Isn't that also touched on the other waivers?

Jacqueline Ricciani: Yeah, which is why I...

Daniel Gettel: That is kind of confusing the two. I considered them the same.

Jacqueline Ricciani: Well, because our code also talks about the requirement of the onsite sewer. There is definitely some duplication.

Daniel Gettel: Isn't there a 60 hour requirement too?

Jacqueline Ricciani: That doesn't really apply to this. That is why waiver #2 was considered to be pretty much the same as waiver #1, because you are dealing with the same sanitary facilities and the DOH regulations.

Daniel Gettel: And that is the one waiving showers?

Jacqueline Ricciani: Showers are different. Waiver #4 is showers. Essentially the applicant, correct me if I am wrong Mr. Illing, but the applicant is essentially asking that this board honor whatever waiver they can get from the Department of Health for Phase 1.

Wes Illing: That is essentially it, yes.

Daniel Gettel: There are a couple of landscaping items that we still need to address.

Jacqueline Ricciani: Do you want to take these in order, or jump around?

Daniel Gettel: Screening along the boundaries we added last month, I believe.

Jacqueline Ricciani: That is where you know landscaping is addressed under the camping section, but landscaping is also addressed separately in the zoning.

Daniel Gettel: Section 345-16.

Jacqueline Ricciani: Right. There's a provision under the landscaping section, not the camping section. It is not directly on point, but I think you can rely on that to give you the authority that says under 345-16F that with respect to screening along boundary lines this board can modify the requirements in the landscaping section as long as there is no significant impact on the environment or neighbors. There is already a lot of screening. There is a lot of vegetation along the property line. The applicant already indicated they are going to put in the rows of the white pine as additional screening. You can also kind of use that for the screening that is required around the parking lot. The difficulty comes with the requirement for the landscaping within the parking lot, the every 12 spaces at the end of the lanes. That requirement, there is really nothing in the code to waive that.

Daniel Gettel: The reason I am questioning the landscaping is that one two three four, aren't five of them pretty much landscaping Wes? There are a couple of them that are repetitive. My point is in the past we have agreed in principle that screening along the boundaries are adequate. Especially with the parking lot now out of the commercial zone. I have no problem if you want to make the record clear that we grant the waiver on that requirement. I don't want to speak for the board, but we had spoken before that was one we really wouldn't have a problem with.

Jacqueline Ricciani: I'm sorry, which one?

Daniel Gettel: Screening along the boundary lines. It would be #8, I believe.

Jacqueline Ricciani: Okay.

Daniel Gettel: Number 7 is the landscape guidelines for the landscape plan 345-16E. I might as well read it.

Jacqueline Ricciani: What was determined at the last meeting is that those guidelines are not mandatory. They are just suggested. The applicant doesn't really need a waiver of that.

Daniel Gettel: But you feel it should be addressed.

Jacqueline Ricciani: Well the applicant asked for, and I think my response was, the waiver is not really required because those provisions are not mandatory.

Daniel Gettel: You have planting strips along the property line. Parking planting strips along the parking.

Jacqueline Ricciani: Right. The parking section requires that there be...it calls it planting strips, not screening or anything, but along the property line which you could find that the white pines are sufficient to meet that requirement.

Daniel Gettel: In my opinion, the shift of the parking addresses that section. I believe it also addresses that section as far as impact on neighbors. The landscaping within the parking lot then the landscaping between rows...

Jacqueline Ricciani: Right, there is landscaping around the perimeter of the parking lot.

Daniel Gettel: I don't think it was an issue.

Jacqueline Ricciani: Right, because of what is there.

Daniel Gettel: The landscaping within the parking lot is the one with the end of the row....

Jacqueline Ricciani: And the planting beds.....

Daniel Gettel: We had discussed that, in my opinion, it is not intended for a use such as this. It is more a commercial paved parking lot. I don't think it applies. Landscaping to show mature trees, Wes I think we kind of washed that one too, you are not really making a disturbance.

Wes Illing: We have 75 acres of forest, with all those trees, that is why we asked for that waiver.

Jacqueline Ricciani: Which one are you talking about Dan?

Daniel Gettel: Number 5. I'm cleaning the easy ones up. I think the thing to do is to speak about the initial waivers. Waiver #5 is Section 345B. The landscaping plan must show mature trees. I tend to agree, it is not a one-acre lot in a dense commercial district, where you want to shift a parking space 3 feet to save a tree. I don't think that is the issue here. I think that is the intent of that section. So Jacy, as far as...

Jacqueline Ricciani: You can modify that requirement and make him not be required to show all those trees.

Daniel Gettel: Can we just waive the requirement? Is that what you are saying, or do you want it in motion form?

Jacqueline Ricciani: Well, we can do them all individually, and then I can just incorporate it into the resolution, because you do need a resolution for these waivers. The applicant presented a request for a number of waivers. I think the appropriate response from this board is a resolution that addresses all of those waivers. If you want to do them each individually, that is fine.

Daniel Gettel: I think that is what we need to do.

Jacqueline Ricciani: That is fine.

Daniel Gettel: Number 5 is the landscaping showing mature trees. You want a motion to modify the requirement that no significant impact, that its not required, or we don't feel it is necessary in this instance?

Jacqueline Ricciani: What I am saying is, Section 345-16F says you can modify when it wouldn't have a significant impact. So if this board determines that modifying that requirement, that they don't have to show all the trees, it won't have a significant impact because the area is already heavily wooded. Then you have availed yourself the ability to modify that requirement.

Daniel Gettel: How about I entertain a motion that it is our finding that we do have the ability to modify the requirements of that section, and we do not feel that it is necessary for the applicant to show mature trees as it is such a large parcel, and not a density issue. Do you want something like that Jacy? I would entertain that motion.

Motion to grant this application a waiver of Section 345-16B, the requirement to show mature trees, as the property is heavily wooded and additional trees have been provided to screen the parking lot by Steve Simpson, second by Susan Brown Otto

Roll call vote:

***Michael Cassaro – Y
David Biren – Y
Daniel Gettel – Y***

***Susan Brown Otto – Y
Wilfred Hughson- Y***

***Steve Simpson – Y
David Slater – Y***

Motion Approved 7 – 0

Wes Illing: They were identified.

Daniel Gettel: Jacy, the next one would be Section 345-22C which is parking, landscaping within a parking lot which the board has decided that in this instance it wouldn't make sense, as it would for a Dunkin Donuts. We think the intent of the code is more of a commercial paved driveway use. And we would entertain a motion to grant a waiver of that section, that specific section.

Motion to grant this application a waiver of Section 345-22C, the landscaping requirement within the parking areas by David Biren, second by Susan Brown Otto

Roll call vote:

***Michael Cassaro – Y
David Biren – Y
Daniel Gettel – Y***

***Susan Brown Otto – Y
Wilfred Hughson- Y***

***Steve Simpson – Y
David Slater – Y***

Motion Approved 7 – 0

Daniel Gettel: The next one would be Section 345-22F which would be parking, landscaping strip along the parking line. Jacy you are saying there is a requirement that the parking be screened? Probably adjoining uses, is that what it is?

Jacqueline Ricciani: Well, the... Are you on the second #6?

Daniel Gettel: Yes.

Jacqueline Ricciani: The landscaping section of the code provides there needs to be a buffer along the parking area. I can read it if you want. Section 345-16A provides that the landscaping has to include the buffer along parking areas. Do you want me to get it? That is the gist of it.

Daniel Gettel: That's okay. And we have the right to modify that?

Jacqueline Ricciani: You can modify that. You can modify that or you can say that the plan already complies with that because of the location and the trees that are planted.

Daniel Gettel: I think the vast majority of the parking lot is screened by the plan and the natural vegetation from adjoiners and from the roadway.

Motion to grant this application a waiver Section 345-22F, the landscape buffer requirements,

as the plan indicates that the parking will be adequately buffered from the roadway and the from the single adjoiner, by Susan Brown Otto, second Steve Simpson

Roll call vote:

*Michael Cassaro – Y
David Biren – Y
Daniel Gettel – Y*

*Susan Brown Otto – Y
Wilfred Hughson- Y*

*Steve Simpson – Y
David Slater – Y*

Motion Approved 7 - 0

Daniel Gettel: There is one more landscaping one. I think it is that general one you wanted Wes, which is Section 345-16E.

Jacqueline Ricciani: It's not mandatory.

Wes Illing: It's not necessary.

Daniel Gettel: Jacy is that in your waiver list?

Jacqueline Ricciani: Yes.

Daniel Gettel: Do you need us to acknowledge that we discussed it and we feel that it is not required?

Jacqueline Ricciani: Right, because it is discretionary.

Daniel Gettel: We feel we need to address the Soil and Water letter that came in also, the Ag data.

Jacqueline Ricciani: That letter does not have the same force as the letter from the County Planning Department.

Daniel Gettel: No, but I'm what I am saying is that the plan already conforms to what they were asking. I don't know that we even need to act on that.

Jacqueline Ricciani: The one thing about that section is that that the requirement actually comes from the camping section of the code.

Daniel Gettel: We can acknowledge that we discussed Section 120-6B to determine that the screening along the boundary lines is adequate as proposed.

Jacqueline Ricciani: You can say that. The applicant didn't even ask for it, this is something the Planning Board asked for so you can actually just eliminate that all together.

Daniel Gettel: We had spoken about it to address the Ag letter.

Jacqueline Ricciani: So the screening is adequate.

Daniel Gettel: Getting back to the DOH waiver, 120-4B (5).

If an applicant receives a relevant waiver from the State Department of Health, it may seek a waiver of any of the requirements of this Chapter 120 which pertain to the same subject matter as the State Department of Health waiver, upon written application to the Planning Board. Said waiver application must provide written evidence of the waiver received from the State Department of Health. Notwithstanding the foregoing, the Planning Board shall not be required to grant any waiver application.

Daniel Gettel: Jacy, my only concern is we don't really know if there is a specific waiver in the works, am I right?

Wes Illing: There is a request.

Daniel Gettel: And that would be? What is the specific request? Is it a single request?

Wes Illing: In order to do a pump and haul you have to have a waiver from the Department of Health. They give you a temporary waiver from the requirement to not connect to municipal sewer. They do not give you a pump and haul permit that is understood. They give you a temporary waiver. It is basically cheaper to hook to the municipal sewer, then to build raised beds.

Jacqueline Ricciani: So if the DOH grants you the waiver, wouldn't this board have to permit the system that you are using now that the waiver has been granted?

Daniel Gettel: It seems to be to grant the waiver, even though I am personally not in favor of pump and haul, that we would be obligated to accept to pump and haul.

Jacqueline Ricciani: What other option is there?

Wes Illing: That is exactly right. That is why we have to do the sewer line as soon as possible. It is probably going to take us two years to get municipal sewer in. The DOH is going to start pushing us real hard after one year.

Daniel Gettel: Am I right Jacy that we are talking two to three that still need to be waived then?

Bette Jean Gettel: Four.

David Slater: We have to abide by whatever the State says, so does that also... because in 120 there is also stuff about showers and all that other stuff.

Daniel Gettel: I think it is separate.

David Slater: It's all within Chapter 120. It says in Chapter 120, the same subject matter.

Wes Illing: We didn't want to take exception to everything. We only had a couple line items in that section.

David Slater: So the waiver we are talking about it only pertains to the pump and haul?

Jacqueline Ricciani: The Department of Health does not require showers, but we do.

David Slater: But they say they don't want showers, and the DOH says that, we have to agree to that?

Jacqueline Ricciani: The Department of Health doesn't require showers.

Wes Illing: We proposed showers initially. The DOH made us take them out. That is also separate. We only had a couple of line items in that.

Jacqueline Ricciani: The DOH doesn't require showers, we do.

Wes Illing: We proposed showers initially, the DOH made us take it out. We can't have showers. Once we have sewer, we can have showers, and we are going to put in showers once we have sewer lines. But we can't add them until we have sewer lines.

Daniel Gettel: I am opposed to waiving that section because it sounds like we are waiving our rights to any future possible waiver that the Health Department might grant. If another waiver comes up our hands are tied.

Wes Illing: Regarding the pump and haul?

Daniel Gettel: Regarding pump and haul, regarding anything that might come in front of us. I am going on the record that I am not in favor of pump and haul. You stood in front of this board for two meetings telling us how bad pump and haul is, saying you shouldn't consider that, you are going to do a different option. Now that it is your only option, it's the best thing. I am not in favor of pump and haul. You convinced me that it wasn't a good option. If somebody would like to make that motion, or make a motion to deny that waiver, but I think moving on we have to do that. I don't want to speak for everybody, but I hear David (Slater) and I kind of agree...

David Slater: I think it ties our hands up as a board.

Daniel Gettel: There is a reason it's in there. We still have the right to consider specific waivers.

Wes Illing: Think of the gravity of what you are saying Dan. By not granting us a waiver from this requirement, what you are going to do then is deny this application from approval until the DOH grants us approval. Is that your intent denying this application from approval? Is that what you are proposing?

Daniel Gettel: I think if we don't grant this waiver that is exactly what we are saying. We want to see something specific from the DOH saying that this is what we are willing to give a waiver for.

Wes Illing: The only thing I asked for, to get a waiver from this paragraph, was the waiver for the pump and haul operation, nothing else.

Daniel Gettel: David and I are opposed to the pump and haul. I see no reason to grant that waiver, personally. I am one member.

Wes Illing: Do you feel comfortable, not approving on a temporary basis? You put limits on septic systems...

Daniel Gettel: I think you are talking about a different board.

Wes Illing: I remember those and they are no longer in those regulations. They were in the Town Code.

Daniel Gettel: I am not a Town Board member. Wes, I am not in favor of granting that waiver. I would rather see what exactly the Health Department is considering granting a waiver for before I approve it. That is my position.

Wes Illing: It is very clear.

Daniel Gettel: It's not very clear. There is very little information. I have a letter from the Health Department saying that they don't want showers. That is the letter that we have. Glenn, do we have something else that I am not aware of?

Glenn Smith: No. We have been talking about pump and haul for three months, and now you say it is going to Albany now?

Daniel Gettel: Glenn, you see this section is kind of tying our hands up from any other waivers?

Glenn Smith: I think it partially is.

Wes Illing: The only waiver we are going to need from DOH is the waiver from the pump and haul. That is the only waiver we are going to need from DOH. And that is the only waiver we are asking you guys to waive.

Jeryl Abramson: What is the problem with using porta johns, because that is what we are talking about. We are not talking about a permanent...

Daniel Gettel: Because your engineer came to this board ranting and raving for two months about how bad it would be. We were told that pump and haul is a terrible option, they will never go for it. Why are you asking to tie our hands? You say okay we should now go pump and haul, we are good with that. I'm not buying that. You can interpret that however you want, you can

spin it however you think it should be, but that is my opinion.

Jeryl Abramson: Dan, I'm not spinning anything. I don't know what that look was about. I don't know what that attitude is.

Daniel Gettel: The attitude is?

Jeryl Abramson: The animosity that you have toward Wes or toward me?

Daniel Gettel: I don't think that is fair. Wes and I kind of have a working relationship. It may be a little off balance but...

Jeryl Abramson: Then what is the animosity that you have toward me?

Daniel Gettel: I don't think I have any animosity. You are asking me to recommend to this board that we give up one of our basic rights in the zoning that we have no say over any future waivers from the Health Department. That is how I interpret that section.

Wes Illing: Now Dan, last month you agreed this would be one of the waivers.

Daniel Gettel: That is not how it was presented to us last month.

Wes Illing: Pardon?

Daniel Gettel: That is not how it was presented to us last month.

Wes Illing: Did you not read the request for waivers that I have prepared for this board, did you not read that? That is outrageous. It was extremely clear, crystal clear.

Daniel Gettel: Wes, I have been consistent about pump and haul. I'm not in favor of it. You can poll the board. If someone from the board would like to make a motion to approve that waiver I would be more than happy to entertain it at this time.

Jeryl Abramson: I want to just say I think that this decision...

Wes Illing: You know what they said, let us sit here for six months, spend a lot of time and money, and a lot of energy, and then by the way we are going to come in at the very end and we are going to deny you a waiver from DOH for pump and haul, that is what they are saying tonight. For six months...

Daniel Gettel: I don't think that is a fair assessment. If you go back and look at the minutes, and you look at the fact that you came here one month with a plan that didn't conform with zoning, you came the second month with a plan that didn't conform to zoning, you came to the third one with a plan that didn't conform with zoning, and we gave you a public hearing on that one. I don't think it's fair to say that after six months we have been sitting here with our own agenda to shut down your project. I think we have been working with you pretty diligently to try to get this

thing approved.

David Slater: Don't attack Dan. I think we are speaking as a board, we are a board strong. If you are going to address it, address the board here. I agree with most of what Dan said. I think it is unfair that you personally attack the man. He is just a person that stands in front of you. So, address the board then.

David Biren: No one on the board has made a motion. It is all of us standing here.

Wes Illing: I want to vote on this, I want a roll call vote.

David Biren: There is no motion.

Jeryl Abramson: Listen, I don't want to fight with this board. I am being as respectful as I can be. I understand the due diligence that you have to perform, but I have to say that I think that some of this is rather arbitrary and capricious and I believe that there have been some obstructions here, and I believe this might be just another one and I would like to get through this. I think this is a good project for the town. I think what we are down to is a little minutia here. We all know that pump and haul systems do work. They are a temporary situation so that we can move on with this project and get this going because this is something that is very good for the town. So all we are saying is, a couple of years for a pump and haul porta-johns, with a licensed local reputable company, we have all done business with for a long time so I don't see why can't continue with this. I don't think we are trying to play a game with the Town, or trip the town, or lock the town into something. Our intention is to comply with the Board of Health, tie into the sewer district, bring something great to the town, enhance the town, go along with your master zoning plan, and have something that we can all enjoy and be proud of it. Let's just think about this calmly for a minute.

Daniel Gettel: Jacy, the problem that I have is, the first paragraph says, the first sentence of the paragraph says if an applicant receives a relevant waiver from the State Department of Health, it may seek a waiver of any of the requirements of this Chapter 120 which pertain to the same subject matter as the State Department of Health waiver, upon written application to the Planning Board. They are asking us to grant them a waiver before we have...before they have received a relevant waiver. I am not comfortable with that.

David Slater: If you get it from them, bring it back to us. You are asking us, like Dan says, to agree to something that we don't even know if you are going get, so once you get that, the plan moves forward, by bringing it back to us. You are asking us to approve something that you haven't even received. Applicant receives a relevant waiver. Have you received that yet, Wes?

Wes Illing: We are not going to get it.

Steve Simpson: If we give you the waiver, you have to remember... Let's see what they want to do, and then we can discuss it.

Jeryl Abramson: It's conditional.

Steve Simpson: We want them to finish their review.

Wes Illing: This is called a site plan a review. You are acting as legal guardians for the Town of Bethel and only the law of the Town of Bethel.

Jacqueline Ricciani: It is also a special use permit.

Wes Illing: When you do a site plan review, it has nothing to do with DOH. You can issue a site plan review approval with the condition that DOH does, and only DOH can do. Because you are not authorized to do what DOH can do. You do not have the authority to issue a waiver for pump and haul operation. Only the DOH has that kind of authority.

Daniel Gettel: I think what you are overlooking is the fact there is a paragraph in the section of code that we are trying to follow by the letter, it's like putting the cart before the horse. It is a paragraph in the camping code that we have problem with.

Jeryl Abramson: So let me ask you something, now that we have gone through the public hearing, if we don't get the approval tonight, do we have to start the whole application process again?

Daniel Gettel: No.

Wes Illing: No, what they want is, tonight is the last night, unless we grant this Planning Board that has delayed this application... the very first meeting we came before the board, what did the Planning Board do, they said you couldn't be on the agenda because your submittals were a day late.

Daniel Gettel: That never happened. You were on our agenda.

Wes Illing: Our attorney called your Planning Board attorney, then we were back on the agenda.

Daniel Gettel: No, you sent me an email, you said that you believe this is how it is going down, and I made sure you got on the agenda. I didn't even know Jacy was involved in that.

Jacqueline Ricciani: Who was the attorney?

Daniel Gettel: I was not aware of that.

Jacqueline Ricciani: Mr. Illing, please don't tell this board what you think I've done.

Wes Illing: I was told that we were not on the agenda on the very first month that we applied to this board. I remember that, and I have emails documenting that. We had Shindler call you, and suddenly...

Jacqueline Ricciani: For the record, I never spoke to Mr. Shindler, and frankly, I don't think the historical perspective is helping your client.

Jeryl Abramson: We have to get a copy of a waiver from the Board of Health.

Wes Illing: We can get that in a few months.

Jeryl Abramson: Do you just put this on hold for a few months? Do we have to reapply from the beginning?

Jacqueline Ricciani: You can ask the chairman.

Daniel Gettel: I don't think the clock starts from the beginning, but you yourself just referenced some timetables so we have to have an agreement with the applicant for the timetable.

Jacqueline Ricciani: The public hearing closed on August 1st. This board has 62 days to act on your application. Those 62 days expire I believe, on October 1st, which is on a Sunday, which is not a business day, which means it would actually revert to the next business day which is October 3rd, which is a meeting day, whatever that Monday is, so the 62 days don't expire today, they expire at the next Planning Board meeting. So this board is not up against the wall to make a decision. We have another month.

Daniel Gettel: Wes, what is the RV dumping? We determined at the last meeting that your plan complies so we don't need a waiver. I am reading what is in front of me.

Jacqueline Ricciani: Which one are you talking about? You said you were having a dumping station for the RV's.

Wes Illing: That is correct.

Jacqueline Ricciani: Okay, you don't need a waiver. You comply.

Daniel Gettel: We also talked about the onsite sewer systems, I thought we left that you were misinterpreting the sewer.

Wes Illing: It was subject to interpretation.

Daniel Gettel: That waiver is not required. That is number 3. Waiver number 4 is Section 120-5C (10), which is showers. I don't know how the board feels about that. I don't buy the argument that my people know that there aren't going to be any showers. I don't buy that. The other waiver is Section is 120-6G (1), which is streets, which Wes and I, I guess, agree to disagree on.

Wes Illing: We don't have any streets in this application. I don't know why you put it in there. We don't have any roads or streets.

Daniel Gettel: It was discussed that a waiver was needed.

Jacqueline Ricciani: The camping section....

Wes Illing: It doesn't require....

Jacqueline Ricciani: You are saying since they are not streets it's not an issue?

Wes Illing: That's correct.

Daniel Gettel: October 3rd is Rosh Hashanah, does that cause a problem?

Bette Jean Gettel: Yes, October 3rd is Rosh Hashanah.

Daniel Gettel: Sorry we got off track. Wes, I think it was in the minutes, I feel it needs to be waived.

Jacqueline Ricciani: Mr. Chairman before you start going down the waiver road, I cannot find any authority for this board to waive the requirement that the streets comply. There is nothing in the subdivision section, the only way you could avoid that is if the board adopts Mr. Illings view of the plan that they are not streets. If they are streets, I can't find, maybe Mr. Illing can find the Section that gives this board the authority, but I have not been able to locate it.

Wes Illing: From day one we have always called them driveways. They are not intended for traffic.

Daniel Gettel: I don't agree the minutes would support that statement. If somebody would like to chime in on showers and streets please do.

Steve Simpson: I am not in favor of not having showers at a campsite.

Daniel Gettel: There is a reason why it was added to our code.

Steve Simpson: I don't want to encourage it, because I know what the alternative is going to be. The lake over here is a nice place to take a bath. I don't want people, like in 1969, to take baths in any public water area.

Daniel Gettel: I think there is a reason why it was added to our code, one of the reasons....

Michael Cassaro: I am against the shower waiver also. I think it is a necessary accommodation for people. They get themselves into situations where they need to hygienically be clean, because an incident might arise. You don't want them going off and washing in sinks, there has been complaints of people, and I'm not saying that it was you, but people do, when there isn't a shower accessible, they will use a gas station bathroom, or whatever the case may be, and I think it is very necessary. You have a four-day event at Mysteryland, they have plenty of showers, and that is only four days, I would imagine some people could reside at your campground for a week. How do they shower? How do they keep clean?

Jeryl Abramson: I agree with you, 100%. I'm all for it. DOH took it out.

Michael Cassaro: Is it true that the Board of Health bans showers? You're not allowed to have showers?

Jeryl Abramson: They don't want the water. The reasoning was, the showers use so much water. The holding tanks would fill up so quickly; they would have to be drained constantly.

Wes Illing: The DOH says they have seen people dump gray water on the ground.

Jeryl Abramson: For the season they have an issue.

Mike Cassaro: So in other words, you can't accommodate the showers because of the responsibility of getting rid of the gray water.

Jeryl Abramson: I could get rid of it.

Wes Illing: But DOH says no. They are not going to give us that waiver.

Jeryl Abramson: We offered to have a pumper come and haul that. They said no, they don't want that.

Wes Illing: Maybe now that it has gone to Albany, it will be different. We would love to have that approved.

Jeryl Abramson: I would love to put in showers. It's not a big deal.

Glenn Smith: Now that it has gone from Monticello to Albany, maybe they will make the decision to have showers. It's not a law you can't have them. Like Jeryl said, you may have to get bigger tanks.

Daniel Gettel: I think it would be a good idea for you to contact Albany.

Wes Illing: If I am going to grant this board an extension, is what you are asking for tonight?

Jeryl Abramson: They are not denying it, we have another 30 days.

Jacqueline Ricciani: You can extend the requirement. You can waive the 62 day requirement. If the board has to act today, you may not like their decision. Then you will have to start from the beginning. Most of the applicants in your situation they waive the 62 day requirement.

Jeryl Abramson: I don't think we have a choice.

Wes Illing: I want to narrow down the waivers.

Jeryl Abramson: Once I give you the permission for the extension, is there a limit on that?

Jacqueline Ricciani: No.

Jeryl Abramson: Will it go on forever?

Jacqueline Ricciani: Theoretically yes, but this board does not do that. This board likes to move along projects.

Jeryl Abramson: They took so long to get to this point.

Jacqueline Ricciani: Once they have all the information they need, they act.

Wes Illing: So you want me to go to Albany, to get showers approved. So maybe we have an opportunity with Albany to open the door for showers. Once we get the waiver better defined from DOH, you would be more willing to grant this waiver?

Daniel Gettel: We don't have to grant a waiver if you meet that section of code. I don't think we will stand in your way.

Wes Illing: You have to grant the waiver of what DOH says.

Daniel Gettel: Section A350, you and I can discuss this waiver over email. I'm not comfortable going through this tonight. We can address it. I will take that off the table tonight. It's not going away. We are not going to resolve that one tonight.

Jacqueline Ricciani: Which one?

Daniel Gettel: The last one, streets. We aren't going to resolve that one tonight.

Wes Illings: That's it then, just those two waivers hanging out there. This board is not in agreement with sheet one.

Daniel Gettel: Wes, we are done tonight, you can address the DOH.

Wes Illing: We won't be back next month.

Susan Brown Otto: Dan, for the record, did the applicant waive the 62 requirement, is that official?

Wes Illing: For the record, we will waive the 62 day requirement by law and then for another 60 days and if we need more time than that. We can change that.

Jeryl Abramson: We are not putting a limit on.

- 5) *Application for a modification of a Conservation Subdivision with a Site Plan approval for a 138 Acre parcel located off State Route 55 and Old White Lake Turnpike, known as Bethel Tax Map #: 8. - 1-60.1, 61, 64, 68 and 83, proposed by Swan in Swan Lake. (Wasson)*

Randy Wasson: The Swan and Swan Lake. The owners are proposing a change to the site plan, basically a change in the type of housing unit that they originally were approved for. Originally they had mostly duplex, two family units. This is the original site plan that was approved. Most of them are two family units. There were some single family units. What they would like to do is to go to a different mix. It would still be ones and two, but it would be predominately single-family homes, versus duplex units. The numbers, just so you know, originally the approved plan there were 19 single-family homes, and 62 duplexes, being a total of 124. In the new proposed plan there are 93 singles, and 25 duplexes, containing a total of 50 units. Other than that, the project is the same. There is no change to the infrastructure, the roads are unchanged, the water and sewer is unchanged, the bedroom count is unchanged, therefore there is no additional population, and there is no additional traffic. Everything with the exception of the change in the houses, and of course the footprint of the houses is slightly different. Nothing changes. Because we are going to more singles, we have additional structures, and as a result of more structures, or increase in structures, we do have an increase in the overall footprint of the buildings. That is increasing our pervious area somewhat, the only impact we can come up, is a little more runoff. It is something we can handle easier with the original design. The retention basins and the treatment methods for the original design were oversized by about 10%. When that is factored into the new project layout, and the new impervious area, we would be using that additional capacity, we would have to create slightly more and we certainly have room on these 186 acres to do so. That's it in a nutshell. We are requesting approval from the board, just to increase our single count and reduce our duplex unit count.

Daniel Gettel: Michael, correct me if I'm wrong, when they are splitting a duplex, there clearly isn't a substantial amount of difference in roof surface, the buildings are getting slightly bigger to meet the markets. Is that in the calculation? I know we generally touched on it. Am I putting you on the spot?

Michael Weeks: He will prepare a supplement to the original SWPPP. There is an increase to the pervious surface. I don't anticipate that being a big problem.

Daniel Gettel: I understand the reason for this. I don't see a reason not to approve it. The only concern we have is, moving forward, a public hearing. I don't know if in a subdivision that we have the right to waive a public hearing. It is a conservation subdivision. We can put you on second for a public hearing. My only comment is on the chart itself. I think I am misreading the third column. My question to you is, can that still be met with one acre zoning, is that possible? It looks like to me that it is. I am looking for the proposed. Okay, you are saying... somewhere in your correspondence you said you have credit for having onsite public sewer. Can you meet the requirement without that credit? We've had that discussion in the past that if a developer provides sewer specifically for a closed group, that is not necessarily by our code, public sewer.

Randy Wasson: Are you talking about the old zoning?

Daniel Gettel: Did you take that credit in the old zoning or the new zoning is my question. It is a different lot area required.

Randy Wasson: It's the same lot area. We took it in the old zoning. The new zoning it is the same without any credit. There is no change. The new zoning is 21,780. The old zoning was 40,000 but we took the credit in the old zoning.

Daniel Gettel: You are not taking the credit from the new zoning.

Randy Wasson: That is correct.

Daniel Gettel: That is how I was interpreting it, because we do have issue with public sewer. We have had that discussion. I don't know the answer, but I don't want you to get caught up in that. Are there any questions from the board? I think it is pretty straightforward. You are going to lock into a certain number of units. They are going to lock into a certain footprint pretty soon.

David Biren: When you have a public hearing, you are going to lock into three or four models? Are there going to be basements?

Randy Wasson: Yes, there are basements, they are unfinished.

Daniel Gettel: Michael work closely with Randy to resolve some of the issues. We will have a date for the public at the end of the meeting. We will need to do a short form. I think that is enough.

Randy Wasson: We can attach the numbers as a supplement to that as well.

Motion to grant this application a public hearing in October by David Biren, second by Wilfred Hughson

All in favor – 7

Opposed - 0

Agreed and carried

6) *Request for a sixth extension of reissuance of Final Conditional Subdivision approval for the Preserve at Chapin Estates. (Kaplan)*

Ivan Kalter: I represent, RMLP. They are the holders of the first mortgage, Phases 2 – 5. That mortgage is in foreclosure at the present time. They are seeking a further extension for conditional subdivision approval for Phases 2-5. I have sent two letters. One that they wrote with a number of enclosures as well as another letter on September 12th, 2016, today, that I forwarded by email. A quick rehash, Phases 2 – 5 consist of about 144 lots. Each lot is five acres or more with a minimum depth or width of 200 feet or more. Section Two would be 28 lots, Section Three would be 20 lots, Section Four would be 45 lots and Section Five is 51 lots. Each lot is 5 acres or more and each lot has a width of 200 feet or more. There have been many applications for extensions in the past. The conditional approval was first granted in April 2007. There were a number of additional short extensions based upon the needs of the applicant, so in April 2011, there was an 180 day extension, October 2011 it was 90 days, starting December

2011, one year, December 2012, one year, December 2013 one year, October 2014, one year, September 2015, one year to October 31, 2016. Each extension, after the initial short extensions were based upon the economic conditions, recessions which resulted in a total melt down of all residential properties throughout the State of New York that resulted in the State authorizing the Planning Board to extend conditional subdivision approvals. I believe that this town enacted Section 300-16-13, pursuant to the recommendation of the State because of that emergency. Each of the applications based upon what was originally pending litigation as well as the dire economic situation. My letter of today, commencement of residential foreclosures in the Mid Hudson area, in Sullivan County for example, in 2010 where a number of these extensions were already granted for economic reasons, there were 542 filings, 75 filings in 2011, 191 in 2012, 389 in 2013, 426 in 2014. In 2015 there were 47. This has been before the board many times. This is consistent with Albany, Columbia, Greene, Rensselaer, Schoharie, and Ulster Counties, consistent in each of those counties. Each application was approved without the applicant being present, and unanimously. I see no reason why a further extension could not be granted. It would not be detrimental to the economy. It would be a significant tax assessment, the additional high end homeowners, the impact on the school district, older adults, they don't have children. Rather than say this should be extended, why shouldn't it be extended? This town has benefited already, as compared to other residences in the town. If there are any questions, I would be happy to answer them.

Daniel Gettel: I agree with most of what you said. There are a couple of things I would like to clarify, and I did speak to the board about this. If I could speak for myself and my experience with this, there are only three people that were on the board when Chapin Estates was approved. Over the years we have always relied on their direction on how to move forward with the application, what the subdivision consisted of. My point is right there, there is very little that I specifically know about Chapin Estates, Sections 2 – 5. I know the other Chapin Estates. Maybe that is wrong. I will take full blame for a lot of what happened in the last couple of years. I started taking the position that when these applications were running out, your application in particular, we would have the Building Department contact the applicant, tell him he didn't need to be here, but did he want his application reviewed? They would normally say yes and we would have it on the agenda, and we would treat it more as a procedural approval. It got to the point though, this particular one, where we were relying too much on the fact that there was a pending lawsuit, which is no longer one of the reasons. I know you don't agree with that, but I don't think you can say that you were in our heads, or in Mr. Dubrovsky's head, so you know exactly what he was thinking at the time.

Ivan Kalter: I know of two lawsuits. There were many extensions based upon the lawsuits. One lawsuit was the easement of the former Moscow Road. That was resolved in 2013, when the court said the public had a right of way over that section. Another lawsuit, where the adjacent homeowners were entitled to compensation, that was just ended, and there was a decision by Judge McGuire. I have a copy of that.

Daniel Gettel: We are well aware of that. That ended in January I believe.

Ivan Kalter: I don't know what impact that had on the needs to develop the subdivision, because according to the appellate division, people already had the right to go across the right of way, for

700 or 800 prospective owners this subdivision may or may not have already been approved. That lawsuit really had no affect to be the basis, the real basis, for further extensions. The real basis as in many other applications for subdivision approval, both in the Town of Fallsburg, here and elsewhere, was the economic situation where homes were not selling. That is the reason why allocations were really granted, and some of the minutes specifically reflect it that it was a dire economic situation. A letter from former counsel also referred to that. That is the real reason, that these subdivisions, especially the high end subdivisions with the economic recession. That is the real reason, not necessarily the lawsuit.

Daniel Gettel: I do think that there was a definite impact when they opened the gates to Chapin Estates, and said this is no longer a private community. That is what I interpreted and I think that has a lot to do with the further development of the property. That is how I viewed it and that is my opinion. We are both entitled to our opinion. My problem comes in with the approval last year, and I know you were not part of the application at that time, but my problem comes in this was put on our Planning Board agenda, and we granted another extension with the idea that the litigation at that time, a portion of which was still going on, but we were not told that in fact the ownership had changed. So who were we granting any kind of approval to? And don't you think we should have been entitled...I know you were not onboard then, but I think we should have been entitled to that information. It kind of sets a little sour taste in my mouth, you said Jay is not here, but I think if you spoke to Jay you would find that we were very consistent with Mr. Wasson's project, he just left. Luckily for him, that it is one of those projects we renewed, we renewed and renewed, and we finally realized, hey we don't know what these people are doing because we kind of lost track with the infrastructure, how much was built, was any project really being built, or were they just wasting our time with approvals. I think that way for this project too. Besides, Jacy needs time to look at this. I really think that it is in our best interest, and I don't know if it is in your best or not, but I think a way to resolve this as far as the board is concerned, is to treat it exactly like the other project. And that is to have someone like Michael (Weeks) to go into the project, look at the infrastructure that has been put in, in these five sections, find out what has been done. We have new people in there now, we have no idea what infrastructure, how many roads, there are several bridges that were built, and there were several DEC permits that were needed to build all this. We don't have any information on that.

Ivan Kalter: One of the earlier applications, going back a few years, in the minutes, I went through all the minutes I was able to obtain, so I'm not aware of anything different other than what I have provided this board. I do remember back in 2011 or so, one of the former attorney's mentioned that \$800,000 or \$900,000 was spent on infrastructure. That wasn't recent but that would be back in 2010, 2011. Because I think after it was first approved, they had 3 years in which to complete the project, or complete the subdivision approval conditions, and then they kept coming back.

Daniel Gettel: We don't actually know where the money went. We have no information on what is completed out there.

Ivan Kalter: I didn't know because this is the first time I'm here.

Daniel Gettel: I realize that.

Ivan Kalter: I didn't know that was a concern of yours, but I do remember that there was a reference, and if my recollection is correct, and what I am saying is what I obtained from the file, is that it was on roads, bridges, and infrastructure. I would be glad to discuss it with your engineer to see what is there and what was done.

Daniel Gettel: My point tonight and moving on is I know that a lot of this information on this application was submitted today after lunch, I believe. I haven't even opened half of it and I know Jacy has to review most of it in order to address her concerns. The approval for this project doesn't expire until next month so I don't see a problem with putting it back on the agenda next month, giving Michael a month to look at it. If you can provide Michael with the maps, or have Glenn provide Michael with the maps. Glenn was the design engineer at the time, that's why we can't have him as a reviewing engineer.

Ivan Kalter: I was going to speak to Glenn today. In fact I called, and spoke to his wife. I thought it might be a conflict too.

Daniel Gettel: Michael reviewed the Swan and Swan Lake for Jay and I do think that moving forward it makes perfect sense to give us the time to have Michael, if you can give Michael free access to the site, which I assume you can, get him the maps that he needs, the permits that he needs, so that we can get some kind of idea of what's out there, what needs to be built. Michael, are you comfortable with that?

Ivan Kalter: Since his client technically, who was the applicant originally, and the property has since changed hands, I don't think Glenn has a conflict, but I will talk to Glenn, see if he will represent my client, and talk to the town engineer and see if they can work it out whatever compliance you need, or whatever additional information you need.

Daniel Gettel: I guess that is a possibility. It's a little awkward.

Glenn Smith: I represented the prior applicant, as you know. The current owner I don't even know who they are.

Ivan Kalter: So there is no conflict.

Daniel Gettel: I don't know who they are either.

Jacqueline Ricciani: Hold it, let's be clear. Mr. Kalter does not represent the people that own the property. I understand you identified yourself as representing the first mortgage holder, but I just, you know, you are talking about hiring Glenn, who worked for the prior owner. I just want everybody to understand.

Ivan Kalter: My client has a \$6 million revolving loan. They have an interest in making sure that this property has value, and one of the aspects of value of this property is to get the approval and get the extension of the conditional subdivision. They have a vested interest here.

Jacqueline Ricciani: They may have a vested interest, I'm not sure you even have... you are here before the board as a courtesy. We wanted it to be on the agenda and you are here, but your appearance here you should not take as a concession that you actually have the right to make this request for an extension.

Ivan Kalter: I have provided three documents to you. Each of which basically says that we stand in the shoes....

Jacqueline Ricciani: Each of which is single spaced and really difficult language....

Ivan Kalter: Jacy, I sent it to you a month ago.

Jacqueline Ricciani: And I am getting through them as quickly as I can, but however...

Daniel Gettel: I think the fact is...

Jacqueline Ricciani: There is another issue. If I could just throw it out there, I didn't mean to interrupt. Let's say hypothetically this board grants the extension, you don't own the land. How do you go out there and actually complete the project?

Ivan Kalter: I was told that, show your position, and a deal is being put together between my client and the second mortgage holder, and I suspect that either my client will end up with the property, or the owner will end up with the property. But the important thing is, and no one has answered this question is, why not? Why not approve it, and it is a very upscale development.

Daniel Gettel: Because I am not comfortable with kicking another project down the road, like we did for years and years and years, no matter how much revenue it might bring into the town. You can't compare this to a 143 units development in Swan Lake, that is probably just as important to that applicant as yours is to whoever you represent is to you.

Ivan Kalter: What I don't understand is, that if it has been approved every single year without any concerns, I don't understand why all of sudden now.

Daniel Gettel: I will take responsibility, full blame, for being foolish enough for approving it like that every year. I put it on the agenda, I told BJ to tell them they needed an extension.

Ivan Kalter: In fact, people were told they don't even need to appear.

Daniel Gettel: I told you why. Attorney's talk too much. That was always my opinion. I have no problem putting it on the agenda for October. Your approvals do not run out this month, they run out in 30 plus days. I don't have a problem putting it on the agenda. We will see what Michael comes up with. I think that is fair. It will give Jacy 30 days at least, if Jacy is not comfortable, Michael is not comfortable, we will extend it for.... you mentioned extending 30 days, 90 days. I have no problem doing that.

Ivan Kalter: I would ask for a year.

Daniel Gettel: You would probably ask for 5 years, if I give it to you, but we might not be willing to give you 5 years.

Ivan Kalter: The last four were a year each.

Daniel Gettel: And I feel those days are over, so let's talk about 30 days, 60 days, 90 days again. Michael are you comfortable with getting the information?

Michael Weeks: I would like a brief synopsis of where this project is. Is it conditional final?

Daniel Gettel: Its build or bond, and they chose to build the infrastructure.

Michael Weeks: The alternative could be they could bond.

Jacqueline Ricciani: They don't own the property.

Daniel Gettel: I am not comfortable extending more than 60 days at this time, until we know who owns the property, what their intention is, and what is exactly out there in the field. That is my position.

Susan Brown Otto: Is it possible for us to tag along?

Daniel Gettel: That would up to BJ to set that up.

Jacqueline Ricciani: You want to do a site visit? I'm sure Mr. Kalter would be happy to make arrangements for board members to get out there.

Daniel Gettel: I don't see why he wouldn't. Why wouldn't he, is the question.

Ivan Kalter: I would prefer Jay be here. I am going to be away.

Daniel Gettel: That is our position. I would speak to your client, whoever that might be, give us a chance to look at what is actually in the ground. I don't know what is out there. There is a reason why it was never sold. I'm sure there are permits that are probably pending, permits that are probably no longer valid, so Michael, do your best. BJ probably has pretty good records on it. Glenn, do you have a problem producing maps? The town isn't going to pay for it.

Jacqueline Ricciani: I'm sure Mr. Kalter's client...

Daniel Gettel: We will decide after the meeting the date of the next meeting.

7) ***Application for a Bed & Breakfast to be located at 263 Hurd Road, known as Bethel Tax Map #: 21.-1-12, proposed by Shelly Roberts. (Bovo)***

Client did not show.

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

Daniel Gettel: Brian, if you want to give us an update on what your plan is this year, how it went this past season.

Brian Tamke: So the plan that has been submitted this year technically is a renewal of a license we applied for in 2015. The difference is a reduction in campers. The original submission was for 16, 237 campers. What has been submitted as of September 1st to BJ's office in hard copy is a submission for 14,044 campers on the east and west side of Best Road.

Jacqueline Ricciani: No Darling (Road)?

Brian Tamke: No Darling. Essentially what it is, it is a reduction of those sites, the total site plan. What it is is an anticipation a realistic number of sales based on last years trends. So applying for something bigger, than what we can realistically hit, therefore eliminate the number of changes down the line. We weren't shooting for 14,044 campers, but the way the site lays out that is the easiest equation. It will be operated in the same fashion that it has the previous years. Temporary sewer and water lines will be in place. The total number of capacity is based on Department of Health code as well as Town zoning codes. Access to potable water, showers, and restrooms will be in the same areas. It is the same copy and paste from year 3 to year 4. I think we finally hit our stride in a number of different ways. It was very successful last year. From the prospective of medical and security standpoint it was operated efficiently. Overall we've seen a gelling between our teams, the Bethel Woods team, and the local and state agencies. Hopefully we are becoming a little more expected and anticipated. Specifically here, we are very close following the letter of the code of the Planning Board and the Town Board.

Daniel Gettel: If I can jump in, we are reviewing specifically the camping, and we don't review the event. But the camping has gotten great reviews. Some of the aerial shots, the people get everyone to line up. It's really highly managed.

Brian Tamke: Thank you. That comes from collaboration between us and the Bethel Woods facilities.

David Slater: What are the dates?

Brian Tamke: June 9th – June 12th.

Susan Brown Otto: Last year you changed because there was a conflict at the Meadowlands?

Brian Tamke: We've had two years of competition. Also, we had concerns about the weather.

Daniel Gettel: They can't do a lot, book a lot of events until they have Health Department approval.

Brian Tamke: That is the main reason....

Bette Jean Gettel: It was windy on Sunday (during the event). Last year they actually had to use some of their emergency plans. We didn't have to ask them to do it, they automatically did it. They were a great group to work with.

Susan Brown Otto: The parent company is having some financial difficulties.

Brian Tamke: That is correct.

Susan Brown Otto: Somebody had said money is earmarked so you could have the concert this past year.

Brian Tamke: The semantics of the parent company, bankruptcy filings and so on and so forth. Mysteryland is a marquee event of what is currently, what will come in the coming months is yet to be announced to the public, but with that said, the viability, the importance of the show that is hosted each year here in Bethel, does not go unnoticed to the new operators of the company. If that helps answer your question and concerns.

Jacqueline Ricciani: There will be a new entity coming in the future?

Brian Tamke: Correct. A full restructuring of the company.

Daniel Gettel: You were ID& T.

Brian Tamke: Going forward, I will continue to be here to represent.

Daniel Gettel: Brian actually works the entire event, and it does work out that way.

Bette Jean Gettel: Michael (Cassaro) did go to the event last year.

Jacqueline Ricciani: Do we have a site plan?

Daniel Gettel: Yes, Glenn has it.

Glenn Smith: I have the plan, the engineering reports, and the other documents.

Daniel Gettel: We have the EAF, we have an application.

Glenn Smith: As it gets closer, you will submit the fees?

Daniel Gettel: Are you comfortable with an open ended meeting for October for a public

hearing?

Jacqueline Ricciani: I am in favor of scheduling them all for 7:30.

Motion to grant this application a public hearing for October by Steve Simpson, second by David Biren

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: BJ, what are the options for the next meeting.

Bette Jean Gettel: Is everyone available October 5th?

Next meeting will be October 5th.

Daniel Gettel: Any other business, town board issues?

Susan Brown Otto: Where are we at with solar panels?

Vicky Vassmer Simpson: We have a preliminary solar law draft. We have a green committee. That is where we are right now. We are going over this with people from the County. We have a green committee meeting tomorrow. We just switched attorneys.

Steve Simpson: Are these committees open to the public?

Vicky Vassmer Simpson: No they aren't.

Motion to adjourn by David Biren, second by David Slater

All in favor – 7

Opposed - 0

Agreed and carried

11:00 pm

Respectively submitted,

Gannetta MacArthur
Recording Secretary.