



845-583-4350 Ext 15

845-583-4710 (F)

Town of Bethel

Planning Board

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

The Town of Bethel Planning Board held a Work Session on October 5, 2016 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda at that time were the following

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, Michael Cassaro, David Biren, David Slater, Wilfred Hughson, Robert Yakin, Alternate, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricianni, Attorney, Daniel Sturm, Supervisor, Vicky Vassmer-Simpson, Liaison, Glenn Smith, Engineer and Michael Weeks, Engineer.

Excused: Susan Brown-Otto, Jannetta MacArthur, Recording Secretary

Seated: Robert Yakin seated in Susan Brown Otto's place

Daniel Gettel: Let the record show that there was a problem with the recording of the September meeting, so the minutes are not yet available. They are mostly done, but just aren't complete at this time.

Daniel Gettel: We have three Public Hearings on the agenda, one for a subdivision of lands proposed by Patrick and Karen Murtagh, the second for the modification of a Conservation Subdivision for the Swan in Swan Lake, and the third for an application for a license to operate a Transient Campground with Outdoor Recreation proposed by Bethel Woods Center for the Arts and ID&T/SFX Mysteryland, LLC. In a few minutes I will open the meeting up for public comment for the first application, will ask that applicant to make a brief presentation to the audience, then I will run through the Short Environmental Assessment Form. Once that is completed we will receive public comment. As soon as we are done with the first applicant we will move on to the second public hearing and so on, down the line.

Daniel Gettel: These are public hearings. This is not intended to be a question and answer period and hopefully it will not become a public debate.

- 1) Public Hearing 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.

Let the record show that the receipts for the certified mailings were received.

Motion to open the meeting up for a Public Hearing on the Murtagh Subdivision by Steve Simpson, second by Robert Yakin

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: Mr. Murtagh. Would you like to address the audience, we have seen this before, and tell them briefly what your application is as far as the subdivision, or would you like me to run through it?

Pat Murtagh: Please.

Daniel Gettel: Okay.

Daniel Gettel: Mr. Murtagh has a seventeen to eighteen acre parcel on Hurd Road and he basically wants to split it in half. We looked at it last month. One parcel presently has a house on it with well and septic. The other has a plan in place for well and septic as well as an existing driveway. The application is pretty straight forward. They both have a lot of road frontage on Hurd Road. That's about it.

Daniel Gettel: We did get a County 239 back on this application which came back local determination with no technical comments, which is good from them. Are there any board comments at this time?

None

Daniel Gettel: Okay, due to the fact that this is a subdivision we have to run through Part 1 of the environmental assessment form first. You can thank Liberty for that. Part 1 is the portion the applicant prepares. I do not feel we need to run through Part 1 as it has been on file since the last meeting. Our portions are Parts 2 & 3, which I will read into the record at this time:

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

No. The lots within the bounds of this subdivision do conform to zoning.

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

No. The site is presently residential and the new parcel will have a similar use.

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

No. This is a residential subdivision in a residential area where the lots conform to zoning.

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

No. There are none in the Town of Bethel.

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

No. There shall be no tangible 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. Any new construction must be completed to meet today's standards.

7. *Will the proposed action impact existing:*

a. *public/private water supplies?*

No. This is a single home located on a large lot.

b. *public/private wastewater treatment utilities?*

No. Again, this is a single home located on a large lot.

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.

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. No significant excavations will be required by construction, besides the house.

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

No. Not to environmental resources or human health.

Daniel Gettel: Like I said, since this is a subdivision we need to run through that section first before we accept public comment. I do not feel we need to run through Part 3 at this time because we didn't find anything with our first review that would be a negative impact.

Daniel Gettel: BJ, nobody signed up to speak at the public hearing?

Bette Jean Gettel: No.

Daniel Gettel: If anyone would like to speak on the Pat Murtagh subdivision now is your chance, simply raise your hand and come up to the microphone.

No one

Motion to close this public hearing and go back to our regular meeting by Steve Simpson, second by David Biren

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: Does the board have any comment? This is a pretty straight forward subdivision, a two lot subdivision.

None

Daniel Gettel: BJ, no issues? Jacy, I believe you are okay with this one.

Jacqueline Ricciani: It meets all the other zoning.

Motion to grant this application a negative declaration based upon the previously discussed environmental assessment form by Steve Simpson, second by David Biren

All in favor – 7

Opposed – 0

Agreed and Carried

Motion to grant this application a subdivision approval with the only condition being that all fees be paid by David Slater, second by Robert Yakin

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: Good luck Mr. Murtagh.

- 2) Public Hearing 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)

Let the record show that the return receipts for the certified mailing were received.

Motion to open the meeting up for a Public Hearing on the Swan in Swan Lake project by Robert Yakin, second by Michael Cassaro

All in favor – 7

Opposed – 0

Agreed and Carried

D Randel Wasson: Basically, this project is changing as a result of marketing. We originally had more duplexes, two family homes, than single family homes. We have reversed the mix now. There is still the same number of units on the project we just have more singles than doubles. Infrastructure all stays the same. The roadways stay the same. Everything is unchanged. We have just changed the configuration of buildings. That is it.

Daniel Gettel: Just for the record, the County 239 came back local determination with two technical comments. They want us to combine the tax lots. Now that is something that is in the works. There was an error made at the County and the parcels were not able to be combined until that error was corrected. That was a County problem that has been resolved. They are presently working to combine the tax lots. The County also points out that a DPW permit is required for the exit onto Route 55, which I believe is an emergency exit.

D Randel Wasson: Yeah. That's right over here. You can't see that on this map. It just runs off the map.

Daniel Gettel: Is that where the two houses are?

D Randel Wasson: Yeah, that was the original driveway location.

Daniel Gettel: Just so the board is aware, I did point out to the applicant that he does own property on Route 55 that has some residences on it. They weren't maintaining that property at all. I asked them last week if we could get something done, at least with the trees that came down during hurricane Sandy I believe. They had been there that long. To at least get that cleared up and get the lot cleared up. They really did do a good job. They moved real quickly. They got the lawn mowed, and I have no idea how they got that lawn mowed. They took the trees out in a matter of a few days. If anybody drives to Liberty you will notice that the property is cleaner than it was a week ago. I would like to thank the client, the applicant, for that.

Daniel Gettel: I will run through the EAF at this time. It is very similar to the last one. We have had Part 1 on file, so I do not need to run through Part 1. Our portion is Parts 2 and 3, which I will read into the record at this time.

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

No. The project was previously approved and the applicant is simply asking for a modification of the past approval.

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

No. There shall be no change in the number of units, number of residents, number of parking spaces, road layouts, utility demands, etc., only an increase in the total number of buildings and rain runoff associated with a change in mix of duplex and single buildings.

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

No. This is a previously approved residential development in a residential area.

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

No. There are none in the Town of Bethel.

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

No. There shall be no tangible impact on the level of traffic above what was already approved.

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. Any new construction must be completed to meet today's standards.

7. Will the proposed action impact existing:

a. public/private water supplies?

No. The same numbers of units are proposed as originally approved.

b. public/private wastewater treatment utilities?

No. The same numbers of units are proposed as originally approved.

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.

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?

Daniel Gettel: Michael I have that as a no as the existing project is covered by a SWPPP and the applicant has demonstrated, or will demonstrate, that the existing SWPPP can be modified to accommodate the increase in runoff from the buildings as required.

Michael Weeks: I would agree.

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

No. Not to environmental resources or human health.

Daniel Gettel: On the EAF I wrote none of the items resulted in our determining an action may have an impact on the environment, but I did add a note to Part 3 which reads "Application is for the revision/modification of a previously approved Conservation Subdivision with a Site Plan approval. Application is for the same number of units, same number of residents, same traffic, same parking, same utility demands, etc. with only a change in the number of buildings, a change in the mix of duplex and single buildings and a slight increase in the amount of rain run-off. Applicant has demonstrated that the SWPPP in place can be modified to accommodate this increase in run-off, if the change is approved."

Daniel Gettel: If anyone in the audience would like to make a comment on the Swan in Swan Lake project now is the chance.

Mike Smith: I reside at 144 Old White Lake Turnpike. I don't have any troubles at all with the development or the future in doubt. I attended the first meetings. I was asking to look out for the infrastructure. The traffic is getting horrible on Old White Lake Turnpike. Now, I am just informed the driveway on 55 is now for emergency. Back then it was the main.

Daniel Gettel: I believe the DOT has it down as an emergency exit. They need a second exit.

Mike Smith: Since this first took place we have gotten more congested, a lot more on Old White Lake Turnpike. I mean people are passing each other on a back lane road. The sanitation companies, you know the summer school buses going through at seventy, it's horrible. I am

hoping that something can be looked into on that. So now I am lead to believe the main entrance will be on Old White Lake Turnpike?

Daniel Gettel: The main entrance exists on Old White Lake Turnpike. It was approved there originally.

D Randel Wasson: We actually have three access points here. There is one off of 55, the main one off of Old White Lake Turnpike, and there is also an emergency access road off of Old White Lake Turnpike.

Mike Smith: The one closest to Lee Cole Road.

D Randel Wasson: The one closest to Lee Cole Road is an emergency access.

Bette Jean Gettel: That acts as an emergency access.

Mike Smith: And there are no other plans on widening the road possibly, anything?

D Randel Wasson: No.

Daniel Gettel: And you understand that the project that was approved was approved with this number of units.

Mike Smith: My concern was traffic back then and it has gotten even worse. Now ownership has changed at the old Russian hotel. And also the school buses...

Bette Jean Gettel: No it hasn't.

Daniel Gettel: No, it hasn't.

Mike Smith: Okay, well soon then.

Daniel Gettel: Perhaps. That's a whole other story.

Mike Smith: We had other occupants this season, is that fair enough? They were utilizing these buses that just bore down the road, horribly.

Daniel Gettel: That is an application that we will see at the Planning Board, I believe, if they try to convert it to a different use. If it's a change in use you are welcome to come.

Mike Smith: I appreciate that, but you know, is there going to be a supermarket in here also?

D Randel Wasson: Strictly for the residents.

Mike Smith: Right. So the groceries are getting helicoptered in? It is just going to be that much traffic also. And even the day care centers?

D Randel Wasson: Yes.

Mike Smith: Alright, for the kids. Not brought in on school buses.

Daniel Gettel: This is a condominium ownership so the interior amenities are intended to be used only by the occupants of that development. That is part of the condo plan.

Mike Smith: That's a relief. I just assumed more buses or something.

D Randel Wasson: No buses from the outside.

Daniel Gettel: We can look at new developments on the road as they come up, but like I said this is something that was approved over ten years ago before the change in zoning. There is very little I can do now as far as restricting them because they could build the old plan tomorrow with the same number of units. This is just a change in the number of houses. That is all we are looking at.

Mike Smith: I am concerned about the roadway, basically the infrastructure.

Daniel Gettel: I appreciate that and when other projects come up on the road we will take that into account. I think that's the best we can do.

Mike Smith: That much I appreciate. I thank you for your time.

Daniel Gettel: Thank you. Would anyone else like to speak on this application?

No one

Motion to close this public hearing and go back to our regular meeting by Michael Cassaro, second by Steve Simson

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: Are there any board comments?

None

Daniel Gettel: I understand the gentleman's concern, but like I said they can go and build the project tomorrow with the same number of houses, same number of duplexes. It's hard for us to withdraw... Jacy, it's hard for us to take back an approval from ten years ago that has been extended.

Jacqueline Ricciani: Especially with the amount of infrastructure that this project has already put in.

Daniel Gettel: Right. It's not like it just came up.

David Biren: Nothing has changed on the interior of this project.

Daniel Gettel: No, the houses are just more spread out.

David Biren: Right.

Daniel Gettel: We do have an EAF that we ran through.

Motion to grant this application a negative declaration based upon the previously discussed Parts 2 & 3 of the EAF by David Biren, second by Michael Cassaro

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: Michael (Weeks), any comments on this application?

Michael Weeks: I just received yesterday the SWPPP, EAF and supplemental storm water information and have still not had a chance to look through it in detail.

Daniel Gettel: Do you have a problem with it or do you want us to make it a condition that they satisfy you?

Michael Weeks: I think it would be a good idea at least to condition your approval on a review of the proposed changes to the SWPPP and then if I have any comments Randy and I can work them out before you sign the maps.

Daniel Gettel: Before I sign the resolution.

Michael Weeks: The resolution, right, but from what I have seen so far I mean if there is anything it is going to be minor.

Jacqueline Ricciani: Dan, the resolution is supposed to be done in five days.

Daniel Gettel: Well, it can be a condition that we add to this resolution. We can carry over the previous approval conditions and add a condition for this specific, I believe.

Jacqueline Ricianni: For the Town Engineer to approve any modifications...

Daniel Gettel: Modifications to the SWPPP to accommodate the change in number of buildings. Fair enough Randy?

D Randel Wasson: That's fine.

Motion to grant the application a modification to the previously approved Conservation Subdivision with Site Plan approval to allow for the change in the mix of duplex and single buildings as shown on the recent submission with the condition being that Michael Weeks, as the Town Engineer, has to approve any required modification to the SWPPP by Steve Simpson, second by David Biren

***Michael Cassaro - Yes
David Biren - Yes
Daniel Gettel - Yes***

***Robert Yakin - Yes
Wilfred Hughson - Yes***

***Steve Simpson - Yes
David Slater - Yes***

All in favor – 7

Opposed – 0

Agreed and Carried

Jacqueline Ricciani: Before this applicant leaves I did want to say on the record that I did question Mr. Wasson about his math and the number of units that was on there and I was incorrect. The math that he has presented, the number of units, was correct the last time.

Daniel Gettel: That's unusual too. Jacy, is there a time frame... Randy, the approval is going to run out in a few months. Do you want us to consider a time period extension or do we reapprove it in a few months?

Jacqueline Ricciani: If you think you have enough information now to extend what is supposed to expire in four months, go ahead.

Daniel Gettel: I think we have the same information that we had on the other application. Can we modify the motion to make it an eighteen month extension starting today?

Jacqueline Ricciani: That's fine.

Daniel Gettel: Who made the motion?

Steve Simpson: I did.

Daniel Gettel: Are you okay with modifying that?

Steve Simpson: Yes.

Daniel Gettel: Who seconded the motion and are you okay with modifying it?

David Biren: Yes.

Daniel Gettel: I can't see them coming back in four months or whatever. I think it runs out in the spring Randy. You need time to now come together with the new layouts.

David Biren: Randy, are you doing this in phases?

Jacqueline Ricciani: So it's going to be eighteen months, so that means April 2018? Is that right?

Daniel Gettel: Sounds right, at our meeting in April of 2018.

David Biren: Are you building models?

D Randel Wasson: Yes, they will, I'm sure. To answer your first question they are concentrating on the first loop. Then they have to get some sales and so forth before we begin construction on the other side. Right now they are just doing this section which has the access points, the stand-alone section.

David Biren: Okay.

D Randell Wasson: Thank you very much.

- 3) Public Hearing 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 22-1-2.2, proposed by Bethel Woods Center for the Arts and ID&T/SFX Mysteryland, LLC (Tamke)

Let the record show that the return receipts for the certified mailing were received.

Motion to open the meeting up for a Public Hearing Mysteryland by Steve Simpson, second by Wilfred Hughson

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: Brian, if you just want to address the audience.

Brian Tamke: This is an application to renew a transient campground license that was put in place last year. It is using the same footprint that was in the original submission. There is really no change in the use of the entire site. It will operate in the same fashion, both for entry and egress for patrons. There really shouldn't be any changes whatsoever, not to the Site Plan.

Daniel Gettel: Just so the public is aware, and I say this every time we have a meeting on this, we review the camping portion only of Mysteryland. Bethel Woods has a right to have the festival. We only look at the camping and the noise and outdoor recreation associated with the camping. So the application is for a transient campground with outdoor recreation. Are there two stages this year Brian?

Brian Tamke: Within the campground there will be one.

Daniel Gettel: I believe there were two last year.

Brian Tamke: The year before. There were two two years ago.

Daniel Gettel: The County 239 did come back as local determination with no technical comments because it is a simple renewal of a license. Just so the public is aware the Town did look at the zoning for campgrounds a couple of years ago to more or less streamline the process for people who have reoccurring camping events for short periods of time, called transient camping. It really covers less than sixty hours. This one is a little different because the Health Department does tend to approve them exceeding the sixty hours. It is really only set up for people that are going to only have one event a year, not events every weekend. So we did work to streamline it.

Daniel Gettel: Are there any board comments before we take public comment on this one?

None

Daniel Gettel: Would anyone here tonight like to speak about Mysteryland, the renewal of the license for this year? If so please raise your hand and come up. BJ, did anyone sign up on the list?

Bette Jean Gettel: No one on the list.

Daniel Gettel: Please let the record show that no one signed up nor raised their hand to speak.

Motion to close this public hearing and go back to our regular meeting by Steve Simpson, second by David Slater

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: Brian, I need to read through the EAF at this time. Why I have to read this every time I don't know, but as with the last two applications I do not feel that we need to run through Part 1 as it has been on file since the last meeting. Our portion is Parts 2 & 3, which I will read into the record at this time.

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

No. Camping with Outdoor Recreation is permitted in this Zoning District.

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

No. The site is presently laid out for camping, with twenty foot wide gravel roads I might point out and they are called roads which you can drive on I should add, and the

event as proposed will take place over a long weekend.

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

No. This is a previously approved short term event which happens only once a year.

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

No. There are none in the Town of Bethel.

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

No. A Traffic Management Plan shall be put in place for festival goers coming to and leaving the main event, again, over this long weekend.

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. There will be no long term energy usage.

7. Will the proposed action impact existing:

a. public/private water supplies?

No. The applicant has demonstrated in the past that the site has adequate water to accommodate the campers.

b. public/private wastewater treatment utilities?

No. The applicant has indicated that an adequate number of portable showers, porta-johns and hand washing facilities will be provided, as in the past, over this long weekend.

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 of the camping.

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 long term change.

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

No. There shall be no new excavation projects undertaken to accommodate the camping.

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

No. Not to environmental resources or human health.

Daniel Gettel: None of the items resulted in our determining an action may have an impact on the environment, but I did put a notation on Part 3 which reads “This application is for the renewal of a license to operate a camping facility with outdoor recreation to be run in conjunction with a permitted festival. The applicant has operated both for a number of years with little to no negative environmental impact. Consideration has been taken that the actual camping event lasts for only four days, plus the relatively short build-up and break-down periods, which occur once a year. That is the EAF for Mysteryland.

Daniel Gettel: Are there any comments from the board, any questions from the board? Glenn, you have looked at the plans, looked at them last year. You are not really out of it because there are still other items you have to review for the Town.

Glenn Smith: As the structural plans start coming in for the event we check them out.

Daniel Gettel: But I think the camping is pretty consistent.

Glenn Smith: The site plan is very similar to the ones before and I do not see any problems.

Daniel Gettel: Brian, next year you are going to have to bring in pictures of the camping to show actually what happens. I think it should be something this year as you really do do a good job in laying out the tents.

Brian Tamke: I appreciate that. BJ mentioned that you have access to a drone, maybe some ways to take pictures. We use drones for ours to take pictures of the camping.

Daniel Gettel: We don’t currently have one with a battery. We do have one.

Brian Tamke: They take amazing shots, in the parking and camping.

Daniel Gettel: And we cannot accept batteries as a ...

Motion to grant this application a Negative Declaration based upon the previously discussed Part 2 Environmental Assessment Form by Michael Cassaro, second by David Slater.

All in favor – 7

Opposed – 0

Agreed and Carried

Jacy, I'm sorry. Did you have any comment? I didn't ask.

Jacqueline Ricciani: No.

Daniel Gettel: What we typically do with applications for transient campgrounds is we give them a number of conditions. Brian has been very good about meeting these conditions in past years and I see no reason why not to carry them over to this permit. If we approve this application tonight it would be approved with the following thirteen conditions:

- 1) The applicant shall maintain liability insurance covering the event and camping. The applicant shall provide the Town of Bethel with a Certificate of Insurance naming the Town of Bethel as a co-insured party. The amount of this insurance coverage shall be no less than \$1,000,000 per occurrence.
- 2) No later than May 9, 2017, the applicant shall provide the Town of Bethel with copies of the contracts/agreements for security services, trash disposal and collection, sanitary services (including licensed acceptance of trucked "grey water" and septic waste), EMS and other contracted or service providers.
- 3) The applicant shall obtain all required governmental agency permits and approvals. This shall include, but may not be limited to, the New York State Department of Health, the New York State Department of Transportation, (including sign placement) and the Town of Bethel Town Board. Copies of the permits and/or approvals from State and County Agencies shall be provided to the Town of Bethel no later than May 9, 2017.
- 4) The applicant shall petition the Town of Bethel Town Board either to close or limit traffic on portions of Best Road and West Shore Road or to have these roadways properly posted for pedestrian congestion and pedestrian crossings.
- 5) The applicant shall provide the Town of Bethel with copies of, or links to, all ticket sales literature or sites as soon as tickets go on sale which shall clearly indicate that individual fireworks, glass containers, illegal drugs, and pets shall not be permitted on the site.
- 6) The applicant shall, as necessary, act to insure that traffic movements on New York State Route 17B and surrounding roadways is not impaired by implementing the traffic control procedures outlined in the Mobility Plan and Operations Plan.
- 7) No later than June 4, 2017, the applicant shall provide the Town of Bethel Building Department with evidence that all vendors possess appropriate licenses and permits.

8) No open-air music event shall take place within one hundred and fifty feet of any property line and shall be screened from adjoining residential uses. All speakers in the camping area shall face away from immediately adjoining homes and shall be angled down towards the ground. Amplified music shall not be permitted in the camping area earlier than 10:00 am or later than 2:00 am, subject to any permit issued by the Town of Bethel Town Board.

9) The applicant shall take affirmative steps to mitigate any impact on agricultural uses by:

a) Ensuring that there is no trespassing onto adjoining properties.

b) Monitoring the buffer zones along all adjoining farmland to ensure that they are unoccupied by people, vehicles, or debris of any kind.

c) Erecting temporary fencing, as indicated on the Site Plan, to restrict entry to or from transient campground and parking areas through adjoining properties. This shall be completed no later than June 2, 2017.

10) The transient camping areas, parking areas, surrounding properties and roadways utilized to gain access to the sites shall be fully cleared of all event and camping related debris, equipment and temporary structures (including temporary effluent storage tanks) no later than June 26, 2017.

11) No temporary structures shall be constructed or installed within the bounds of any buffer zones for any wetlands which may exist on the properties.

12) The applicant shall keep the Town of Bethel Planning Board and Town Board informed as other agency approvals are obtained as the date of the event approaches. This shall involve, at a minimum, monthly discussions with one representative of each municipal board and representatives of ID&T/SFX Mysteryland and Bethel Woods Center for the Arts.

13) All fees be paid

Motion to grant this application a license to operate a Transient Campground with Outdoor Recreation subject to the above thirteen (13) conditions by Steve Simpson, second by David Slater

***Michael Cassaro - Yes
David Biren - Yes
Daniel Gettel - Yes***

***Robert Yakin - Yes
Wilfred Hughson - Yes***

***Steve Simpson - Yes
David Slater - Yes***

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: Good luck Brian. You have a long journey. This is just the first step.

Brian Tamke: Thank you guys. See you next year.

- 4) Request for a sixth extension of reissuance of Final Conditional Subdivision approval for the Preserve at Chapin Estates. (Bakner)

Daniel Gettel: Ms. Bakner is listed on the agenda, but Glenn Smith will be representing the applicant. Ms. Bakner is not with us this evening, she's not no longer with us, she's just not with us tonight. Is that correct Steve?

Steve Dubrovsky: That is correct.

Daniel Gettel: We went round and round with this application last month as we did not know for sure who the applicants were and who had standing to represent this project, request an extension of the approvals, and put a shovel in the ground to complete the project. Steve Dubrovsky is the applicant here tonight and the information he provided shows that he has standing to represent this project. At our request Michael Weeks went to the site last week to ascertain how much, if any, infrastructure has been installed so that we have some indication that we are not extending this approval blindly, that work has proceeded on the build or bond portion of our requirements. Glenn or Michael, if you would could you update the board on your site inspection.

Glenn Smith: Do you want me to just briefly update the board on the project as some members of the board...

Daniel Gettel: That would be good.

Glenn Smith: The Preserve Section of The Chapin Estates was approved in 2008. It is one hundred and eighty lots, all over five acres in size. And the location is... If you go down Pine Grove Road, to the end of Pine Grove Road which is a Town Road, the road continues south to the Town of Highland for about another two miles or so. The Preserve was approved in five different stages, five different stages which total one hundred and eighty lots. Once you go down Pine Grove Road and continue down the road that is now called Preserve Road there are lots on both sides of the road with a whole series of short roads and cul-de-sacs proposed that go back into the woods. The total Preserve project is almost seven miles of road. What's been done to date is the extension of Pine Grove Road, which we rode with Mike (Weeks) last week down towards Highland about three-quarters of a mile. That road has been improved, graveled to a width of twenty four feet wide. That road crosses two streams, Hemp Meadow Brook and Black Lake Creek which comes out of Toronto Reservoir. There are new bridges built on both of those streams in 2008 or 2009. We got permits from the DEC for that. We submitted plans for that, the bridges were built, and both are working fine. So, about three-quarters of a mile of road has

been improved, two bridges were built, and there is some gravel on the site which Steve used for the base for his roads. The roads that were built in the past I think were approved to be in compliance by an engineer for the Town, be it Kelley, or...

Daniel Gettel: And they are private roads.

Glenn Smith: Yes, they are private roads. Over the next year or so he wants to start building the other sections of road to the Preserve lots and start opening up all of the property. There are about six or seven miles of roads all together. The majority of them are not built yet, but he wants to get started on them in the near future. I think that's kind of where it is.

Daniel Gettel: I think you would agree that the way our subdivision regulations run either you bond the roads or you build the roads. In this instance, the applicant is working to build the roads instead of bonding the roads.

Glenn Smith: Once the roads are built and approved by the Town Engineer was we can file that section of the map.

Daniel Gettel: Which I think is fine because they are never going to be Town roads. They will always be private roads. It is better for the developer to build them. Michael, do you have anything to add I mean you went on the inspection? It does look like quite a bit of work has been put into the project over the years.

Michael Weeks: Yeah. The section that we drove, Glenn says is three-quarters of a mile, that clearly has been improved probably some time ago, but there was evidence that there has been work done recently I would say, whether it was scraping the shoulders or keeping the grass from growing. It's not like the site was built out seven years ago and left to go so there are trees growing through. It has been definitely maintained, the work that has been done.

Daniel Gettel: I just think that for the record we should state that this is the same type of information that we had asked of the Swan in Swan Lake that was here tonight that got reapproved. They also had to provide us with information on what roads were put in, how much of the infrastructure was in. I don't think we just came out of the blue with this request and that is why I say we don't want to approve this application blindly. Jacy, is there anything you need to add? I know the previous applicant did withdraw their request for the extension. It wasn't done the most artful way, but it was done by email, a series of emails that I think are probably acceptable. It shows the intent.

Jacqueline Ricciani: I think that is the best we are going to get from the other applicant, but I think it's a good idea to print out that email and put it in the file so we have a record of it.

Daniel Gettel: I do have it and we could receive and file it for the record. Are there any parts that I should read into the record?

Jacqueline Ricciani: Where it says agreed? It is pretty short.

Daniel Gettel: I have Jay, which would be Jay Zeiger. As per our telephone conversation I confirm that my client will continue this application to obtain an extension of the subdivision with the Town of Bethel Planning Board. This would be Steve's attorney, Richard Stoloff, and that your client RMLPNY Limited Partnership will withdraw your application so that there be only one applicant before the Planning Board at their meeting on October 5th, 2016. Please confirm this with Jacy Ricciani. There are a couple of back and forths, where Jay Zeiger agrees, yes it is agreeable. Richard Stoloff agrees to this. Yes it is agreeable. We have Jay as being the one that was supposed to be making the presentation on the last agenda, but Mr. Kalter was here for Jay, so I think it is pretty clear that... Jay says that once in a while he tries to make life easier, interesting. See the email below pursuant to which our client has agreed to withdraw its application for an extension of the subdivision approval. Please call if you have any questions. That is Jay Zeiger's take on it, so I think that it is pretty clear that the intent is to withdraw their application.

Jacqueline Ricciani: The only thing I would add is that Mr. Kalter and Mr. Zeiger are partners in a Law Firm.

Daniel Gettel: Right. Mr. Kalter indicated that he was representing Mr. Zeiger if that's the proper way to put it, for him. No one has really had a chance to read the emails, you are welcome to, but I would entertain a motion.

Motion to receive and file the email withdrawing the application for an extension provided by the previous applicant by Steve Simpson, second by Michael Cassaro

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: Michael, do you see any reason why we should not give it another one year extension? One year is probably a good way to go with this.

David Biren: That is what you have done in the past.

Michael Weeks: Yeah, but clearly in twelve months' time all of this work is not going to be done.

Daniel Gettel: But we should see some progress.

Michael Weeks: It would be nice if we, phase by phase, start to see...

Daniel Gettel: Well, I think the idea is to finish phases up as they go and file the phases. Should we look at additional time to finish up a phase or are you okay with one year?

Michael Weeks: I am just saying that a year is not going to be enough to finish this project but if

you like the idea that in a year they come back and update us on the project then...

Daniel Gettel: We can either bring them back in one year so we don't lose track of the project, or give them two years with the idea that they are going to try to finish up the phases.

David Biren: Give them two years.

Daniel Gettel: How does the board feel? We just have to make sure we don't lose track of it, that's all.

Motion to grant this application a two year extension of the their final conditional subdivision approval with the intent being that the approval runs out the night of our regular meeting in October of 2018 by Steve Simpson, second by David Biren.

*Michael Cassaro - Yes
David Biren - Yes
Daniel Gettel - Yes*

*Robert Yakin - Yes
Wilfred Hughson - Yes*

*Steve Simpson - Yes
David Slater - Yes*

All in favor – 7

Opposed – 0

Agreed and Carried

Daniel Gettel: Good luck Gentlemen.

- 5) Application for a Bed & Breakfast to be located at 263 Hurd Road, known as Bethel Tax Map #: 21.-1-1.12, proposed by Shelly Roberts. (Bovo)

Daniel Gettel: Mr. Bovo, would you like to give the board an idea of what you are proposing? This is the first time we are seeing this.

Kenneth Bovo: I am just going to hand out a couple of this miniaturized sized set. We are proposing to convert a single family residence to an owner occupied bed and breakfast with two tenant bedrooms and one owner occupied bedroom. The overall site is here. I am not sure you can see it. Here are the borders, the boundaries of the site, the existing two story house, the existing one thousand gallon septic. We are going to put in a fifteen inch diameter culvert and put in a crushed stone sixteen foot wide drive with three parking stalls according to the DOT, we are going to modify the contours and put a slight retaining wall in. We are going to landscape with fruit trees and a birch hedge forty feet long bordering Alan's (Gerry) property. We are going to put some benches in, put lawn in, and a cobblestone walkway to the existing decks they built. So, this would be the two transient rooms, one bedroom, total three units. The occupants would be four transients total and two occupants, residential owner occupied for a total of six occupants. Parking will be three spots, two for the transient, and one for the residence. The

impact on the traffic is minimal trips per day. We previously had the zoning approval for the setbacks and minimal lot size. This is existing. We are putting in a new sign. This shows the details for the sign, culvert, parking, walkways, existing decks, landscaping and some benches. We are going to provide the storm water drainage ditch. This would be a cross section through the adjacent driveway. We are going to have a seven foot buffer before the driveway, crushed stone, swale, then we are going to have the parking. These are pre-fab concrete 2 foot by 3 foot units and we are going to veneer them with existing field stone. We will have a railing, parking, and this would be a swale which would then come down off the driveway here and swale into the existing contours of the site. This is the landscaping schedule. We are proposing, knowing it's a bed and breakfast, providing fresh fruits so we are going to have peach trees, apricots, pears, blue berries, black berries, grapes, and then for some coverage we are going to have periwinkle and ivy plus this forty foot length of beech hedge. So, that is the overall scope of the project.

Daniel Gettel: Who occupies the house now? I do not believe it is occupied. Am I wrong? You realize...

Kenneth Bovo: I have somebody there in order to protect it from being burglarized. It was two years ago, they stole the copper tubing, the washer and dryer, refrigerator and oven, so I've got someone there as a caretaker.

Daniel Gettel: But you are aware that a bed and breakfast by definition must be owner occupied.

Kenneth Bovo: Yes, well Shelly is going to retire there.

Daniel Gettel: You mentioned in the past ZBA review that they addressed the minimum lot size. At the present time it is how many bedrooms?

Kenneth Bovo: It is three bedrooms with a small room which is not a legally habitable space where the utility room is. So, there are floor plans of the house and you will see that there are upper and lower floors. It is terraced on the south side. It is one story on the side adjacent to the Gerry Foundation and opens up to two stories on the back so we are saying lower and upper. On the lower floor there is a Master Bedroom suite, walk-in closet, and Master Bath. That's one.

Daniel Gettel: That is the road side, let's call it?

Kenneth Bovo: Yeah, down, let's say the north side, the northwest side. Then on the upper floor there is another Master Bedroom Suite with another walk-in closet and a full bath. So those would be the two transient units. Downstairs we have a third bedroom for the owner/occupant.

Daniel Gettel: The southeast corner.

Kenneth Bovo: Then, there's a joint loft area for anyone who wants to entertain.

Jacqueline Ricciani: There is a sleeping room number four on the lower level.

Bette Jean Gettel: Ken, do you have an extra set of plans that I can give to the Town Engineer?

Kenneth Bovo: Sure.

Daniel Gettel: Yeah, there is an extra room on the lower level, sleeping room four.

Jacqueline Ricciani: There are two different sets of plans.

Daniel Gettel: I don't think so Jacy. I think on the lower level this plan shows sleeping room three and four, but I think you said one of them is not going to be a sleeping room.

Kenneth Bovo: Yeah. You can see the Master Suite here, which has the walk-in closet and the full bath. So this would be storage/utility, this would be the third.

Daniel Gettel: So Jacy, the one that says sleeping unit four...

Kenneth Bovo: Oh, that should say utility. It does on your plans? Yeah.

Jacqueline Ricciani: Mine doesn't.

Daniel Gettel: Ours doesn't either, but that is going to be storage/utility. It does not have a bathroom, it adjoins the utility room.

Kenneth Bovo: And then also down below we have a hall bathroom for Shelly.

Steve Simpson: So there are two bedrooms downstairs and one upstairs?

Kenneth Bovo: Yeah and then there's the kitchen, living, dining room. That is existing, so that will all stay. The decks will all stay. Basically, it is pretty much there. We are going, of course, to provide the fire alarm and emergency. We are going to have it sprinkled.

Daniel Gettel: I know there might be a couple of violations out there. I don't know the condition, or if there are past open permits, but that will all be resolved with the renovation. You talk about the size of the septic tank. Do you have any idea of what is in the ground, the leach field?

Kenneth Bovo: Well, it's on the site plan there as to the surveyor that did it. It has the expansion plus the distribution tank. Six months ago we had the tank pumped.

Daniel Gettel: Did you have it tested.

Kenneth Bovo: Well, it's been in existence.

Daniel Gettel: I believe the only way to test it is to force it to fail and I don't think you want to force it to fail.

Kenneth Bovo: Well, what we did is we did get Elvin's sewer and drain service to pump it out

recently.

Daniel Gettel: Michael, for your information he emptied out a one thousand gallon tank. They took a thousand gallons out, so that would be a minimum. Bobby Reynolds would be the caretaker perhaps?

Kenneth Bovo: Yeah, Bobby Reynolds.

Daniel Gettel: Like BJ mentioned, we do have a Town Engineer. One of the items that was raised Mike, just for your information, is the size of the septic system and how the conversions from a single family to more of a transient use how that would relate. I mean you can make certain assumptions based upon the ages of the houses and get an idea of what should be in the ground. I do not know what records the Town would have on that. I think we want some kind of idea on working that backwards. What kind of impact the conversions would have. Michael, I assume you are going to want to go to the site and take a look at what's there. Take the chance to look at the site. If it is an interior renovation I do not think we necessarily we need to be inside the house. We will limit you to the number of bedrooms.

Kenneth Bovo: Yeah we are going to do cosmetics, paint, and fixtures to the bathrooms, maybe do something on the kitchen. The exterior needs some staining and trim. We may need to get a new roof on it. There is going to be some work to get it ready. I am trying to get it ready for the season.

Daniel Gettel: One thing you should be aware of in our zoning is that you are encouraged not to park in the front yard. I don't know the possibility of parking in the rear yard. I know you provided plans in the past that did show parking in the rear. Michael, if you would when you go to the property, we do encourage people not to park in the front yard. It may be impractical to park in the rear yard in this application. The side yard is clearly out. So if you just take that into consideration when you or your representative goes there just take a look at that. I know we have had plans in the past, proposals to park in the rear, but that does not mean it was feasible with the actual topography they have now.

Kenneth Bovo: We did take the recommendation of the Gerry Foundation and did move the parking from the fence side of their property to the other side and we did put the hedge row which will grow to six feet and be a barrier rather than trees.

Daniel Gettel: Where is the existing driveway now? It must be pretty close to where the new one is.

Kenneth Bovo: Right where it is. We are just widening it up and you'll see that this contour is gradual, so we are really building up five feet where we need for retention. As you go further down the slope is more level. As you come up it gets steeper so that gives us a nice buffer, and you can see the dimensions, between the house and where we have got benches here and fruit plants. It gives them a place of retreat. Also, this property has access to Filipino Lake (Filippini Pond) so it would be nice if they could go boating and sailing on the lake if they come up on the weekend.

David Biren: Aren't you using the side yard now, by the mobile trailer.

Kenneth Bovo: All that is going. That is just temporary, with my caretaker.

David Biren: Okay, because...

Kenneth Bovo: We have got a shed back here. There is a car here that is coming out. There is... some type of van here that is all gone. I got someone to watch it, so, you know...

Daniel Gettel: BJ, as far as violations go most of them will probably be cleaned up as part of the application for a building permit, assuming we approve it.

Bette Jean Gettel: Correct.

Daniel Gettel: I think that would probably be the best way to do it. Does the board have any comments? That is probably the best way to get it cleaned up, to move it forward.

Steve Simpson: I do have a question on the sign. What kind of sign is that?

Kenneth Bovo: Well, it was going to be a wide old barn boards, three sided. You see the way the angle is here. One flat side will not have people coming up the road being able to read it. The triangle would give me these two sides which will be closer to perpendicular to the line of sight. It's going to be barn board with the sign silhouetted in it and then a light reflecting through the peace sign.

Jacqueline Ricciani: Outside or inside?

Kenneth Bovo: Inside. You won't see the source of the light.

Daniel Gettel: Just watch our code because we have a gentleman now with an interior lit sign that is having problems. It should be lit from the outside if possible, just to avoid... that is just a recommendation.

Kenneth Bovo: I want to avoid glare and if I have it hanging on the outside someone coming up here is going to be blinded by the light. So, we will see what is appropriate.

Daniel Gettel: I am just pointing out that there is a problem before the Town Board at this time with someone with a sign which is illuminated from the interior. Michael, you want a chance to look over the plans clearly. A public hearing would be out of the question for now.

Jacqueline Ricciani: Do we have an EAF?

Bette Jean Gettel: No.

Jacqueline Ricciani: We cannot do a public hearing without that.

Daniel Gettel: Mr. Bovo, if you could get us an EAF. A Short Environmental Assessment Form would be fine.

Kenneth Bovo: I didn't give you an EAF?

Bette Jean Gettel: No.

Daniel Gettel: Maybe to the Zoning Board, but I have not seen a Planning Board application.

Kenneth Bovo: Yeah I can do that.

Daniel Gettel: If we give Michael a chance to get a... Does the board have any comments? I just think it is pretty straight forward. I think in order to move the project forward if you get us an EAF and give Michael a chance to go out to the site we should have enough information to schedule a public hearing. Jacy, we need a public hearing on a bed and breakfast?

Jacqueline Ricciani: It is site plan review only, but yes you need a public hearing.

Daniel Gettel: So if we get a short EAF and Michael gets a chance to look at it we can schedule a public hearing at our next meeting.

Kenneth Bovo: Yes, there is a lot to do there and I am hoping the way things go...

Daniel Gettel: Do you want us to carry you over to the next meeting?

Kenneth Bovo: Yes. Please, the sooner the better.

Bette Jean Gettel: It would be November 7th, your next meeting.

Daniel Gettel: That would not be affected by the election?

Bette Jean Gettel: No, elections are on November 8th.

Jacqueline Ricciani: It would be the first Monday, the 7th.

Daniel Gettel: Are there any other questions from the board? Mr. Bovo we will see you next month. The sooner you get any information in the better.

Kenneth Bovo: Be well.

Daniel Gettel: Thank you. Is there any comment from the Town Board?

Bette Jean Gettel: No, there is no comment from the Town Board.

Daniel Gettel: I think we are pretty well done. Jacy, we are good?

Jacqueline Ricciani: We are good.

Daniel Gettel: If there are no other comments from the board I would entertain a motion that we adjourn.

Motion to adjourn by David Slater, second by David Biren

All in favor – 7

Opposed – 0

Agreed and Carried

Adjourn 8:37 pm.

Respectfully;

Daniel E Gettel
Chairman