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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 November 7, 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.

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, Susan Brown-Otto, David Biren, Jacqueline Ricianni, Attorney, Jannetta MacArthur, Recording Secretary.

Excused: Wilfred Hughson, Michael Cassaro, David Slater, Robert Yakin, Alternative, Bette Jean Gettel, Code Enforcement Officer, Vicky Vassmer Simpson, Liaison, and Michael Weeks, Engineer.

*A quorum was present.*

Pledge to the flag

***7:30 pm***

Daniel Gettel: I apologize as I don't have any agendas tonight for the audience, but there is only one item on the agenda, the Bed and Breakfast for Shelly Roberts. Jacy, with four members we all have to vote the same way if we are going to approve something, majority, right?

Jacqueline Ricciani: Correct.

Daniel Gettel: I assume everyone has had a chance to read the minutes from the September 12<sup>th</sup> Planning Board meeting, they didn't come out until recently because of a problem with the tape recorder. If no one has a problem with those, I would entertain a motion that we approve the minutes for the September 12, 2016 Planning Board meeting.

***Motion to approve the minutes of the September 12, 2016 Planning Board Meeting by Steve Simpson, second by Susan Brown-Otto***

***All in favor - 4***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: We also have the minutes from the last meeting which is October 5<sup>th</sup>, 2016. If no

one has a question on those minutes, I would entertain a motion that we approve the minutes from the October 5, 2016 meeting.

***Motion to approve the minutes of the October 5, 2016 Planning Board Meeting by Susan Brown Otto, second by David Biren***

***All in favor - 4***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: The first and only application on the agenda tonight is as follows:

***1) 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 presenting.

Mr. Bovo: Good evening board, hope everyone is well. I am in receipt of the Town of Bethel Planning Board technical review meetings, which I will respond too, at our next scheduled meeting. I also submitted my short environmental assessment form. I would probably request approval of that at the next board meeting.

Daniel Gettel: Just a minute. So the board is aware, under question #5, Mr. Bovo answered, is the proposed action a permitted use under the zoning regulations. He checked no thinking that because it needed a zoning variance it wasn't permitted under zoning. But with the variance in place, I do believe that should be answered yes. I think Jacy would agree. Because of the variance, he thought it should be no, it should be changed to yes.

Jacqueline Ricciani: Right, subject to site plan approval.

Daniel Gettel: We are going to amend the EAF, with Mr. Bovo's permission, and change the answer to yes.

Mr. Bovo: Absolutely. I will resubmit this.

Daniel Gettel: That's fine. A clean copy is always better for the one I sign off on. It is a better form than the one before. I know a lot of people do try to use the old forms.

Mr. Bovo: I did use the old form, and started with Part 2. Someone told me not to do that.

Daniel Gettel: Part 2 is our part. We get a Part 2 & Part 3 with this one. Are there any questions from the board? I know there is a little bit of a concern about the proposed sign. Would the board like me to go through Michael's comments?

Susan Brown Otto: Yes.

Daniel Gettel: The first two on Michael's list is pretty much procedural. The property is located

in the Ag Zone where Bed and Breakfasts are permitted subject to site plan review. The bulk requirements include the minimum lot size of 3 acres. The subject parcel does not meet the bulk requirements for the lot area and side yard however we understand that variances have been granted by the Town of Bethel Zoning Board of Appeals for both of these bulk requirement deviations. Michael does point out that an environmental assessment form is a requirement for the application, and that has been submitted. Under Item four Michaels comment is “In accordance with NYSDEC Regulations a Bed and Breakfast Use is considered a Commercial Use relative to the sewage disposal system. As such, we recommend that the Town defer the determination of adequacy of the existing sewage disposal system to the NYS Department of Health.” We will have to check into that Mr. Bovo. I don’t have Michael here tonight. Jannetta let the record show that Michael is not here either. I don’t have an answer from Michael on that, but the Health Department normally does sign off on the larger systems for the commercial uses. It is a small system but it is a commercial use. I get that.

Mr. Bovo: Is there anything I can do to expedite the process?

Daniel Gettel: Get in touch with Michael. Contact the Health Department that would be a good move. Tell them you are doing a Bed and Breakfast.

Daniel Gettel: The plans shall be signed and sealed by a Design Engineer responsible for their preparation, which is the final plan. Site distances for the driveway shall be indicated on the plan. I think that is something that can be taken care of. Michael points out in #7, “ a retaining wall is proposed, based on the proposed height of approximately 5’, a Building Permit will be required for the wall. That is not a huge problem. And Susan you have a concern about the sign, let me read Michael’s comments. Under item number eight he states the proposed signage shall conform to Town code 345-23, specifically:

Paragraph E (1) (n), requires landscaping around all signs with more than 24 square feet of surface area on one side. No landscaping is proposed.

Paragraph F (9) requires that no sign shall exceed ½ the height of its distance to the highway right of way line.

Paragraph I (2) permits round signs to be less than 6’ in height and less than 64 square feet.

Daniel Gettel: That permits it, so that is what you are falling under.

Mr. Bovo: Less than 64 feet?

Daniel Gettel: You are permitted because you are less than 64 square feet.

Paragraph O permits lighting of signs only by a shielded light source directed solely at the sign.

Daniel Gettel: We discussed that at the last meeting. Is it going to be exterior illuminated?

Mr. Bovo: I can see the objection to a square peace sign that has four fluorescent tubes, glaring. This is going to be a light that silhouettes through the cutout in the sign. There is no direct lighting on the sign, just the symbol.

Daniel Gettel: You don't see the actual bulb, so you don't have glare?

Mr. Bovo: It is indirect.

Daniel Gettel: It is indirect lighting, interior?

Mr. Bovo: There is a detail I can blow up. I can show how the section is cut through that sign.

Daniel Gettel: That would be beneficial, because we are going to have a public hearing. Was it actually submitted to us? I do have your file here.

Jacqueline Ricciani: It's on the second page of the plan, but it is really hard to read.

Mr. Bovo: You want to take this detail section, the concrete pad, block walls veneered with local fieldstone, then we are going to have supports holding the sign, with the bulbs coming up, and then it is just going to show a silhouette peace sign.

Daniel Gettel: So there are no words on the sign, it is just going to be the peace sign?

Mr. Bovo: We are going to put on 3 B's.

Jacqueline Ricciani: Is there going to be a light bulb on top too?

Mr. Bovo: I wanted that to be an up light.

Jacqueline Ricciani: To light up what?

Mr. Bovo: A beam of light up to the sky.

Jacqueline Ricciani: Like in Vegas?

Daniel Gettel: We are not talking a high wattage bulb, is it just for highlighting?

Mr. Bovo: Yeah, if you are in the area, there will be a beam of purple light.

Daniel Gettel: That might be a distraction on the road. We will have to think about that one. Is it going to be a beam you think?

Mr. Bovo: Like the twin towers had a beam.

Daniel Gettel: They were also a thousand feet high.

Mr. Bovo: Nothing like that. Like if you're walking on the site you see where B & B is. It is a concept I thought would be nice. I am not here to have any objection.

Daniel Gettel: I don't think that would be permitted by our code. It might be a distraction. If it were something that would highlight, that might be different. I don't think we would want a beam.

Mr. Bovo: Okay, let's delete the beam. I understand it is a different concept. Conceptually I thought I would do it.

David Biren: You have the airport.

Jacqueline Ricciani: It is close to the road. It is a distraction.

Mr. Bovo: If it is a blinder, it can't be used. I walked it off. Basically, I care about indirect lighting from the box, rather than having a lamp on the outside.

Jacqueline Ricciani: Where are the 3 B's going to be located.

Mr. Bovo: (showing Jacy on map) Around the peace sign.

Daniel Gettel: It is a solid panel. The B's are only shown during the day, top left, top right, and one below the peace sign. What does the three B's stand for?

Mr. Bovo: Bethel Bed and Breakfast.

Daniel Gettel: Oh, I thought Bovo's Bed and Breakfast.

Susan Brown Otto: What materials are the B's going to be made out of?

Mr. Bovo: They are going to be hand carved wood in green.

Susan Brown Otto: Is there a planter?

Mr. Bovo: Yes. Basically it is a triangle, so you get the side view up and down the road. Then plants inside and plants outside.

Susan Brown: Is it round?

Mr. Bovo: Yes, it's circular.

Jacqueline Ricciani: I thought it was a triangle.

Mr. Bovo: It is a circular planter with this triangle, because as you are coming down the road I need one facing this way, and coming up the road, one facing this way. If it were square I would use the angle.

Daniel Gettel: It's on the plan. That was one of Michael's concerns, the species of the plants. I assume you have a landscaping plan?

Ken Bovo: I do have a complete landscaping schedule. Here are the quantities, and the location. I will describe it better. We have periwinkle and brown ivory, they are by the sign.

Daniel Gettel: Are they deer resistant? Nothing is deer resistant anymore.

Mr. Bovo: I can ask my landscape designer. What do they typically use around here?

Daniel Gettel: Cornell Cooperative Extension has a list of what the deer don't like.

Susan Brown Otto: There are certain things that the deer don't like. Any desperate winters, they eat anything.

Daniel Gettel: Michael's report does show that he visited the property on October 17<sup>th</sup>. He did use that as a basis of his letter. There were no comments on the property itself or the plantings, or the actual physical layout itself. I don't see a problem with the site itself. I appreciate the details you provided.

Mr. Bovo: When I submit my sealed set, I'll show you the plantings. I'll put a little description of what each planting is. The rest is, I got the trees here, and they are hard to see the notations on them, but I will put the descriptions on it. I will put in the symbols for the species. I will just double the size so it is really visible on the landscaping and the sign.

Daniel Gettel: Bring a couple of full size plans. We will ask you to address the public and they will want to see it. Jacy, since it is in the Ag district, I believe the County has to do a 239?

Jacqueline Ricciani: You will need to do an Ag data.

Daniel Gettel: There is no State owned land, no 17B. I don't think we have to do a County 239 review, but since we are in the Ag district we have to at least submit to Ag. BJ takes care of it. We send to them for comments, very rarely do they get back to us. Considering it is an existing house now, you are converting an existing house, I don't see them having any problems, but we have to send to them.

Ken Bovo: It is the same process whether it is a performing arts center or bed and breakfast.

Susan Brown Otto: What about the retaining wall?

Jacqueline Ricciani: They would need a building permit, so that would be the Building Department.

Susan Brown Otto: Where does the rain water go?

Mr. Bovo: Down to the swale down here. I'm going to call the Sullivan County Health Department.

Daniel Gettel: I will talk to BJ about the County 239. I don't know that we need one, but I will ask to make sure. We don't have to do lead agency because it is a short EAF. Are there any questions from the board? I think he has a complete application, and we should move it forward to a public hearing.

***Motion to grant this application a public hearing on December 5<sup>th</sup> at 7:30 pm by Susan Brown Otto, second by Steve Simpson***

***All in favor – 4***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: You are responsible to contact BJ about the mailings. You do a certified return receipt mailing to prove that you did the mailing.

Mr. Bovo: It is the same that I had to do for the Zoning?

Daniel Gettel: Yes. BJ will give you the addresses. You have to send out 10 days prior to the meeting. That would be the latest.

Daniel Gettel: Jannetta, for the record, I will speak for Mrs. Simpson. There is really nothing on the Town Board's meeting for Wednesday evening. She did not feel she needed to bring anything to our attention. Is there anything from the board?

*Nothing*

***Motion to adjourn by David Biren, second by Steve Simpson***

***All in favor – 4***

***Opposed - 0***

***Agreed and carried***

Respectively submitted,

*Jannetta MacArthur*

Recording Secretary