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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 June 6, 2017 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 was the following:

In attendance: Daniel Gettel Chairman, Steve Simpson, Vice Chairman, Susan Brown Otto, David Biren, Wilfred Hughson, David Slater, Robert Yakin, Alternate, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricianni, Attorney, Jannetta MacArthur, Recording Secretary, and Vicky Vassmer-Simpson, Liaison.

Excused: Michael Cassaro

Seating Robert Yakin, Alternate

Pledge to the flag.

Daniel Gettel: Tonight we have a relatively light agenda. There are three items on the agenda tonight.

Motion to approve the minutes from the May 1, 2017 meeting by Steve Simpson, second by Robert Yakin

All in favor- 7

Opposed - 0

Agreed and carried

1) Discussion of change in date of July meeting.

Daniel Gettel: Our next regular meeting is set to fall on July 3rd. The suggestion was made that we kick that meeting back a week to July 10th. We wanted to get that on the agenda first so if we schedule a public hearing tonight we want to make sure we schedule it for the right date. I know a number of people on the board have reached out and said that July 10th is a better date for them,

and they are available. Jacy, I believe the procedure is that we entertain a motion to cancel our regularly scheduled July 3rd meeting and reschedule that meeting for July 10th.

Motion to cancel our July 3, 2017 meeting and reschedule the meeting for July 10, 2017 by Steve Simpson, second by David Slater

All in favor – 7

Opposed-0

Agreed and carried

2) Modification to an approved subdivision, The Birches, known as Bethel Tax Map #: 16.-1-13.9, proposed by Catskill Farms. Inc. (Petersheim).

Charles Petersheim: I bought a piece of land in the Birches that lay vacant since 2004, they were approved in 2007. I have been talking to them for years, and we were able to buy four lots, and just bought another four. Most have been presold. It is almost like a time capsule. It was back when Chapin was getting started. We build 1,500 square foot homes. They were too small for the subdivision, but we were able to get through that. Lot #2, the Planning Board had enforced or mandated, some green spaces and walking paths, etc. In the future homeowners could get together and create walking paths. Again, it was a 2004 idea, not so much 2017 idea, at least right now. It just so happened that on Lot #2 the building envelope really crept in a lot farther. I didn't know the building envelopes existed. Luckily, because I did four houses, only one of them came close to hitting the border before we found out about these building envelopes, because they are not on all of the lots. They are not on the surveys. They are not on tax maps. One in every seven maps shows the building envelope. This one creeps in a little bit because there is a stream on the property. The stream wasn't even there when I started building. We didn't get to close to that. It worked out that most of the houses are outside the Planning Board approved building envelope. The Homeowner's Association proposed, and the Planning Board approved, the building envelope. The HOA covenant says you can build outside the covenant with HOA approval and Planning Board acquiescence. This is the first time it happened. We don't intend to do it again, now that we know it exists. We are here seeking permission from the Planning Board. The HOA is still controlled by the sponsor, who had no problem.

Daniel Gettel: Just for the record, Glenn Smith is one of our town engineers, and was the original engineer for this application. I was able to speak to him. He did confirm that it was put in by the developer in order to better protect where the stream was. I imagine it is a wet weather stream. It is the outlet for pond I believe. There was no stream disturbance. This is one of the unique cases where the house conforms to our zoning, but it doesn't conform to this additional restriction that the Homeowner's Association and the Planning Board can control. Jacy, do you have any comments? We had talked about the Homeowners Association and we do have a letter now on file from the Homeowners Association. BJ has a copy of that. Do we want to receive and file that into the record?

Jacqueline Ricciani: I would like it read, so we know who it is from.

Daniel Gettel: The letter was written May 30, 2017... (read letter into the record). Letter on file in Town Hall.

Daniel Gettel: They have the right from the Homeowners Association to build outside that area, if the Planning Board agrees, that would cover the building as it was built. There is a sewer plan that is on file with the Building Department and they can still use the sewer plan that was presented when they got the building permit. I don't see an issue with the sewer. The only condition, if we approve it tonight, would be that all fees be paid and we have an escrow account setup so I don't think that is an issue either. Are there any comments from the board? It's kind of one of those things we see occasionally, but at least we have an avenue to resolve it.

Robert Yakin: It is just one lot, correct? Lot #2?

Charles Petersheim: Yes, just Lot #2.

Daniel Gettel: It is unique. We don't usually see restrictions that appear on the entire map either. Jacy, he provided a Short EFA. Should I run through it or you don't think it is necessary for a decision? We require it as part of the application. I can run through it.

Jacqueline Ricciani: I didn't bring my SEQRA book. I believe it is a Type 2 Action.

Daniel Gettel: I'm going to run through it regardless. Part #1 of the Short Environmental Assessment Form has been on file with the town for a number of weeks, so I won't read that into record. Parts 2 and 3 are the sections I review.

Daniel Gettel: Reading Part 2 of the Shore EAF into the record.

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

No, the house location conforms to zoning.

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

No, this is a single-family residence constructed in a development intended for single-family residences.

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

No, again this is a permitted use located on an approved site.

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, this is a single-family residence in a development.

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

No, the building on the parcel is of new constructed and would have to meet today's codes.

7. *Will the proposed action impact existing:*

- a. *Public/private water supplies?*

No. The site presently has a well installed to serve the single-family residence.

- b. *Public/private wastewater treatment utilities?*

No. Prior to signing off on this proposal the applicant is to provide the Town of Bethel Building Department with revised plans indicating the site can accommodate a single sewage disposal system even with the revised location of the residence.

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

No, there are no designated historic, archaeological, architectural, or aesthetic resources on this site.

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

The home exists on the parcel and no water bodies were disturbed by that construction. A restriction shall be placed on any approval that no further site disturbances shall take place between the existing house and stream.

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

No, the site is stabilized.

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

No, there is no action proposed that would create a hazard to environmental resources or human health.

None of the questions raised during the review of Part 2 resulted in a response of either a Moderate to Large Impact may result, so we do not have to complete Part 3 of the EAF.

Motion to grant this application a negative declaration by Susan Brown Otto, second by Robert Yakin

All in favor – 7

Opposed - 0

Agreed and carried

Motion to amend the filed subdivision Plat with respect to the location of the buildable area to that shown on the survey map presented by Lawson Surveying and Mapping with respect to Lot #2, with the condition being that all fees be paid by Susan Brown Otto, second by David Biren.

Roll call vote

Robert Yakin -Y

David Biren- Y

Daniel Gettel - Y

Susan Brown Otto-Y

Wilfred Hughson – Y

Steve Simpson-Y

David Slater – Y

3) Application for a Day Care Center to be located at 209 Creamery Road, known as Bethel Tax Map#: 30-1-30.23, proposed by Valley Day Care (Nicole Newick).

Daniel Gettel: Was Michael Cassaro involved in the sale of this property?

Nicole Newick: Yes.

Jacqueline Ricciani: How long ago did you purchase this property?

Nicole Newick: About 3 years ago.

Daniel Gettel: I don't want there to be a conflict but for the record Michael is not at the meeting tonight. I don't think there is a conflict, but his name does appear on the proposal. This is the

first application of our new daycare law. Valley Day Care is proposed at 209 Creamery Road, which is in Mongaup Valley. If you would like to tell us what your proposal is.

Nicole Newick: We wanted to rent a building, couldn't find a building to rent in the area. There were zoning issues, we already had the property. We decided to build and start from scratch. Then we can have the daycare exactly what we want it to be. We want to be agriculturally based, the apple orchard and the trails and things like that. Our maximum would be 16 kids and 4 staff members. I would be there full time. We are thinking some part time. We are not sure. We want a fulltime teacher in each room. We want a runner, and a teacher in each room.

Daniel Gettel: It is an existing building. You did build a building for this use. You had a septic plan done. With the board's approval, we accepted the Short Form Environmental Form. Daycare was approved by the Town Board recently, and permitted in almost every zoning district, with the new law.

Jacqueline Ricciani: This is the RD district, correct?

Nicole Newick: Yes.

Daniel Gettel: It is a little over a 5 Acre parcel. It is relatively flat. I have been out to the site. How big is the building?

Jacqueline Ricciani: It is 30' x 50'.

Daniel Gettel: There is a 30' x 50' building that is standing there now. It has not been finished for the daycare use. It is just a shell right now. There is going to be a playground behind the building approximately 30 foot x 30 foot, fenced off. So, the board is aware any approval we grant will be subject to their review (OCFS) will be subject to their review.

Nicole Newick: We keep in contact with them, as we make our plans. There are a lot of regulations.

Daniel Gettel: At this time the application has a teardrop driveway for drop off for the kids. There is an emergency access area, which will be posted for no parking, which will be more for safety issues. There is employee parking past that for approximately four cars. I don't think it matters if you have more than one shift, as long as you have enough spaces for everyone. You may want to look at the parking to make sure you have enough. They have emergency areas for the kids to gather.

Nicole Newick: For evacuation we have back doors, depending on the issue.

Daniel Gettel: There is a detail for the sign, Susan. You said there is an area for an orchard.

Susan Brown Otto: A little planter would be nice.

Daniel Gettel: You have playground equipment donated from the Narrowsburg School.

Nicole Newick: Yes, we are really excited about that.

Daniel Gettel: You said there is going to be an area for the orchard, or some kind of agricultural?

Nicole Newick: It would actually be in that teardrop.

Daniel Gettel: Are you concerned with the kids being in that area around the driveway?

Nicole Newick: The area will be fenced in, and there will be supervision.

Daniel Gettel: Some people on the board would like to just note where the orchard will be and if it is fenced.

Susan Brown Otto: What about emergency vehicles?

Daniel Gettel: Robert, would you? I think if you can drive up to the building I think it is probably okay.

Robert Yakin: I don't know what the regulation is for a single daycare. We like to see at least a 16 foot wide drive, and a foot or two of shoulder on each side. I think that would be adequate.

Nicole Newick: That won't be a problem.

Susan Brown Otto: Is there water near by?

Nicole Newick: There is drainage.

Robert Yakin: We have water access in the area there, easy to get to.

Daniel Gettel: If you could calculate some offset distances to the buildings, some parking areas, just so we know that you conform to zoning. As far as maintaining some kind of buffers between them. I know you don't have neighbors now, but you may have neighbors in the future, and they tend to move in and say we know there is a Daycare next door until it is a problem. I think the setbacks should be on there, as well as the width of the driveway. Is there going to be lighting for security, for night, on the building?

Nicole Newick: We will do some kind of lighting.

Daniel Gettel: Some kind of down light so it doesn't shine onto the neighbor's property. You are not exactly next-door, but you do have a family member that is close?

Nicole Newick: Yes, across the street.

Daniel Gettel: One comment that we did have is when you talk about future use it brings up concerns with the SEQRA, that short form I just read for the last application. If you have firm

plans to expand, it should be noted on the plan. If you don't, that's fine.

Nicole Newick: We may be interested in the property behind us.

Daniel Gettel: You don't have any contract to buy?

Nicole Newick: No.

Daniel Gettel: You have provided us with a rendering of what the building will look like, landscaping will be similar to that. Keep a natural buffer that is the best, and less maintenance for you. Most of the trees have already have already been purchased, correct?

Nicole Newick: We went to an auction and got a good deal.

Daniel Gettel: We have a septic plan that is done.

Susan Brown Otto: Do you have Spectrum? Have Internet service? With nervous mothers and fathers, any problem?

Nicole Newick: No, I think it is fine.

Daniel Gettel: Does the board have any questions or concerns? I don't want to make it difficult, but want to give it a proper review. I don't think we need an engineer for the review. I would be happy to look at it if it is okay with the board. We have a Short Form. I think that is adequate for this application. Does the board have any concerns?

Susan Brown Otto: The population will change, like during the school year, correct?

Nicole Newick: We are going up until preschool, and depending we might do school age.

Daniel Gettel: I don't think there is a problem with the road with additional trips. You provided letters from your immediate neighbors. Jacy, do you have any real concerns?

Jacqueline Ricciani: We need a little more detail on the project. The only thing is, there is a floor plan, and there is a thin line regulating the operation and other aspects of this project, but they do show the floor plan and how many children can be accommodated in each area. Sixteen, which may not be that much. I am going to presume that OCFS have regulations, so you couldn't add more children?

Nicole Newick: No, that is it.

Jacqueline Ricciani: Then that's fine. Are we going to need a 239 on this?

Daniel Gettel: No. If the board is concerned about any issues that we raised tonight and things we want added, we could postpone the public hearing or we could move to hold a public hearing. That would be the next step.

David Slater: Can we get an approval from OCFS, which would help us a lot?

Jacqueline Ricciani: I don't think they are quite to that point. They need a letter from OCFS to get a license. You can make that a condition if you want.

Daniel Gettel: I don't think it is a bad idea to get the neighbors involved, especially in this case, where they all turned out for the Town Board meeting in favor. I don't think it is too early to get the public involved. Typically, you do a mailing, certified, return receipt requested. BJ will give you a list of neighbors to do a certified mailing, within 500 feet. Our meeting will be on July 10th; the mailings should go out ten days prior.

Jacqueline Ricciani: It should go out about 10 to 14 days before the 10th.

Motion to grant this application a Public Hearing for July 10, 2017 by Susan Brown Otto, second by Steve Simpson

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: As far as the engineer goes, I think it is fine to review it in house.

Robert Yakin: I have one question on the floor plan, and I'm not sure what the requirements are. I see we have a secondary exit for toddler and infants, but I don't see one for the Pre-K.

Nicole Newick: They can go out through the hallway.

Daniel Gettel: Thank you. See you in a month. Good luck.

4) Application for a 2 Lot subdivision to be located at 21 Ranger Road, known as Bethel Tax Map#: 16-1-14, proposed by Yuri Perdomo.

Daniel Gettel: This is the first time we are seeing this also. It is relatively straightforward. It is a two-lot subdivision between family members.

Yuri Perdomo: Yes, it is. My daughter she just got married a couple of years ago. They have agreed to build right next door to us. It is a good thing.

Daniel Gettel: The application is at the intersection of Laymon Road and Ranger Road, north of the intersection. There are two proposed lots. One is a 2.92 Acre parcel, which when you subtract out the right of way, is a 2.45 Acre parcel. That has a house, driveway, well, and septic

on his own property. Lot #1 is the proposed lot which is northeast of the proposed Lot #2, on Ranger Road. That is a 2.11 Acre total. Once you subtract out the right of way, that would be a 2.01 Acre parcel that would also conform to zoning. Jacy, there is one thing interesting in our code that we don't have in other towns. There is a section in the code that states you need to establish a front line by whichever is the longer of the two (for a corner parcel). If you do it in this case, it does conform to zoning. Do you have any idea where you are going to build the other house?

Yuri Perdomo: They want it closer to the road than our house currently is now. They don't want a long driveway to do a lot of snow shoveling. I'm not sure if it is 350 feet.

Daniel Gettel: Glenn Smith provided some information for the septic design. Deep test pits were done. They have a 23 minute perc rate. We do have test pit information on those tests. As far as the site being buildable they have that located to the northwest, the rear section of the lot. I think it is adequate to show it is buildable. Any idea of the size of the house?

Lindsay Reinhardt: Eighteen hundred square feet (1,800 sq. ft.).

Daniel Gettel: These percs are definitely adequate for that. Since Glenn Smith provided this, for the record, I can't recommend that Glenn Smith be our reviewing engineer. I will take care of the review of this application, if that is okay with the board. Same with the other application we have a Short Environmental Assessment Form for a two-lot subdivision. I think that is more than adequate. BJ, any concerns or violations on this property?

Bette Jean Gettel: No violations on this property.

Daniel Gettel: Any questions from the board?

None.

Daniel Gettel: The next step would be to have a public hearing. You will have to contact your neighbors. BJ will give you that list. Do you need anything from us?

Motion to grant public hearing on July 10, 2017 to immediately follow the Daycare by Steve Simpson, second by Susan Brown Otto

All in favor – 7

Opposed - 0

Agreed and carried

Jacqueline Ricciani: No 239 on this?

Daniel Gettel: No. Vicky, is there anything from the Town Board?

Vicky Vassmer Simpson: No meeting this week, it's next week, the second Wednesday.

Motion to adjourn the meeting by David Slater, second by Wilfred Hughson

All in favor – 7

Opposed - 0

Agreed and carried

Respectively submitted,
Jannetta MacArthur
Recording Secretary