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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 July 10, 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 were the following:

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

Pledge to the flag.

Excused: Wilfred Hughson

Seated: Robert Yakin, Jr.

Motion to approve the minutes from the June 5, 2017 meeting by Steve Simpson, second by David Slater

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel: Tonight we have two public hearings on the agenda. The first is a proposed Daycare center to be located on Creamery Road in Mongaup Valley. The second is a two-lot subdivision for a parcel of land at the intersection of Ranger and Laymon Roads. I assume everyone that wanted to speak has signed up. If anyone wants to make a public comment, all I ask is that you come up to the mic at the front of the room, give your name for the record and make your comments. Address your comments to the board, not to the applicant. It is not a public debate. I don't think it will be controversial. It simply allows the Planning Board to

gather information from the immediate neighbors. They may know more about the property than we would as a town.

Daniel Gettel: Michael (Cassaro), just for the record I believe you are recusing yourself from the first application since your family was involved with the original property?

Michael Cassaro: Yes.

1) *Public Hearing for a Day Care Center to be located at 809 Creamery Road, known as Bethel Tax Map#: 38-2-30.23, proposed by Valley Day Care (James Cutroni)*

Return receipts for mailings have been received.

Daniel Gettel: Mr. Cutroni, would you like to make a brief presentation to the audience and let them know what you are up to before we take public comments? You should address the audience. We have already seen the application. Please address your neighbors.

James Cutroni: This would be a daycare for toddlers, infants and PreK. Fifteen kids, small staff. A lot of one on one. Highly qualified instructors. We are looking to have an orchard. It is not a roadside daycare. It will be like a farm. You drop your kids off on a farm, it is set back, it is not right next to the road. It is secluded from noise on the street. It is secure.

Daniel Gettel: Before we open the public hearing, we did talk a little during the work session about lighting. I want to put that on the record that the orchard will have solar powered lighting. That is called a fence cap?

James Cutroni: No, it is going to be an upgrade from that. It is going to be a spot light. They are solar, and they have the small battery pack.

Daniel Gettel: The only concern is there a shine to those. I don't imagine they are LED.

James Cutroni: It is basically what I put on my wood shed.

Daniel Gettel: We don't want you lighting up the neighborhood.

James Cutroni: No, the range is probably about 20 feet wide. It is kind of a narrow glow. It is probably 22 or 24 feet and it will be about 6 feet high, angled down to the driveway. It is probably going to be aimed dead center of the driveway, edge to edge.

Daniel Gettel: And just for the record, the driveway is 18 feet wide, and it is a minimum of 10 feet off the property line. Not that there are any adjoiners now, but there might be down the

line. Also for the record are the hours of operation? Have you set times you will be open?

James Cutroni: Nothing is set in stone, but roughly it is going to be somewhere between 6:30 am to 6:00 pm. It depends on the parents we have and their needs.

Jacqueline Ricciani: Monday thru Friday?

James Cutroni: Yes, correct.

Daniel Gettel: After speaking with the different agencies that review, have you talked about handicap parking requirements or anything like that? Do you need to have a certain number, or one set aside for handicap for drop off's? Will the parking be paved in those specific areas? How do you address handicap accessibility there?

James Cutroni: It is going to be hard packed gravel in the driveway, but there will be a paved sidewalk by the building.

Daniel Gettel: We are going to ask BJ to follow up on that. It is part of the building permit application.

James Cutroni: Of course. No problem.

Daniel Gettel: Thank you.

Motion to open up this meeting up for a public hearing by Steve Simpson, second by Susan Brown Otto.

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: Laurie Cutroni. Did you want to speak or are you here for support?

Laurie Cutroni: I'm here for support. I live directly across from the daycare.

Daniel Gettel: And you are in favor of it, for the record.

Daniel Gettel: Kathy and Tory DeGraff, probably sitting right behind you. Did you want to make a comment, or just say you are in support.

Kathy DeGraff: I would like to make a comment and I am here for support. I am very thrilled that the Town of Bethel has approved having daycare. Those parents who are living in our town and work in our town would like to not have to drive so far to drop their children off to a daycare that is safe. The thing that really speaks to me is the Town of Bethel has prided itself on all of the Agricultural things and support all that, and the daycare speaks to that. I am really thrilled

that it is a unique approach to the children not being dropped off in a cement building, here play with your blocks type of thing. I think it will be very inspirational for the children. I am really glad of all the other changes we are doing in Bethel that this would add to it. I think it is a wonderful attribute to the Town and I am really glad to live in Bethel. Thank you.

Daniel Gettel: Does the board have any comments they want to make during the public hearing?

None

Motion to close public hearing and return to regular meeting by David Biren, second by Steve Simpson.

All in favor – 6

Opposed – 0

Agreed and carried

Daniel Gettel: Actually the zoning came out (for insertion in code books) today. It is a Special Use permit. The parking has been addressed. We have addressed the lighting, and I see the access was addressed from our last meeting. You added the setbacks to the building. I think my concerns were addressed by the latest submission. I'll do the EAF, Jacy, before the Special Use if that is okay with you.

Daniel Gettel: Part 1 of the Short Environmental Assessment Form has been on file with the Town for a number of weeks, so I do not have to read that part into the record. Parts 2 and 3 are the sections that we must review, and I will read them into the record at this time. Part 2 reads as follows:

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

No, Daycare is newly permitted in this district.

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

Any development or construction will result in impact. Daycare is needed in the Town of Bethel.

- 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 relatively small facility to be located on a country road. There shall be no impact on mass transit, biking or walkways.

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

No, the building is 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 well must be shown to be acceptable prior to the applicant gaining any governmental permits to operate the facility. Water usage would be similar to that of a single family home.

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

No. The site will be served by an on-site sewage disposal system sized to accommodate the use. We have details on that.

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 building "shell" exists on the parcel and no water bodies were disturbed by that construction. I don't believe there are any wetlands on the property.

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

No, the site is relatively flat and can be easily stabilized during construction.

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.

Daniel Gettel: 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 David Slater.

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: The Special Use procedures are outlined in Section 345-30 of our zoning code and paragraphs I and J are the two that I typically read into the record.

Daniel Gettel: Paragraph I states:

The Planning Board, in reviewing the site plan, shall consider its conformity to the Comprehensive Plan and the various other plans, laws and ordinances of the Town. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire Town shall be part of the Planning Board review. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The Planning Board shall further consider the following:

(1) *Building design, lighting, location and signs insofar as suitability for the use intended and impact on and compatibility with the natural and man-made surroundings.*

This is an existing building “shell” that at present is inconspicuous. The applicant has provided the Town with a rendering showing how the building will be “dressed up” and altered to accommodate the proposed use. A sign detail has been provided and the applicant has indicated that site lighting shall be limited to building mounted fixtures for primarily security and safety use, as well as solar for the driveway.

(2) *Storm drainage, flooding and erosion and sedimentation control.*

The area is relatively flat and storm drainage and erosion and sediment control is not anticipated to be an issue.

- (3) *Adequacy of community services and utilities, including police protection, emergency services and the educational system.*

There shall be no detrimental impact on community services, utilities or police protection, all of which are adequate to serve the proposed use. This proposal is for the construction of a daycare center, which is needed in the Town of Bethel.

- (4) *Environmental impacts in any form.*

This application was reviewed and was granted a negative declaration under SEQRA.

- (5) *Impacts on housing availability.*

There is no anticipated impact on housing availability associated with this use.

- (6) *The potential for nuisance impacts such as noise, odors, vibrations or glare.*

There are no anticipated nuisance impacts associated with this use. The facility is to be set back quite a distance off the road and is located in a wooded area.

- (7) *The adequacy of the trees, shrubs and other landscaping to buffer or soften a use in terms of visual or other impacts on adjoining property owners, Town residents and those visitors on whom the local economy often depends.*

Again, the facility is to be set back quite a distance off the road. Landscaping information has been provided, and the natural buffers around the property are to be maintained as part of any approval granted.

- (8) *Impacts on nearby property values.*

This is a permitted use to be located on a country road. There are no anticipated negative impacts this use will have on nearby property values.

- (9) *Traffic impacts (see § 345-22H).*

Section 345-22H specifically addresses traffic impacts on NYS Route 17B and NYS Route 55. This is a county road and no noticeable negative impacts are anticipated with this permitted use.

- (10) *Any other factors, which reasonably relate to the health, safety and general welfare of present or future residents of the Town of Bethel.*

This change in use is not anticipated to affect the health, safety or general welfare of the present or future residents of the Town of Bethel.

Daniel Gettel: Section 345-30 Paragraph J further reads that:

The Planning Board, in acting upon the site plan, shall also be approving, approving with modifications or disapproving the special use permit application connected therewith taking into consideration not only the criteria contained above but also the following:

- (1) *Whether the proposed use will result in an overconcentration of such uses in a particular area of the Town or is needed to address a deficiency of such uses. The Board shall, in this regard, consider the suitability of the site proposed for a particular use as compared to the suitability of other sites in the immediate area.*

This is an application to operate a daycare center, which is a needed service in the Town of Bethel.

- (2) *Whether the proposed use will have a detrimental or positive impact on adjacent properties or the health, safety and welfare of the residents of the Town of Bethel.*

The proposed in use is anticipated to have a positive impact on the health, safety and welfare of the residents of the Town of Bethel.

- (3) *If the proposed use is one judged to present detrimental impacts, whether an approval could be conditioned in such a manner as to eliminate or substantially reduce those impacts.*

The change in use is not anticipated to have a detrimental impact.

- (4) *Whether the use will have a positive or negative effect on the environment, job creation, the economy, housing availability or open space preservation.*

There are no significant environmental impacts associated with this application. The applicant has indicated that a number of jobs will be created as part of the operation. There are no detrimental impacts anticipated in regards to housing or open space preservation.

- (5) *Whether the granting of an approval will cause an economic burden on community facilities or services, including but not limited to highways, sewage treatment facilities, water supplies and fire-fighting capabilities. The applicant shall be responsible for providing such improvements or additional services as may be required to adequately serve the proposed use, and any approval shall be so conditioned. The Town shall be authorized to demand fees in support of such services where they cannot be directly provided by the applicant. This shall specifically apply, but not be limited to, additional fees to support fire district expenses.*

There shall be no economic burden placed on community facilities or services.

- (6) *Whether the site plan indicates the property will be developed and improved in a way which is consistent with that character which this chapter and the Comprehensive Plan are intended to produce or protect, including appropriate landscaping and attention to aesthetics and natural feature preservation.*

This is a permitted use to be located well off the road on a wooded parcel. The applicant has provided information on landscaping, but the view from the roadway will not be drastically changed from that of the present building “shell”.

Daniel Gettel: Section 345-21 Are the Commercial and Industrial Standards.

Daniel Gettel: Paragraph A reads:

- A. *Where a commercial or manufacturing use is contiguous to an existing residential use in any district (including those situated on the opposite side of a highway) or any approved residential lot in an RS District, the Planning Board may require that the minimum front, side and rear yards be increased by up to 50%. The Board may also require, for purposes of separating incompatible activities or shielding the residence from negative impacts, that a buffer consisting of a solid fence of wood and/or a twenty-foot-wide dense evergreen planting not less than six feet high be maintained, unless the properties are in the same ownership or the full width of the yard is already wooded. See also Section 345-16,*

345-16 is landscaping standards. I don't believe that the buffer zones need to be increased, the building is substantially off the property lines. I don't think there is a need to add to the buffer zones, if that is okay with the board.

- F1. *All lighting shall be designed so as to avoid unnecessary or unsafe spillover of light and glare onto operators of motor vehicles, pedestrians and land uses in proximity to the light source. Light sources shall comply with the following standards:*

It talks about the different types of lighting. We already addressed that it will not spillover onto adjoining properties.

- F2. *No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or other sources, so as to be visible at the property line on a regular or continuing basis, shall be permitted.*

That just doesn't pertain to this application.

Daniel Gettel: Those are the special use criteria. Does the board have any comments? Robert, I guess they addressed the minimum width to the driveway to be 18 feet, so that would address the fire trucks.

Robert Yakin: That is absolutely adequate for us.

Daniel Gettel: If there are no comments from the board...

None

Motion to grant this application a site plan review with a special use permit to operate a daycare center subject to the condition that all fees be paid, and that all required permits from the Office of the Children of Family Services, and any other Governmental Agency be provided, as discussed at the last meeting by Susan Brown Otto, second by David Slater.

Roll call vote:

Susan Brown Otto: Yes

Robert Yakin, Jr.: Yes

Steve Simpson: Yes

David Slater: Yes

David Biren: Yes

Daniel Gettel: Yes

Motion passed 6 – 0

Daniel Gettel: Good luck.

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

Michael Cassaro is reseated on the board.

Return receipts for mailings have been received.

Daniel Gettel: BJ, has anyone signed up to speak at this public hearing?

Bette Jean Gettel: No one.

Daniel Gettel: Mr. Perdomo, you presented last month. Has anything changed since the last presentation? I don't have anyone signed in to speak at the public hearing and the audience is empty, so I don't need you to address the board.

Yuri Perdomo: Nothing has changed.

Daniel Gettel: We do not need an applicant presentation. But, due to the fact that it is a subdivision, I do need to run through the environmental assessment prior to receiving any comment. Jacy, I will run through that at this time, outside the public hearing, or should I open the public hearing first?

Jacqueline Ricciani: When you are doing SEQRA on a subdivision, you can do the SEQRA now and then open the public hearing, or you can do the public hearing, and if anybody has comments about the environmental impact of this subdivision, you can take them into account when you do the EAF.

Daniel Gettel: I am going to run through our response of the EAF first, and ...

Jacqueline Ricciani: And then you can do a motion.

Daniel Gettel: Michael (Cassaro) are you okay with this? I know you weren't at the last meeting.

Michael Cassaro: Yes.

Daniel Gettel: Part 1 of the Short Environmental Assessment Form has been on file with the Town for a number of weeks, so I do not have to read that part into the record. Parts 2 and 3 are the sections that we must review, and I will read them into the record at this time.

Daniel Gettel: Part 2 reads as follows:

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

No, the proposal is a simple two-lot subdivision, where both lots conform to zoning.

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

No, not significant. The proposal is for a subdivision to permit the construction of a single-family residence on a two plus acre parcel.

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

No, the proposed 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, this is the addition of a single-family residence.

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 to be constructed would have to meet today's energy codes.

7. *Will the proposed action impact existing:*

a. *Public/private water supplies?*

No. The site will have a well installed to serve the single-family residence.

b. *Public/private wastewater treatment utilities?*

No. The site has been shown to be adequate to support the installation of a conventional sewage disposal system sized to accommodate 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)?*

No, there will not be a substantial adverse change to natural resources associated with the construction of a single-family residence.

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

No, the site is relatively flat and can be easily 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.

Daniel Gettel: 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 open meeting the meeting up for a public hearing by Michael Cassaro, second by Steve Simpson

All in favor – 7

Opposed-0

Agreed and carried

Daniel Gettel: Would anyone in your family like to speak? There is no one in the audience that is here to speak, and there are no written comments. We have sewer plans. There is a site plan.

No comments

Motion to close this public hearing and return to regular meeting by Steve Simpson, second by Robert Yakin, Jr.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: We do have the percs. We do have the soil information. We have the setbacks and they meet zoning. I don't see a problem with it. We did previously read the EAF into record.

Motion to grant this application a negative declaration by David Biren, second by Michael Cassaro

All in favor – 7

Opposed-0

Agreed and carried

Motion to grant this application a subdivision approval with the condition that all fees be paid, including the recreation fee, by Susan Brown Otto, second by Michael Cassaro.

Roll call vote:

Michael Cassaro: Yes

Susan Brown Otto: Yes

Robert Yakin, Jr.: Yes

Steve Simpson: Yes

David Slater: Yes

David Biren: Yes

Daniel Gettel: Yes

Motion passed – 7 – 0

Daniel Gettel: Good luck. If you could give BJ the Mylar map I will sign off on that. Vicky, do you have any comments from the Town Board. I know they meet this week.

Vicky Vassmer Simpson: No, nothing.

Susan Brown Otto: I would like to make a comment. It is regarding the new mailbox procedures. I would like to state for the record, #1, I do not go to White Lake on a daily basis, during business hours. I would say I go through White Lake maybe twice a month. #2, what are the new procedures in terms of when the documents go into the mailboxes? I was there, and nothing was in the mailbox. Is it the day the applications are due? I was there this morning at 10:30, when I went through. What are the procedures? What is the time frame that I can pick up the documents? If I knew that you were going to pick them up I wouldn't have stopped. I specifically stopped to pick up documents.

Daniel Gettel: My understanding of the way the mailboxes are working with a number of people is that when an application comes in BJ gets 10 copies of an application. She usually gets ten copies of the site plans. She doesn't always get 10 copies of the EAF. What she does is she takes that application and she splits it up between the different mailboxes of the Planning Board members. Every Planning Board member has a site plan in his or her box. If they want to stop in before the meeting, that is fine with her. She doesn't have to be there to give you the map. She doesn't need to be there to go over it with you. I believe David (Biren) has taken advantage of that. I don't know that it was a problem.

Susan Brown Otto: For example today, I wouldn't have stopped in the office. I do not go through White Lake during business hours on a daily basis.

Daniel Gettel: I don't think anyone does. If you are so inclined to review an item before the meeting you can go to your box and take the item home and do your due diligence. I can't guarantee that everything will be in your box two weeks before the meeting, but I would think that on the Friday before....

Bette Jean Gettel: There is a two-week deadline prior to the meeting.

Daniel Gettel: There are some that ask for a Wednesday deadline instead of a Monday deadline.

Susan Brown Otto: I will stop by and pick them up, but I don't want to make a wasted trip. Can you send an email stating there is nothing in the box?

Daniel Gettel: I don't think she (BJ) needs more work. It is a courtesy she is doing for the Planning Board. BJ, if you chose, do that, but I don't think it is necessary. I think if you call on a Friday, and say I am heading to Bethel is there anything in my box, I'm sure any one would help you.

Susan Brown Otto: If the door is closed, what do we do?

Bette Jean Gettel: Please knock on the door.

Jacqueline Ricciani: May I make a suggestion? You usually send out the agenda a week or so ahead of time. I am suggesting when you distribute the agenda, take a look, if there is a new project that you haven't seen before, chances are there will be paperwork to support it in the box. When you open the email, you will see a new item, and that would be a good indication there will be something in your box.

Bette Jean Gettel: If you don't pick up the items in the mailbox, it will be brought to the meeting.

Motion to adjourn the meeting by David Slater, second by David Biren.

All in favor – 7

Opposed-0

Agreed and carried

Respectively submitted,

Jannetta MacArthur

Recording Secretary