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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 August 7, 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.

In attendance: Daniel Gettel Chairman, Steve Simpson, Vice Chairman, Michael Cassaro, Susan Brown Otto, David Biren, David Slater, Robert Yakin, Alternate, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricianni, Attorney, Michael Weeks, Engineer, Vicky Vassmer-Simpson, Councilwoman

Pledge to the flag

Daniel Gettel: Let the record show that Jannetta MacArthur was excused from tonight's meeting and that Wilfred Hughson is absent. I will be seating Robert Yakin in Wilfred's place. Also let the record show that Michael Weeks is here tonight and will be acting as the Planning Board Engineer as Glenn Smith is representing the applicant.

***Motion to approve the minutes of the July 10, 2017 Planning Board meeting by Steve Simpson, second by Davis Slater***

***All in favor – 7***

***Opposed - 0***

***Agreed and carried***

- 1) Application for a major subdivision to be located off Mountain Laurel Trail, known as Bethel Tax Map # 55-1-9.3 & 13.1, proposed by The Preserve at Chapin Estate – Phase 5B (Bakner).

Glenn Smith: I am Glenn Smith, the engineer for Chapin Estates. Teresa Bakner is here as the project attorney, as is Steve Dubrovsky, the developer. First let me pass out these maps, they are reduced plans that are similar to the big ones that were submitted originally. The first page is a

USGS which shows where the property is a little bit better in relation to Smallwood and White Lake. The second, third and fourth pages are the reduced subdivision maps, the reason we are here tonight. Essentially this plan here, the colored version, is all of the Chapin Estates properties. This is Route 55 here (showing on map) where Moscoe Road comes off to the peninsula lots. This is where the gate house is for the original Chapin Estates. Pine Grove Road is here, which comes down from Smallwood which turns into Preserve Road and continues down to the properties in the Town of Highland. All these colored sections are sections of Chapin Estates that were approved over the years. There is the original Misty Acres, the Top Ridge Section, the Preserve Section is here and of course the Swinging Bridge Section on Swing Bridge Reservoir is here. Down below that, in this little blow-up section on the map, is the Lumberland Section. Those are all sections that received prior approvals, either final or conditional final approvals. Most of the property here in the middle is the Preserve at Chapin Estates which is one hundred eighty lots that got conditional final subdivision approval in 2007. The condition being that the cost of the construction of the roads either be bonded, or built. Steve is in the process of building roads, and some are still required, in portions of the Preserve section now. This lot number 180, which is proposed to be subdivided into eighteen five Acre lots, a little more than five Acre lots, plus one remaining lot of fifty five Acres is down here in what I call the southwest corner. This is the Toronto Reservoir here, so Lot 180 is on the southwest corner of the Chapin Estates site. It abuts the Town of Highland and access is on Mountain Laurel Trail. This sheet is a larger version of the second sheet of your reduced submittal. Again, this is Toronto Reservoir up here. Anything shaded in red is part of the subdivision that was approved in 2007 up to Lot 179. Mountain Laurel Trail, which comes into the cul-de-sac, is right here on the bottom. This yellow portion and this green portion is currently what is Lot 180. Originally it was about one hundred sixty acres, but with a lot line change in 2012 it became about one hundred and six acres. The intent is to take off from the cul-de-sac on Mountain Laurel Trail that was previously approved and run almost five thousand feet of new road north through Lot 180 to the Toronto Reservoir with eighteen lots off of that road with individual wells and septic systems. The lots will range in size from 5.1 acres to 7.7 acres, being the largest at this point. It's a relatively high elevation here at the top site here and then the green section will be the remainder of Lot 180 which will stay as an individual lot because it is a tough one to develop. There are DEC wetlands through there, so that will stay by itself. The eighteen lots here would be developed. We still have to do percolation tests. We did one hundred and seventy some percolation tests and test pits on the original section in 2007 and soils were pretty good throughout there. We did all conventional sewage disposal systems there, so I wouldn't expect anything radically different here but we do have to do the percolation tests and Michael Weeks has to see them. That is essentially it for the current proposal.

Terresa Bakner: The only thing I would like to add is that what we are asking the Planning Board tonight is to declare its intent to act as Lead Agency so that we can begin the State Environmental Quality Review Act (SEQRA) process and to make sure that you give your engineer, Michael Weeks, enough time to review everything and to see if the board has any questions or if there is any additional information you would like to see on the plat. I think Glenn, did you mention, the fact that you are going to do the SWPPP and that will cover soil erosion and sedimentation control and that the plan is to use the same sorts of features that you use under the new regulations. That would include rain garden, the infiltration and that type of approach.

Glenn Smith: The DEC regulations are different now than they were in 2007. Technically the current permit that we have for storm water covers this whole lot, but it covers it as a single lot, not eighteen or nineteen smaller lots so I think the thought was that we would go with an amendment with the DEC, but we go under the current regulations which require retention basins, rain gardens and that type of thing as opposed to the 2007 regulations. We must discuss that with the DEC, but that seems to be the logical way to do it.

Daniel Gettel: That seems to be the most logical way to avoid two NOIs.

Terresa Bakner: The other thing Glenn did is he identified on the long form EAF any other involved agencies but the Town of Bethel Planning Board is clearly the one that decides where the lot lines are and has the most at stake in looking at what we are proposing to do here.

Glenn Smith: Also, on the road lengths that we had previously discussed if the roads exceed two or three thousand feet we need a waiver for the length of the road. The current Mountain Laurel Trail coming into the cul-de-sac from Preserve Road, or an extension of Pine Grove Road, that is a little under six thousand feet long. When we got this approval in 2007 we got a waiver from the board to allow for this six thousand foot. Now we are adding another almost five thousand feet, approaching two miles. We discussed mitigation on the other roads in Swinging Bridge and Lumberland where we did extra cul-de-sacs and turnarounds, wider sections of pull-offs along the road for emergency vehicles to get by to the problem and even Steve did install dry hydrants over there and created ponds for firefighting purposes. That is something we can definitely consider here.

Daniel Gettel: We do have a section in our code that allows us to grant that waiver and we are not really setting a precedent if we were to grant this waiver because some of the roads in the Chapin Estate are already longer than this would be. As far as our code reads, I will read it into the record probably before we leave. By granting us additional turnarounds and larger turnarounds for emergency access, allowing helicopters to land in the cul-de-sacs, making them large enough for that, doing more of a boulevard style street with wider shoulders, it does give us that ability to grant that waiver. We would have to discuss that waiver separately and before we grant any approvals for the project clearly, because what good is the project if we don't grant the waiver? As far as the EAF goes, just for the record, we did discuss the SWPPP before the meeting and that (required review) was not included on page two of the EAF. We have added it to our copy. Glenn, if you would add it to your master copy that the SWPPP has to be listed as one of the agency reviews for the DEC. We put down a submission date of September 2017 on our copy for the submission.

Terresa Bakner: Glenn, was there anything else you wanted to change on there, on the Long Form EAF while we are discussing it?

Glenn Smith: I don't think so, just the SWPPP.

Daniel Gettel: That is the only one I am aware of. The board does have to discuss acting as Lead Agency. We are the most logical one to act as Lead Agent on this. That

will get the clock running on that, on BJ doing the submission to other interested parties. I don't know that we need to address it tonight, but Jacy I do have the section of code that addresses cul-de-sac roads, public and private streets and I think I should just read it. I do have it written down.

Jacqueline Ricianni: The pertinent sections?

Daniel Gettel: The pertinent sections. Section 300-22(C) has the cul-de-sac requirements. That reads: *Cul-de-sac streets. Cul-de-sac streets, permanently designed as such, shall not exceed 2,500 feet in length unless measures such as boulevard designs, wider shoulders, additional turnarounds or emergency-only accesses are incorporated in the design to ensure reasonable access in the event of an emergency. Cul-de-sac streets shall also furnish access to not more than 50 dwelling units. Cul-de-sac streets shall have, at the closed end, a turnaround with a right-of-way having an outside diameter of not less than 135 feet and pavement to a diameter of not less than 120 feet so as to accommodate the turnaround of emergency and road maintenance equipment. The Planning Board shall have authority to require the use of loop streets and other alternatives to cul-de-sac where such alternatives are available and preferable as a means of providing safe access to lots, making street connections or limiting environmental impacts. Culverts, bridges and other similar features constructed in connection with any cul-de-sac or other subdivision road shall be designed to industry specifications regarding weight limits.*

Daniel Gettel: It's a little premature to give you our take on that.

Daniel Gettel: Section 300-22(E) reads: *Grades. Grades of streets shall not exceed 12% and no street shall have a grade of less than 1/2 of 1%.*

Daniel Gettel: The plan submitted originally to the Town does include street sections that do show that you do meet that requirement.

Glenn Smith: Yes, just to check. There are some steep sections of the road going up along the Iroquois side. We are below that ten percent.

Daniel Gettel: Section 300-27(B) covers private streets and reads: *Private Streets. Where it is proposed and approved by the Planning Board to create a subdivision with private streets not intended for dedication to the Town, the following requirements shall be met:*

- (1) Private streets shall be built to the same standards as those required for public streets, unless the Town Board grants a waiver.*
- (2) Rights-of-way for private streets shall include a grant of easements necessary for the installation of utilities and shall not deny access to such street to any abutting property owner or owner of any lot to which the street is intended to provide access.*

*(3) Prior to final plan approval, the Town and subdivider shall enter into a private maintenance agreement relative to all proposed private streets, which agreement shall be approved by the Town Board and also approved by the Town Attorney as to form and manner of execution and the Town Engineer as to sufficiency.*

Daniel Gettel: Jacy, we had discussed that they are already under an agreement with the Town. I do not know if that would be amended or if they would fall under the same agreement we have for the other sections of Chapin Estates. That is something we probably should look at.

Jacqueline Ricianni: We will take a look at that but my sense is that it would probably just continue. I will work with Terresa on that.

Daniel Gettel: That is 300-27(B) 3. Section 300-27(B) 4 reads:

*(4) The final plan for the subdivision shall include the following statement as to any private streets: "The street(s) depicted on this plan are private in nature and the Town of Bethel bears no responsibility now or in the future for their maintenance. Responsibility for maintenance is specified in a private maintenance agreement."*

Daniel Gettel: There is also a Section 300-27(C) which reads: *Building permits. No building permits shall be issued by the Town for any structure within a subdivision served by a private street until final plan approval has been granted and the street has been constructed and inspected by the Town Engineer (that would be the Town Planning Board Engineer I would say) and found to meet the specifications as approved by the Town Board.* The specifications are in the code.

Daniel Gettel: I don't think there is anything that stands out on the sections of code that we have to look at. This will be a build, not bond type as in the past, so I mean the street will be built. Just for the record, and I know Susan had asked, on the first plan can you show us, I don't want to say completely constructed, but I know it is roughed in to a certain point, not the road in this subdivision but the cul-de-sac road leading to this.

Glenn Smith: The cul-de-sac? Coming down Pine Grove Road to Preserve Road towards the Town of Highland Mountain Laurel Trail branches off to the right. That goes in about six thousand feet as part of the original approval. It is shale and drivable to a point.

Daniel Gettel: So, if people have been back there and see a road being built that is the road. And, that was part of an approval we had with Michael (Weeks) and you as far as our renewal of the approvals of Chapin Estates. I don't even think that was a year ago.

Michael Weeks: About a year ago.

Glenn Smith: Last fall, when we renewed the other sections.

Daniel Gettel: So, we are talking about a build not a bond scenario. We did have a discussion about preparing the percolation tests. Glenn, it sounds like you are going to be completing percolation and deep test pits on all of the lots. It is required for the building permits anyway, but the problem we always run into as a Town is that who are we to decide where a homeowner is to build their home within the buildable envelope let's call it. A lot of them place a house in an area where we never planned for a sewer to be so they end up doing their own sewers, but at least it is proving from our perspective that the property is buildable.

Michael Weeks: Dan, as we were sitting here we found Section 257-62 spells out for major subdivisions what the requirements are. It does say that all of the tests have to be witnessed.

Daniel Gettel: We thought it was in there but we could not find it earlier.

Michael Weeks: Section 257-62(A), Glenn, tells you the number of percs, number of pits.

Daniel Gettel: So Glenn, clearly you and Michael will be coordinating on this, any kind of field work that you do. We talked about the SWPPP, so I don't really have any additional questions. For the record, the applicant did request a pre-application meeting which we did have, so some of us did see this application in advance. I saw it last week. David Biren saw it last week, as did Robert Yakin I believe. It is not a surprise to us. If anyone on the board has any questions, now is your chance. I think it is pretty straight forward. We have a one hundred and six acre lot being subdivided in eighteen lots, plus a residual lot. Would you discuss the residual lot as far as buildability if that is actually a word?

Glenn Smith: There are DEC wetlands that cross the lot and generally the DEC does not have a problem with issuing a permit to cross a wetland if that is the only access to a big chunk of property to the back, so if someone wants to build a house or a hunting camp in the back they can do it but they are going to have to get a permit to get a driveway back there.

Daniel Gettel: But it is being shown on this map as being one of the lots in this subdivision.

Glenn Smith: The nineteenth lot, basically yes.

Daniel Gettel: So it is the nineteenth lot. We call it the residual lot. The front of that could be buildable.

Glenn Smith: Yeah. You could stick a house in here (showing on map) and not worry about the wetland if you want to, a house with a septic system. It would be a little more remote.

Daniel Gettel: So Michael, I believe we are talking about a nineteenth lot and we should have a percolation test on that.

Michael Weeks: Yes.

Daniel Gettel: So we are talking about nineteen lot percolation tests, not eighteen lot plus a residual.

Michael Weeks: Yes, we don't want to create an unbuildable lot.

Glenn Smith: For Lot 180 we had completed a perc there originally.

Daniel Gettel: I mean there is clearly some land available before you hit the wetland.

Glenn Smith: There is.

Daniel Gettel: Are there any questions from the board?

*None*

Daniel Gettel: Michael, you are just seeing it tonight. Do you have any concerns that you would like to put on the record or are you and Glenn going to work closely together?

Michael Weeks: The only question that I have for now is do you have any idea how many lots are served by the existing road that comes in?

Glenn Smith: One. Mountain Laurel Trail, the cul-de-sac pretty much only serves one, which is Lot 180 which is the first on...

Jacqueline Ricianni: How many from...

Michael Weeks: In the old section, just because with the cul-de-sac there are a maximum number of lots that can be served. I am just wondering if we are going to exceed that. That would be another waiver.

Glenn Smith: I will get you that count for you.

Terresa Bakner: What's the number in the code?

Michael Weeks: Fifty.

Daniel Gettel: But that can also be part of that wavier.

Michael Weeks: Yes, but we should know the number.

Daniel Gettel: That is a good point.

Glenn Smith: For a road of six thousand feet and lots of an average of two hundred feet in width you are talking twenty to thirty lots, but I will get you that number. I did not read the clause that gives you the maximum number of lots.

Michael Weeks: I would suggest, whether you do it now or later, that this go to the fire department to get their input before there is a waiver.

Robert Yakin: Well, it is probably two fire departments. The section we are talking about, I believe, resides in White Lake's district, whereas once you get into where you have it shaded in red it would be Smallwood's district. The district line comes down somewhere parallel basically with the dam.

Daniel Gettel: Do you do mutual aid with Smallwood Robert?

Robert Yakin: Yes, absolutely.

Daniel Gettel: When you call Smallwood does White Lake respond also? I don't want to speak for the fire department.

Robert Yakin: Right now we do automatic response with Kauneonga Lake, not Smallwood but if anything happens in here (Chapin Estates) it would be all three.

Glenn Smith: So we would submit to White Lake and Smallwood?

Robert Yakin: You should submit to both.

Daniel Gettel: BJ, will you give him that contact information.

Bette Jean Gettel: Yes, I will.

Glenn Smith: Would that be the Chief or the Commissioners?

Robert Yakin: You should send it to the Commissioners. I would suggest you send it to the Board of Commissioners and they can hand it over to the Chiefs for review.

Daniel Gettel: And it is good that we are not in a rush as they meet once a month I believe.

Robert Yakin: Once a month, yes.

Daniel Gettel: They will both be getting something as part of the EAF anyway so they will be made aware of it. Are there any other questions? I think it is pretty straightforward.

Glenn Smith: One question we didn't discuss would be a wildlife study. Is that something this board would typically look for?

Daniel Gettel: As part of the EAF?

Glenn Smith: That is where it would come up.

Michael Weeks: Did you get a hit on that from the mapper?

Glenn Smith: Not on the mapper. There is a known pair of eagles in the area, a threatened species.

Jacqueline Ricianni: What is indicated on the EAF?

Terresa Bakner: What we would generally do is we would have the Biologist, Jim Bates, also do a letter of everything he has seen on this site. It would be on the record but it wouldn't be a record search, it would actually be based upon his observation of what he has seen out there.

Michael Weeks: That would be a good idea.

Terresa Bakner: We would be happy to do that.

Daniel Gettel: So Glenn you will take care of that and work closely with Michael on that?

Glenn Smith: Yes.

Daniel Gettel: I think we are the most logical one to act as Lead Agent. I don't know who else would do it but it is a subdivision in our town where we are familiar with the history of the property and are the most logical to be Lead Agent. If there are no comments from the board I would entertain a motion that we declare our intent to act as Lead Agent for this application.

***Motion to declare our intent to act as Lead Agency for this application by Steve Simpson, second by David Biren***

***All in favor – 7***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: BJ, you will work with Michael to get a list together of who to notify.

Bette Jean Gettel: Yes.

Daniel Gettel: Thirty days is not going to be an issue, but the sooner the better.

Bette Jean Gettel: No problem.

Daniel Gettel: Is there anything else from the board?

*Nothing*

Daniel Gettel: Glenn, do you anticipate coming back to the board in September or October? I know it is a little hard to anticipate. You let us know as you move along. Terresa are we good?

Terresa Bakner: Yes.

Susan Brown-Otto: When is our next meeting, with Labor Day?

Bette Jean Gettel: I had originally posted it as being September 11<sup>th</sup>.

Susan Brown-Otto: Is that a Jewish holiday?

David Biren: No, it is not. You are good.

Daniel Gettel: The problem then is that September to October becomes a short month.

Bette Jean Gettel: Yes, it would be.

Daniel Gettel: Jacy that would be a 239 concern, the short month of September to October.

Bette Jean Gettel: I will not be here for your September meeting.

Jacqueline Ricianni: Our meeting in October would be on the 2<sup>nd</sup> so...

David Biren: So why don't we do it in October?

Daniel Gettel: We can't dictate his schedule.

Glenn Smith: Don't you have another applicant looking to be at the September meeting?

Daniel Gettel: We have an agenda with someone who is planning on being at the September meeting. You know how it is with the thirty days between meetings. We will work it out.

Jacqueline Ricianni: We may have to ask the County to expedite...

Daniel Gettel: If it comes to that. Just work closely with Michael. Michael, thanks for coming out. It has been a while.

Daniel Gettel: BJ, I don't know that we need to have it on the record, but we will. Have you heard anything about training? It is that time of year when we talk about training and continuing education.

Bette Jean Gettel: There are no training classes posted.

Daniel Gettel: The SEQRA class was this Spring so whoever took that would have their hours in so...

Bette Jean Gettel: Correct. I will see who is missing hours and will let you know.

Daniel Gettel: Okay. If there are no other comments do I have a motion to adjourn?

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

*All in favor – 7*

*Opposed - 0*

*Agreed and carried*

Adjourned: 7:56 pm

Respectfully Submitted:

*Daniel E Gettel*