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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 September 11, 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, Michael Cassaro, Susan Brown Otto, David Biren, David Slater, Planning Board Members, Jacqueline Ricianni, Attorney, Jannetta MacArthur, Recording Secretary, and Vicky Vassmer-Simpson, Liaison.

Excused: Bette Jean Gettel, Code Enforcement Officer

Absent Wilfred Hughson, and Robert Yakin

The Board has a quorum

Pledge to the flag.

Motion to approve the minutes from the August 7, 2017 Planning Board meeting by Steve Simpson, second by Susan Brown Otto

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: We have a very light agenda tonight. We have a license renewal for Yasguar Road Reunion and we have a negative subdivision, is that what you would call it Jacy? If anyone would like an agenda, there are some in the rear of the room.

- 1) Application for a License Renewal with a Site Plan review to operate a transient campground with an occasional commercial outdoor recreation facility August 9, 2018 through August 12, 2018 located on Yasgur Road, known as Bethel Tax Map #: 25-1-14.1 & 15, proposed by Jeryl Abramson Howard (Howard).***

Daniel Gettel: The dates, Zach (Howard), are August 16th through the August 19, 2018. It is actually one week later than shown on the agenda. I met with Zach this afternoon and we revised the management plan. If anyone has a copy of the management plan that doesn't say reunion on it, that is the wrong plan. We do have an owner's proxy for Zach to speak on behalf of Jeryl. Even though he is an interested party we thought that would be a good way to go.

Daniel Gettel: *Reading from the code.* Section 120-3(D) of our code discusses the renewal of licenses.

Renewal of licenses

1. Any person to whom a license had been issued pursuant to this § 120-3 may seek renewal of that license in a subsequent calendar year provided that:

- a. An application is filed with the Code Enforcement Officer seeking a renewal of the license in question.*
- b. The application fee is paid; and*
- c. The application relies upon a previously approved site plan with no substantial changes proposed.*

Daniel Gettel: Zach, you had this event last year and I know this is the same Site Plan that was used. The Management Plan was revised with the change of the dates. I don't know about anyone here, but I did not hear a lot of complaints about this project. Some people, of course, heard it was going on but didn't complain about the noise. People should have at least known that something is going on, they heard something. Jacy, I don't believe the town got any real complaints about this event.

Jacqueline Ricciani: Nothing that I am aware of.

Daniel Gettel: Zack, is there anything you want to add before I go through the procedure? I think we all pretty much after all these years know how the project goes. Section 120-3 of our code, paragraph D-2 reads as follows:

Evaluation by Planning Board

a. The Planning Board may renew a license if, in its sole discretion, it determines that:

- 1. The applicant conducted the use in accordance with the terms of the license, the approved site plan and the applicable requirements of this chapter*
- 2. The approved site plan was and will continue to be satisfactory in addressing its statutory purposes as delineated at the Town Code Section 345-31B*
- 3. The transient campground or RV park is not a potential source of danger to the*

general public health and safety or the health and safety of the occupants of the campground or RV park; and

4. *The application for a license renewal does not contain any substantially new elements that compel a new site plan or the substantial amendment of the previously approved site plan.*

Daniel Gettel: Jacy, we had discussed this before the meeting. There is a slight change. Some of the porta-johns are not going to be in the same place as last year because there were a lot of ruts and site disturbance.

Jacqueline Ricciani: No, those are vendors. Those vendors are being eliminated. When you enter and you turn right those vendors are being eliminated, but the others are remaining.

Daniel Gettel: But they are not significant changes to the site plan.

Jacqueline Ricciani: No it is a change.

Daniel Gettel: I spoke to the County. If the application is a renewal of a license for something that has happened in previous years we don't have to do a 239. So the 239 is out. We do have a Short Environmental Assessment Form, which is something that I typically read into the record. Part 1 has been on record with the Town for quite awhile, so I won't read Part 1. Parts 2 and 3 are the sections we must review. I will read them into the record now.

Reading Part 2

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

No, this is a permitted yearly event which has been held for a number of years.

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

No, not long term as this event takes place over a long weekend.

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

No, this is permitted, a short term use.

- 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 not a long term use.

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, there is no impact.

7). *Will the proposed action impact existing:*

a). *Public/private water supplies?*

No, there is potable water for drinking.

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

No, porta-johns are used for utilities.

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 shall be no impact.

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

No, there shall be no site disturbances made as part of this application. Again, we have to take into account that this event is to take place over a long weekend.

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 in our review of Part 2 result in the response of either a moderate or large impact so we do not have to complete a Part 3 of the EAF.

Daniel Gettel: Are there any questions from the board as far as the environmental goes?

David Biren: How many hours will you be operating?

Zach Howard: Sixty hours for the camping. Our hours will be between Friday and Sunday. We will be advertising that we are opening Thursday at 8 pm, and the camping would go until Sunday at 8 am. So, it is still within the 60 hours.

Daniel Gettel: I always thought the people left on Monday morning, but they leave Sunday morning.

Zach Howard: Between Sunday morning and Sunday afternoon.

Daniel Gettel: The Town Board has always approved the Thursday as part of the noise permit. It is a yearly permit, the noise permit. We know there is a set up time and time for people to get there.

Zach Howard: We are not having performances on Thursday, strictly to open the gates to allow people to come in and set up.

Daniel Gettel: Are there any other environmental issues or questions?

Nothing from the board

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

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: If we are to approve this application this evening they will follow with the same conditions as last year, those on the permit. Zach, I don't know if you are familiar with them as I know your mother signed off on them.

Zach Howard: Yes I am.

Daniel Gettel: I will read them into the record.

- 1. This license shall be valid for a one year concert series with camping to be held on specific dates, August 16 through August 19, 2018.*

2. *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 no later than August 2, 2018 (two weeks prior to the event). The amount of said insurance shall be no less than \$1,000,000, as referenced in the Management Plan.*
3. *The contract information regarding security services, trash disposal and collection, sanitary services, potable water, EMTs and other service providers listed in the Management Plan shall be provided to the Town of Bethel prior to August 2, 2018, (two weeks prior to the event).*
4. *The applicant shall obtain, no later than June 30, 2018, all required Town, County, State and other 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, and the Town of Bethel Town Board. Prior to operating on this site all vendors shall have the proper licenses and/or permits.*
5. *The applicant shall, no later than June 30, 2018, provide the Town of Bethel with copies of, or e-mail links to, all ticket sales literature or sites which shall clearly indicate that paper lanterns, fireworks, glass containers, illegal drugs, and pets shall not be permitted on the site. The applicant is to provide the Town of Bethel with ticket sales information as available prior to the event.*

Daniel Gettel: Zach and I did speak about this past event. The number was around 1,000 people?

Zach Howard: Our ticket sales have shown between 500 and 600 people.

Daniel Gettel: You have day sales, day of the event. You can't track those too far in advance.

6. *The applicant shall otherwise comply with all other requirements previously imposed by the Town of Bethel and the courts.*
7. *The applicant shall, as necessary, act to ensure that traffic movements on NYS Route 17B are not impaired by enacting the traffic control procedures outlined in the Management Plan. The applicant shall also insure that interior roadways within the bounds of the camping area are kept clear of non-essential service vehicles as indicated on past approved site plans for the event.*
8. *The applicant shall permit the Town of Bethel Building Inspector, Code Enforcement Officer, and the Town of Bethel Constables to conduct site inspections to insure the conditions set forth in the Management Plan, the Site Plan, and this license are being honored.*

Daniel Gettel: I don't believe that was an issue in the past.

9. *No open-air music events shall take place within 150 feet of any property line and shall be screened from adjoining dwelling uses.*

Daniel Gettel: In the past we have considered the existing buffer zones are adequate for that.

Any speakers shall face to the east, away from immediately adjoining homes and agricultural buildings and shall be angled down towards the ground. Amplified music shall not be permitted earlier than 10:00 am, nor later than 2:00 am.

Daniel Gettel: This is consistent with the noise permit the Town has issued in the past.

10. *The applicant shall take affirmative steps to mitigate impacts on agricultural uses by:*
 - a. *Ensuring that there is no trespassing onto adjoining properties.*
 - b. *Monitoring the natural 150 foot wide buffer zones along any adjoining farmland to ensure that they are unoccupied by persons, vehicles, or debris of any kind. On-site parking shall be limited to a maximum of 600 vehicles, as the applicant has proven to be adequate.*
 - c. *Prohibiting the use of paper lanterns, fireworks, or creation of other similar noises likely to disturb farm animals and enforcing these restrictions at all times.*
 - d. *Erecting temporary fencing, only as required, to restrict entry to the site from adjoining properties and vice-versa. This shall be completed no later than August 9, 2018 (one week prior to the event).*
11. *The site and surrounding properties shall be fully cleared of all events and camping related debris, equipment and temporary structures (including any stages) no later than August 26, 2018 (one week following the event).*

Daniel Gettel: Are you taking any stages down?

Zach Howard: Until we build the campground, yes.

12. *No temporary structures shall be constructed or installed within the bounds of the buffer zone for the wetland, which may exist, on this property.*
13. *All fees shall be paid to the Town of Bethel prior to the issuance of this license.*
14. *The applicant shall not commence any site preparations for this event until such time as said applicant signs the resolution outlining these conditions, the conditions governing the issuance of the license.*

Daniel Gettel: Are there any comments?

Susan Brown Otto: Were there any paper lanterns?

Daniel Gettel: That was two years ago, I don't know if they reappeared. They are in the conditions. Zach do you have any questions?

Zach Howard: Agencies? I am going to need the noise permit from the Town.

Daniel Gettel: I don't know what you need from the Health Department. That is on you if you need anything from them.

Jacqueline Ricciani: The vendors will.

Zach Howard: I will double check everything.

Daniel Gettel: As you sign contracts with the different people providing security, we will need some information on that, just to show that you are covered.

Jacqueline Ricciani: If you set up anything different as far as website, you need to let us know.

Daniel Gettel: Because you are on an Agricultural land, you can't have any dogs on the property.

Zach Howard: No, it will be the same website. I will be addressing the service animals.

Daniel Gettel: Are there any other questions from the board?

None

Motion to grant this application a license to operate a transient campground with occasional commercial outdoor recreation subject to the previously referenced fourteen conditions by Steve Simpson, second by Michael Cassaro

Roll call vote:

***Michael Cassaro – Yes
David Biren – Yes***

***Susan Brown Otto – Yes
David Slater – Yes***

***Steve Simpson – Yes
Daniel Gettel – Yes***

Motion passed 6-0.

Zach Howard: I don't need anything else from you? What about the resolution?

Jacqueline Ricciani: BJ is out this week, so it will probably be next week when you get the resolution.

2) ***Application for an amendment to a Subdivision Map, Phase II, Misty Acres, subdivision of Lot 10 A&B into two lots to be annexed to Lot 9 A&B and 11 A&B located on Misty Lane, and Creek Lane known as Bethel Tax Map #: 53.-1-58.44, proposed by Jacob & Karen Billig (Garigliano).***

Daniel Gettel: Jacob and Karen Billig own the lot in the middle, so that is why they are proposing....

Jacqueline Ricciani: Right, it is their lot that is being split, and added on to the adjoining lots.

Daniel Gettel: So they are the applicant, but the actual person here to answer all of our questions is...

Nicholas LaHowchic & Steve Cawkaufhold: Nicholas LaHowchic & Steve Cawkaufhold, we are the two adjoining property owners.

Daniel Gettel: So we have the two property owners, the two beneficiaries. I will walk you through the application. Jacy, we discussed this prior to the meeting. It is similar to the application of at the Birches subdivision that we previously reviewed. We are going to consider this an amendment to a previously approved subdivision. With an amendment you feel we have the ability to waive a public hearing. I don't know how the board is going to feel about that, but since it is the elimination of a lot we may want to consider that. We spoke before the meeting that Lot 10A and 10B is to be divided and annexed in each of the adjoining lots, Lots 9A & 9B is going to get a portion and Lots 11A & 11B will get the remaining portion. The application has been reviewed by Sullivan County Real Property Tax Services and they have approved it. No other approvals, which I know of are required. It is pretty straightforward. Are there any questions from the board before I move on? It is similar to the previous application of at the Birches. We have to do the environmental impact. Every decision we make pretty much involves environmental impact, even though this is a negative subdivision, we still have to run through it, so bear with me a minute.

Daniel Gettel: Part 1 has been on file with the Town for several weeks. Part 2 and 3 are the sections we review.

Reading Part 2 into the record.

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

No, this is an elimination of a lot within the bounds of an approved subdivision.

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

No, not negatively.

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

No.

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.

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, no impact.

7. *Will the proposed action impact existing:*

a. *Public/private water supplies?*

No. There will be no new well with this.

b. *Public/private wastewater treatment utilities?*

No. There will be no new sewer with this.

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 shall be no impact.

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

No, the site will not be disturbed as part of the application.

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.

Daniel Gettel: Are there any questions from the board?

None

Daniel Gettel: Are there any questions from the applicant?

None

Motion to grant this application a negative declaration by Susan Brown Otto, second by Steve Simpson

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: Jacy, I believe the motion would be to grant the application approval of the revision to the subdivision map?

Jacqueline Ricciani: Approval to amend.

Daniel Gettel: With the only condition being that the Planning Board Chairman signs the map, and that all fees are paid.

Jacqueline Ricciani: I spoke to Barbara Garigliano who is representing all of the applicants. She assured me once the fees are determined.... I don't think it is going to be an issue.

Daniel Gettel: So the board is aware, the town has gotten its fee. It is not our fee we are discussing.

Jacqueline Ricciani: It's my fee.

Daniel Gettel: I was also asked to sign the subdivision map tonight. I don't have an issue with it as long as Jacy is willing to work it out with the opposing attorney as far as her fees being paid. I will sign them tonight.

Motion to grant this application an approval to amend the subdivision map as proposed by

David Biren, second by David Slater.

Roll call vote:

*Michael Cassaro – Yes
David Biren – Yes*

*Susan Brown Otto – Yes
David Slater – Yes*

*Steve Simpson – Yes
Daniel Gettel – Yes*

Motion passed 6-0.

Daniel Gettel: Susan had a question about 911 addresses. So the board is aware, vacant lots don't typically have 911 addresses.

Jacqueline Ricciani: Not until there are utilities.

Daniel Gettel: Vicky, is there anything from the Town Board?

Vicky Vassmer Simpson: We are introducing a spaying neutering program.

Motion to adjourn by David Slater, second by Steve Simpson.

All in favor – 6

Opposed-0

Agreed and carried

7:55 pm

Respectively submitted,

Jannetta MacArthur

Recording Secretary