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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 Monday November 5, 2018 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, David Biren, Wilfred Hughson, David Slater, Robert Yakin, Alternate, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricianni, Attorney, Vicky Vassmer Simpson, Liaison, Jannetta MacArthur, Recording Secretary, Glenn Smith, Engineer and Jason Pitingaro, Engineer.

Excused: Susan Brown Otto.

Seating: Robert Yakin, Jr., Alternate

Quorum present

Pledge to the flag

Daniel Gettel: Jannetta, please note for the record that we may not have gotten a full recording of last month's meeting, the October meeting. If there are no questions, I would like to entertain a motion to approve the minutes from that meeting at this time.

Motion to approve the minutes from the October 1, 2018 Planning Board meeting by Steve Simpson, second by Robert Yakin

All in favor - 7

Opposed - 0

Agreed and carried

- 1) Public Hearing for a Large Scale Ground Mounted Solar Energy System to be located at 608/636 Old White Lake Turnpike, known as Bethel Tax Map #: 18.-1-25.2 & 26.1, proposed by BQ Energy. (Scott)***

Daniel Gettel: In a moment I will open the meeting up for public comment and will ask the

applicant to make a brief presentation to the audience. There was a sign-in sheet at the back of the room, no one has signed up to speak. If anyone decides, after the presentation, that they would like to comment on the application just please raise your hand. I will ask you to come up to the microphone, state your name for the record and make your comments. Ms. Scott you have a PowerPoint presentation you are presenting?

Alicia Scott: Yes.

Return receipts for certified mailings were received

Motion to open the meeting up for a public hearing by David Biren, second by Michael Cassaro

All in favor - 7

Opposed - 0

Agreed and carried

Alicia Scott: This is Mr. Curran from BQ Energy. He is the project manager at BQ Energy in Wappinger Falls, New York. That is where the main offices are located. The project we are presenting to you is a 2.7 megawatt solar array to be used on the town landfill located at 608 Old White Lake Turnpike. We only build projects on landfills and we have multiple sites in the area. We typically develop them, build them, and own them long term. Most of this we have presented to the board, so I am going to go through this kind of quick. We just completed a project this summer in Beacon, New York which was a 2 megawatt project on their closed landfill. The power from that project is going to the city. We finished that on July 4th. This project (showing presentation) is in Lackawanna, New York. It is 8 megawatts and has been built in multiple stages. This one is in Esopus, New York. This is the first stage of the project and this project sells power to the Town of Esopus. We are currently in the early phase of an expansion for that project for 2 megawatts. This would allow the public to purchase the credits from that project and use them to offset their electric bill. This is in Patterson, New York. They had us build this in two phases. We built the first phase for the city, and they liked it so much they invited us back to build a second phase. That was done in 2014. BQ Energy literally builds the projects that we say we are going to build. We don't propose to build a project unless we have a very high chance of success. We have completed all that we have promised. The projects that we build are on landfills, which make the land underneath them kind of sensitive. We use ballasted racking systems which allows us to not penetrate the ground to anchor the panels to the earth. This means we don't have to do anything to the cap that is covering the garbage on the landfill. We do bury our conduit just a little bit under the ground. It is safer for the people that mow the lawn, so they don't have to worry about hitting anything. It is going to be a 2.7 megawatt solar project. Residents of the Town of Bethel will be able to buy the credits that this project produces at a 12% discount. I believe that is what we put in our proposal. Those credits will offset their electric bill so they will be able to use renewable energies, and their bills should be lower. Just to give the Planning Board some updates since we last saw you, we did hear back from local officials at the airport that they do not consider the project to be a risk for glare. We also heard back from the FAA, they do not consider it to be a risk for the airplanes. We heard

back from the US Fish and Wildlife services. They said there are no endangered species in the area which does agree with the DEC letter we received. And then we received notice from the NYS Historic Preservation Office. I can't remember if it came through before our last meeting or not, but it says there are no items of cultural significance in the area of the project. We have also contacted Crawford and Associates, which is an engineering firm in Hudson, New York to complete an estimate on how much it would cost to decommission this project at the end of the life span, which we estimated to be 35 years. I have copies of that estimate for you.

Daniel Gettel: I have it and BJ has it. Do you want to give to the rest of the board?

Alicia Scott: Yes. Those include the updated draft of the decommissioning plan, which we are proposing to the Town Board, which does satisfy the town code. We did have a meeting with the DEC after our last meeting about the mine remediation. I think you have some of the details, but they did say that after the mine has been reseeded they can come in and close out the permit on the mine, and then they no longer have any jurisdiction over it. There will still be a post closure permit for the landfill section of the project. What we have planned for our next steps would be to work with the town to establish a timeline for the mine remediation, to get a final cost estimate for interconnection from NYSEG, to figure out how much it will cost to plug in this project. We still don't have that number. We will complete the final engineering, then we would get all of the permits, secure project financing, kick off power sales, and then build. We would like to build the project in the summer of 2019. That's it.

Daniel Gettel: Nobody has signed in on the sign-in sheet in the back of the room. If anyone would like to make a comment I am accepting public comment at this time.

No one.

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

All in favor - 7

Opposed - 0

Agreed and carried

Daniel Gettel: Jason, since you are our reviewing engineer and you were at the meeting on October 3rd meeting, your thoughts on that meeting? That was with the DEC, Glenn (Smith) was there representing the Town, you were there representing the Planning Board, Ms. Scott was representing BQ Energy.

Jason Pitingaro: They said they could proceed without closing the mine permit. There is a little bit of work to be done by the town, or whoever is going to be doing that work, to close out the mine. There are stockpiles and other materials that need to be removed, which need to be taken out of the mining area and brought into the town's area. There is material the town has been stock piling there, salt to clear the roads, those things have to be dealt with. Those are the best paths to go down to start the solar project.

Daniel Gettel: What we talked about before the meeting is that is more of a Town Board issue, I mean the Town Board has to be on board with the closure plan. They are stock piling sand there for the winter. I know that they haul it out of the town mine and bring it there. Hopefully, they won't have to use it this winter. I think I would rather have the guys move it on site than have to spread it on the road. It is my understanding that the mine site is approximately 70% vegetated and that they (DEC) would like it to be 85%. There are a lot of bare spots.

Jason Pitingaro: It's not excessive. There are a couple of stock piles that need to be moved. They recommended something we could do with the crusher there, where larger pieces are, so there are a couple of steps the Town has to take, the Town Board, and I think at this point, and speaking with Glenn, there is not going to be any more activity at the mine per se.

Daniel Gettel: I didn't really talk to you about it before the meeting, but your thoughts on landscaping at the site? We kind of left it that a lot of it really isn't visible from Route 55, or even Old White Lake Turnpike. There is going to be some that is visible from the transfer station itself, but I don't think that is a bad thing. I think it shows progress. It's not like you are it in the middle of nowhere and you come across all these solar panels.

Jason Pitingaro: No, I think how we left it that I would take a look while I was there and I don't think we need to have any additional landscaping on the site.

Daniel Gettel: Steve, the number of poles were previously discussed. You are good with them having five poles?

Alicia Scott: The utility will determine how many poles there has to be. We don't really have much say in it.

Steve Simpson: This is a preferred location for a project like this, so that is fine.

Daniel Gettel: The decommissioning plan was given to us at 3pm today. No one has had a chance to really look at it in detail. That is also something that the Town Board should be involved in the review of, not necessarily a joint review, but they should be aware of the plan. Do you agree with that?

Jason Pitingaro: Yes, I think so. Ultimately they are going to be responsible for the approval. That is something the Town Board will need to decide. I will have a chance to look at it this week. I can relay the information to you and the Town Board if you like.

Daniel Gettel: Vicky is our liaison for the Town Board. I don't want to put her on the spot but it will probably be good for BQ Energy and Jason to be at a meeting with the Town Board. They meet every two weeks, on Wednesdays.

Vicky Vassmer Simpson: We have one meeting in November and one meeting in December.

Daniel Gettel: Because of the holiday's they cut back to one meeting a month. I think it is something that the Town Board should get involved in, at least those two portions of it.

Jason Pitingaro: I think they are going to need some guidance on where they are going with those things.

Daniel Gettel: The Town Board has their own attorney so she should be involved. We haven't spoken about the lease lately. Has the lease been resolved or signed? There was a question on the acreage of the lease. You are only going to need a certain amount, not the entire landfill property. Is it 15 acres that you need?

Alissa Scott: What we need is to just lease the footprint of the solar project. As the final engineering happens, a couple feet here or there. Once we have that sort of figured out we will know the final acreage, then the lease happens, when we have the footprint figured out.

Paul Curran: Correct. The Town Board is not able to take any action until the negative declaration is on record. Once they have done that, what we do is we have the right to build the project, the final lease area would be around the actual construction area. That way you can use whatever land... we would make an adjustment at the end of the construction, and the town would make the adjustment.

Daniel Gettel: That is another Town Board issue that should at least be on the table. We did discuss our acting as Lead Agency, but clearly there is a 62 day time frame with that. Typically we ask our applicant to waive that 62 day requirement, since we only meet once a month, and there are clearly other things involved that have to be worked out before we can act on that environmental. We would ask that you waive the 62 day requirement on that.

Alicia Scott: We waive the 62 day requirement.

Daniel Gettel: Does the board have any comments? We have seen the application a number of times and I think it is pretty straight forward. Jason, as far as moving along you guys seem to be chipping down on the list that is out there.

Jason Pitingaro: Yes, I think we made progress on a lot of things. The decommissioning estimate is one of the main things we talked about last time. There was a letter from the Department of Interior in regard to endangered species. I want to make sure you are aware of that. There shouldn't be an issue with bats or anything.

Alicia Scott: That was an intermediate list from the Fish and Wildlife Services before they gave us the notice that there was going to be no impact. That is a list that is generated when you give them an address, and then somebody from Fish and Wildlife looks at it and says there is nothing in the area.

Daniel Gettel: You should continue to work with Jason to chip away at the list and I will talk to Dan Sturm. We will try to set up something to get you together to talk about the decommissioning plan and the mine itself.

Jason Pitingaro: Getting to speak to the Town Board would be the next logical step.

Daniel Gettel: We are known to give conditional approval, but there are just certain conditions when there is another town agency. We should have some direction from them before we start talking for them. We don't want to approve something, and then shove it down the Town Board's throat. Do you have any questions for us? I think we are moving along at a decent pace.

Alicia Scott: When can we expect a negative declaration?

Daniel Gettel: I would speak to the Town Board, and then we can get some kind of direction from them. I am uncomfortable with the other agencies being involved. At least there should be a preliminary discussion with the Town Board.

Vicky Vassmer Simpson: We have a meeting on November 14th.

Jason Pitingaro: We can do that.

Daniel Gettel: I would feel better doing that before we talk about the environmental impacts. Okay. Thank you. We will take a 5 minute break.

2) Application for Subdivision Approval for a four lot subdivision proposed to be located at 546 Pine Grove Road, known as Bethel Tax Map #. 55.C-1-18.2, proposed by Edward K. Richter, Et Al. (Packer)

Daniel Gettel: This is a relatively straight forward four lot subdivision application with the lots ranging from 5 acres to a 30 acre parcels. On this application Glenn is our engineer. Mr. Packer if you would please.

Gary Packer: Glenn issued a letter which was sent to you. There are four lots. The lots are all compliant with zoning regulations. It is a 75.5 acre piece of property. Each of the lots has frontage on the road. They range in size from 25 acres down to 5.5 acres. One of the larger lots has a single family home on it. The land generally slopes in this direction (showing on map) with the exception of the lot with the house on it, which generally slopes away from the road. There is a wetland area behind it. We have one little question about bald eagles. We didn't get a response until today from the New York Natural Heritage Program, but we did get a response.

Daniel Gettel: What was their response?

Daniel Gettel: For the record, the letter reads:

In response to your recent request we reviewed the New York State Natural Heritage Program database with respect to the above project. We have no records of rare or state listed animals or plants, or significant natural communities directly on the subject property. The subject property is in an area surrounding the Mongaup River, including Swinging Bridge and Toronto Reservoirs, where wintering bald eagles have been documented. For information about any permit considerations for your project

contact the Permits staff at the NYSDEC Region 3. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from onsite surveys or other resources may be required to fully assess impacts on biological resources. For information regarding other permits that may be required under state law for regulated areas or activities, e.g. regulated wetlands, please contact the NYS DEC.

Daniel Gettel: There are no disturbances of wetlands so that wouldn't be a concern. Glenn, do you have a copy of the letter?

Glenn Smith: Yes.

Daniel Gettel: I don't expect you to comment tonight, it is kind of wishy washy in my opinion.

Jacqueline Ricciani: The email that was the cover for the letter, the second paragraph it says: they can confirm that they have no records of eagles on this particular piece of property.

Daniel Gettel: Okay, fair enough.

Gary Packer: We found no record of any nests.

Motion to receive and file letter prepared by the New York State Department Conservation dated 11/5/2018 with the attached emails by Steve Simpson, second by David Biren

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: BJ, if you would make that part of the file. I don't see that that will hold you up.

Gary Packer: There were no nests that we found, and no record of any nests.

Daniel Gettel: Glenn that has been addressed in surrounding properties. How do they handle that?

Glenn Smith: The big thing is nests are one thing, and the other thing is roosting trees. Roosting trees are usually over a water body. There are no water bodies on this site. I doubt you have any roosting trees.

Gary Packer: We had one last week down on the Delaware. That was a listed nest.

Daniel Gettel: Our zoning classifies this as a minor subdivision. I did discuss topography with the applicant's representative and Glenn. For minor subdivision our code does require that we review the application first as a sketch plan and in the requirements for sketch plan review it does state that the applicant provide USGS topography. There is a USGS topographic location map on the first sheet of the plans, so we do have the topography. Glenn has also looked at the topography on USGS

and he provided me with those plans. It is relatively a gentle slope. It does slope away from the road. There are a number of wetlands on the property that are shown on the map. Glenn, your thoughts moving the topography onto the site plan. I think it should be put on the plan just to meet the subdivision requirements, but I think USG topography is probably fine. Just add that to the subdivision plan or the utility plan, one or the other, whichever you choose. I don't think we need to get into five or two foot contours or anything more significant with lots this large. You're not building roads, just individual driveways. I don't think it will be an issue.

Gary Packer: When it comes time to build septic systems you might require tighter topography.

Daniel Gettel: What we typically do for a subdivision with large lots like this is we want you to prove to us that it is a buildable subdivision. If you have a person that purchases the property that wants to relocate the house and not specifically build in the footprint you show you would just submit plans to the Building Department as part of the permit application which would include an actual sewer plan for that lot in the new location if the locations change. Glenn, do you have any comments. You have a review letter out there. They have demonstrated they have acceptable perc tests and deep test pits. My opinion is that this is an Unlisted Action and we can accept a Short EAF for this application. Does the board have any comments? Like I said it is relatively straight forward. Our next step in the process if you are satisfied with the submission is to grant it a sketch plan approval and move it to a public hearing. Jacy, do you have any comments? We talked about it before the meeting. It is well done. There is a lot of information here, especially for a sketch plan.

Jacqueline Ricciani: I'm not sure if it is within 500 feet of anything.

Daniel Gettel: No.

Jacqueline Ricciani: So we don't need a 239?

Daniel Gettel: No.

Motion to grant this application a sketch plan approval by David Slater, second by Wilfred Hughson.

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel: Mr. Packer our next meeting would be December 3rd, would you be available for a public hearing on December 3rd?

Gary Packer: Yes

Motion to grant this application a public hearing for December 3rd at 7:30 pm. by Steve Simpson, second by Mike Cassaro.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: You would be required to do the mailings. BJ will provide you with a list. Ten days prior to the meeting we ask that you to mail them out.

Gary Packer: Do I need to advertise in the paper?

Daniel Gettel: BJ takes care of that, you just take care of the mailings. I would say work closely with Glenn. Glenn, you don't need anything else except showing the topography on the site plan, correct?

Glenn Smith: No, that's it.

3) *Application for a Special Use Permit with Site Plan review for a Hotel with Amenities to be located at 338 Chapin Road, known as Tax Map # 55.E-2-16 & 28, proposed by Chatwal Lodge / Chapin Hospitality, LLC. (Smith)*

Daniel Gettel: Mr. Smith presenting. Glenn, I'll take it first. Just so the board is aware I did speak to Jason Pitingaro about being the reviewing engineer for the Planning Board. I don't think Glenn should be the engineer for the Planning Board and the applicant. It is a conflict of interest. We did have a meeting at the site last week. I believe it was Friday. Jason was there, I was there, Dan Sturm was there, Glenn was there and Steve was there. We walked the site more or less to give Jason a better feel of the property. We had already had a field visit in the winter but it was good to get out there to take a look at the site. Steve, there is a question I want to put on the record. Who are the actual applicants? This is one of those projects. Whenever you are involved there seem to be all kinds of people interested in having input on the project. I am comfortable with you, Glenn, and Teressa Backner. I think those are pretty much the people we will be working with for any submissions here. If there is anyone you want to add to that, let us know.

Steve Dubrovsky: It is Chapin Hospitality. That is the owner of the land. Chapin Hospitality would be the applicant for the permits.

Daniel Gettel: Also for the record there has been some talk about there being some construction on the site. There are two permits that are floating around on two of the properties that are involved in this application. One was actually issued to the wrong tax lot number resulting in a wrong street address. We did correct that. There are two permits on this property. I am not going to speak to whether it is proper to have work being done on a property when you are anticipating approval from the Planning Board. Our zoning kind of discourages that. We are talking about a couple of decks and some fireplaces, and some renovation work. I ask that you be careful on how far you take that if you anticipate that we are going to approve the project, and putting work into the property. There shouldn't be work being done when there hasn't been any approval yet. Glenn, if you would please. You were here a number of months ago. I don't believe Jason was on board at that time.

Glenn Smith: We were here in February with a conceptual plan, then in June to update the conceptual plan. The plan we submitted to the board a few weeks ago. This is Chapin Trail

(showing on map). Here are 8 lots that are owned by Chapin that are going to be consolidated into a single property which is about 55 acres on both sides of Chapin Trail. Jacy and BJ said before the meeting that they can't be consolidated into one tax parcel. One will have to be on one side of Chapin Trail, and the other part on Chapin Trail. This is the reservoir down here in blue. This lot here was once Steve's house a while ago. It is a lodge now that is going to be expanded with the restaurant. Essentially, the existing house will be enlarged for the lodge, hotel, check in and restaurant. The existing... the boat barn will be a spa, the car barn is going to be an event building, and the existing guest house is basically staying as a guest house with 4 bedrooms close to the reservoir. What is being proposed are the 17 or 18 new buildings, and the renovation of the 6 or 7 existing buildings on the site. The Gebel House over here will be renovated. Also 4 bedrooms remain in the Gebel House. On the south side of Chapin Trail will be the primary cottages, most of them are one bedroom, maybe some two bedrooms. The presidential cottage will be 4 or 5 bedrooms. I have laid out septic systems for several different septic's around the site. Across the road there is a house on it that was purchased by Chapin that is to be proposed to have a kitchen commissary building. That will be a support building for the kitchen, on the other side of Chapin Trail here. There will be no car traffic in the property. We have a loop proposed all around the site, 20 feet wide, for emergency vehicle access requirements. There will be valet parking, no traffic in here for the staff and guests. There may be a battery type vehicle, or golf carts, to move guests and maintenance staff around. People checking in will come in to the main lodge, through the valet service, and their car will be parked in the parking lot on the other side of the road. There are four wells on the site now. Some (yields) are good, some aren't. We are showing a water works building on the property with storage tanks and pumps. The wells will discharge into the tanks in that building, and then water will be distributed to the site. We are still looking into sprinkler systems.

Daniel Gettel: I want to come back to that.

Glenn Smith: There is a well across the road here that will be tied into the water supply system. A large pool in the middle of the property, with a little fitness building next to the pool. We would like to get permission to build a model, which would be this one bedroom cottage, down here closer to the reservoir which is right next to the existing guest house, and next to the existing pavilion building. It would just be a model, no sewer, no septic, no water, nothing else. That is one thing we are asking for tonight, permission for that one model down here by the reservoir. That is essentially it Mr. Chairman.

Glenn Smith passing out pictures of the model to be built.

Daniel Gettel: Glenn, just so we are all on the same page, when we had the site visit we did talk briefly about sprinklers. That is something that has to be resolved at the Building Department. Whether sprinklers are going to be required in the cottages, we will call them cottages for lack of a better word, is kind of a gray area. I don't want to speak for BJ, but I want to make sure you have an agreement with the Building Department. Jason, if you and Glenn want to talk about it great, but I want to make sure the Building Department is part of that conversation since they will be responsible.

Bette Jean Gettel: Maybe because they are individual dwellings, they may not be required, but I won't know until I speak to the State in the morning.

Daniel Gettel: None of them that we have seen will be over three stories tall.

Bette Jean Gettel: They may say no you don't know, but I won't know until I talk to the State.

Glenn Smith: We have had conflicting reports as well on sprinklers. We want to get it resolved as quickly as possible.

Daniel Gettel: Jacy, one of the things that comes up, and Jason will talk about your comments in a minute. One thing that comes up in Jason's comments is that under item #5 under plan review is that the current proposal doesn't conform to section 345-22C which requires commercial parking to be located within 300 feet of the principal entrance of the establishment. The applicant should comment on the use of parking services, and internal vehicle use, in lieu of compliance with the requirement. I actually like the idea of having them come in and everybody go to one stop and be dropped off and the cars are shuttled away.

Jacqueline Ricciani: And that is one aspect of that section of the code. Another aspect of that section deals with the landscaping that we are all familiar with. Make the parking lot look pretty, putting planting beds, islands, which is also something that....

Daniel Gettel: Jason, in the past we have considered that this section of code was written for a Dunkin' Donuts, where people pull up and it is right in the middle of town. We have the ability to address that, but waive certain sections of that requirement.

Jacqueline Ricciani: It's not so much a waiver, but most of that section is written in terms of Planning Board may, as opposed to Planning Board shall.

Daniel Gettel: It gives us the ability to require it, but for something like this...

Jason Pitingaro: I think what they are proposing works.

Daniel Gettel: The parking attendant will see it, but the people may not see it.

Jacqueline Ricciani: You may want to require, on the exterior around the parking lot, screening. I am assuming this is a pretty wooded area, most of it is. It has a lot of natural screening anyway.

Daniel Gettel: Do you think it is something that we don't really have to address because it is a suggestion in our zoning?

Jacqueline Ricciani: It is not like a suggestion. Thank you Jason for providing the section.

Glenn Smith: Landscape architects are really involved in this project. There will be significant landscaping around these cottages. No one is going to see that except the guests.

Daniel Gettel: I think it is much better to have the cars shuttled away and let the people be dropped off at the hotel.

Jacqueline Ricciani: I am going to assume the board is okay with the number of parking spaces.

Daniel Gettel: That is something that has to be addressed. That is also one of Jason's comments,

justify the number of parking spaces.

Jason Pitingaro: We spoke about the parking, we talked about the landscaping. I agree with the idea of the cars on the other side, and it allows circulation for emergency vehicles. There isn't going to be many cars here. You mentioned 17 or so buildings. I don't think there are going to more than 35 cars there.

Glenn Smith: The large amount of cars will probably be for the restaurant.

Jacqueline Ricciani: What about the staff parking?

Glenn Smith: That is across the street too.

Jason Pitingaro: There were some comments on the EAF.

Daniel Gettel: The EAF was revised per Jason's comments. Glenn, did you re-date the EAF?

Glenn Smith: Yes.

Motion to receive, file and accept the revised Part #1 of the Long EAF by Mike Cassaro, second by Steve Simpson.

All in favor – 7

Opposed - 0

Agreed and carried

Jason: I think the concept is pretty much solidified with what is going on there. Conceptually, the water system looks pretty good. There are a number of wells, some have decent productions. Sewage disposal systems seem pretty well developed. I think we will be fine with those.

Daniel Gettel: Who reviews sewer plans? Is the DEC involved in that?

Glenn Smith: We are going to need a SPEDES permit from the DEC. Some of the systems are over 1000 gallons per day.

Daniel Gettel: They are no longer cumulative?

Glenn Smith: No, it is individual. Since the flow is less than 10,000 gpd the DOH has to be involved as well with the water system. They may or may not have to approve the septic. I'm not sure.

Daniel Gettel: So we have the DOH and the DEC involved in this.

Jason Pitingaro: There was some discussion on zoning, a new code that allows them to modify the spa building.

Daniel Gettel: The spa building, Steve was that the stable? It doesn't conform now to zoning, but it

did when it was built. If you expand it, it may be in the side yard. That is something that has to be addressed. There is a section in code that addresses an average setback.

Jason Pitingaro: If you applied that section it would probably be conforming.

Daniel Gettel: It is something we have to work out. I know they are pretty set on how they want to add to it. It may involve the Zoning Board, I don't know. It depends on how the applicant decides to handle it. Glenn, we would be more than happy to address that section in detail with the Building Department. I don't know off the top of my head about that.

Jason Pitingaro: I think the general location of the buildings is pretty much set. If they are looking to go ahead with that model, I don't see much of an issue as far as the site plan goes.

Daniel Gettel: So the board is aware, the cottages are considered accessory to the hotel use. We do have the ability to waive the section of code for accessory buildings, to be no less than 10 feet off a property line. In this case there is no buildable property to the south. It is Toronto Reservoir. It gives it a unique reason. Nobody can actually build in that area anyway. It kind of gives us the ability to reduce that setback to 10 feet which is what they are suggesting. I do like the idea that they physically went to site and actually sited the units in the best location as opposed to trying to lay everything out just to conform to zoning. That kind of tied everybody's hands with the zoning of hotels. That is one reason the Town Board gave us the waiver ability on that. That affected not only this project, but the other hotel we have pending before us, which has not gone away. We just haven't heard from them for some reason. The sites, the units are in the best location. I don't know how the board feels about model home. It is a marketing thing. Every project like this we have had, they ask if they can build a model. This is not unique to this application. If we were to consider allowing them to construct a model, if they provide us with a plan, of course they would need a building permit, resolve sprinklers, all of that from other agencies. You are taking the risk that you are building a model with the chance that we may not approve the application. So, you are building at your own risk. We also require that you can't put utility connections to the building until the project is approved. If we do not approve the project, it won't get utility connections.

Glenn Smith: Understood. Can we run electric to it?

Daniel Gettel: Water and sewer is what we usually say no to. Electric is more of a convenience thing, so yes you can do electric. Jason, I assume you are okay with that?

Jason Pitingaro: Yes.

Daniel Gettel: You are also assuming that we are going to waive the setback requirements as we discussed, because it is 10 feet off the property line. You are taking that risk also. We are not going to entertain waiving that requirement tonight because it isn't on the table, but those are the risks.

Jason Pitingaro: What type of foundation are there going to be for those buildings?

Glenn Smith: For the model?

Jason Pitingaro: Yes.

Glenn Smith: Slab on grade, possible crawl spaces. The model will be on a slab.

Daniel Gettel: You are aware of the risks, the ones that I mentioned. If you guys are willing to take the risks, BJ, and they submit a building plan that you and Greg are okay with, I don't think the board has any issue with you issuing them a building permit for a model with the condition on the permit being that it will have no utility connections.

Jacqueline Ricciani: Glenn, across the street where you had the parking lots, there is also a residence there. Any plans with that? It is not currently occupied.

Glenn Smith: Chapin is in contract to buy that residence. It may be staff. It is not going to be lodging, etc.

Daniel Gettel: Jason, you have Part 1 of the long EAF which you think is acceptable. Glenn, if we did do Lead Agency, we will start having the mailings go out. The pace this is taking has been dictated by a number of different people. We are not going to meet your approval in 62 days. I hope you are not expecting us to. If we are going to do Lead Agency tonight, if it is okay with the board, we are going to need more information to further review it.

Glenn Smith: Do you want me to distribute the notices for Lead Agency?

Daniel Gettel: Yes, you have done it before. You, BJ and Jason can work together on that.

Jacqueline Ricciani: Glenn is not the Town Engineer for this project.

David Biren: Do you have a lighting plan for walkways?

Glenn Smith: Yes, roadway, walkways, actually NYSEG is going to do lighting on the Chapin Trail also.

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

All in favor - 7

Opposed - 0

Agreed and carried

Daniel Gettel: Glenn, please keep working with Jason as things progress, and keep the Building Department in the loop. I know there is a more detailed plan on file.

4) Administrative – Discussion and recommendation to the Town of Bethel Town Board on Local Law #3 of 2018, Group Homes.

Daniel Gettel: I did sit in on the tail end of the discussion about group homes. Vicky, I think you were in the group that got the zoning together, the proposal on group homes?

Vicky Vassmer Simpson: Yes. Group homes are existing and were built before the zoning.

Daniel Gettel: It is defined but not permitted. We spoke about it before, as far as the Planning Board goes, the Planning Board would consider it a Special Use Permit, which gives us quite a bit of authority on reviewing the application. It is more than just a Site Plan approval. The group homes will be considered Commercial uses also, allowing us to perhaps increase the setbacks, add more landscaping, to be site specific. I think everyone had a chance to look at it.

Motion to recommend to the Town Board that they approve Local Law #3 of 2018 as written by Mike Cassaro, second by Robert Yakin Jr.

All in favor - 7

Opposed - 0

Agreed and carried

Vicky Vassmer Simpson: We won't have a meeting until November 14th. Hopefully we will have BQ Energy on the agenda. I will be talking to Dan (Sturm) about it.

Motion to adjourn by David Slater, second by Wilfred Hughson.

All in favor – 7

Opposed – 0

Agreed and carried

8:30 pm

Respectively submitted,

Gannelta MacArthur

Recording Secretary