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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 December 3, 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, Susan Brown Otto, David Biren, Wilfred Hughson, David Slater, Robert Yakin, Alternate, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricciani, Attorney, Jannetta MacArthur, Recording Secretary, Vicky Vassmer-Simpson, Liaison, Glenn Smith, Engineer, and Jason Pitingaro, Engineer.

Pledge to the flag.

Michael Cassaro – excused

Daniel Gettel: Let the record show that we will be seating Robert Yakin on the board as a replacement of Michael.

Motion to approve minutes from November 5, 2018 by Steve Simpson, second by Wilfred Hughson.

All in favor - 7

Opposed - 0

Agreed and carried

Daniel Gettel: Ladies and Gentleman, tonight we have a public hearing. For a four lot subdivision on 546 Pine Grove Road. In a minute I will open the meeting up for public comment. I will ask the applicant's representative to make a brief presentation to the audience. If anyone decides they want to make a comment after the presentation just raise your hand and I will call you up to the microphone in the front of the room, ask you to give your name for the record and make your comment.

1) Public Hearing 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)

Return receipts for mailings were received.

Motion to open meeting for a public hearing for the Richter Subdivision by Steve Simpson, second by David Slater.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Mr. Packer, if you would please.

Gary Packer: As you said there are four lots. The largest lot is 25 acres, that 25 acre lot has an existing well on it. The smallest lot is 5.53 acres. That has the least amount of road frontage. It is still 289 feet wide, and is in compliant with your ordinance. I misspoke. The largest lot is 30 acres. The house lot is 25 acres. And the 4th lot is 15.01 acres. There was a little bit of DEC wetland, some just off site. That is on the map. One has a corner of it, part of lot #3, and the other has a little corner catching the north east corner of lot #1. I am pretty familiar with the wetlands in that area because we just finished locating 3,000 wetland delineation points on the adjoining property. It has all been tested for onsite septic. We presented the reports to you at the last meeting. Glenn had reviewed it. I didn't see where you had found any difficulties?

Glenn Smith: No.

Gary Packer: Any questions?

Daniel Gettel: We saw this application last time. All the sewers are private, private wells, perc tests were all within acceptable ranges, deep test pits also acceptable. It is pretty straight forward. You added topography to the maps since we saw it I believe? Is there topography on the map now?

Gary Packer: No.

Daniel Gettel: It is on the location map. Since this is a subdivision, I have to run through the Part 2 of the Environmental Assessment Form before receiving public comment. Part 1 of the Environmental Assessment Form has been on file with the Town for quite a while, so I won't run through Part 1. Part 2 of the Short Environmental Assessment Form for this Unlisted Actions reads:

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

No. The proposed lots meet or exceed the minimum requirements established by

zoning.

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

Small to Moderate. Glenn, I hate this question. Any time you alter land it's a change.

One lot is being subdivided into four lots, so there would be a slight increase in the intensity of use. Any action would result in a change.

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

No. This is a lot being subdivided into lots consistent in size with lots in the area.

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. The increase in lots is not anticipated to result in an adverse change in the level of traffic or have a negative 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 reasonably available energy conservation or renewable energy opportunities?*

No. All new buildings constructed must meet today's energy code.

7. *Will the proposed action impact existing:*

- a. *public / private water supplies?*

No. The proposed uses are not anticipated to place a high demand on water from the private wells to be drilled. Public water is not available in the area.

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

No. Private sewage disposal systems would be sized to accommodate the single-family homes. Pubic wastewater collection is not available in the area.

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

No. The site contains no historic resources.

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

No. There shall be no disturbance of any of the wetlands on the parcel.

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

Small to Moderate. There may be slight increase in erosion during construction, which would stabilize after completion.

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

No. There are no anticipated environmental or hazards to human health.

Daniel Gettel: That is Part 2 of the EAF. Nothing stands out to be a large to moderate impact. We will vote on it after we receive public comment. Does anyone from the audience have any comment on the application?

No one from the public chose to speak.

Daniel Gettel: Glenn did you have any comments you wanted to make during the public hearing?

Glenn Smith: Nothing additional. I spoke at the last meeting. It meets all the percolation requirements, and the land subdivision seems fine.

Motion to close public hearing and go back to our regular meeting by Susan Brown Otto, second by Robert Yakin.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Does the board have any questions? I think the application it is pretty straightforward.

No one

Daniel Gettel: Mr. Packer gave us a nice plan (addressing the applicant, Mr. Richter). I want to add that. In the Public Hearing we reviewed Part 2 of the Environmental Assessment form. Under Part 3, after reviewing Part 2, I would think we would check the box stating that the proposed action will

not result in significant adverse environmental impacts.

Motion to grant this application a negative declaration under SEQRA by Steven Simpson, second by David Biren.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: The plan was previously granted a sketch plan approval. Our next step would be to grant it a final approval for a minor subdivision.

Motion to grant this application a final subdivision approval with the only condition being that all fees being paid, including Parkland fees by David Slater, second by Wilfred Hughson.

Roll Call vote:

Robert Yakin – Yes

Susan Brown Otto – Yes

Steve Simpson – Yes

David Biren – Yes

Wilfred Hughson – Yes

David Slater – Yes

Daniel Gettel - Yes

Motion passed 7-0

Daniel Gettel: If you give me the mylars, I will sign them in the morning. I don't have the stamp with me tonight. You can give BJ a call in the morning to pick them up. Good luck.

Gary Packer: Thank you very much everybody.

Daniel Gettel: Have a good holiday.

- 2) Special Use and Site Plan review 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)***

Paul Curran filling in for Alicia Scott.

Daniel Gettel: Jason, there has been some discussion regarding the reclamation plan. The Town is required to do it, and it looks like the Town is going to do it. At least the Town is taking the lead on that. I'm sure Glenn will be involved, since he is the engineer for the Town Board.

Jason Pitingaro: Yes, he was at the meeting with the DEC. They have to go to a Town Board meeting.

Daniel Gettel: There are some minor things that are pending out there. The decommissioning plan is another thing the Town Board is involved in. There has been some back and forth with the amounts. I think we are at the point where the applicant is waiting for us to act on the Long Environmental Assessment Form so they can move forward with other agencies. We did discuss that. I don't have an issue with that as I talked with the Town Board about the mine itself and the reclamation.

Jason Pitingaro: The Town Board has agreed to handle the mine reclamation closure. There are a few minor things on the plan itself, not major stuff, and the value of the decommissioning bond.

Daniel Gettel: I think we are looking now to act on the Environmental. I don't know if anyone has any questions for Jason or the applicant. Did you have anything you wanted to say, or do you want me to just run through, Part 2? Part 1 has been in the office for quite some time.

Jason Pitingaro: You can just run through Part 2.

Daniel Gettel: Part 2 Reading through the EAF

1. Impact on Land - Proposed action may involve construction on, or physical alteration of the land surface of the proposed site.

Yes – There will be construction on the land surface of the proposed site.

Jason Pitingaro: On any project this will probably have some at the least.

Daniel Gettel: I did run through the individual items here.

a. The proposed action may involve construction on land where depth to water table is less than 3 feet.

No. The vast majority of construction is to take place on the ground surface, well above the depth of ground water.

b. The proposed action may involve construction on slopes of 15% or greater.

No. There will be no construction on slopes 15% or greater.

c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.

No. Construction shall not take place where bedrock is exposed or within

5 feet of the ground surface.

- d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.*

No. There shall be no removal or excavation of materials from the site as part of the installation of the solar panels.

- e. The proposed action may involve construction that continues for more than one year or in multiple phases.*

No. Construction is not anticipated to take more than one year.

- f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).*

No. The site will not be disturbed, nor shall any vegetative materials be removed as part of the installation of the solar panels.

- g. The proposed action is, or may be, located within a Coastal Erosion hazard area.*

No. The site is not located within a coastal erosion hazard area.

- h. Other impacts.*

No. There are none.

2. Impact on Geological Features - The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).

No. There are none.

3. Impacts on Surface Water - The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes).

No. There are none.

4. Impact on groundwater - The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

No. The proposed use will not result in an increase in use of ground water, nor be anticipated to have a potential for introducing contaminants into the ground water.

5. Impact on Flooding - The proposed action may result in development on lands subject to flooding.

No. The site is not subject to flooding.

6. Impacts on Air - The proposed action may include a state regulated air emission source.

No. The action does not include a regulated emission source.

7. Impact on Plants and Animals - The proposed action may result in a loss of flora or fauna.

No. The installation of the solar panels will be on the ground surface, with a minimal site disturbance, and is not anticipated to result in a long-term loss of flora or fauna. It should be noted that a portion of this site is to be reclaimed prior to the installation of the solar panels, under a separate agreement, with the Town and the New York State DEC, for an area previously operated by the Town of Bethel as an approved sand mine.

Jason, should we note that the site has to be reclaimed?

Jason Pitingaro: We talked about it with the applicant prior to the meeting.

Daniel Gettel: I added, to this section, that this reclamation shall take place under the supervision of the NYS DEC prior to the issuance of any permits to begin the installation of the solar panels.

8. Impact on Agricultural Resources - The proposed action may impact agricultural resources.

No. The project will not impact any agricultural resources.

9. Impact on Aesthetic Resources - the land use of the proposed action is obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

No. The use is permitted in the zoning district in which it is proposed and there are no scenic or aesthetic resources.

10. Impact on Historic and Archeological Resources - The proposed action may occur in or adjacent to a historic or archaeological resource.

No. There are no historic or archeological resources on the site.

11. Impact on Open Space and Recreation - The proposed action may result in a

loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

No. There shall be no impact on open space or recreation.

12. Impact on Critical Environmental Areas – The proposed action may be located within or adjacent to a critical environmental area (CEA).

No. There are none in the Town of Bethel.

13. Impact on Transportation - The proposed action may result in a change to existing transportation systems.

No. The action will not impact traffic or transportation systems.

14. Impact on Energy - The proposed action may cause an increase in the use of any form of energy.

No. There will not be an increase in the use of any form of energy as part of this project.

15. Impact on Noise, Odor, and Light - The proposed action may result in an increase in noise, odors, or outdoor lighting.

No. There shall be no noticeable increase in noise, odor or lighting.

Daniel Gettel: Mr. Curran I believe the only lighting on the property is for security reasons, is that correct?

Paul Curran: Correct. Perhaps only at the entrance.

16. Impact on Human Health - The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.

No. There are no known sources of contamination associated with the project.

17. Consistency with Community Plans - The proposed action is not consistent with adopted land use plans.

No. The use is permitted in the zoning district in which it is proposed.

18. Consistency with Community Character - The proposed project is inconsistent with the existing community character.

No. The use is consistent with uses favored by the Town of Bethel.

Daniel Gettel: Are there any comments from the board?

None

That concludes Part 2 of the Environmental Assessment Form. Jason, what I typically do on Part 3, even though we didn't find anything significant, I do list Item #1 on there, that yes if there is any kind of disturbance on the site, it would have an impact, and Item #7 on plants and animals, I put the statement in there that the panels are mounted on the surface, but there is a reclamation plan in place, noted in our review. I have that marked on Part #3. It is an Unlisted Action. We have reviewed Part 1 and Part 2 and we would be acting on Part #3. If there is no comment from the board, based on our review of Part 2, I would suggest we check the box stating this project will result in no significant adverse impact on the environment, and therefore an environmental impact statement need not be prepared. Accordingly this negative declaration is issued. Jason, would you agree with that?

Jason Pitingaro: Yes.

Motion to grant the application a negative declaration by Steve Simpson, second by David Biren.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: BJ, I will give you Parts 2 & 3. Mr. Curran I guess this gives you the opportunity to move onto other agencies and do your other work. We will probably see you again soon.

Paul Curran: We do have to work with the DEC and the Town on the reclamation piece. We can begin with the DEC on the landfill section of this, and we need to go to the IDA.

Daniel Gettel: I guess we will see you in a couple of months then.

3) Administrative:

Daniel Gettel: We have the option of going into executive session. In the past we haven't done it, and Jacy I don't think we are going to do it this time.

a) Consideration of reappointment of Planning Board member David Biren.

Motion to reappoint David Biren for another seven year term by Susan Brown Otto, second by Robert Yakin Jr.

Roll call vote:

| | | |
|-------------------------------------|-------------------------------------|-----------------------------------|
| <i>Robert Yakin – Yes</i> | <i>Susan Brown Otto- Yes</i> | <i>Steve Simpson – Yes</i> |
| <i>Wilfred Hughson – Yes</i> | <i>David Slater – Yes</i> | <i>Daniel Gettel – Yes</i> |
| <i>David Biren – Abstain</i> | | |
| <i>Motion passed 6-0</i> | | |

b) Consideration and appointment of Vice Planning Board Chairman

c) Consideration and appointment of Planning Board Chairman

Daniel Gettel: The board has indicated that they will act on these two together.

Motion to reappoint Daniel Gettel as Planning Board Chairman and Steven Simpson as Vice Planning Board Chairman for 2019.

Roll call vote:

| | | |
|-----------------------------------|-------------------------------------|-----------------------------------|
| <i>Robert Yakin – Yes</i> | <i>Susan Brown Otto- Yes</i> | <i>Steve Simpson – Yes</i> |
| <i>David Biren – Yes</i> | <i>Wilfred Hughson – Yes</i> | <i>David Slater – Yes</i> |
| <i>Daniel Gettel – Yes</i> | | |
| <i>Motions Passed 6-0</i> | | |

It should be noted that Steve Simpson abstained from the vote on Vice Chairman and that Daniel Gettel abstained from the vote on Chairman.

d) Discussion and establishment of 2019 Planning Board meeting schedule

Daniel Gettel: We also have to set next year's schedule. January, February, March, April, May, June, are usually pretty easy. July 1st is on a Monday and July 4th is on a Thursday so we aren't going to have that conflict. I will run through the dates.

| | | |
|-----------------|------------------|---------------|
| January 7, 2019 | February 4, 2019 | March 4, 2019 |
| April 1, 2019 | May 6, 2019 | June 3, 2019 |
| July 1, 2019 | August 5, 2019 | |

September 9, 2019. Labor Day is on the 2nd, so we will move our meeting to the 9th.

October 7, 2019. It doesn't seem to conflict with Yom Kipper, and if we move it back a week we are conflicting with Columbus Day, so we will keep it the 7th.

Daniel Gettel: There was a little issue in Town with us having a meeting on November 4th this year as the Town voted in this room the following day. If we kick our meeting back a week we will be on Veterans Day, and if we kick it back another week we are on the Zoning Board schedule. I would rather keep it on that Monday. I would suggest, if it becomes a problem, that we have the Planning Board meeting in the little room next door. We will just have to plan ahead. Election Day is on November 5th, so they have to prepare the room. I don't have a problem moving next door, it simply depends on the size of our agenda. We can always change the date next year if we have to it, if it becomes an issue. I would suggest this time we leave it on November 4th.

December 2, 2018.

BJ, do you need a motion to approve that schedule?

Bette Jean Gettel: If everyone is comfortable with it, we will just publish it.

Daniel Gettel: The only change is moving the September meeting to avoid Labor Day, pushing it back a week next year. That is the only meeting that won't be on the first Monday.

Susan Brown Otto: So when is it the 9th of September?

Daniel Gettel: Yes. BJ, would you please send that to the Town?

Bette Jean Gettel: Yes I will.

Motion to adjourn by David Slater, second Wilfred Hughson

All in favor – 7

Opposed - 0

Agreed and carried

Motion passed 7-0

7:59 pm

Respectively submitted,

Gannetta MacArthur

Recording Secretary.