

The August 22, 2018 Town of Bethel Town Board meeting was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Dr. Duggan Community Center meeting room.

Council members present: Vicky Simpson  
Lillian Hendrickson  
Bernie Cohen  
Dawn Ryder  
Attorney for the Town: Karren Mannino

The meeting was opened with the pledge of Allegiance.

### **2018 Workday Resolution**

Be it Resolved, that the Town of Bethel hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Tax Collector (6)  
Town Clerk (6)  
Councilman (6)  
Building Inspector (6)  
Recreation Director (6)  
Board of Assessment (6)  
Town Justice (6)  
Town Supervisor (6)  
Highway Superintendent (8)

Note: The Town of Bethel Town Board is not certifying the contents of the 2018 Standard Workday Resolution .

Motion by Mrs. Hendrickson to set six a (6) hour workday for all officials and an eight (8) hour workday for the Highway Superintendent and to adopt the Standard Workday Resolution. Seconded by Mrs. Ryder, put to a vote and carried 5-0.

### **Town of Bethel Dog Park is Here**

Mr. Sturm stated that the Town of Bethel Dog Park was a collaborative community effort of both State, County Grants, BLDC, agility equipment for dogs, Highway Department, and Dog Park Committee and volunteers. The Dog Park officially opens September 1, 2018 and will be open to the general public/everyone.

Motion by Mr. Cohen to receive and file the official opening of the Town of Bethel Dog Park press release. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

### **M-239 Response from Sullivan County Planning**

Response from Sullivan County Division of Planning, Community Development & Real Property dated 08/16/2018 from Freda C. Eisenberg, AICP, Commissioner. Review was conducted in accordance with GML 239-I, -m&-n; BET18-02: Local Law No. 2, Accessory Structures; action – zoning revision.

The Division of Planning has reviewed the proposed local law which grants the Planning Board the authority to waive specific requirements as set forth in the current zoning code regarding accessory structures. We applaud the efforts of the Town of Bethel to streamline their development review practices to make them more efficient, less costly and faster, Because of this, we are issuing an **approval**.

Motion by Mrs. Ryder to receive and file Division of Planning approval of Local Law No. 2 of 2018, Accessory Structures.

Seconded by Mrs. Simpson, put to a vote and carried 5-0.

**Public Hearing – Unsafe Structure #35-5-4 (Central & Route 55)**

Motion by Mrs. Ryder to recess the Town of Bethel regular Town Board meeting at 7:45 p.m. and open the scheduled public hearing at 7:45 p.m.

Seconded by Mrs. Simpson, put to a vote and carried 5-0.

The Bethel Town Clerk, Rita Sheehan read the legal notice as published in the Sullivan Democrat, official paper of notice for the Town of Bethel.

My name is Benjamin Dolan and I am working with the property owner for new fences. Client is working with fence that is there. Orange fencing is secured on foundations. Remove ugly tires.

Mr. Sturm has noticed some improvements.

Mrs. Simpson – Happy to see work getting done, but orange fencing is ugly, maybe black.

Mr. Dolan is getting appraisal done to sell to interested neighbor, could happen.

BJ Gettel, Code Enforcement Officer, we cannot keep coming back every two (2) years.

Mr. Dolan – I am trying to be the best middle man I can. I can have perimeter fencing done by winter.

Mr. Sturm – perimeter fence.

Sheldon Feld - Is there a structure still on that property?

Mr. Dolan – No, adjacent property.

Sheldon Feld – The house next door should be condemned too.

Bill Boland – Are there wells?

Mr. Dolan – Wells staked, capped and secure.

Sheldon Feld – Protruding PVC piping>

Mrs. Simpson – is there standing water.

Mr. Dolan – Yes, not sure why the pond is there? The owner doesn't want to fill it in. May displace somewhere else. I am not an engineer. Not sure where water is coming from.

Motion by Mrs. Simpson to close the public hearing and reopen the regular Town of Bethel Town Board meeting. Seconded by Mr. Cohen, put to a vote and carried 5-0.

Mr. Sturm – I suggest that we table this item until the second meeting in September (09/26/2018) and have additional information regarding the orange fencing, foundations, and PVC piping.

Mrs. Hendrickson – Maybe you can find out about the pond by them.

Motion by Mrs. Hendrickson to recess /table this public hearing regarding Unsafe Structure #35-5-4 (Central & Route 55) until the September 26, 2018 Town of Bethel Town Board meeting. Seconded by Mrs. Simpson, put to a vote and carried 5-0.

**Public Hearing– Local Law #2-2018**

Motion by Mrs. Simpson to recess the Town of Bethel Town Board meeting and open the scheduled public hearing at 8 p.m. regarding the Local Law #2-2018.

Seconded by Mr. Cohen, put to a vote and carried 5-0.

The Bethel Town Clerk, Rita Sheehan read a copy of the public notice as published in Sullivan County Democrat, official paper of notice for the Town of Bethel.

No comments.

Motion by Mrs. Simpson to close the public hearing and reopen the Town of Bethel Town Board meeting. Seconded by Mr. Cohen, put to a vote and carried 5-0.

**Resolution to adopt Local Law #2-2018**

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
TO ENACT LOCAL LAW 2 OF 2018 TO AMEND CERTAIN  
SECTIONS OF CHAPTER 345 OF THE TOWN CODE CAPTIONED  
ZONING BY ADDING SECTION 345.15C(4)(a)**

**WHEREAS**, the Town Board of the Town of Bethel (“Town Board”) heretofore adopted Chapter 345 of the Town Code of the Town of Bethel (the “Town Code”) entitled Zoning; and

**WHEREAS**, it appears to be in the best interest of the Town to amend Chapter 345 of the Town Code by adding a section 345.15C(4)(a) to allow for the Planning Board under certain circumstances to waive or vary the requirements of section 345.(C)(4); and

**WHEREAS**, on July 11, 2018, the Town Board introduced the proposed local law, set a public hearing date and established itself as lead agency for State Environmental Quality Review Act (“SEQRA”) purposes; and

**WHEREAS**, a copy of the proposed local law was forwarded to the Sullivan County Department of Planning and Environmental Management, along with a full statement of the proposed action, for review and recommendations in accordance with New York State Town Law 239-m; and

**WHEREAS**, a copy of the proposed local law was forwarded to the Town of Bethel Planning Board for its review and recommendation in accordance with Town Code 48-2.B; and

**WHEREAS**, the Town, acting as lead agency under SEQRA, has declared a negative declaration for the proposed legislation; and

**WHEREAS**, a public hearing was held on August 22, 2018 at 8:00 p.m. at which public comments on the local law were heard; and

**WHEREAS**, the Town received and reviewed all comments that were submitted, including the recommendations of enactment of the local law by the Town of Bethel Planning Board and the County of Sullivan.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board hereby enacts Local Law 2 of 2018; and be it

**FURTHER RESOLVED**, that the Town Board hereby issues a negative declaration for SEQRA purposes; and

**FURTHER RESOLVED**, a copy of local law as enacted shall be filed with the Department of State; and be it

**FURTHER RESOLVED**, that Local Law 2 of 2018 shall become effective upon filing with the Department of State.

Motion by Town Board member Vicky Simpson  
Seconded by Town Board member Lillian Hendrickson  
and adopted upon a roll call vote as follows:

		<u>AYE</u>	<u>NAY</u>
Bernie Cohen	Voting	x	
Lillian Hendrickson	Voting	x	
Dawn Ryder	Voting	x	
Vicky Simpson	Voting	x	
Daniel Sturm	Voting	x	

Duly adopted by 5 ayes, 0 nays the 22nd day of August, 2018.

Town of Bethel  
Local Law No. 2 of the Year 2018

A local law to amend certain sections of Chapter 345 of the  
Town Code captioned Zoning, by:

Amending 345.15C(4) by adding 345.15C(4)(a)  
In relation to Accessory Structures

***Be it enacted by the Town Board of the Town of Bethel as follows:***

**Article I. Amendment of Town Code Chapter 345**

**Section 1.1.** Section 345-15(C)(4) of the Existing Zoning Code is hereby amended by adding the following text:

345-15(C)(4)(a) Authority of the Planning Board. The Planning Board, in its sole discretion, may, upon the request of the applicant, waive or vary the requirements set forth in 345-15(C)( 4) where it finds that such waiver, if granted, would be consistent with the purposes of this chapter, is necessary to avoid undue hardship on the applicant, will not be detrimental to the health, safety, general welfare or environment, including the visual and scenic characteristics of the area, and where strict application of 345-15(c)(4) is impractical because of unique circumstances.

**Article II. Miscellaneous Provisions.**

**Section 1.1 RATIFICATION, READOPTION AND CONFIRMATION**

Except as specifically modified by the amendments contained herein, the Code of the Town of Bethel as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 1.2 INCLUSION IN CODE**

It is the intention of the Bethel Town Board and it is hereby enacted that the provisions of this local law shall be included in the Code of the Town of Bethel; that the sections and subsections of this local law may be renumbered or re lettered to accomplish such intention; and that the word "local law" shall be changed to "chapter," "section" or other appropriate word, as required for codification.

**Section 1.3 RENUMBERING**

The location and numerical designation of this local law and the sections included herein shall be delegated to the discretion of the codifier, General Code, which may renumber

or re letter this local law and sections as are necessary to accommodate these amendments.

#### **Section 1.4 CODIFIER'S CHANGES**

This local law shall be included in the Code of the Town of Bethel. The codifier shall make no substantive changes to this local law, but may renumber, rearrange and edit it without first submitting it to the Bethel Town Board. Any such rearranging, renumbering and editing shall not affect the validity of this local law or the provisions of the Code affected thereby.

#### **Section 1.5 SEVERABILITY**

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

#### **Section 1.6 EFFECTIVE DATE**

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

#### **Correspondence Kauneonga Lake Fire District – parking concerns**

Motion by Mrs. Hendrickson to receive and file correspondence from the Kauneonga Lake Fire District dated 08/20/2018 regarding parking concerns.

Frank DiCostanzo – Vice Chairperson, KLF District.

1. Concerns are Senior Housing, a serious fire and a year later nothing has happened to the building.
2. No way a fire truck can turn around safely at the Senior Housing, nothing has happened.
3. Kauneonga Lake parting - People are coming here supporting businesses. Next to Fat Lady access to lake for fire tanker to fill up. Sometimes people are parked in the fire lane. This needs to be kept open.
4. Block Party – at the end there was a working structure fire.
5. People double park, parking over the white line. Firefighters need to be able to get to the fire.

B J Gettel – Senior Housing are eight (8) apartments. Damaged walls are done, sheet rocked, painted, insulated, smoke detectors installed. I am hoping to have everything done by the end of September, 2018.

Mrs. Simpson - Regarding the turn around, we are putting together a plan with the owners. Town is not going to pay for it. They have an intention of making a turn around.

Frank – emergencies have no time line.

Karen Mannino - Could put pressure by contacting the owner.

Frank – We do not feel it is our position to have to contact the owner.

Mrs. Simpson – Regarding – Parking in Kauneonga Lake. Constables are patrolling the fire lane and the fire lane is marked.

Frank – Can we strip the road? Mrs. Simpson – You can contact the County of Sullivan. Frank – Board of Commissioners are asking the Town Board to contact the County of Sullivan. Mrs. Simpson - A letter from the Board of Commissioners would help too.

**Public Comment**

Judith Maidenbaum - The no parking signs are not facing the right way. Also, the signs need to be bigger.

**Adjournment**

There being no further items on the agenda, motion by Mrs. Simpson to adjourn the August 22, 2018 Town of Bethel Town Board meeting.

Seconded by Mrs. Hendrickson, put to a vote and carried 5-0.

Respectfully submitted,

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Rita J. Sheehan, Town Clerk