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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 Special Meeting on April 15, 2019 at 6:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. On the agenda at that time was the following:

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, Mike Cassaro, David Biren, David Slater, Robert Yakin, Jr., Alternate, Jacqueline Ricciani, Attorney, Jannetta MacArthur, Recording Secretary, Dan Sturm, Supervisor, Glenn Smith, Engineer, and Vicky Vassmer Simpson, liaison.

Excused: Susan Brown Otto

Absent: Wilfred Hughson

Pledge to the flag.

Seated: Robert Yakin, Jr. for Susan Brown Otto

Daniel Gettel: Jannetta let the record show that this is a special meeting beginning at 6 pm.

There is a quorum

- 1) Application for a Transient Campground of BPAC Music Festival to be located on Best, Hurd and West Shore Roads, known as a portion of Bethel Tax Map #'s: 21.-1-1.1, 21.-1-1.4, 21.-1-1.12, 21.-1-1.20, 21.-1-1.31, 21.-1-4.1, 21.-1-11, 22.-1-1 & 22.-1-4 proposed by Bethel Performing Arts Center. (Schwartz & Live Nation)***

Daniel Gettel: I can just take it from here if you want. Do you have anything you would like add?

Nick Schwartz: To date we have received all of the variances that we need to go ahead. We asked and received an acceptance of the size for the camping site area. We have DOH approval. We have received acceptance for the time period, from June 13th to June 17th. We are not seeking a variance for any of the RV camping sites. That has been accepted by the Department of Health.

Motion to receive and file waivers from DOH from February 6th, and the email of April 15th by Steve Simpson, second by David Biren

All in favor – 5

Opposed - 0

Agreed and carried

Daniel Gettel: I think we touched on it last time but the County 239M did come back as local determination with one technical comment. They did make a notation that the New York State DOT is coordinating with other agencies including the State Police and the Town of Bethel for the event, so that kind of took them out of it. They do recommend that we reach out to neighboring farmers to ensure day to day farming activities are not negatively impacted. I know that is something we spoke about at a number of the meetings. Bethel Woods said that is something they would be willing to do. I don't think we have to discuss much about that. The New York State DEC came back with no objection as our acting as Lead Agency but they came back with another comment which I think we should at least put in the record. They came back with a notation that that there are a number of ponds and streams on the parcels to be utilized but it should be noted that none are in close proximity to the proposed use and none will be disturbed. They also note there is a fresh water wetland in the vicinity but again it is not in close proximity to the proposed use, and in no case shall any wetland be disturbed during the proposed event. They do mention State listed species and most comprehensive field surveys would have to be conducted. That would have been covered under Bethel Woods. Under cultural resources they note that it is located within the bounds of the Bethel Woodstock Music Festival site. Most of what we would be using would include existing parking areas. It is noted that a SPDES permit would be required for any disturbance over one acre in size. This event is transient in nature and no large disturbances are anticipated. They mention Delaware River basin. Again there is not disturbances proposed in the event, it is transient in nature and set to take place over a long weekend. Under other, Nick and I spoke about this, they say additional permits maybe required for projects conducted on this property now or in the future. As far as any other agency is concerned we received no objection to our acting as Lead Agency for this Type 1 action.

Daniel Gettel: Our next step is to read through Part 2 of the Long EAF.

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

No. This is an event that is transient in nature and has been proposed to occur over a long weekend.

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 shall be no impact on any water bodies.

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 has been engineered to insure the event will not exceed the available site water supplies, which will be metered. The event will not introduce 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 event is transient in nature and will not result in the long term disturbance of any land surfaces.

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

Small impact.

Daniel Gettel: This was discussed at our last meeting and was raised by County Planning as part of their 239M review. The applicant will reach out to local farmers so they are not too inconvenienced by the possible impact on traffic.

8b. The proposed action may sever, cross or otherwise limit access to agricultural land.

There is the potential that access to some of the fields in the area may be limited by this transient event. It must be noted that this would be limited to what we consider a long weekend, and that the access would be for short periods of time depending on traffic, and would be no larger than what one would expect for an equally sized Bethel Woods Concert Event.

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.

Small impact.

10a. The proposed action may occur wholly or partially within, or substantially contiguous to, any building, archaeological site or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.

It has to be noted that the camping is to occur contiguous to what we know as Bethel Woods, which encompasses what was the Woodstock site. Again, this is a transient event with no anticipated long term site disturbances.

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. Not to the extent listed in the examples.

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 in the camping areas. Again, we are reviewing the camping areas as part of this.

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 approved uses in the Town of Bethel.

Daniel Gettel: Under Part 3 of the Form I noted that the event is transient in nature and set to occur over a long weekend. I would suggest that based upon that fact that we check option "A". This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

Motion to grant the application negative declaration by Robert Yakin, Jr., second by Steve Simpson

All in favor - 5

Opposed-0

Agreed and carried

Daniel Gettel: Are there any comments from the board?

None

Nick Schwartz: Did the board declare their intent to be lead agent?

Daniel Gettel: Yes, we did that a while ago. The conditions of approval are very similar to what was issued to the Mysteryland event, not to compare this to Mysteryland, but we try to be consistent with our approvals especially with the licenses. We try to be equal to everyone. I did circulate to the conditions to the applicant. I believe Eric received of a copy. If approved the conditions would be:

1. The applicant shall maintain liability insurance covering the camping portion of the event. The applicant shall provide the Town of Bethel with a Certificate of Insurance naming the Town of Bethel as a co-insured party. The amount of the insurance coverage shall be no less than \$1,000,000.00 per occurrence.
2. No later than May 14, 2019, the applicant shall provide the Town of Bethel with copies of the contracts/agreements for security services, trash disposal and collection, sanitary

services (including licensed acceptance of trucked “grey water” and septic waste), potable water, EMS and other contracted or service providers.

3. The applicant shall obtain all required 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 (including sign placement) and the Town of Bethel Town Board. Copies of the permits and/or approvals from State and County agencies shall be provided to the Town of Bethel.

Daniel Gettel: Just to take a step back I assume you will be going to the Town Board for a traffic management review. Are you still following that route? It was brought to my attention by the Town Board that it was suggested that you get our approval before you go to the Town Board for the traffic plan, which I was not aware of at the last meeting.

4. The applicant shall petition the Town of Bethel Town Board to either close or limit traffic on portions of Best Road and West Shore Road, as needed, or to have these roadways properly posted for pedestrian congestion and pedestrian crossing(s).

5. The applicant shall provide the Town of Bethel with copies of, or links to, all ticket sales literature or sites as soon as tickets go on sale which shall clearly indicate that individual fireworks, glass containers, illegal drugs, and pets shall not be permitted on the site.

6. The applicant shall, as necessary, act to ensure that traffic movement on New York State Route 17B and surrounding roadways is not impaired by implementing the traffic control procedures outlined in the Mobility Plan and Operations Plan.

7. No later than May 30, 2019, the applicant shall provide the Town of Bethel Building Department with evidence that all vendors in the camping area possess appropriate licenses or permits.

Daniel Gettel: BJ. That is specifically the camping area.

8. No open-air music events shall take place within the bounds of the camping areas, or amplified music be permitted in the camping areas unless the Town of Bethel Town Board issues a separate noise permit for same.

9. The applicant shall take affirmative steps to mitigate any impact on agricultural uses by:

- A. Ensuring that there is no trespassing onto adjoining properties.

Daniel Gettel: That was a concern that was specifically raised to me, which is the same with every Bethel Woods event.

- B. Monitoring the buffer zones along all adjoining farmland to ensure that they

are unoccupied by people, vehicles, or debris of any kind.

C. Erecting temporary fencing, only as required, to restrict entry to or from the transient campground and parking areas through adjoining properties.

10. The transient camping areas, parking areas, surrounding properties and roadways utilized to gain access to the sites shall be fully cleared of all event and camping related debris, equipment and temporary structures (including temporary effluent storage tanks) no later than June 24, 2019.

11. No temporary structures shall be constructed or installed within the bounds of any buffer zone for any wetland which may exist on these properties.

12. The applicant shall keep the Town of Bethel Planning Board and Town Board informed as other agency approvals are obtained as the date of the event approaches. This shall involve, at a minimum, discussions with one representative of each municipal board and representatives of Mountain Jam, Live Nation and Bethel Woods Center for the Arts.

Daniel Gettel: As with Mysteryland there are tabletops that are scheduled. In fact, I think there is one tomorrow.

13. All fees shall be paid to the Town of Bethel.

Daniel Gettel: Those are the conditions. Very similar to other projects granted a license. Are there any comments from the board or applicant at this time?

Motion to approve the application for a Transient Camping License with Site Plan approval subject to the previously referenced thirteen (13) conditions by Mike Cassaro, second by David Slater. Roll call vote:

Mike Cassaro-Yes

Robert Yakin, Jr. – Yes

Steve Simpson – Yes

David Biren – Yes

David Slater – Yes

Daniel Gettel – Yes

Motion passed – 6-0

Nick Schwartz: I would like to thank the board for your due diligence and your ability to call a special board meeting. Thank you very much.

Motion to adjourn by David Slater, second by David Biren.

All in favor – 6

Opposed - 0

Agreed and carried

Respectively submitted,

Jannetta MacArthur

Recording Secretary