

The Town of Bethel Town Board meeting of April 10, 2013 was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Dr. Duggan Community Center.

Council members present: Lillian Hendrickson  
Vicky Simpson  
Bernard Cohen  
Denise Frangipane

The meeting was opened with the Pledge of Allegiance.

**Audit of Bills**

Motion by Vicky Simpson to pay the monthly audit of bills, seconded by Denise Frangipane, put to vote and carried 5-0.

<b><u>Fund</u></b>	<b><u>Amount</u></b>	<b><u>Check Nos.</u></b>
General Fund	135,280.14	3394 – 3456
Capital Special Project Hwy.	145,000.00	1028
Capital Special Project Sewer Rehab	7,030.00	1055
Highway Fund	253,551.36	2247 - 2288
KL Sewer District Fund	24,536.75	1681 - 1699
Kauneonga Lake Light District	1,900.01	1053 - 1054
Planning & Zoning Escrow	3,718.75	1017 - 1018

**Supervisor’s Monthly Report**

Motion by Vicky Simpson to receive and file, seconded by Lillian Hendrickson, put to vote and carried 5-0.

**Building Department Monthly Report**

Building Department report for the month of March has been received by the Building Department.

2013 March Fees \$6,500.  
2012 March Fees \$2,040.

2013 Construction Totals \$1,270,000.  
2012 Construction Totals \$1,272,000.

Motion by Denise Frangipane to receive and file, seconded by Bernie Cohen, put to vote and carried 5-0.

**Otero Property Update**

Correspondence received from property owner that the unsafe structures have been removed. Motion by Denise Frangipane to receive and file, seconded by Vicky Simpson, put to vote and carried 5-0.

**Town Clerk’s Monthly Report**

Total Local Shares Remitted: \$3,798.06  
Total Non-Local Revenues: \$ 128.74  
Total State, County & Local Revenues: \$3,926.80

Motion by Lillian Hendrickson to receive and file, seconded by Vicky Simpson, put to vote and carried 5-0.

**Correspondence from Sewer Superintendent requesting f.t. trainee**

Correspondence received from Jim McBride, Sewer Superintendent, requesting to make the part-time position a full-time trainee position and to post for the job.

Motion by Denise Frangipane to receive, file and approve, seconded by Bernie Cohen, put to vote and carried 5-0. Town Board agrees when revenue starts coming in position will be filled.

Motion by Lillian Hendrickson to post for job, seconded by Vicky Simpson, put to vote and carried 5-0.

**2012 LOSAP from Bethel Vol. Ambulance Corporation**

The Town Board has received the 2012 service award program list from the Bethel Volunteer Ambulance Corp. Motion by Bernie Cohen to approve the 2012 list, seconded by Denise Frangipane, put to vote and carried 5-0.

**Public Hearing 7:45 p.m. - Proposed Local Law #2-2013 Amendment to Zoning Map**

Motion by Vicky Simpson to go into a Public Hearing at 7:45 p.m., seconded by Bernie Cohen, put to vote and carried 5-0. Mr. Sturm read correspondence from Eric Francis, Bethel Woods CEO, who gave a brief summary on the request.

There were no public comments

Motion by Vicky Simpson to close the Public Hearing and re-enter regular meeting, seconded by Lillian Hendrickson, put to vote and carried 5-0.

**8B. Correspondence for Sullivan County Agricultural Board Local Law #2**

Correspondence has been received from the SC Agricultural Board and they have reviewed the law and have determined that it will not be prohibitive to agricultural uses and practices. Motion by Lillian Hendrickson to receive and file, seconded by Vicky Simpson, put to vote and carried 4-0. Denise Frangipane recused herself.

**Correspondence for Town of Bethel Planning Board – Local Law #2**

Correspondence has been received from the Town of Bethel Planning Board recommending approval of the Local Law. Motion by Lillian Hendrickson to receive and file, seconded by Vicky Simpson, put to vote and carried 4-0 with Ms. Frangipane recusing herself.

**Correspondence SC Planning – M239 Review response**

M-239 response has been received from the Sullivan County Division of Planning and Community Development stating that the proposed action will have some positive inter-community impacting by promoting more orderly development and they recommend approval. Motion by Vicky Simpson to receive and file, seconded by Lillian Hendrickson, put to vote and carried 4-0 with Ms. Frangipane recusing herself.

**Resolution to Declare a Negative Declaration and adopt Local Law #2**

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
TO ENACT A LOCAL LAW TO AMEND THE  
OFFICIAL ZONING MAP OF THE TOWN OF BETHEL  
AND MAKING A NEGATIVE DECLARATION UNDER SEQRA**

**WHEREAS**, the Town Board of the Town of Bethel (“Town Board”) heretofore adopted a Zoning Code under the authority of the NY Town Law §261, which Zoning

Code appears as Chapter 345 of the Town Code of the Town of Bethel (the “Town Code”); and

**WHEREAS**, in December 2006 the Town of Bethel adopted a Comprehensive Plan and Local Law No. 5 of 2006, which although Local Law No. 5 of 2006 implemented certain revisions to the Zoning Code, the Town had not adopted appropriate and necessary Zoning Code revisions and amendments to implement fully the aims, intents and plans embodied in the Comprehensive Plan for certain zoning districts in the Town; and

**WHEREAS**, the Town subsequently conducted a lengthy review to determine all necessary and appropriate amendments and revisions to the Zoning Code for the AG (Agricultural), RS (Residential Settlement), R-17B (Rural Gateway) and the creation of the RD (Rural Development) and the F-C (Forest Conservation) districts; and

**WHEREAS**, the Town Board then introduced Local Law No. 1 of 2009 to amend the Town’s Zoning Code, and on January 28, 2009 determined that the proposed action was a Type I action under the State Environmental Quality Review Act (“SEQRA”), and established itself as lead agency for SEQRA review purposes; and

**WHEREAS**, the Town Board, acting as lead agency under SEQRA, completed all of its obligations under SEQRA, prepared a generic environmental impact statement, and adopted a positive findings statement permitting the Town Board to enact Local Law No. 1 of 2009 containing the proposed amendments to the Zoning Code; and

**WHEREAS**, Local Law No. 1 of 2009, adopting the amendments to the Zoning Code, was enacted on June 24, 2009; and

**WHEREAS**, the Town Board subsequently adopted local laws making minor amendments to the Zoning Code as part of its continuing evaluation process of the Zoning Code; and

**WHEREAS**, the Town Board has been requested by the owner of two adjacent parcels of land, commonly known as SBL #21.-1-1.20 and #21.-1-1.31 on the tax map for the Town, to amend the official zoning map for the Town so that said parcels of land will be located in the Performing Arts Center Development (“PA”) zoning district. One parcel is unimproved and the other parcel is improved with a single family residence consisting of approximately 5,800 square feet. Said parcels of land, consisting together of approximately 9.66 acres, are currently located in the Agricultural (“AG”) zoning district but adjacent to the PA zoning district; and

**WHEREAS**, in conformance with the Comprehensive Plan the Town seeks to amend the zoning map for the Town by altering the boundary lines of the PA and AG zoning districts so as to move the parcels of land commonly known as SBL #21.-1-1.20 and #21.-1-1.31 from the AG zoning district into the PA zoning district; and

**WHEREAS**, attached hereto is a copy of Local Law No. 2 of 2013, which was introduced on February 27, 2013 and when enacted will amend the Zoning Code by amending the official zoning map for the Town; and

**WHEREAS**, the Town Board provided due notice of a public hearing for Local Law No. 2 of 2013 by publishing timely notice of the public hearing in a newspaper of general circulation in the Town of Bethel; and

**WHEREAS**, by correspondence dated March 4, 2013 the Town Board forwarded a copy of proposed Local Law No. 2 of 2013 to the County of Sullivan Division of Planning and Environmental Management (“Division of Planning”) in accordance with General Municipal Law § 239-m; and

**WHEREAS**, by correspondence dated April 2, 2013, the Division of Planning stated its opinion that the proposed action would have some positive inter-community impacts and that it recommended approval of the proposed action; and

**WHEREAS**, by correspondence dated March 1, 2013 the Town Board forwarded a copy of proposed Local Law No. 2 of 2013 to the Town of Bethel Planning Board for its review and recommendatory report in accordance with Town Code §345-65; and

**WHEREAS**, by memorandum dated April 5, 2013 the Town of Bethel Planning Board provided that it approved the proposed amendment of the Zoning Map; and

**WHEREAS**, by correspondence dated March 6, 2013 the Town Board forwarded a copy of proposed Local Law No. 1 of 2013 to the Sullivan County Farmland Protection Board; and

**WHEREAS**, by correspondence dated April 5, 2013, the Sullivan County Farmland Protection Board provided that the proposed local law would not be prohibitive of agricultural uses and practices; and

**WHEREAS**, on April 10, 2013, the Town Board conducted a public hearing during which comments were presented and received in connection with the proposed amendment of the Zoning Code as set forth in Local Law No. 2 of 2013; and

**NOW THEREFORE, BE IT RESOLVED**, that Local Law No. 2 of 2013, amending the Zoning Code of the Town Code of the Town of Bethel is hereby adopted; and be it

**FURTHER RESOLVED**, that the action contemplated under this Resolution is an unlisted action under the State Environmental Quality Review Act (“SEQRA”) and the Town determines that it will undertake uncoordinated review for SEQRA purposes; and be it

**FURTHER RESOLVED**, based upon the short Environment Assessment Form (EAF) reviewed by the Town Board, the Town Board makes the findings contained therein in conformance with the requirements of 6 NYCRR §617.10(d)(2), which EAF is attached hereto and incorporated herein, and determines that there will be no significant impact to the environment and issues a negative declaration; and be it

**FURTHER RESOLVED**, that this resolution is a negative declaration under SEQRA and the information required by 6 NYCRR §617.12(a) is attached hereto and incorporated herein; and be it

**FURTHER RESOLVED**, the Town Board hereby directs that a copy of this resolution, its attachments and the SEQRA documents be filed with the Town Supervisor and provide a copy to any person who has requested a copy hereof

**FURTHER RESOLVED**, within thirty days of the effective date of this Resolution, the Town shall file a report of the final action it has taken with the Division of Planning; and be it

**FURTHER RESOLVED**, this Resolution shall become effective when adopted.

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

	<u>AYE</u>	<u>NAY</u>
Bernard Cohen	x	
Denise Frangipane	(no vote)	
Lillian Hendrickson	x	
Victoria Simpson	x	
Daniel Sturm	x	

Duly adopted by 4 ayes, 0 nays the 10<sup>th</sup> day of April, 2013, with Ms. Frangipane recusing herself.

**NEGATIVE DECLARATION**

The Lead Agency:

**TOWN OF BETHEL TOWN BOARD**

3454 Route 55  
PO Box 300  
White Lake, New York 12786

Contact Person:

Daniel Sturm, Supervisor  
3454 Route 55  
PO Box 300  
White Lake, New York 12786

Telephone Number: (845) 583-4350

A Description of the Action:

The action consists of an amendment to the official zoning map of the Town of Bethel.

SEQRA Classification: Unlisted.

The Potential Environmental Impacts:

No potential significant environmental impacts are present and an environmental impact statement will not be prepared.

The Location of the Action:

The action consists of an amendment to the official zoning map of the Town of Bethel, which affects only two parcels of land consisting of 9.66 acres. The parcels are commonly known as SBL #21.-1-1.20 and #21.-1-1.31 on the tax map for the Town, and the action to amend the official zoning map for the Town will provide that said parcels of land will be located in the Performing Arts Center Development ("PA") zoning district.

**Smallwood-Mongaup Valley F.D. ATV Run**

Correspondence has been received from the Smallwood-Mongaup Valley Fire Department regarding the ATV Run on June 1<sup>st</sup>. The Fire Company is asking for assistance with the increased traffic. Motion by Bernie Cohen to receive and file, seconded by Lillian Hendrickson, put to vote and carried 5-0.

**Junkyard Inspection report Lema**

Building Department report has been received for the Lema Junkyard on Gale Road recommending approval. Motion by Vicky Simpson to receive, file and approve, seconded by Lillian Hendrickson, put to vote and carried 5-0.

**Cancel Town Board meetings**

Motion by Denise Frangipane to cancel the June 26<sup>th</sup>, July 10<sup>th</sup> and August 28<sup>th</sup> Town Board meetings, seconded by Lillian Hendrickson, put to vote and carried 5-0.

Motion by Lillian Hendrickson to set special Town Board meetings on June 27<sup>th</sup>, July 11<sup>th</sup> and August 22<sup>nd</sup>, seconded by Denise Frangipane, put to vote and carried 5-0.

**Correspondence Smallwood Civic Association regarding Pine Grove**

Correspondence has been received from the Smallwood Civic Association regarding Pine Grove Road as follows: 1) painted crosswalk across Pine Grove Road coming from the lake; 2) Yield to Pedestrian sign; 3) Children at Play signs; before the Post Office and before the Civic ball field on Pine Grove Road, 4) and request to change speed limit to 20 mph. Motion by Vicky Simpson to receive and file, seconded by Denise Frangipane, put to vote and carried 5-0.

Motion by Denise Frangipane to have Highway Department put up signs, seconded by Bernie Cohen, put to vote and carried 5-0.

Motion by Lillian Hendrickson to send request to DOT for approval of items 1 and 4, seconded by Vicky Simpson, put to vote and carried 5-0.

**Resolution to authorize purchase of real property**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN  
OF BETHEL AUTHORIZING THE ACQUISITION OF  
REAL PROPERTY FROM THE COUNTY OF SULLIVAN  
AND THE ISSUANCE OF A NEGATIVE DECLARATION UNDER SEQRA**

**WHEREAS**, the County of Sullivan (the “County”) obtained certain property located in the Town of Bethel (the “Town”) designated on the Tax Map for the Town as SBL 42.-16-19, 43.-4-3, 42.-29-9, and 43.-11-13 (hereafter, the “Property”), by virtue of *in rem* tax foreclosure proceedings; and

**WHEREAS**, it appears that the real property in question consists of very small parcels of land and gores that were created through the subdivision of larger parcels and the construction of roads serving the subdivisions in question. None of the parcels are large enough to support improvements; and

**WHEREAS**, the County has offered to sell the Property to the Town in accordance with section 72-h of the General Municipal Law and sections 164-8 and 164-9 of the Sullivan County Code and the Town has agreed to purchase the Property; and

**WHEREAS**, the agreed upon purchase price for each parcel is as follows:

SBL 42.-16-19:	\$28.51
SBL 43.-4-3:	\$28.51
SBL 42.-29-9:	\$28.60
SBL 43.-11-13:	\$28.60

and the total amount due for the four parcels is \$114.22.

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Bethel, in accordance with the authority granted to it under section 72-h of the General Municipal Law, authorizes (i) the purchase of the referenced Property, and (ii) the Town Supervisor, or his designee, and the attorney for the Town to perform all acts and execute all documents necessary to cause the conveyance the Property to the Town in accordance with the terms and conditions contained in this Resolution; and be it

**FURTHER RESOLVED**, that the action contemplated under this Resolution is an unlisted action under the State Environmental Quality Review Act (“SEQRA”) and the Town determines that it will undertake uncoordinated review for SEQRA purposes; and be it

**FURTHER RESOLVED**, based upon the short Environment Assessment Form (EAF) reviewed by the Town Board, the Town Board makes the findings contained in the therein, which EAF is attached hereto and incorporated herein, and determines that there

will be no significant impact to the environment and issues a negative declaration; and be it

**FURTHER RESOLVED**, that this resolution is a Negative Declaration under SEQRA and the information required by 6 NYCRR § 617.12(a) is attached hereto and incorporated herein; and be it

**FURTHER RESOLVED**, the Town Board hereby directs that a copy of this resolution, and the SEQRA documents be filed with the Town Supervisor and provide a copy to any person who has requested a copy hereof; and be it

**FURTHER RESOLVED**, that this resolution shall take effect immediately.

Motion by Councilman Vicky Simpson, seconded by Councilman Lillian Hendrickson, and adopted upon a roll call vote as follows:

Bernie Cohen	Voting	aye
Lillian Hendrickson	Voting	aye
Vicky Simpson	Voting	aye
Denise Frangipane	Voting	aye
Daniel Sturm	Voting	aye

Duly adopted by 5 ayes, 0 nays the 10<sup>th</sup> day of April, 2013

**NEGATIVE DECLARATION**

The Lead Agency:

**TOWN OF BETHEL TOWN BOARD**

3454 Route 55  
PO Box 300  
White Lake, New York 12786

Contact Person:

Daniel Sturm, Supervisor  
3454 Route 55  
PO Box 300  
White Lake, New York 12786

Telephone Number: (845) 583-4350

A Description of the Action:

The Town is acquiring real property from the County of Sullivan which consists of very small parcels of land and gores that were created through the subdivision of larger parcels and the construction of roads serving the subdivisions in question. None of the parcels are large enough to support improvements.

SEQRA Classification: Unlisted.

The Potential Environmental Impacts:

No potential significant environmental impacts are present and an environmental impact statement will not be prepared.

The Location of the Action:

The Town is acquiring parcels of real property designated on the Tax Map for the Town known as SBL 42.-16-19, 43.-4-3, 42.-29-9, and 43.-11-13.

**SC Hazard Mitigation Plan**

Mr. Sturm announced the SC Hazard Mitigation Plan is on website for the public review and comment.

**April 10, 2013**

**Audit Meeting**

**Bethel Agricultural Committee Next meeting April 17<sup>th</sup>**

The next meeting will be held on May 15, 2013 at 7:00 p.m. not 6:30 p.m.

**Adjournment**

Motion to adjourn by Bernie Cohen, seconded by Vicky Simpson, put to vote and carried 5-0.

Respectfully submitted,

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Rita J. Sheehan, Town Clerk