



845-583-4350 Ext 15

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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 February 1, 2016 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, Susan Brown Otto, David Biren, Wilfred Hughson, Robert Yakin, Alternate, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricianni, Attorney, Jannetta MacArthur, Recording Secretary, Daniel Sturm, Supervisor, Vicky Vassmer-Simpson, Liaison, Glenn Smith, Engineer.

Pledge to the flag

Excused David Slater

Seating Robert Yakin, Alternate in David Slater's seat.

Motion to approve the January 4, 2016 minutes by Steve Simpson, second by Susan Brown Otto

All in favor - 7

Opposed - 0

Agreed and carried

1) Application for a renewal of a Special Use Permit for Swan in Swan Lake

Daniel Gettel: We did tell Jay Zieger he didn't need to attend. Randy Wasson is here though. Randy, if you just want to give us a little bit of background of what is going on, progress report.

Randy Wasson: I'll be glad to tell you what they have done.

Jacqueline Ricciani: If you are going to consider granting an extension it is a good idea to have a progress report.

Randy Wasson: All permits were received from the State Agencies, and the Army Corp of Engineers for wetlands, for storm water, for sewer discharge, for the stream crossings, all permits needed for the project were received. Conditions of the permit have been followed. When I was

here the last time, that had already been done. All the culverts, the bridge, several culverts in the streams had been put in, the dry hydrants, all that work has been done. Since that time we have submitted plans to the DEC for the approval of the plans for the sewer plant. We have also submitted plans and specs to the Health Department for the water supply and distribution system. We have been going back and forth with the State on these items. We are zeroing in on the end of that. One thing that came out with the Health Department, because of the time delay since the wells were originally tested for water quality, we have to go back and do an eight hour pump test, not so much for the water per yield of the wells, but to pump them down, and take new samples and send to lab for full analysis. The last was done six or seven years ago. We are working on that. As far as the construction that has been done, as I said all the stream crossings and so forth have been in for quite awhile. They have about 8,400 foot of road that is clear and rough graded. Of that 1,300 foot or so has a road base. There is about 1,700 feet of sanitary sewer with manholes. They have three sediment basins in, and the storm water inspections are ongoing on a weekly basis. Since they are still working, they are going in on a weekly basis right now. It is all ongoing.

Daniel Gettel: One comment that came up during the work session was the sewer plant itself. I recall, and I wasn't on the board then, that the Town Board most likely has approved the sewer plant?

Randy Wasson: Yes.

Daniel Gettel: It is part of the zoning. The Town Board has to approve any package plants. I thought that it probably was approved, but I wasn't sure. Just so the board is aware, the Building Department did ask Michael Weeks to go out to the property to see what the status was and actually walk the property. We have a letter dated December 23, 2015 by Michael Weeks, and I will read it into record since it is short.

Read letter from Michael Weeks.

Daniel Gettel: I did give Randy a chance to look at this letter. I don't think anything really sticks out. I do think for the protection of everyone, including the town and the applicant themselves that the sewer manholes and sewer lines should be tested and we would make that a condition of our approval. What is your thought on the water mains, since they are going to be semi public water mains? I am going to call them semi public because I don't know what to call it, it is private but it is also public.

Randy Wasson: It is a State requirement that they be tested. And we certainly are going to do what is required. We were glad to have Mike and his representatives on site.

Daniel Gettel: As part of the approval we would make it a condition that the sewer mains and water mains be tested as installed.

Randy Wasson: I don't know about tested as installed.

Jacqueline Ricciani: Testing as witnessed by the town engineer?

Randy Wasson: That would be fine.

Daniel Gettel: Keep Michael in the loop anyway. As long as Michael is in the loop I am okay with it.

Motion to receive and file the letter and map dated December 23, 2015 from Michael Weeks by Steve Simpson, second by Susan Brown Otto

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: What we did a year ago is we extended their final conditional approval for a conservation subdivision for a period of one year set to expire in February of 2016. As we mentioned if we were to approve this tonight I would suggest we make two conditions. First being the applicant work with the town engineer with regard to the installation of the sanitary sewer system and water mains. That they be witnessed by our engineer. The second, the same as last year, is that this approval shall not supercede or modify any conditions or any previous approvals granted by the Town of Bethel Planning Board or Town Board and those prior conditions shall continue. This project originally had a lot of conditions. I want to make sure our approval doesn't supercede any of the other conditions.

Jacqueline Ricciari: Do you want me to include that the applicant is going to cooperate with the Town Engineer?

Daniel Gettel: I don't know about cooperate, but coordinate. BJ, do you have any concerns?

Bette Jean Gettel: If you guys are doing blasting out there, could you let us know? We are getting a lot of calls in reference to blasting. Not necessarily is it your project. If you read today's paper you will understand why.

Daniel Gettel: I don't think we need to make that a condition. That is your department. Randy, you are good with that?

Randy Wasson: I'm good.

Motion to grant a one-year extension of the final conditional approval for the conservation subdivision with the previously referenced two conditions for the Swan in Swan Lake by Susan Brown, second by David Biren

Roll call vote:

*Mike Cassaro – Yes
David Biren – Yes
Daniel Gettel – Yes*

*Susan Brown Otto- Yes
Wilfred Hughson – Yes*

*Steve Simpson – Yes
Robert Yakin – Yes*

Approved - 7

Opposed - 0

Agreed and carried

Motion Carried 7 – 0.

2) Application for a 2-lot subdivision located at the former Smallwood Gold Course, known as Bethel Tax Map #: 51-1-27.1, proposed by the Town of Bethel.

Daniel Gettel: It is actually the Reserve at Smallwood, not the Preserve at Smallwood. Mr. Sturm, would you like to present?

Daniel Sturm: Good Evening. It is the Forest Reserve at Smallwood. Thank you for your time.

Daniel Gettel: That is the adjoining piece, correct?

Jacqueline Ricciani: What are we calling this project?

Daniel Sturm: The former Smallwood Golf Course subdivision. Since we did a presentation at the last Planning Board meeting, it was a conceptual presentation. We have done a lot of work since that time to get a subdivision map here for you this evening. We have some maps of the design for you. It is a total of 61 acres. This is 22.9 acres which is our sand mine, this is Ballard Road, where we intend to create a town road just to the mining area with a cul-de-sac there which would branch off to the left which would allow the property to have access to the back of the property which we are mandated to try to sell that property for homes or development. It is an agreement we had with the County. So we have twenty three acres here, which is sand mining for the Town, and then we are trying to subdivide off approximately thirty eight acres. We have someone interested in the purchase, so we need to get it subdivided. A two lot subdivision, that is why we are here this evening. We went over a lot of the details at the last meeting, but if there are any other questions or comments from anyone from the board, I will be happy to answer them.

Daniel Gettel: Glenn, one thing I note on the EAF, and I know you haven't had a chance to look at the EAF yet, but we have a short EAF. One of the questions is the total acreage to be physically disturbed. This (proposal) isn't really calling for any disturbance. I think the town road is the only disturbance. I think one acre is the only disturbance.

Glenn Smith: The Town road is the only disturbance. The two-lot subdivision is really an administrative approval at this point. They are not proposing any construction.

Daniel Gettel: So as far as the EAF goes I think one acre disturbance is correct, a town road has to be built. The DEC is also aware we are building a road for the mine. We have two-foot

topography, we do have a short EAF, and we established at the last meeting that it is an unlisted action. We should have a motion for lead agency.

Motion to act as Lead Agency by Mike Cassaro, second by Robert Yakin

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: We spoke during the work session. Since it is public land it is probably a good idea to get the public involved at this time. We do have a complete application, with the addition of the EAF and some of the meets and bounds on that property. My only comment to Mr. Sturm is that, and we discussed this before the meeting, is Section 300-21 b 3d, which reads:

“All flag lot access rights-of-way shall be titled in fee-simple ownership to the flag lot property owner and shall not be used to access any property not part of the original tract. Such owner shall bear responsibility for maintenance of the improvements.”

Daniel Gettel: I do think the map has to read, we will call it the pole of the flag, has to be conveyed with the lot itself. Even the code calls for a right of way, I think Jacy and I both agree it is not technically a right of way. The town would maintain rights to use that as part of the mining road I believe, but that is between you and the applicant.

Jacqueline Ricciani: We will need a revised description.

Daniel Gettel: Right. Glenn, would you describe why is it irregularly shaped? It is going to be an irregularly shaped flag, the pole.

Glenn Smith: (showing on map) this is the property line that the town owns here, by their mining site. The DEC requires a 50 foot wide buffer, an undisturbed buffer along the edge around the whole site, so we couldn't show the proposed access drive to this back parcel in the buffer. The access drive is offset from the buffer. I'm showing a 50 foot wide right of way line on both sides of this access drive. Because of this access drive, the pole of the flag has to be conveyed to the owner. We are actually creating a little narrow separate lot down here. I was suggesting making this whole irregular strip part of the flag pole so to speak, instead of having a nice uniform 50 foot wide pole, so we don't create a lot that doesn't meet zoning requirements.

Daniel Gettel: I would suggest that you run this by the DEC, because there may be a condition that has to be put in the deed that it cannot be disturbed, you have to maintain the buffer.

Glenn Smith: They approved this with the property line over (showing on map) now we are moving the property line up to here along that driveway, if anything it is creating a little bit of a wider buffer.

Daniel Gettel: It's not really by choice. We were always obligated to sell off the back parcel. Please run that by the DEC.

Glenn Smith: I definitely will.

Jacqueline Ricciani: Then DEC is going to have to...., the Town is going to have to have a right of way along that strip to access the mine.

Glenn Smith: The DEC reformation plan, they want a road around the entire perimeter of any mines, for access, for safety if something happens in the back, when it becomes a lake, under the full mine, the DEC wants that full access around the whole perimeter. The town will need access.

Daniel Gettel: It is a minor subdivision. I don't think we really need to give you a sketch plan approval but we actually have a sketch plan that we can move forward with.

Glenn Smith: The question that keeps coming up is how much wetlands are in that back parcel? That is where the green is, the back parcel is like 38 acres, there are about 12 or 15 acres which is what is called upland, which is a higher elevation it is all buildable, but the green is the wetlands, or the wetlands buffer. Someone said there isn't enough to build on, but there is plenty to build on.

Daniel Gettel: That is part of our development yield that you have to provide that, take out the area for the wetlands.

Daniel Sturm: We believe there are close to eighteen acres give or take that is buildable.

Glenn Smith: In the back you would take fifteen acres.

Daniel Gettel: Any questions from the board? It's pretty straightforward. It is a minor subdivision and we saw it last month. Mr. Sturm, any concerns? The next step is a Public Hearing. BJ, I looked at the code I don't know who does the notifications since it is the town making the application, but the owners that are directly adjacent to the property have to be addressed, not those within 500 feet of the bounds.

Bette Jean Gettel: I realize that. It is going to have to be around the entire parcel.

Daniel Gettel: But as far as, let's call it the bird section, the bird section is actually bordered by a single road, not 100 lots, so I think that should save quite a bit. It is actually bordered by a road I believe, not a lot.

Bette Jean Gettel: Not necessarily, I will have to look at it.

Daniel Gettel: But keep that in mind. That also includes properties on the other side of Ballard Road.

Daniel Sturm: Just for clarification, we need to do 500 feet of the boundaries of the 61-acre parcel?

Daniel Gettel: It's not 500 feet, only immediate adjoiners.

Daniel Sturm: Adjoiners of the 61 acres, not the entire.

Daniel Gettel: Not within 500 feet of the parent parcel, just the adjoiners.

Jacqueline Ricciani: The whole thing....

Daniel Gettel: The parent parcel is sixty acres, so you have to go around the perimeter.

Jacqueline Ricciani: Right. You are going to have a twenty three acre, and then thirty eight acres. Do we need a 239 review?

Daniel Gettel: That is my next question. BJ, since it is parkland?

Bette Jean Gettel: No, it's not New York State parkland. It's at your discretion.

Daniel Sturm: It's not Ag, not Forest, so no.

Motion to grant this application a Public Hearing for March 7th, set to begin at 7:30, by Susan Brown Otto, second by David Biren

All in favor – 7

Opposed - 0

Agreed and carried

Jacqueline Ricciani: Are there any other agencies you want to send your lead agency notice to?

Daniel Gettel: We don't need to, not for a short form unlisted action.

Daniel Sturm: Thank you for your time.

3) Application for a 3-lot subdivision located on Perry and Brook Road, known as Bethel Tax Map # 15-1-11.3, proposed by Susan Harte.

Daniel Gettel: Jacy, I believe we have an owner's proxy on this. Ms. Harte is the presenter? Ms. Harte if you would come up please?

Susan Brown Otto: For the record, my husband is the caretaker for the owner of the property,

and will be the GC.

Daniel Gettel: Will perhaps be the GC.

Susan Brown Otto: Perhaps the GC. I need to recuse myself.

Daniel Gettel: Ms. Harte, do you want to make the presentation, or would you like me to take it?

Susan Harte: You can take it.

Daniel Gettel: If I make a mistake, let me know. It is a pretty straightforward application. We are looking at a three lot subdivision. Lot number one is seventeen acres, lot two is eight acres, and lot three is thirteen acres. This is the first time we are seeing it. It will be considered a minor subdivision in our zoning. They are not creating any roads. Each lot has an existing driveway. It is the Ag District. We are looking at a sketch plan review. It is three acre zoning in the Ag District. One of our concerns is Section 300-21(A), it addresses buildable lots. It sets requirements for determining if a lot is buildable. The section reads:

“Lots to be buildable. This section shall apply to the subdivision of land into two or more lots. The lot size, width, depth, shape and arrangement shall be appropriate for the type of development and use contemplated and shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions,

Daniel Gettel: We are specifically talking about lot number three, which is low lying by Brook Road.

Susan Harte: I think Larry is potentially to going build a small cabin there. He is not sure.

Daniel Gettel: As a board we have to be provided with information that proves that the lot is buildable so that somebody won't propose a lot and then walk a way because it is not a buildable lot.

Susan Harte: So that is the engineering review?

Daniel Gettel: You would subtract off the steep slopes, the wetlands, and the flood zone. There has to be a flood zone I believe. The actual road bounds itself. Any land occupied by the brook. Do you happen to know if lot number three has a pond on it?

Susan Harte: It has a portion of a stream that goes through it. That is where Brook Road floods.

Daniel Gettel: We typically ask that the applicant's engineer or surveyor to work closely with our engineer, which in this case would be Glenn Smith. Glenn if you would just provide her with your contact information. Glenn and I spoke before the meeting. Typically for subdivision we ask for gratuitous conveyance of any road rights of way. A lot of the original roads in most towns don't have specific road bounds established but as part of the subdivisions the County likes us to ask the applicant to convey out the rights of way, especially for a property like Brook Road where it runs through lot number three.

Susan Harte: Do you guys provide that language for the deed?

Glenn Smith: I will provide that.

Daniel Gettel: It is 25 feet off the centerline of the road. Glenn, would you want it actually shown on the map?

Glenn Smith: These lots are plenty big enough.

Daniel Gettel: As I said we have to prove the lots are buildable, so we will ask for minimal topography.

Glenn Smith: USGS, which is 20 foot contours, or two foot contours?

Daniel Gettel: I don't think two foot is warranted for a lot of this size. What are your thoughts on perc tests?

Glenn Smith: I would suggest one perc test on each of the lots.

Susan Harte: We have done it on two. I can get Victor to sign off on that.

Daniel Gettel: They typically show the spot, the area of the perc test on the map, along with the result. The County is going to want it for filing anyway.

Susan Harte: We are not sure where we are going to build on the lots.

Daniel Gettel: You only need to prove that the property is buildable. If you make a changes to the locations after that, that is between you and the Building Department.

Susan Harte: The two that we did, as long as they are on there.

Daniel Gettel: If you decide to make a change that just goes through the Building Department. We don't dictate where the house has to be.

Jacqueline Ricciani: But you want a perc done on all three lots.

Daniel Gettel: Yes, just to prove they are buildable lots.

Glenn Smith: Show the location of perc holes.

Daniel Gettel: We do have an EAF on this, it is an Unlisted Action. We can do Lead Agency tonight if the board is comfortable with that.

Motion to declare our intent to act as Lead Agency by Mike Cassaro, second by Steve Simpson

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: Jacy, do you have any comments. In order for us to move forward with a public hearing, we need a complete application. I would think we would need perc tests and a little bit of topography in order to do that. I don't think it is a big item, I think it can be addressed by the next meeting, and then we would have an April Public Hearing.

Bette Jean Gettel: This will also require a 239, and an Ag Data statement.

Daniel Gettel: It may be premature.

Bette Jean Gettel: I think so.

Susan Harte: What is a 239?

Jacqueline Ricciani: It is a County review.

Daniel Gettel: Since it is in an Ag zone, the County gets to comment on it. Subdivisions never come back as real problems. You are taking property out of the Ag district. Glenn you will reach out to the applicant's people?

Susan Harte: Gary Packer is doing the maps, and Victor Kask is the Architect/Engineer.

Daniel Gettel: Thank you.

Daniel Gettel: That is the last item on the agenda. Vicky, is there anything from the Town Board?

Vicky Vassmer Simpson: We have a meeting next week on Wednesday. We don't have an agenda yet.

Daniel Gettel: After the last meeting, we asked Glenn to look at Daytop because some of the trees were put in. I think it was a minimal amount of trees were put in at Daytop.

Glenn Smith: They had a dozen or so.

Daniel Gettel: They seem to have concentrated their plantings near the dormitory, that direction, opposite the pool. We didn't actually ask them to phase the development. They have to all go in. This spring we will have to get after them to put in the rest of the plantings and fencing. They are year round. I believe they have a permit to operate year round.

Daniel Gettel: There is a training session here in two weeks, this building, February 22nd from 5 pm to 7 pm. There is going to be a presentation on searching the town code online. They are offering it again. It is the night of the Zoning Board meeting. I have every intention of going.

Bette Jean Gettel: You get two hours of credit.

Susan Brown Otto: I heard there might be a moratorium on solar panels?

Daniel Sturm: I hadn't heard that.

Susan Brown Otto: With the County?

Motion to adjourn by Susan Brown Otto, second by Robert Yakin

All in favor – 7

Opposed - 0

Agreed and carried

Respectively submitted,

Jannetta MacArthur

Recording Secretary