

845-583-4350 Ext 15



845-583-4710 (F)

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 April 4, 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 was the following:

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, Michael Cassaro, Susan Brown Otto, Wilfred Hughson, David Slater, David Biren, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricianni, Attorney, Jannetta MacArthur, Recording Secretary, Daniel Sturm, Supervisor, Vicky Vassmer-Simpson, Liaison, Glenn Smith, Engineer.

Excused Robert Yakin, Alternate

Pledge to the flag

Motion to approve the minutes from the March 7, 2016 Planning Board meeting by Steve Simpson, second by Mike Cassaro

All in favor - 7

Opposed - 0

Agreed and carried

Daniel Gettel: Jacy, we do not have the first applicant? I don't believe she is here.

Jacqueline Ricciani: I guess we will be going out of order?

Daniel Gettel: Can I do that legally?

Jacqueline Ricciani: Sure.

David Slater: Can we drop down to number five first?

Daniel Gettel: They are not here either. I can do number three. Oh, here she is.

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

Return Receipts were received.

Susan Brown Otto: Recusing herself (as her husband may have an interest in this property).

Daniel Gettel: Ms. Harte, if you would please speak to the audience and tell them what the proposal is briefly.

Susan Harte: The proposal is to subdivide thirty nine acres located at the intersection of Perry and Brook Road, into three lots. Lot one's proposed acreage is seventeen, the second lot is about eight acres, and the third lot is thirteen, to build houses. The property is owned by Larry Goberman. He has some potential plans to build a small cabin on lot three, and intends to build a house on lot one.

Daniel Gettel: So the public is aware, we have reviewed this numerous times. There have been perc tests, deep test pits. The subdivision does meet our requirements. We do have to run through SEQRA prior to opening up the meeting to a public hearing. Our responsibility is to run through part two, since part one has already been on file with the town.

Daniel Gettel: Reading through part 2

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

No. The proposed lots conform to zoning.

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

No. Although this parcel is in an Agricultural District, it is not presently, nor has it been used in the recent past, for agriculture. These are sizeable lots, and the proposal is for only three lots, not a significant change.

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

No. Again, this is simply a residential subdivision.

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. We are talking about three large lots.

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. Not significant and any new home will have to be built to today's standards.

7. Will the proposed action impact existing:

a. public / private water supplies?

No. There is no public water available in the area and the proposed lots are large enough to allow for the proper utility separations.

b. public / private wastewater treatment utilities?

No. As with the water there is no public sewer available in the area and the proposed lots are of a size that would allow for the proper utility separations.

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

No, this does not involve the use of a historic building or resources.

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

No, there shall be no disturbance of wetlands or waterbodies.

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

No. Not long term.

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

No, there shall be no hazard to human health.

Daniel Gettel: That is the end of Part 2 of the EAF. None of the questions resulted in an answer that was moderate to large, so we do not have to address Part 3 of the form. We don't rule on it now until we get the public comment.

Daniel Gettel: Also for the record, since it is the Ag District, we did have to do a 239 County Review. The County did say it was a local determination. Due to the size of the proposed subdivision it will most likely not have an intercommunity or county wide impact, nor will the access to the lots be restricted by wetlands or flood plains. They also state the proposed use of the lots is not stated on the plans so they cannot determine if the proposed use is compatible and they have a number of technical recommendations which may address the compatibility. I disagree with the County. I feel based upon our past review of this application and the utility information provided that this application is for a residential subdivision and I am comfortable with the plan, as submitted. It is local determination so we do not have to act to override the County.

Motion to open this meeting up for a public hearing by David Slater, second by Steve Simpson

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: Did anyone sign in to speak at this public hearing?

Bette Jean Gettel: No.

No one from the audience would like to speak

There were no written comments received

Motion to close this public hearing and go back to our regular meeting by Mike Cassaro, second by Wilfred Hughson

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: Does anyone from the board have any comments or questions on the application? Clearly we reviewed it a number of times. It is pretty straight forward. I have no comments on it. Mr. Smith, if you would come up. Do you have any comments on the application? I think they met your conditions.

Glenn Smith: I did a letter on March 7th and they met those items at the last meeting. I am good.

Daniel Gettel: Okay, we did run through Part 2 of the SEQRA earlier.

Motion to grant this application a negative declaration by Wilfred Hughson, second by Steve Simpson

All in favor – 6

Opposed - 0

Agreed and carried

Motion to receive and file the County 239 letter, and that we do not require that the applicant incorporate their technical review comments on the plan by Mike Cassaro, second by David Slater

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: Jacy, I assume you do not have any comments on this, or you would have spoken up.

Motion to grant this application a subdivision approval with the condition being that all fees be paid prior to the Chairman signing off on the map by David Biren, second by Steve Simpson

Roll call vote:

Mike Cassaro - Yes

Steve Simpson – Yes

David Biren – Yes

Wilfred Hughson – Yes

David Slater – Yes

Daniel Gettel – Yes

Motion passed – 6 -0

Daniel Gettel: Good luck Ms. Harte.

Susan Brown Otto rejoined the board

- 2) *Public Hearing for a modification to a Site Plan application for an in-ground pool located at 85 Silver Lake Road, known as Bethel Tax Map 11-1-16.2, proposed by Camp Chipinaw (Newburg).*

Daniel Gettel: This is not a subdivision so we do not have to run through SEQRA first.

Motion to open this meeting us for a public hearing by Susan Brown Otto, second by Mike Cassaro

All in favor – 7

Opposed – 0

Agreed and carried

Return receipts were received

Daniel Gettel: Mr. Newburg would you like to make a presentation to the audience, or Mr. Illing?

Will Illing: This is a proposed swimming pool at Camp Chipinaw. Camp Chipinaw is located on Silver Lake. The application is for an outdoor swimming pool. The pool is located near the lake, several hundred feet back from Silver Lake Road. It is close to the property line that goes through Camp Chipinaw; however Camp Chipinaw operates both sides of the property. That's really it. Are there any questions?

Daniel Gettel: Mr. Newburg, would like to add anything?

Marvin Newburg: As you can see from the map, even though there are two separate ownerships of the parcels, they are both being used by Camp Chipinaw, which has been here as a private camp for a number of years. There are a number of buildings, staff quarters, tennis courts, and other houses that are right on the edge of the property line, because it has really been used as one economic unit. The swimming pool is a state of the art, it is a gunite pool, which costs several hundred thousand dollars, and it is an important part of the camp agenda, to compete with other high end sleep away for profit camps. It will be a boom not only for the property but also to the Bethel Community, because it will continue Camp Chipinaw's excellent reputation and clientele. They have to compete with a number of other high end summer camps in surrounding states, and surrounding areas. It fits in your zoning code as an assessor use.

Daniel Gettel: Would anyone like to speak in reference to the Camp Chipinaw, or in response to the public notices that went out?

No one from the audience chose to speak

No written comments were received.

Motion to close this public hearing and go back to our regular meeting by Susan Brown Otto, second by David Slater

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: My only question. It wasn't addressed at the last meeting is, is it going to be illuminated for night use? That does increase setbacks per our code. Not like a tennis court.....

Michael Baer: Just lights in the pool.

Daniel Gettel: This shows a pavilion, does this application include this pavilion?

Marvin Newburg: No, not at this time. That was put in to show when in the future they build one. No one is building that now, and we are not asking for that.

Daniel Gettel: Are there any board comments? I know it was discussed in length at the last meeting. Apparently based on existing zoning, and I think Jacy would agree, it is considered an assessor use. I think moving forward we have to talk to the Town Board about perhaps getting

that section of the code tightened up, but the fact is we are reviewing under the present code. We are not crazy about the setbacks, but our attorney has advised us that it does meet our code. Does anyone have any issues? The saving grace is that they do operate both sides. Clearly, if they eventually sell off one of the camps it could be an issue, but at this time they do operate both and it is well off of the roadway. I don't specifically have an issue with it.

Susan Brown Otto: I don't have an issue with it.

David Slater: I do have a little bit of an issue. I just don't want to set ourselves up for future things like this. What is an assessor, where does this going to come in? They have done well with use, they are straight forward with us, usually, but it is a summer camp, as we progress into things, we know what summer camps mean. I don't want to open ourselves up to interpretation, and that is why I mentioned in the work session, wouldn't this be one to send to the Zoning Board for interpretation?

Daniel Gettel: I would have the same concern, but the fact is we are working under the existing code as written, and the Zoning Board cannot overwrite or write code. I don't think they would come up with much of an interpretation other than what our attorney has recommended. She is also the attorney for the Zoning Board. I get your feeling, and I think moving forward we have to be careful of that, but I don't know the specific answer, but again I don't want to set precedent with every application that we get with these projects, but unfortunately that is the way it is tonight. We do have a short EAF. I will read through at this time.

Daniel Gettel: We have a Short Environmental Assessment Form for this application and as with the last application the form has been on file with the Town, so I do not feel it necessary to read Part 1 into the record. We have to complete Part 2 and I will run through that part at this time.

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

No. This is an existing Summer Camp and a determination has already been made on the record by our attorney that this proposal conforms to zoning.

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

No. This is an existing recreational summer camp.

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

No. Again, this is an established recreational summer camp.

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. There will be no impact.

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. Not for the swimming pool.

7. Will the proposed action impact existing:

a. public / private water supplies?

No. We are talking about the installation of a swimming pool that will have little impact on water usage once it is filled.

b. public / private wastewater treatment utilities?

No. The swimming pool cannot be drained into any wastewater treatment plant.

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

No, this does not involve the use of a historic building or resource.

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

No, there shall be no disturbance of wetlands or waterbodies by the subdivision.

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

No. Not long term.

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

No, there shall be no hazard to human health as long applicable codes are met.

Daniel Gettel: That is the end of Part 2 of the EAF. None of the questions resulted in an answer that was moderate to large, so we do not have to address Part 3 of the form.

Motion to grant this application a negative declaration by Susan Brown Otto, second by Steve Simpson

All in favor – 7

Opposed - 0

Agreed and carried

Motion to grant this application a revision to the Site Plan with the condition being that no permits shall be issued until such time as all fees are paid by Susan Brown Otto, second by Mike Cassaro

Roll Call Vote

Mike Cassaro - Yes

Susan Brown Otto – Yes

Steve Simpson – Yes

David Biren – Yes

Wilfred Hughson – Yes

David Slater – No

Daniel Gettel – Yes

Motion passed 6-1

Daniel Gettel: Good luck.

3) 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: Mr. Sturm, you don't have to address the audience, but if you like to you may. This is not a public hearing tonight but there are people in the audience who were not here for the previous presentation.

Daniel Sturm: I will take a minute. We were here at the last meeting of the Planning Board. We had a public hearing, we closed the public hearing, and there were some great comments that came from the public, some questions, some concerns. I believe that we have answered them all, hopefully to the satisfaction of the Planning Board. For those that don't know, and I will be brief, most people know what we are doing here. The BLDC purchased the property from the County, 190 acres, in 2011. A portion was turned over to the town. What we have now is 125 acres of this parcel is a conservation easement, forever protected, wild land, hiking trails, and that sort of thing, which we are in the process of building. There is also a 20 acre piece right here (showing on map) which is the sand portion. We are trying to subdivide the remaining 60 acres here, between the sand portion and a sellable portion for a residential home or two on the property. I just want to make it clear, that the agreement that we had with the County, there was some reversionary clause that said we have to try to market the remaining property, this forty acres for some sort of development, taxable development. That is why we are trying to subdivide for a home or two. We do have a buyer, who is here tonight, interested in purchasing that property. It has been on the market since 2011. We are doing our best to get it on the tax role, and that is it. The sand mine is here (showing on map) we talked a lot about the sand mine. We are going to make sand this year. We have a DEC permit. We are going to make our own

sand instead of buying it. I believe we will have an opportunity to save close to \$80,000 a year for the town by making our own sand every year. That is the estimate at this point, once we get going. We did submit additional paperwork concerning some of the questions at the last public hearing for the Planning board. I will be happy to answer any other questions that you have.

Daniel Gettel: Like Mr. Sturm said, we did hold a public hearing at last month's meeting. The concern raised was the separation of the proposed lot from the Smallwood well location, which is circled in green on the map that is on the easel. This prevented us from acting on the SEQRA portion of the application, which prevented us from acting on the application itself. The proposal has since then been reviewed by the New York State Department of Health. They recommended in a letter dated March 25, 2016, that the protective control radius surrounding the well be expanded from 200 feet to 450 feet. We were also provided with a letter dated April 4, 2016 indicating that they had reviewed the town provided map indicating a larger radius, and they have signed off on this matter. They basically took the worse case scenario, as far as separation goes, and added 50% to it. The request does not impact the proposed project but due to the fact that a very small portion of the proposed lot is within 450 feet of the existing well, we would suggest that a note be placed on the final subdivision map indicating that no sewage disposal systems be located within 450 feet of the existing Smallwood well.

Motion to receive and file letters from the Health Department dated March, 2016, and April 4, 2016 by Steve Simpson, second by David Biren.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Like I said we were not able to complete SEQRA at the last meeting. At this time we need to run through Part 2 of the form. I read Part 1 into the record, I touched on that at the last meeting, and I don't think it necessary that it be read into the record.

Daniel Gettel: Reading Part 2 of EAF

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

No. The proposed lot conforms to zoning.

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

No. This is a sizeable lot for the district.

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

No. Again, this is a large lot compared to other 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. We are talking about one lot.

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. This is a single proposed new lot.

7. Will the proposed action impact existing:

a. public / private water supplies?

No. A note shall be placed on the map indicating that no sewage disposal systems shall be installed within 450 feet of the existing Smallwood well, as requested by the New York State Department of Health.

b. public / private wastewater treatment utilities?

No. This is a single residential lot on a large lot which is not located in close proximity of any existing sewage disposal systems.

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

No, this does not involve the use of a historic building or resource.

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

No, there shall be no disturbance of wetlands or waterbodies.

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

No. Not long term.

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

No, there shall be no hazard to human health.

Daniel Gettel: That is the end of Part 2 of the EAF. None of the questions resulted in an answer that was moderate to large, so we do not have to address Part 3 of the form.

Motion to grant this application a negative declaration by Steve Simpson, second by Susan Brown Otto

All in favor – 7

Opposed-0

Agreed and carried

Daniel Gettel: Are there any board comments?

None

Motion that we grant this application a subdivision approval by David Slater, second by David Biren with the conditions being that:

1) That a note be placed on the final subdivision map indicating that no sewage disposal systems shall be installed on the proposed lot within 450 feet of the existing Smallwood well.

2) The Planning Board Chairman shall not be authorized to sign off on the proposed subdivision until such time as the Subdivision Map is signed and sealed by a land surveyor licensed to practice in the State of New York.

3) That all fees be paid.

4) That a note be placed on the Subdivision Map indicating that the proposed lot is to be accessed via a 50 foot wide right of way as a waiver was granted by the Planning Board to allow for this access to not be in fee simple.

Roll call vote:

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

***Susan Brown Otto – Yes
David Slater – Yes***

***Steve Simpson – Yes
Wilfred Hughson –Yes***

Motion passed 7-0

Daniel Sturm: Thank you.

4) *Conceptual application for a non-transient campground to be located at 34 Yasgur Road, known as Bethel Tax Map #: 25-1-14.1, 14.3, 14.4, 15, & 16.1, proposed by Yasgur Road Production. (Wes Illing)*

Daniel Gettel: Just so everyone is aware, this is the first time the Planning Board is seeing this application. It is more conceptual I believe to get our ideas on the project. We are not ready for public hearing or anything else. If you would please Mr. Illing, tell us what you are proposing.

Wes Illing: This campground has been operating for decades as a transient operation. The owner Jeryl wants to make it a permanent campground, and embrace all of the wonderful things that come along with the site in exchange for additional revenue. She wants to have an operation for more than 60 hours per year. There are about 100 acres of land available for this campground. On this map you will see a heavy green line here. This little piece here is a pretty big field that is about 25 acres. The remaining 75 acres is all wooded. It is wooded, forested. It is 50 to 100 years old in terms of maturity. The trees are a decent size. It is a nice wooded area. I have walked through the area. It is a nice camping area. In fact, when people come up and camp at the campgrounds they stay in the woods. They don't want to go into the field, this green area that I hatched on the plan. My apology, we did not have the topo for the deadline to prepare a better site plan for you. The green area is the area where we want to put the campsites. That was a guesstimate on my part. We have gotten topo since then and it is pretty darn close as to what we are going to do. This green area does not look very big. We could put in close to 600 camp sites. There is a wet spot in this area. To put 210 campsites in this area is a cake walk in terms of satisfying the minimum requirements. From the preapplication meeting Glenn Smith suggested that we establish a minimum width for the camp sites of 30 feet. One of the things we want to do in this camping area since it is out in the woods, and we have a lot of fire rings out in the woods already, I would like to have and the applicant would like to have.... the DOH first of all requires and wants a water spicket for every ten campsites. We didn't want to have a camp fire or fire ring for every single campsite, because it would fill the woods with smoke. To address that issue, and in a more environmentally sound way, what we are going to do to the best of our abilities, on this little map I show a little circle here, this little circle has seven campsites. It is not on your map, I wanted to give you an idea how small those seven campsites are, and they share a common fire ring. Then we can bring water to the common area around the camp fire so we have a water spicket right there that serves seven campsites, in excess of what the DOH requires. If there is a fire they can put it out, when they are done at night they can take the water from the spicket and put out the fire so there are no fires burning overnight. It protects the forest. That is the main draw for this campground. I didn't have the information to do an actual layout when we created this. We have the information now, and I will put together a real site plan now for all the campsites, for all the water lines, the show the facilities, the toilets, the washrooms, etc. They will be shown next month actually. These other areas we are thinking about leaving it as open space. We so far exceed the open space requirement it's not even funny. The area here that you see on the plan with all of the parking spots I put that there for illustrative purposes, so you could understand how big of an area, in this case how small of an area actually it takes in terms of this field area for 300 cars. Is she going to have 300 cars there parked there or every day? No, I don't believe so. She would like that, but I don't think that is going to happen. On

some of the biggest weekends, that may happen, I suspect that she is probably looking at more reasonably 100 to 200 cars. The actual area for parking, when you look at this, we cut that in half, that is more reasonable in terms of what she would expect on weekends, or during special times of the year. That is a really small area relative to that great big vast area, that big field. One of the things in your code they talk about preserving the rural character along the gateway corridor, 17B. And when I drive along 17B, what I see is rolling hills, and open expansive farmland of green pastures. And that to me is the attraction of that corridor. I have a lot of waivers we are asking for tonight. I take it you have all taken the time to read through the 35 page brief I have given you.

Daniel Gettel: I think we will discuss it generally; we are not going to go through every specific item.

Wes Illing: What I have done tonight to expedite things, is I have condensed the 35 pages into a 5 page brief.

Daniel Gettel: You understand we haven't reviewed it either?

Wes Illing: We are going to go through it together, line item by line because what I want to get tonight is an agreement on what the Planning Board is willing to offer in waivers, and what they are not going to offer in waivers, so I can prepare a site plan for next month that will satisfy all of the requirements of the Town Code so we can move forward at a reasonable rate.

Jacqueline Ricciani: I don't think it is necessarily proper to ask the board to commit to something....it is not reasonable for the Planning Board tonight.

Daniel Gettel: It is a document we have never seen, I don't want to act on it tonight.

Wes Illing: Let me read it to you Dan, and we will go through it.

Daniel Gettel: If you would like me to go through the one you submitted, I would be more than happy to do that.

Wes Illing: We can do that.

Daniel Gettel: The only thing I noticed that I could pick up is, you talk about R-17 district permitting camping, but it does not permit camping.

Wes Illing: As a special use it does.

Daniel Gettel: Not non transient. Transient it does. I think you may want to look into that.

Wes Illing: I will double check that Dan.

Daniel Gettel: I don't believe it is permitted in the R-17 district. I can look at the book if you like. I thought that is why you kept the parking in the front.

Wes Illing: You look at this potential line here, that is the border line of the R-17 district, and the whole campground area is going to be behind that anyway. So the camping area is in the Ag District.

Daniel Gettel: Have you approached anyone at the Health Department about waivers?

Wes Illing: I have talked to them briefly, and I have to go in and meet with the Department of Health.

Daniel Gettel: What waivers are you interested in?

Wes Illing: That is the very first one on my list here. It says in your code, that yeah we can... first of all, it is very hard to get a pump and haul permit from the Department of Health. They just don't like giving them out. However, what I am going to propose to the Department of Health, is that they give us a temporary pump and haul permit so that we can operate for one season, and record water flows, and document how big the system actually needs to be based on occupancy rates, versus the occupancy available and be able to make a more realistic projection of actual water flows, and sewer capacity requirements. That will allow us to get a better handle on what the size of the leach field area, so we can do a better job on the septic system. If in fact we can actually do an onsite septic system. We may not be able to. I haven't done soils; I am going this month and do soils. Jeryl has told me the bedrock is close to the surface up on the top of the hill, how much soil depth we have down in this area, I don't know, and until we go out and do digs and the DOH witnesses those soils with us, I can't tell you if we have any useable soil or not for a septic system.

Daniel Gettel: Are you suggesting that you are going to say to them, on such and such a weekend you had 30 campers and this is what the flows were and you are going to multiply that by how many campsites you want?

Wes Illing: DOH is going to make us monitor water flows every single day.

Daniel Gettel: But you would be building a sewer system on site that would accommodate a full build out of the campers?

Wes Illing: That is what is DOH is going to make us do. What DOH is going to make us do....

Daniel Gettel: That is a change from what we heard before.

Wes Illing: Well, to qualify that, I told Jeryl it may be cheaper to put in a sewer line, and tie in with the sewer district. If that turns out to be the case once we do our soils, I will know that before next month. I will know that before I talk to the DOH. The bottom line, we are going to come to a decision on that pretty quickly.

Daniel Gettel: My question is will you put a cap on how many people you can have?

Wes Illing: DOH is going to do that for us. Because when they regulate this, they are going to

say okay, it is 55 gallons per day per camp site, and so if we got a well, and already tested the well, the testing on the water quality, we also monitored two other wells on site to see if there was an affect on those water levels during the draw down test, and there was not. We are limited to about 26,000 gallons per day, and that is only good for about 400 campsites, which is far in excess of what we are proposing right now. In the end I want better sizing criteria for the septic system. And what DOH is going to do, they are going to look at our daily records, they are going to look at the high flows, and they are going to make us size our septic system on those high flows, not the average flows because of the sub service treatment system.

Jacqueline Ricciani: How many camp sites are you proposing?

Wes Illing: At this point, and DOH is going to drive that, we are proposing 210 out here in the woods, and then we are going to propose 29 or 30 RV sites. They will probably be up here over the crest of the hill here, partially obscured from view from the road. The land goes up and then drops down in the back. This is what we are conceptually looking at right now, now that we have the topo, I can talk to DOH and see if that actually works for us. All of that information will come out next month. One of the waivers I am looking for tonight, looking for feedback tonight, is this requirement in your code 120-4 – B5, it says just because DOH gives us a waiver it doesn't mean that the Town of Bethel is going to go along with that waiver. And I would like a waiver from that requirement so that if we actually can get from the DOH for one year, which I suspect that is all they are going to give us, and that the Planning Board will go along with DOH on that waiver.

Daniel Gettel: I think it will be very hard to get us to agree that whatever waiver you get from the Health Department, we will go along with. That is very open ended for us. I would have a problem with that specific type of waiver, because we don't know exactly at this time what type of sewer you are talking about or even what waivers you are asking us for. What are your thoughts on the water? I know since it is transient you only need one water source, you have to come up with additional

Wes Illing: We are doing permanent.

Daniel Gettel: Typically if one well goes bad you send everybody home.

Wes Illing: When you have a situation like this, this isn't single family homes or anything, hey if the well ran dry...

Daniel Gettel: You give them their money back and send them home. Do you have water storage then too?

Wes Illing: We are going to have to submit a water treatment system plan to the Department of Health before we do an approval that handles 26,000 gallons per day. We will be under their thumb. There are a whole bunch of things that the DOH gets involved in, once you step into this realm. They will be regulating us on a whole bunch of fronts. Your town code is written for both transient and nontransient campgrounds. Once you step into this other realm where DOH has taken over, a lot of stuff in the town code doesn't really apply anymore because DOH

already takes care of that.

Daniel Gettel: I can't speak for the board to try to address your concern. I think if it is, and Glenn correct me if I am wrong, if it is a specific health department question, and the health department says you can do *a*, we are not going to say you can't do *a*, we are going to make you do *b*. I think that would be kind of difficult for us to do. If it is a specific Health Department concern, I don't know exactly what waivers you are talking about.

Wes Illing: These are the waivers we are going to be asking for Dan.

Daniel Gettel: If you are talking about sewer or water or separations I would say, for example, something the Health Department controls more than the town does. There are certain things the Health Department has total control over. Our code is based partially on the Health Department code. I think to answer your question, all I can say to you if it is an item specifically driven by the Health Department, and they are the ultimate reviewing authority, I think we pretty much go along with it. I can't speak for the whole board, I don't see why we would say you prove you can put a sewer there, but we are going to make you connect a mile down the road. I can't see us saying no to it.

Wes Illing: The waiver I am hoping to get from DOH is a pump and haul waiver, which they hate. If I can get that from them for one year, until we can properly size a system and install the system so the next year that waiver goes away, that is the specific waiver I am anticipating from them.

Daniel Gettel: The only assurance is the second year you would operate with a different system, then it would be a fact that that waiver goes away.

Wes Illing: The only condition I might be able to get from DOH, is say yes you looked into soils, we can't do an onsite septic, it is two expensive, and we are going to have to connect to municipal sewer. That will probably not be possible in one year; it would probably take two years. We would then have to go back to DOH and ask for an extension for one year while we get annexed in the sewer district, and all the plans drawn up and the whole system built out and approved. The DOH would probably give us a one year extension to do that. I don't expect them to give us a waiver for more than a year, and they would only be willing to give us an extension after that if we prove to them that we are pursuing this in earnest. They have heard this story so many times from various applicants over the decades; they are very reluctant to grant waivers.

Daniel Gettel: Glenn, any comment on that?

Glenn Smith: We shouldn't waste a whole lot of time on it. Wes is right about the Health Department, they are tough. They are going to require all kinds of monitoring; they will require contracts with the hauler, high level alarms on tanks. For a health and safety standpoint it would probably be fine. I agree though, I wouldn't grant it for more than a year.

Daniel Gettel: To answer his question though, I think everybody would want some kind of

assurance to move toward something more permanent.

Glenn Smith: That is the only way the Health Department would issue it, they want to see something solid, assuming either an onsite treatment system or municipal connection.

Daniel Gettel: By the time you even apply for the initial application you would already have a concept in mind of where you are going, I would think.

Wes Illing: Hopefully next week I can go out and do soils, and I will schedule DOH to witness the soils with me. If DOH witnesses my soils, are you fine with DOH witnessing my soils?

Daniel Gettel: It is out of our hands. I don't have an issue if Glenn doesn't. But keep us in the loop, carbon Glenn in on it. Glenn is going to be our reviewing engineer.

Wes Illing: I'm happy to have that. So that is the waiver, the way the code is written makes me nervous. We spend all this time and money, and then DOH says okay you can have this, and the Planning Board says oh well, we are not going to give you that. So Dan, would the Planning Board be willing with regard to the pump and haul waiver, would the board go along with it.

Daniel Gettel: If you are moving toward a more permanent solution for treating or getting rid of the waste water, we would be okay with that. I don't know what the procedure for getting the sewer approved along the highway, I know it is going to involve the State, it is going to involve the town board, I believe. It is an extension of a sewer district. I don't think it is going to be a 2 inch line pumping down the road. It is going to have to be built to municipal standards.

Wes Illing: No it's not, that is exactly right. If it costs three quarter of a million dollars for that, I have to weigh that against the cost of an onsite septic system.

Susan Brown Otto: The onsite system is that a package plant?

Wes Illing: No, it is going to be a subsurface absorption field. No, it is a nice simple system. There is plenty of land available; in this open field we have plenty of room down here. It's not the issue, if the soils are so thin that you have to truck in a ton of fill, that can get expensive quickly and it is high risk, because the fill you bring is improperly compacted. You have to dozer it all out and start all over again. So the contractor always charges an arm and a leg for those kinds of systems because they are a risk to install especially on a system that size. So you pay through the nose for something like that. That is why I want to get soils and find out what we really have. There is red shale at this site, sometimes redshale offers a well drained site and it may or may not be well draining. That is my biggest concern. Since this a special use permit, Dan, would it be reasonable then to expect you to go along with the DOH waiver, and then one of the conditions of the special use permit would be that we would move towards this as committed to with DOH?

Daniel Gettel: I don't have an issue with that. The problem has always been with enforcement when we go that route. How do we enforce it? It always becomes an enforcement issue with any kind of condition that we have. As far as the town trying to enforce a previous Planning

Board condition, it is just a nightmare that way is all. It would be a condition we put on it. I do foresee it being a problem as far as enforcement. That is why I asked you about your permit if it expires. While we are talking about waivers, Jacy, if I can put you on the spot, there is a section in the code, 125-C -11 a, which you referenced which grants us the right to waive certain elements in the code.

Wes Illing: I put that in there to point out that there, you have the authority to grant certain waivers or make alterations through the code as appropriate for the application.

Daniel Gettel: It is in the summary on page 11 in the original report. Jacy, the way I am reading that is the section that allows us to make waivers of specific items.

Jacqueline Ricciani: These are all the design elements.

Daniel Gettel: So if it isn't listed here, we don't have an avenue to grant a waiver.

Jacqueline Ricciani: Correct. The waiver only applies..... I would have to point out water supplies...

Daniel Gettel: I know they are very broad, I do believe there are certain things in here that you have asked for that we don't necessarily have the right to waive, so I want to make sure we are on board. Jannetta, for the record, and if you want I will send it to you, we have the ability under that section to waive:

120-5-C (1) The location and widths of all entrances, exits and streets.

(2) The location, size and arrangement of each lot or camping space within the campground or RV Park.

Daniel Gettel: Which is one you asked us to waive.

Wes Illing: I am good with the

Daniel Gettel: Your new layout will meet that requirement.

Wes Illing: Yes. Glenn and I talked about the width issue, because there is a 30 foot width requirement in the code, and then when I went back to the office and laid it out with this circle and put it on here and starting looking at how everything fits, that is a cake walk.

Daniel Gettel: There was a reason for it, I couldn't tell you specifically.

Continuing to read the code

(3) The method and plan for electric lighting.

Daniel Gettel: I don't think you are going to have a lot of lighting.

Wes Illing: No. I am going to be looking for waivers.

(4) The location and plan of all proposed structures and improvements.

Daniel Gettel: Which we haven't seen yet, and you are going to have to meet the Health Department approval, or Code Department conditions, so I don't think there is a waiver for that.

Wes Illing: That is correct.

(5) Plans for landscaping.

Daniel Gettel: Which I know you have several in here, and we will touch on that later.

(6) Stormwater drainage.

Daniel Gettel: Glenn, if you have any comment on that. We don't know exactly how much disturbance there is going to be, if any.

Glenn Smith: He saying less than an acre, so SWPPP doesn't come into play if that is the case.

Daniel Gettel: The existing roadways right now in between the campsites through the woods...

Wes Illing: We have had them all surveyed and all that stuff is located.

Daniel Gettel: What are they made of?

Wes Illing: There is some red shale. I wasn't able to submit this to you guys in time.

Daniel Gettel: We are talking conceptual tonight.

Wes Illing: That's fine, but here is the whole property with 2 foot topo for everything. This little green area down here is a wetland. The campground is kind of laid out around that wetland, which is kind of a neat backdrop for the campsite. 17B is on the bottom down here. We have a wetland here, we have one up here, this is our area again that we are talking about.

Daniel Gettel: So the existing roadways, lets call them roadways, pathways, whatever you like, have a shale base?

Wes Illing: Yeah, the roadways are like this loop right here, there is another one that goes down here. There are a bunch of trails that go through the woods. There aren't any markings on them. We are going to want to add little markers.

Daniel Gettel: There are going to be some kind of improvements. I believe I heard or read somewhere about maybe it was the last application from last year that golf carts can go through, but it isn't really meant for ambulances or anything like that.

Wes Illing: What they have done in the past, to my knowledge, they had golf carts, and you can drive a vehicle around the main loop. We are going to have names for all the trails. In the past they tried to put the band out in the field. That didn't work real well. It was sunny and hot. In

the future, what they are going to be doing is that they are going to move everything into the forest. There is a little bit of a clearing here in the woods, and that is where they have a couple of small stages.

Daniel Gettel: We are going to go back to where I was.

(7) Utilities.

Daniel Gettel: We have the right to waive items that are associated with utilities, which is something he has asked for.

(8) Water supply.

Daniel Gettel: Again, I believe that is something that would be driven more by the Health Department than the Planning Board. I don't know if there is a specific waiver request in for that.

Wes Illing: I am not going to ask for any waivers on that at all, because there is no need to.

(9) Portable or permanent toilets.

Daniel Gettel: That is nothing that has been addressed yet, but they may come, I assume.

Wes Illing: And I want to talk about that tonight, Dan.

Daniel Gettel: All right, we will come back to that.

(10) Shower facilities.

Daniel Gettel: There is going to be a main shower building there?

Wes Illing: Yes. Now in the Department of Health code regulating campsites, their requirements there are toilets throughout the campsites, that is what code has, but regarding shower facilities, there is no set distance in the Department of Health code. So, regarding that one requirement, I was asking for a waiver from that requirement because we are thinking what we would like to do rather than have showers out in the woods, we would rather have the showers up here in the field area and add some solar panels so they can draw some heat and basically have some renewable energy, heating the water as required by the Department of Health. They have to have the water between 90 and 105 degrees Fahrenheit for those showers, so we have to have hot water for those. So we would like to put those anywhere they can pick up sunshine. So I would like to have the showers over here which this circle is a 500 foot circle so it might be within a 500 foot distance of all the campsites, no, I take that back....they will be outside that 500 foot radius, but I want a waiver from that requirement because it is not required by DOH, and its not really....there is no rationale for a requirement like that.

Daniel Gettel: In your original report to us you talk about you want a little bit of a clarification on individual onsite sewer and water supply. Glenn, I believe the intent of that section I know you don't have it in front of you, Wes I think what they were going for is they didn't want individual leach fields on each camping lot.

Wes Illing: That is what I was thinking, but I didn't know and I wanted clarity on that.

Daniel Gettel: I would have to think that was the reason that was put in there. I see that you don't want to drop a well every 30 feet either. That is the only way I can understand what that section is.

Wes Illing: That was my interpretation as well.

Daniel Gettel: I don't believe outside toilets mean that they don't have privacy. It is part of a section that is written for the RV's, where the RV's have a toilet inside the RV. I think they were referring to one specific toilet on each lot, where some people set up their own outhouse or something like that. I think that is what that section refers to. I don't think it means outside toilets, just a toilet out in the middle of the woods, with no privacy. You also make a couple of comments in here about how it is more of a farmland, that it's really not a residential area. I don't necessarily agree with that since there are residences, and there is a lot of traffic. I think just because Harold Russell has a barn on his property, doesn't mean his farm isn't residential. I think it could be a mix of both.

Wes Illing: That is a farm operation that is not a residence.

Daniel Gettel: It is also a residence that he has there, which is part of a farm. I think your argument a lot with the landscaping and the fact that it is a rural area in farming it doesn't necessarily mean that the board is going to be in favor of waiving most of the landscaping requirements. I think you should look at screening. You talked about, and correct me if I am wrong, if I read it wrong, you talked about most of the time the parking lot is going to be empty, and that is the time you are talking about you won't need screening, but we want to address the times when the parking lots aren't empty, and when they are full.

Wes Illing: It says in the code specifically that this Planning Board is supposed to try to make the character of a special use application be consistent with the character of the surrounding neighborhood. When you look at that neighborhood along 17B, what you see is open fields. You don't see high density developments with all kinds of fancy landscaping and very expensive stuff that is meant to screen all kinds of crap and high density development.

Daniel Gettel: I think what this board is going to say to you, if you want an answer on your landscaping requirements, is first of all we don't have specifics of what landscaping you want to put in or what is existing. We don't really have any plans that show what exists. I did read through this, I know what you are talking about as far as the buffer from some of the neighbors. That doesn't mean that all of the neighbors are buffered. I do think that you are talking about if you want to keep everything rural, and you want to keep everything open fields, and then don't park in the field. Keep the field vacant. But if you are going to park in the parking lot, I think you need to screen vehicles from the traffic. I think this board is going to insist that there be some kind of screening to screen the parking area from adjoining properties and from the roadway.

Susan Brown Otto: It was discussed at the last meeting.

Wes Illing: She mentioned that, and I understand that. You set a precedent with the brewery down the road on 17B.

Susan Brown Otto: That is farming.

Daniel Gettel: We did not approve the brewery.

Wes Illing: Never mind then. Thank you.

Jacqueline Ricciani: Mr. Chairman, could I also point out that there are other portions of the code not in the camping section but in the zoning section with respect to 17B gateway standards that the preference for commercial development is that the parking be in the back.

Wes Illing: Or on the side.

Jacqueline Ricciani: I believe it is this board's preference that it is in the back.

Wes Illing: Your code says in the back or on the side.

Daniel Gettel: I believe Mr. Illing is correct.

Jacqueline Ricciani: He is correct, but I believe it is this board's preference to have the parking not be....

Daniel Gettel: I am saying if it is going to be in the front where it is more convenient for everybody, it is better for parking, it is an open field, it has a decent base right now for driving on it, and I think you have to look into providing us with some type of landscaping to screen it.

Wes Illing: Let's talk about what is reasonable for the board then.

Daniel Gettel: That is up to you to come up with a concept and ask us.

Wes Illing: I don't want to play this guessing game.

Daniel Gettel: I don't have anything in front of me that shows what you are proposing. I am not going to sit here tonight, and I am not going to give you every little detail of what we are going to review. Give us something on paper that you want to propose, and that is when we will tell you if we are okay with that. You don't have to come in with a detailed plan next month that shows every little tree or what you what to do, show us where your buffer zones are, where you feel some plantings need to be put, and then we will act on that, we will tell you how we feel.

Wes Illing: Let's talk in general. I'm not going to want to spend a fortune of my client's money preparing plans and guessing by gosh what the board is looking for.

Daniel Gettel: I think I was pretty clear that if you are putting the parking in the front, so you can't see the parking from 17B or

Wes Illing: You have 17B here, so we had talked in the preapplication meeting for example about screening down in this area here from 17B. It was basically a strip of trees in this area, and there are various sections in the code that has different screening requirements, and there are various depths and what not, some is 15 feet, some is 20 feet.

Daniel Gettel: There is also in the code that every 12 parking spaces are supposed to have a planting.

Wes Illing: You didn't do that with Alan Gerry. When you park in his grass areas there are no planting beds every 12 spots, there are no shrubs and all this expensive stuff.

Daniel Gettel: Since I have been on this board, every project we've had has had that. I wasn't here with Alan Gerry, and that was before the zoning changed also. Every project that we have had, since I have been on the board, has had that raised as one of the conditions, so that is another landscaping one that I don't know that we are going to go along with. If you want to propose...I don't have a plan in front of me that shows what you are proposing so I am not going to sit here and tell you that we are going to accept something that you are not even showing us. I don't want to be able to see the parking from the road, and I don't want to be able to see the parking from the adjoining properties. I think that is pretty clear. If you have existing buffer zones along the outside of the camping area, you don't feel that you need to....

Wes Illing: The camping is already screened by natural buffers.

Daniel Gettel: Then indicate the natural buffers on your future plans, and I don't think we are going to ask to you supplement natural buffers around the camping.

Wes Illing: If you are familiar with the topography of this site, which you realize, when you are driving by 17B, the site, it goes up hill. It is impossible to screen the parking lot, and not see cars driving along 17B because of the topography.

Daniel Gettel: I don't know that that is specifically true. I know exactly what you are saying, but I don't know that that is true if you put plantings on top of that berm. Glenn, if you would look at that that would be fine.

Wes Illing: What I would like to propose, I want to work with you guys, and move this application forward.

Daniel Gettel: I think we gave you some direction, and I think if you work closely with Glenn, that is all that I can really suggest. We don't have documents in front of us, like I said; I am not really keen on having you saying that we are going to accept something that we haven't seen. You say in your report on an annual basis the parking areas will be large enough, preserving the open spaces that there are green pastures most of the time. The problem is what about the time..... no paved areas are planned except for ADA compliance. I assume you could probably set up a small area for that. You probably have to have the campsites accessible too.

Wes Illing: No, that is not a requirement. The plan is to do what they have done in the past, and

take ADA people in on the golf carts, because that is not a requirement.

Daniel Gettel: Will that meet the ADA requirement? I don't know that requirement. Glenn, if you could check into that.

Wes Illing: It is exempt from ADA requirements.

Daniel Gettel: I don't know.

Wes Illing: If you look at the DOT fishing areas....

Daniel Gettel: One of the problems that you have in this report, and you touch on it briefly towards the end, the applicants plans to have small concerts, i.e., 20 x 20 stages in the woods. The woods significantly improving noise levels as witnessed in prior years when the stages were in the open field. Even if we were to grant you every waiver that you request, and grant you a camping permit, I don't know if we can grant you small concerts. That is something that has to be looked into, that is a separate section of the code.

Wes Illing: According to that section of code, that code basically you go in and you have to apply for a noise permit. I believe that is from the Town Board, you apply for a permit, and they give you a permit. Jeryl has done that in the past.

Daniel Gettel: I want you to be aware that, that doesn't necessarily cover you under our review if we were going to give you a camp permit.

Wes Illing: That's correct, and the and yes I understand that. The whole noise section of the code is an interesting section of the code. Moving everything in the woods will mitigate that issue.

Susan Brown Otto: It was also discussed at the last meeting, the preplanning meeting the fact that there are a lot of neighbors on Perry Road as well, and that right now, the concert, the event is one weekend in a year opposed to every night, theoretically, throughout the summer.

Wes Illing: When you say a lot of neighbors, I see a strip of land here, here, and here, a few neighbors, not a lot of neighbors. I see a couple of neighbors on big parcels. This is not a high density area.

Daniel Gettel: But they are complainers about the noise.

Wes Illing: I understand that, that is why Jeryl and I said lets put them in the woods. That is where everybody wants to be anyway.

Daniel Gettel: I don't want you to think that just because they are on larger lots doesn't mean we are not going to get complaints. Are you going to have a set number of events? I don't want to call them concerts. Are you looking at having previous notice of them, and granting a noise permit for a specific night and times?

Jeryl Abramson: The music we are going to be playing is going to be very low amplification. There are going to be small stages. This is not a concert. This is not a Bethel Woods kind of an event. This is no different than what the Dancing Cat does on the weekends. In the code music is ancillary to places that serve food, but not necessarily for a campground.

Daniel Gettel: We are at a conceptual meeting, so I want you to be aware that it may be something that may come up.

Jeryl Abrahamson: I understand that, if you have food, if there is no food service, then it is not ancillary to that purpose.

Daniel Gettel: It may be based on seats, I don't recall.

Jeryl Abrahamson: No, I recall that the zoning says...

Jacqueline Ricciani: I believe she is correct, eating establishments...

Jeryl Abrahamson: Not an eating establishment, places that serve food, all right, there is a difference, and it doesn't have to be a building necessarily, it could be some place like Kev's barbecue, he can have a stage, because a stage is ancillary through places that serve food.

Daniel Gettel: I don't know if that is a good example, he doesn't have a permit; he has to move every couple days. I know what you are saying.

Jeryl Abramson: My vendors serve food. Therefore we can have a stage, and we can have music.

Daniel Gettel: Jeryl, I am pointing out that this is something we need to look further into it

Jeryl Abramson: And I am saying, you serve food, therefore you can have a stage and you can have music, it is in the code already.

Daniel Gettel: I didn't review the code prior to the meeting. I want to make you aware it is something we are going to look into.

Wes Illing: The bottom line is, that section of the code for noise is pretty open ended, and the town has the option if there is a public outcry from the noise, the town has the option not to issue additional permits if it becomes a nuisance.

Jeryl Abramson: I would like to point out, that so far my neighbors have come to support this project, and from everything that we have discussed, the neighbors on Perry Road are very much in favor of this. They enjoy listening to what they can hear, which is kind of muffled, and it isn't much of a disturbance to them. We are not that close to them. We are not on their side that much, we are not that close to them, so we are not trying to disturb anyone, we are really trying to be self contained. We have had 20 years of trying not to bother anyone in Bethel. We have gotten pretty good at it. So we are very good at keeping it on the D L (down low). We are not

here to blast them out. You are not going to see big amplified stages. We don't even have the capacity to do that. We are not doing what Bethel Woods does. It is a campground and we play music.

Daniel Gettel: Mr. Illing I just want to point out you also have a note in here, Glenn you might want to look at a little more. Under the landscaping standards, there is a question in using the word should instead of shall. I don't necessary agree that just because it says should, that it means that it is optional. If a shade tree should be 6 feet tall, and we say we would rather see 7 feet tall, that doesn't mean shade trees, are optional. That is the way I interpret it.

Wes Illing: What I meant there, because it says should, it's not a requirement. It is a judgment call on the Planning Board's part.

Daniel Gettel: Not the whole section itself.

Wes Illing: When it says should in the code, it means it is a judgment call.

Daniel Gettel: The way your thing reads here that they talk about trees and you say it should be 6 feet tall. You act like well if it isn't 6 feet tall then you don't even need the tree.

Wes Illing: That isn't what I meant. What I meant is that anytime you see the word should in the code, it means it is not a requirement, it is something you can think about, and it is a judgment call whether you want to impose it or not, but if it is should, not shall, it is not required by law.

Daniel Gettel: I understand the difference between shall, and may.

Wes Illing: I have some more questions. It talks about fences in the code. There are contradictions in the code. One section says all property lines in the development shall be kept free and open. There are no fences.

Daniel Gettel: We typically take one section of code, and it looks like you took the whole book, and tried to follow the whole book.

Wes Illing: I took all the sections of code that are applicable to this application. That was the 35 page brief I gave you. That is the code that applies. You have sections of the code that contradict other sections of the code. That is okay I just want to get clarification from the Planning Board on which one you guys want to enforce.

Jacqueline Ricciani: This says, all property lines within development, so they are not asking you to put a fence because there are several parcels here which I am going to assume are going to remain?

Wes Illing: According to this, it says all property lines within the development, shall be kept free and open and no fences. So when you put a fence up, you put it within your property line, you don't put the fence on your neighbors property, you put the fence on your property as within

the development. So in one section it says no fences shall be erected on the property, and the other sections says, well that doesn't preclude these, so I wanted to eliminate the needs for fences. At the preapplication meeting it was that the propane tanks are a safety concern for everyone. However, I found out after the application meeting that the propane tanks, Glenn Smith did the design on the fencing system around those propane tanks and it complied with town code, state code, OSHA, Homeland Security, the system they have up there which basically isolates the valve to anybody walking up and causing a problem, Glenn did a very great job on that and the system up there satisfies the requirements of all the applicable codes, so I don't want to go out there and fence off everything and screw up the current leasing agreement that they already have with CES.

Bette Jean Gettel: We were more concerned with the valves.....

Daniel Gettel: I was on the Zoning Board at the time, and that is exactly the way it was laid out.

Glenn Smith: Are you proposing fencing on the site?

Wes Illing: I don't want to add new fencing. I want to avoid any fencing because it is an expense and it is ugly. Part of your code says not to have fences. The code says you want to preserve open space. Vegetative screening is one thing. I can see some value in that. If we can just visit that, that is fine. To fence off 100 acres ...

Daniel Gettel: Mr. Illing, if you look at our past conversations with Jeryl, the only time we talked about fencing is if there was a problem with people trying to sneak in, or people that were trying to come to the event that weren't ticketed. That is the only time we ever spoke about fencing. I believe that most of the problem areas are currently fenced. It was always one of the conditions of her approval. It is already part of her approval. We are not going to ask you to put up fencing.

Wes Illing: Great. That is very helpful. Garbage and refuse disposal. The code talks about air tight garbage containers, I wanted to understand what that word air tight meant, I want a waiver from that.

Daniel Gettel: I don't think we can grant you a waiver on that.

Wes Illing: Can you describe what an airtight

Daniel Gettel: We will get you an interpretation on that. I did not write the code. We can reach out to some people that did, and what their reason for it is. We don't have the ability to give you a waiver. We can give you an interpretation. He is asking about the garbage containers being airtight. I can't answer that tonight.

Wes Illing: We don't want to spend \$20,000 to go for an air tight receptacle. That is crazy. What she does right now works. By the way, that is regulated by the Department of Health.

Daniel Gettel: I would like to think we are going to be reasonable with you, I don't think we

need to be discussing garbage disposals and airtight NASA containers, and we will get you an interpretation.

Wes Illing: Fire Rings, basically the concept we laid out for shared fire rings is acceptable to the Planning Board, I hope that is the case.

Daniel Gettel: It reads now that every lot has one.

Wes Illing: Well it says every campground.

Daniel Gettel: A campground is a group.

Wes Illing: Yeah, of concrete construction. We want some details on that. They have some existing fire rings already out there, that are made up from laid up stone.

Daniel Gettel: I don't have an issue with that. We would like Mr. Smith to have the opportunity to go to the site. Perhaps you can schedule something to meet him there. If you want to locate what exists and try to work with that, I don't have an issue with that. I am not going to stick your approval because you don't have enough fire rings.

Susan Brown Otto: Wasn't George Fulton going to count the fire rings?

Wes Illing: Yes he did, but I don't remember what that number is. It was more than 130. I didn't like the locations of some of them, they were too close to trees, or eliminate a bunch of them. I am scheduled to go there this Wednesday and walk, and look at everything that is on the site, and scratch it, and make some sense of the actual fire rings that works for a group of campsites.

Jacqueline Ricciani: Can you provide us with some photographs to give us some examples?

Wes Illing: Yes. There is a section in the code that requires that we give you an inventory of all the trees greater than 6 inches. We have 75 acres of mature forest out there.

Daniel Gettel: Is that in the camping section, or are you pulling from another section?

Wes Illing: It is applicable to this, it is 345-16, section B.

Jacqueline Ricciani: He is in the zoning section.

Daniel Gettel: We do not need to see the trees unless they are isolated. I want to see a general buffer line, if you are going to have a buffer zone you are maintaining, obviously.

Wes Illing: Parking. In the code, it defines in the code we shall have one parking spot for each campsite. That would be 210, we have 210 individual campsites then we want to have some extras for parking. It says in the code you are going to require some kind of study for parking spots. We are going to go by the code where 300 is plenty.

Daniel Gettel: Are you saying you meet our code?

Wes Illing: Your code says that one per campsite is required. It also says that the Planning Board if it wants to can require a study be done to see if a different number is reasonable.

Daniel Gettel: And you are saying you are going to meet the requirement in the code?

Wes Illing: Yes.

Daniel Gettel: I don't know why you feel we need to ask me for a study.

Wes Illing: I just want to make sure you are not going to come back and ask for a study. I want to prepare the whole plan, and come here and get approval that satisfies all the code requirements. I don't want to have any surprises. If we do it per the code, one per campsite or more, the board will be good with that is that what I am hearing?

Daniel Gettel: You will always have the ability to show overflow parking. They don't necessarily have to be designated spots.

Wes Illing: Okay. There is a ton of code on signs.

Daniel Gettel: You say there are no signs?

Wes Illing: We are planning on no signs.

Daniel Gettel: We are not looking at interior signs located more than 100 feet off the road. I don't want to know about it unless it has to do with accessibility or something that we need to know as far as our site plan. I don't care about trail signs if they are going to be small. The code is written for signs that are along 17B that are visible. If you have handicap spaces, and you are going to have signs, please show us that you are going to have signs. We are not going to review the interior signs. If you are going to have signs along 17B...

Wes Illing: This is the line for the R-17 gateway district, one option we have obviously would be to move this whole parking area uphill, and move it out of the corridor. That doesn't really eliminate all of the requirements for all of the vegetative screening. The vegetative screening is extensive and expensive. One measure in the plan is to plant a vegetative strip that is like 20 feet deep, maybe white pines, they are fast growing, and maybe in five to ten years it buffers the parking area from the road. So one option would be a strip down here along 17B, and then in five to ten years that area would be obscured.

Jeryl Abrahamson: Mr. Illing, there is a berme along 17B, which really does hide enough in spots.

Daniel Gettel: That was my point earlier. If you put anything on top of that berm, it is going to improve blocking the view.

Jeryl Abrahamson: I am not insisting, but I am discussing, is the berm high enough in spots that we wouldn't have to plant.

Daniel Gettel: I don't believe the berm is high enough in all those spots to block it.

Susan Brown Otto: Power lines. There is a special power line?

Jeryl Abrahamson: The power line is not on my property.

Susan Brown Otto: The power line is on the opposite side of the road?

Daniel Gettel: It wouldn't be in the way of the planting, is what she is saying. If we planted something on the berm, the power line is not right there.

Susan Brown Otto: I'm not talking about that power line. I am just talking about normal electrical telephone lines. Are they on that side of the road?

Wes Illing: There is nothing there. There is a strip down here, a buffer strip. What I am trying to find out tonight is we did a buffer down here, parallel to 17B, to buffer the parking area from the traffic of 17B, but didn't do all of the vegetative strips on the grass parking area per the code, would that be acceptable to the board?

Daniel Gettel: Say that again?

Wes Illing: If we put a buffer strip down here along 17B....

Daniel Gettel: Which is something I want you to discuss with Glenn when he is at the site.

Wes Illing: Okay. And if Glenn says it is going to be a requirement, and you really can't see anything back here anymore because it is totally screened from the road, can we get the requirements waived for all of the individual parking spots inside....

Daniel Gettel: I think in my impression what you are doing is you are taking a commercial code, like a Dunkin Donuts code, or a Dollar General code and you are trying to convert it to a camping code, which is not the intent of the code. I don't think we need a tree every twelve parking spaces. That is not the intent. That involves curbing. I think you are reading way too far into the zoning.

Jeryl Abramson: I think we are coming to a practical solution. I just want to remind you that there is an emergency entrance on the lower end that cannot be blocked. If there are a few trees on the berm, I'm okay with that.

Daniel Gettel: That is something we will look at in the field when Glenn is there.

Glenn Smith: Mr. Chairman, with the 2 foot contours, he can do some cross sections of the property very easily.

Daniel Gettel: It is much quicker to drive by.

Wes Illing: We did get the topo guys, and at the next meeting you will have a plan that in my opinion will be fully compliant with the code. I am going to do the double strip that we talked about by 17B, because in my opinion, I don't think the berme is going to be enough, and I think Glenn would agree with that. I can do a cross section if you want to show them, I can tell you right now it's not going to satisfy...

Daniel Gettel: I know its not.

Wes Illing: We are not going to do all these raised planting beds, and all this stuff for the parking area. Are we in agreement then? Next month when I come in we will have a real plan.

Daniel Gettel: Yes. Glenn set up a meeting with Mr. Illing. Whatever you submit to Glenn, send us a copy. If anything comes up we will have to raise it at the next meeting as well.

Wes Illing: That is a consolidated list of the waivers we would like and to get some direction on. I want to open this season. DOH is going to want documentation for flows.

Daniel Gettel: Keep us in the loop when you meet with DOH.

Wes Illing: Dan, when you say keep us in the loop, email correspondence, meetings with DOH, how would you like to handle that?

Daniel Gettel: Glenn, I think any submissions going to the DOH, touch base with Glenn. Please keep in mind. Submissions need to be submitted to this board no later than fourteen days prior to the next meeting.

Wes Illing: Thank you.

5) Administrative: Application for an extension of a Special Use Permit for a Hotel/Spa to be located at 1623 State Route 17B, White Lake, known as Bethel Tax Map #: 33-5-2.1, proposed by White Lake Mansion, LLC.

Daniel Gettel: The applicant was told they did not have to be here tonight. The developers of White Lake Mansion did contact BJ recently indicating they are still interested, and are working toward the completion of the project. We extended their approval last April for a period one year, and they asked if we could extend it once again.

Motion to extend the previous Special Use Permit for a period of one year set to expire at our April 2017 meeting by Steve Simpson, second by Dave Slater.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Mr. Sturm if you would like to address the Renaissance grant to the public.

Daniel Sturm: The Town of Bethel applied for the Renaissance grant this year. There were fourteen applicants. Five municipalities were awarded the grant. We are one of the five municipalities that received the grant. We will receive a \$15,000 grant for this year. What we did was we did certain commitments that we have to fulfill over the course of the summer, by August 1st. If we do the commitments that we set out to do, then we will be in for the grand prize which is \$100,000, and the second prize is \$25,000 and then there are some smaller prizes. We want to work hard. We would like to create a community effort to fulfill the goals that we have set out. We set a work session for next Wednesday, April 13th, at 6:30 pm. We invite the Planning Board, Zoning Board, volunteers, any community groups to this meeting. The Town Board will be there. It will be a work session and we will layout our commitments for this year. Hopefully we will all work together. We would like to win the \$100,000, with everyone's help.

Daniel Gettel: Vicky, is there anything from the Town Board we need to know about?

Vicky Vassmer Simpson: We don't have a meeting this week. The next meeting is the one Dan just spoke about.

Motion to adjourn by David Slater, second by David Biren

All in favor – 7

Opposed - 0

Agreed and carried

9:15 pm

Respectively submitted,

Jannelta MacArthur

Recording Secretary