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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 Monday July 1, 2019 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, Mike Cassaro, Susan Brown Otto, David Biren, Wilfred Hughson, Robert Yakin, Alternate, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricciani, Attorney, Jannetta MacArthur, Recording Secretary, Vicky Vassmer Simpson, Liaison, and Glenn Smith, Engineer.

Excused: David Slater

Seated: Robert Yakin, Jr. in place of David Slater.

Pledge to the flag.

It should be noted that the room recorder(s) failed to pick up portions of this meeting and these minutes have been prepared based upon a partial recording and notes taken during the meeting by numerous individuals in attendance

Daniel Gettel: Jannetta, Susan Brown-Otto has a concern about the minutes from last month. When Susan voted on the last item of at the June 3rd meeting, page 37, she believes she made reference to the language of the definition of a Summer Camp. That reference is not in the minutes and she would like it to be added if it is on the recording.

Motion to approve the minutes from the June 3, 2019 Planning Board meeting with a correction to page 37, if audible, to include the definition of a summer camp by Wilfred Hughson, second by Susan Brown Otto

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: The first item on the agenda tonight is a public hearing to allow for transient camping at 38 Dr. Duggan Road. Ms. Reynolds owns a five acre parcel of land immediately adjacent to Hector's Inn and has requested that the Town allow her to have up to thirty campsites. In a moment I will open the meeting up for public comment and will ask the applicant to make a brief presentation to the audience to describe her application. There was a sign-in sheet at the rear of the room for people who wanted to speak at this public hearing. Let the record show that no one has signed up to speak at this hearing. If, after the applicant makes her presentation I would ask that if anyone in the audience wants to speak simply raise your hand and I will call you up to the microphone to make your comment. As soon as everyone has the opportunity to speak I will entertain a motion to close the public hearing and we will go back to our regular agenda to discuss the application as a board.

1) Public Hearing for a License to allow for Transient Camping with 30 campsites and 42 parking spaces to be located at 38 Dr. Duggan Road, known as Bethel Tax Map #: 26-1-14, proposed by Roberta Reynolds. (Reynolds)

Return receipts for adjoiner notifications have been received.

Daniel Gettel: As a board we have heard this application before. Ms. Reynolds if you would like to address the audience and describe your application.

Ms. Reynolds: We would like to have camping during the Woodstock weekend. There will be no fires, no music. Everything is going to be at Hector's. We have had it there for a couple of years. We are getting a permit this time. In the past we didn't realize that we needed a permit. We will have the camping from Friday at 12:00, until Sunday.

Daniel Gettel: It is going to be tent camping?

Ms. Reynolds: A few RV's as well, and tents.

Daniel Gettel: Hector's can't have camping without a permit, but they can have music. The Town Board did reach out to the property owners with regard to camping during the Woodstock weekend. You have had camping in the past.

Ms. Reynolds: I wasn't told in the past that I needed a permit. We were fined at that time.

Daniel Gettel: We encourage applicants to prepare their own applications, and we are not knee deep in engineers tonight. The Town does encourage this, but it does add to our work load.

Motion to open this meeting up for a public hearing for Roberta Reynolds by Susan Brown Otto, second by Steve Simpson

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel: There isn't anyone that signed up to speak at the public hearing, does anyone from the public wish to speak at this time?

Jannetta MacArthur: I would at this time. I am currently the Recording Secretary for the Planning Board and Zoning Board of Appeals. I would like to speak on behalf of my brother Peter Hofstee, who is a neighbor and borders Ms. Reynolds property. I have a concern in regard to the music and potential of fire crackers/works that may be a detriment to his neighboring farm. His cows graze in the neighboring field, and I am concerned of the noise spooking the animals.

Ms. Reynolds: I have already spoken to Farmer Pete already and we have reached an agreement. I have assured him that there will not be any music or fireworks/firecrackers that will disturb his animals. Actually he did say he would pull out any campers that may get stuck if the field is wet.

Jannetta MacArthur: Okay, thank you.

Daniel Gettel: We have three written responses. I will read them into the record. The letters are from the following neighbors and they are on file in the Town Hall.

Dr. Steven Agoston – read into the record.

Hayder and Irene Isaroff – read into the record.

John Theodore – representing Hayder and Irene Isaroff – read into the record.

Motion to receive and file the three letters as read into the record by Susan Brown Otto, second by Steve Simpson.

All in favor – 7

Opposed – 0

Agreed and carried

Motion to close this public hearing and go back to our regular agenda by Steve Simpson, second by Susan Brown Otto

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel: We have a short Environmental Assessment Form. It has been on file with the Town for a number of weeks, so I will not read Part 1 into the record. I do have to run through Parts 2 and 3.

Daniel Gettel: Reading Part 2 of the EAF into the record:

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

No. The proposed use is permitted by zoning.

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

Small Impact. Any approval would result in the change of use of the land and we have to acknowledge the fact that this use is set to take place over a long weekend.

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

No. The use is permitted in this commercial district.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

No. None exist in the Town of Bethel.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect infrastructure for mass transit, biking or walkway?

Small Impact. This use is transient in nature, limited in size, and a use associated with a permitted use located immediately adjoining.

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. There shall not be an increase in the use of energy associated with this proposal.

7. Will the proposed action impact existing:

a. Public / private water supplies?

No. The use is transient in nature.

b. Public / private wastewater treatment utilities?

No. There will be no impact.

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

No. None exist on this site.

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

No. The use is transient in nature and set to take place over a long weekend.

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

No. There are no anticipated impacts.

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

No. There will be no negative impact associated with this use.

That is the end of Part 2 of the Short EAF. None of the questions resulted in an answer of moderate to large impact may occur demonstrating that the proposed action will not result in any adverse environmental impacts.

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

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel: If we were to approve this application tonight we would be doing so with the following conditions:

1. This license shall be valid for one camping event, without outdoor recreation, for a maximum of 30 campsites accommodating no more than 120 campers, to be held on specific dates, August 16, 17, and 18, 2019.
2. The license shall be valid to allow for camping beginning at 12:00 noon on Friday, August 16, 2019 and ending at 5:00 pm on Sunday, August 18, 2019, and shall not exceed 60 cumulative hours unless otherwise permitted by the New York State Health Department.
3. The applicant shall provide the Town of Bethel with proof of insurance in the amount of \$250,000 per occurrence in a form satisfactory to the Town.
4. The applicant shall provide the Town of Bethel with any contract information regarding trash disposal and collection, sanitary services and potable water prior to the issuance of a license.
5. There shall be no vendors at this site.
6. The applicant shall act to insure that traffic movements on Dr. Duggan Road are not impaired by insuring that camper vehicles are parked on this site within the bounds of the delineated and designated parking area. No vehicles associated with this camping event shall be parked within the bounds of Dr.

Duggan Road or on any adjoining properties.

7. The applicant shall permit the Town of Bethel Building Inspector, Code Enforcement Office and the Town of Bethel Constables to conduct site inspections to insure the conditions set forth in this license are being honored.

8. No open-air music events shall take place within the bounds of this property. In no instance will amplified music be permitted.

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

a. Ensuring that there is no trespassing on adjoining properties.

b. Monitoring the natural buffer zones along any adjoining farmland to ensure that they are unoccupied by persons, vehicles, or debris of any kind.

c. Prohibiting the use of paper lanterns, fireworks or the creation of other similar noises likely to disturb farm animals and enforce these restrictions at all times.

d. Erecting temporary fencing, only as required, to restrict entry to the site from adjoining properties and vice-versa.

10. The site and surrounding properties shall be fully cleared of camping related debris and equipment no later than August 26, 2019.

11. The applicant shall comply with all requirements set forth in the Town of Bethel Planning Board Engineer's review letter dated May 22, 2019.

12. RV camping shall be restricted to sites 13, 14, 15 and sites 26, 27, 28, 29, and 30, as shown on the sketch plan provided as part of this application. In no instance shall there be more than 8 RV's on the site at one time.

13. All fees shall be paid to the Town of Bethel prior to the issuance of this license.

Jacqueline Ricciani: We need a date when the insurance will be provided.

Daniel Gettel: August 9, 2019 will be the date for insurance paperwork to be submitted.

Daniel Gettel: Ms. Reynolds, where is the best place to park the RV's?

Ms. Reynolds: It's dryer on lots 13, 14, 15, 26, 27, 28, 29, and 30 (referring to map).

Susan Brown Otto: I drove by there. I find it challenging.

Jacqueline Ricciani: Preference would be to have the RV's placed on the above sites.

David Biren: Is she limiting the number of RV's?

Bette Jean Gettel: She didn't have that many last year.

Jacqueline Ricciani: We understand that RV's are motor homes, pop ups.

Susan Brown Otto: Jannetta, what kind of fence does your brother have?

Jannetta MacArthur: It is barbed wire.

Daniel Gettel: Mr. Sturm will there be any signs (no parking) on Dr. Duggan Road by the Komatz property?

Daniel Sturm: In the past the Town has put in no parking signs on their property.

Motion to recommend that BJ issue a camping license subject to the above mentioned thirteen conditions by Susana Brown Otto, second by Steve Simpson.

Roll call vote:

Michael Cassaro – Yes

Susan Brown Otto – Yes

Steve Simpson – Yes

David Biren – Yes

Robert Yakin - Yes

Wilfred Hughson - Yes

Daniel Gettel – Yes

Motion passed 7 - 0

2) Application for the modification to a previously approved Site Plan for the expansion of an existing storage facility located at 1998 State Route 17B, known as Bethel Tax Map #22.-1-46, proposed by 1998 Bethel Self Storage Corp. (Setterlund)

Daniel Gettel: 1998 Bethel Self Storage Corp. Do you still use that name?

Brad Setterlund: Now it's called Bethel Self Storage Park. We had a prior approval. It involved one of the initial buildings to be built in the front. We are trying to make the facility easier on the eye, trying to improve the look of the facility. We would like to have the next buildings be built in the back. We are requesting two buildings to be built next along the back, one being 30' x 130', the second being 20' x 130'. These are the next two buildings.

Daniel Gettel: We reviewed this in late 2017 for Steve Daly. At that time we approved four

buildings with the first being located next to the Schick Greenhouses.

Brad Setterlund: Building #10 would be that building, up in the front. We are asking to not do that building at this time.

Daniel Gettel: So you will be abandoning building #10?

Glenn Smith: Is that permanently or temporary?

Brad Setterlund: We just plan on installing two buildings at this time. We have no plans to build more than just the two buildings now.

Jacqueline Ricciani: I am very confused. The dimensions are changing some. You are eliminating building #10 in the front?

Brad Setterlund: We are not eliminating it, we were told that the next one to be installed was approved up front.

Jacqueline Ricciani: You were approved for four buildings.

Brad Setterlund: It did not make sense. It would have created a traffic flow issue for us.

Daniel Gettel: We approved the installation of building 10 close to the entrance to the facility along 17B, and buildings 11, 12 and 13 in the rear in line and north of the existing buildings 6, 7 and 8. We approved this with the understanding that in no instance would the total square footage of those four buildings exceed 11,100 square feet. The proposal now appears to be not to install building 10 close to the road first, but to construct two buildings, one 2,600 square feet and one 3,900 square feet for a total of 6,500 square feet in the area previously approved for buildings 11, 12 and 13.

Daniel Gettel: Due to the fact that this proposal is not for the expansion of the past approval, just a change in order of the installation of buildings, I would suggest that this would not constitute a substantial change and that we waive the requirements of a new public hearing.

Motion to waive the requirements of a new public hearing by Mike Cassaro, second by David Biren

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel: The change in the order of the installation of buildings would also not trigger a new County 239M review or a result in a change in the negative declaration we previously issued.

Daniel Gettel: If we were to approve this application tonight we would be doing so subject to the

following four (4) conditions:

1. The bulk storage containers, boats and vehicles located along the rear of the property shall be removed from the site prior to the installation of the new storage buildings on the northerly end of the property. The natural buffer zones in the area of these buildings is to be maintained.
2. The total square footage of the new storage buildings shall not exceed 11,100 square feet.
3. The new storage buildings shall have a similar appearance to the existing storage buildings.
4. All fees shall be paid to the Town of Bethel.

Daniel Gettel: What I would suggest, and I don't have a problem if you build the four buildings I don't know how much clearer it could be, if you come to the fourth building and you want to amend the remainder to a different size you would have to come to board. It was my understanding that you were not going to build building #10. Just as a side to this, because it is in your letter but has little to do with the Planning Board, the farmhouse next to 17B is going to be knocked down. Also Sullivan Renaissance is going to help with the replacement of the signs at the site. We have always had an issue with the signage at this facility.

Brad Setterlund: We do have a grant and the sign has already been ordered.

Daniel Gettel: If it is bigger than what BJ can approve you may have to come back to us. Glenn and I spoke before the meeting. The 239 would not be a factor.

Jacqueline Ricciani: He just wants to change some of the dimensions, which are very minimal. It is identified as new. They were already approved.

Daniel Gettel: Do you think you are going to use the same manufacturer as the others storage units?

Brad Setterlund: They will not be the same manufacturer, but they will look the same, to provide continuity. The buildings at the site at this time are not all by the same manufacturer.

Daniel Gettel: I don't have an issue, as long as you stay under the approved 11,000 square foot total. I don't care which building is installed before which.

Jacqueline Ricciani: I just want to be clear for the resolution.

Susan Brown Otto: When Steve Daly owned it, he was to put in trees.

Daniel Gettel: He had done that before we approved it.

Motion to grant this application a site plan modification subject to the previously referenced four (4) conditions by Susan Brown Otto, second by Steve Simpson

Roll call vote:

***Michael Cassaro – Yes
Susan Brown Otto – Yes
Steve Simpson – Yes
David Biren – Yes***

***Robert Yakin - Yes
Wilfred Hughson - Yes
Daniel Gettel – Yes***

Motion passed 7 – 0

3) Application for a Special Use Permit with Site Plan Approval for a Group Home to be located at 3207 State Route 55, known as Bethel Tax Map #: 40-1-25.2, proposed by Pinnacle Community Residential Care, LLC. (Stoloff)

Daniel Gettel recusing himself from application number three and leaving the table.

Steve Simpson in leading the meeting.

Richard Stoloff: As per Section 345-31, we are providing the applicable site plans, the six existing wells, use chart, staff and business parking, drives. There are no new amenities to be built on the site. We had provided to the board copies of those particular site plans, it was a detailed site plan, with the assistance of George Fulton.

Glenn Smith: George Fulton did a good job with the site plan.

Steve Simpson: Does the board have any comment?

Jacqueline Ricciani: Building #11 is described as an observation area.

Bette Jean Gettel: They have an apartment on the second floor. The judges use to judge the horses from up there.

Steve Simpson: Are there any further questions?

Motion to schedule public hearing for this application for August 5, 2019 by Susan Brown Otto, second by Mike Cassaro

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel has returned to the table.

Bette Jean Gettel: I sent out a preapplication email for a meeting for July 12, 2019 at 2pm. I need two other members.

Robert Yakin: I will attend

Steve Simpson: I will attend as well.

Daniel Gettel: Vicky, do you have anything to add from the Town Board?

Victoria Vassmer Simpson: This Thursday, July 4th, there will be fireworks.

Motion to adjourn by Wilfred Hughson, second by Robert Yakin.

All in favor – 7

Opposed – 0

Agreed and carried

8:25 pm

Respectively submitted,

Gannelta MacArthur