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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 August 1, 2016 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda was the following:

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

There is a full board in attendance, no need to seat an alternate member.

Pledge to the flag

***Motion to approve the minutes from the July 11, 2016 meeting by Steve Simpson, second by David Slater***

***All in favor – 7***

***Opposed - 0***

***Agreed and carried***

***1) Sign Permit for a property located at 2166 Route 17B, known as Bethel Tax Map#: 21-1-9.2, proposed by Woodstock Oasis.***

Daniel Gettel: Mr. Moore, would you come up and tell the board what your proposal is?

Mark Moore: I am proposing to change the sign that I have now, to a sign that is like this (showing picture), keeping the overhang. The overhang will be redone with wood shakes.

Daniel Gettel: Oh, it is going to be rebuilt?

Mark Moore: Yes, with new lighting underneath, LED's.

Daniel Gettel: And it is the same for the one that is on the false gable of this building?

Mark Moore: Right.

Daniel Gettel: I didn't realize that the shakes were going to be replaced, but since they are I am fine with that. You gave us three different varieties of lighting on the plan. Is there a preference that you have?

Mark Moore: That is the up lighting. The designers suggested the up lighting, however, the electrician suggested down lighting. I think what we are going to do is go with another light fixture that is indoor/outdoor, that is LED.

Jacqueline Ricciani: Is it going to up or down?

Mark Moore: It is going to be a down lighting.

Daniel Gettel: Michael (Cassaro) do you have any comments on this?

Mike Cassaro: No, I think it is a great improvement of what is there now.

Daniel Gettel: As part of this application the other signs....

Mark Moore: Will be gone.

Daniel Gettel: And there are pizza signs all up and down the road, I believe. Not yours, but they will be removed. We do have a section of code that we have to run through. BJ, I assume they are here because the sign is too large for you to approve?

Bette Jean Gettel: Correct. It is larger than 24 square feet. It is actually 33 square feet.

Daniel Gettel: Double sided?

Bette Jean Gettel: Correct.

Daniel Gettel: And it is a replacement. Section 345-23 C runs through our permit applications. All free standing signs of 24 square feet or more in total surface area on one side shall be submitted to the Planning Board for review and approval prior to permit issuance. You can take a seat if you want Mr. Moore. I have run through our procedure. Just don't disappear.

Daniel Gettel: Section 345-23E is our Planning Board approval process.

*(1) The Planning Board shall review sign applications relative to the appropriateness and compatibility of their design, shape, materials, colors, illumination, legibility, location and size. It may approve, approve with modifications, or disapprove signs. Approval shall be based on consistency with the design criteria listed below:*

*(a) Signs should be a subordinate part of the landscape viewed from the road;*

This is the replacement of a sign that has existed in the exact same location for years, not a new size or location

Daniel Gettel: Susan, did you have a comment?

Susan Brown Otto: With review of signs in the Town of Bethel, though it is not in our code that they have a stone base as opposed to a wooden base I don't know whether that is possible to do, or if that significantly changes the signage in terms of how things are being done however....

Mark Moore: The stone you mean?

Susan Brown Otto: Well to have a stone base around the bottom here, in terms of having wood?

Mark Moore: I already started it. It's a wooden planter box that wraps around the pole.

Susan Brown Otto: Oh, it's already been started.

Mark Moore: In the future I am going to be replacing those fences.

Susan Brown Otto: The guardrails?

Mark Moore: The little guard rails, the timber, I am going to be putting in a split rail fence.

Susan Brown Otto: Okay. And I know that you put in planters in front of the place which are not shown here on the photos, well anyway if you put in a number of planters.

Daniel Gettel: Continuing

*(b) Signs within a given area should exhibit visual continuity, complementing each other rather than competing for attention;*

Again, this is the replacement of a sign in the exact same location as the one that stands today. A base structure shall be installed, the shingled roof shall be repaired, and plantings shall be added to the base.

*(c) Multiple signs should be combined into one to avoid clutter;*

The applicant has indicated that the vast majority of the free standing signs associated with this establishment that litter the roadway are to be removed.

*(d) Signs should be as close to the ground as possible, and ground signs shall ordinarily be preferred;*

The application is for a replacement if a sign; there shall be no change in height from the existing sign.

*(e) A sign's design should be consistent with the architectural character of the building on which it is placed and not cover any architectural features on the*

*building. It should be sized and located in proportion to the building to preserve a human perspective.*

The sign is consistent with signs that have appeared on this site in the past and the design style is consistent with the building.

*(f) Garish colors (e.g., fluorescent lime green) and materials shall be avoided, and vivid colors (e.g., bright red) shall not dominate a site.*

The colors proposed are ones that would be expected for the design and this establishment.

*(g) The sign should be located so as to not interfere in any way with the clear views required for public safety by highway travelers or pedestrians.*

The sign has existed in this location for years. This is the replacement of a sign.

Susan Brown Otto: There is one thing that pops into my mind, and it's not with regard to Mark's sign, it is the Post Office sign that was there. The Post Office had a sign, I think, last winter that was left blowing around. Wasn't there something? It had to do with the US Post Office.

Mark Moore: The Post Office sign? I talked to the woman in White Lake, she runs that also. She doesn't care about the sign. She can't get another sign. She doesn't care if that one gets taken down or not. I told her if anything, we can move it down, closer to the planter box if that has to happen.

Susan Brown Otto: At some point in time there was a sign blowing around.

Daniel Gettel: It is something to just keep in mind that it's not an obstacle in the future.

Continuing to read

*(h) The sign must not be an overhead danger or obstacle to persons below.*

The main sign is not located in an area that would commonly see foot traffic. The sign mounted to the vented gable will be fixed to the building, and not moveable.

*(i) The size of the sign shall be the minimum which will achieve ready visibility without becoming an unnecessary distraction from the highway view or detriment to the highway scenery.*

The size of the proposed sign is consistent with size of the existing sign and is comparable in size to others in the area.

*(j) The sign shall not block the view of any other signs.*

No other signs exist in the immediate vicinity.

*(k) The sign shall be of good construction quality that is easy to maintain in safe condition and good appearance.*

The design, as submitted, conforms to standards accepted by the Planning Board and Building Department.

*(l) Sign materials and design shall be compatible with the surrounding natural landscape.*

The sign materials are standard and the design is consistent with what would be expected on this site.

*(m) The sign should not substantially interfere with the views to and from other enterprises or residences.*

There are no other enterprises or residences in the immediate vicinity of this sign that would be affected.

*(n) All freestanding signs of 24 square feet or more in surface area on one side shall require landscaping around the base of the sign. The size of the landscape area shall be approved as part of the sign permit. Landscape plans shall be submitted and shall include the size, species, location and spacing of plant materials, method of separating the planter from the adjacent area and the irrigation plan for maintaining the landscape materials.*

The sign shall be provided with a new base, which shall be constructed and landscaped as shown in the application.

*(o) No homemade freehand permanent signs shall be permitted.*

This is not a homemade sign and homemade signs that littered the roadside in the area of this business shall be removed.

*345-23F Signs shall not be permitted on the roof or above the roofline of the building to which they are attached.*

This proposal does call for the replacement of a sign that is installed on the roof of this building, attached to a vented gable. That sign is not mounted directly to the roof, nor will it project above the main ridge of the building.

Daniel Gettel: We do have a short environmental assessment form. It is my understanding that every application that we act on has to have an environmental form. Clearly it is an unlisted action so we don't have to vote on lead agency. The name of the action, project, it is a simple sign replacement what was formerly the Woodstock Emporium, and the applicant has requested

Planning Board approval for replacement of two existing main business signs on the premises. It conforms to zoning. It only requires a permit by the Town of Bethel. BJ, I am asking that you complete the process then give them a sign permit.

Bette Jean Gettel: Yes.

Daniel Gettel: We are required to run through Part 2 of the Short Environmental Form.

Short EAF

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

No.

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

No.

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

No.

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

No.

*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. Hopefully it will generate traffic.

*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. I believe LED lights are pretty much the standard now.

*7. Will the proposed action impact existing:*

*a. public/private water supplies?*

No.

*b. public/private wastewater treatment utilities?*

No.

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

No.

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.

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

No.

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

No.

All I noted for Part 3, is the application is the replacement of a number of on-site business signs in the exact location of existing signage. I checked the box that we determined that, if the board is okay with it, that we have determined based on the information analysis above and the supporting documentation that the proposed action will not have any significant adverse environmental impacts.

***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: Jacy, my question on a motion is, I believe what the proper thing to do is to request that BJ process the application through her office with our approval of the size.

Jacqueline Ricciani: Right, you just need to review the application.

***Motion to approve the size and design of the sign, as submitted, and request that Bette Jean Gettel process this application through the Building Department by Susan Brown Otto, second by Mike Cassaro***

***Roll call vote:***

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

*Susan Brown Otto – Yes  
Wilfred Hughson – Yes*

*Steve Simpson – Yes  
David Slater – Yes*

*Agreed and carried*

Daniel Gettel: Good luck Mr. Moore.

***2) Public Hearing for a Non-Transient Campground with Outdoor Recreation Facilities 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: We opened the public hearing for this application at the last meeting, but did not close the public hearing. We wanted to give the applicant the opportunity to address a number of items that came up at that meeting. As BJ mentioned if anyone wants to speak at the public hearing, please put your name on the list at the back of the room. If you didn't sign up on the list and you want to speak after the other speakers, just raise your hand and I will ask you to come up to the microphone. Wes did you want to give a brief presentation, because we do have someone new on the list?

Wes Illing: Since last month, what we did, we essentially took the parking out of the Route 17B corridor and put the parking all in the Ag district so now none of this project is in the corridor of the 17B district. So, all of the requirements for the 17B Gateway corridor go out the window essentially. This has reduced a number of waivers we were requesting. We put a new line on the plan, approximately five hundred and fifty feet from the centerline of 17B. We put that line in, and then we put a double row of white pines here, essentially screening the Ag District from the 17B district. Districts are always a problem right at the division line. We put in the screening right there, made a lot of sense, screening here, from the farm activities next door and visa versa. The other thing we changed, since Emergency Service didn't seem to understand some of the stuff in our plans, we added detail on the last sheet here for the hammerheads so they could see that the fire trucks can go in there, do a K turn, and get in and out. There are no issues for emergency service vehicles. We didn't illustrate that perhaps as well as we should have, now there is a little detail on that, so they can see that the fire trucks will have no problem at all.

Daniel Gettel: Thank you Wes. Jacy, as part of the public hearing we probably should introduce the Farmland Protection Board letter. That should be read into the record.

Jacqueline Ricciani: Has the applicant seen that yet?

Daniel Gettel: I don't know.

Bette Jean Gettel: It came in today.

Daniel Gettel: Just for the public's knowledge, as part of the application, since this is in the Ag district, we do reach out to the Farmland Protection Board. We call it an Ag Data statement.

Like Wes said in one of his letters, they don't typically respond, but in this case they did.

*Reading letter into record, on file in the Building Department*

Daniel Gettel: I don't know if they understand that this special use permit is not conditioned.

Jacqueline Ricciani: You have the ability to limit the permit for a number of years.

*Continuing to read letter*

Daniel Gettel: Also, so the board and the public is aware, I guess we don't have to rehash our last meeting, we have one person signed up to speak. Barbara Bruno, if you would, please come up to the microphone if you have any comments. I don't know if you were here last month. Do you feel you have enough information on the project?

Barbara Bruno: Yes. Just give me a minute. Dear Chairman Gettel, members of the Town Board, Planning Board. My name is Barbara Bruno and I reside on Burr Road. As the crows fly I live about one mile from the proposed Yasgur Campground. I understand that the proposed campground has a number of fire rings so campers can have campfires. For the past several years, there has been camping at the proposed campground located on each August. It is my understanding that the floating candle lanterns like the one I have in my hands have been used during these August campfire weekends at Yasgur's farm. As we all know some years ago some of the years are very dry, and other years are wet, sometimes both. As you recall there was a horrible fire at the Shawangunk State Forest suffering this past spring as well as in 2009 and in other years. In a dry year these lanterns with candles could float close near Harold Russell's hay barn, which by the way is full of hay, the barn could easily catch fire on a windy evening during a dry summer. The fire would start and before to long would reach my home on Burr Road. By the time the firefighters would get there it may be out of control. Look what happened with the Shawangunk Ridge State Forest last year. Firefighters from more than 24 companies were involved with this fire. Floating candles should be banned from use and severe penalties imposed should any floating candles or lanterns be found. Should this project be approved, the campground website and all communications should state that floating candles lanterns are illegal and severe consequences will ensue should anyone be found using one of these floating candles. Thank you for the consideration, thank you very much.

Daniel Gettel: Thank you Mrs. Bruno. Would you like to leave the letter with us and we will receive and file it?

Barbara Bruno: Should I leave the lanterns too?

Daniel Gettel: I really can't file them. I can receive them if you like. Would anyone else like to speak at the public hearing while it is open? Could you state your name for the record?

Daniel Walker: On behalf of Yasgur's campground, I am an organizer of Keeping It Clean, waste and recycling education and management. For the past four years I have cleaned up over fifty events. My experience, I am looking forward to working with Yasgur's campgrounds in the

Town of Bethel to make it cleaner, greener, recyclable campground. My objective is to educate the families that enjoy the campgrounds with interactive science and recycle ability. Here is a sign we can use, which actually states about small campfires. Boy Scouts use that. State Forests use that. We can use those to spread outdoor awareness. Collecting, recycling, paper, cans, glass, and we will transport it to the proper recycling facility benefiting Sullivan County, the Town of Bethel. Composting is a great way to turn organic food waste into useable soil for gardening. A special part of Keeping It Clean at Yagurs Campground is we have several waste brigades. We have tericycle.com. Tericycle.com takes part of recycle products and up levels them. We can earn points. We can actually donate to nonprofits or schools in our local area. By collecting cigarette butts in our town or at the campground we prevent litter, and water contamination. For every pound of cigarette butt waste we send to Teracycle, one dollar is donated to Keep America Beautiful. I'm not sure if Keep America has an extension in Sullivan County or New York State, but I think that can definitely be beneficial. Here is a sign that Teracycle puts out for the waste that they produce for the cigarette butts. I believe recycling works. It can be financially beneficial, environmentally beneficial. Together we can keep it clean, make it green and make it more enjoyable for generations. That's all I have to say. Are there any questions about recycling?

Daniel Gettel: We indicated that we don't review internal signs, but whatever you can do to keep the place clean.

Dan Walker: Yes, and it is for our towns.

Susan Brown Otto: With regard to bears, because there are bears in the neighborhood. What do you do with composting?

Dan Walker: We can work on that in more detail.

Susan Brown Otto: Just so you know, I live nearby, and there are a number of bears.

Dan Walker: There are proper things to do. There are bear bags and such that could be implemented. The idea is to educate the campers about this stuff. And with me on the campground, I can do a lot of that.

Bette Jean Gettel: Do you want to submit your writing?

Dan Walker: It's kind of scribbled.

Bette Jean Gettel: That's okay.

Dan Walker: Ah, no.

Jeryl Abramson: We'll get it typed up and submit it.

Bette Jean Gettel: Okay, Jeryl.

Daniel Gettel: We did get one written comment from Dan Scutt. We also received Mrs. Bruno's letter. BJ, we usually receive and file by number, so Mr. Scutt is #16, and #17 would be Mrs. Bruno's letter.

***Motion to receive and file document #16 and #17 by Steve Simpson, second by Susan Brown Otto***

*All in favor – 7*

*Opposed - 0*

*Agreed and carried*

***Motion to receive and file letter from Sullivan County Agriculture Farmland Protection comments by David Biren, second by Susan Brown Otto***

*All in favor – 7*

*Opposed - 0*

*Agreed and carried*

Daniel Gettel: Does anyone else wish to speak before we close the public hearing? Does the board have any comments they wish to raise before we close the public hearing?

*No one*

***Motion to close this public hearing and go back to our regular meeting by David Biren, second by Wilfred Hughson***

*All in favor – 7*

*Opposed - 0*

*Agreed and carried*

Daniel Gettel: Mr. Illing, do you want to discuss your review letter? How would you like to proceed? There are a number of things you want to take care of tonight, and there are things we are curious about. Glenn, did you see the letter that Wes wrote?

Glenn Smith: Yes. The letter is dated July 8, 2016.

Wes Illing: Basically, we moved all the parking out of the Route 17B district. That eliminated the issues that the board raised last month and the month before, and it also addresses the issues by the County. It eliminated a whole bunch of waivers we were asking for. It's kind of sad, because it was an assessor's use to both districts, but it doesn't matter. It gets us approved and let's go. The vegetative screening, we are moving the parking up on the hill here, we really had to move the vegetative screening down by the road up to here because of the hill. I don't think

the vegetative screening down by the road would have screened the parking up on the hill. So it made sense to move it up there so it would effectively screen the cars that are behind. That was part of the rationale behind screening on an uphill slope. The trees down here would take decades and decades to screen.

Daniel Gettel: That's not the crest of the hill, but it is part of the way up.

Wes Illing: Yeah, it's on the way up though, yeah, half way up. So Jeryl hated to cut her field in half. The bottom line is zoning, and it runs along the zoning boundary, it kind of makes sense. Oh, by the way, on the vegetative screening when I read that Ag letter, it looked to me like they were pretty much cutting and pasting, they basically said in there, that the town should enforce their own code, and they pulled stuff out of your code that they referenced, that Dan read to us, in the letter. When they talked about the stockade fence and the vegetative screening and the double row of trees etc., it does say explicitly in your code it says instead of a single row of trees, you can do a double row of trees offset like we should, and when you do that then the stockade fence is not a requirement. And that is in your code, so we are following your code. That does delineate one of the waivers. We got inputs from the DOH; they want two days of storage for our tanks. We have a day and half, so we increased the size of those tanks that changes some of the detail sheets in the back. We went to 225 gallon tanks, which is way more than two days, so that takes care of that requirement. The waivers, we made a consolidated list of waivers that we also submitted, that list was submitted about the same time I revised it, on July 13<sup>th</sup>, and you should have a copy of the revised waiver requests. There are only five to seven waivers depending on how you feel about some of the waivers. A couple of them may not be required.

Daniel Gettel: While you are speaking about that, I did briefly look at it comparing it to the list I had at the last meeting. I know they are substantially less, but there may be some more that we need.

Wes Illing: That may be, okay. I went back and looked at the noise code. Essentially your noise code basically says that anything that is unreasonable in terms of noise needs a noise permit from the Town Board. When we have Bill Henley come out and design our acoustic system for the stages, and he sets it up so the decibel level is properly aligned about 75 dba. The traffic down at the highway is like 80 or 85 dba. That should not be considered unreasonable noise at that point, when the noise level from the stage is 75 dba. I am not convinced that a noise permit is even required. Certainly the board, if noise became an issue, you could always make it a condition of the special use permit, that if there were noise complaints, that the applicant would come before the board, and determine whether the board should issue a noise permit, or be told it needs a noise permit, that is a Town Board decision. But the way it is designed and the way Bill Henley will set up the sound system it is not going to trip the requirements in the code for an unreasonable noise level. That is how your code reads.

Daniel Gettel: Excuse me, I don't mean to be leafing through the book at the same time, but it is my understanding that amplified music is pretty much considered....

Wes Illing: No, only when it says...

Daniel Gettel: Wes, I am trying to find it in the code right now. I am trying to work with you. It is my understanding of what I was told about the noise permit.

Wes Illing: That's what I thought Dan. Then I went back and looked at it, before that it talks about unreasonable... If the amplified music is unreasonably loud, if any kind of noise is unreasonably loud it trips the threshold. You can have amplified music in your car radio or your house and turn it low, and it's not loud you don't need a noise permit from the Town Board for that.

Daniel Gettel: I don't have that in front of me. Glenn, I know we had touched on that. We haven't received anything from anyone designing the stages or any kind of information that these levels will be maintained at the proper level except from Wes stating that is how it will be.

Wes Illing: It's on the site plan. It's right here on the site plan.

Glenn Smith: Wes, no one knows what the ambient decibel level is at this point.

Wes Illing: It goes up and down. A car goes by it goes up.

Glenn Smith: It could be 40 or 50 db or higher, you are saying 75 on top of that?

Wes Illing: 75 dba above ambient. It is pretty much quiet. The background noise in Sullivan County is usually really low, when you are out in rural areas like this. You can choose, make your reading whenever you want. If it is more than 75 dba above ambient, that trips the threshold, so it is 75 db or less above ambient when there are no cars going by on the road, then it's not a real measure. It would be stupid to set it up that way. Then you come out and measure it when there is no traffic, we don't satisfy the criteria. So we are going to satisfy the criteria with no car noise.

Daniel Gettel: Emergency services Wes?

Wes Illing: It was interesting; I had a number of discussions with a number of people. The bottom line is there is no, to my knowledge, there are no State code requirements for emergency access. The bottom line if someone needs help, the ambulance crew, it is their job to get there, or die trying. I don't care, if it is on the top of Mt. Everest that is what State law says. If you don't do it, and you are funded by an organization like the Town of Bethel, then by law, they lose their funding. So the emergency service groups are required by State law to go get somebody and they don't care where they are. They have taken a job, they have taken a responsibility and they have to go get that person no matter where they are. Literally there are no requirements anywhere in the State that talks about what the access requirements are. This concept where you have to pull the ambulance up right next to the body, and get out of your ambulance and pick him up so it is easy for him, I'm sorry there is no requirement along those lines. If you have to hike in a mile or two or five miles to get the person, maybe walk to a cliff to get the guy, I'm sorry, that is what your job is. Those are the war stories emergency service people love talking about over a beer after they saved the guys life. So, there are no requirements like that, and I would be very careful if I was a member of an emergency service

group that worked for the Town of Bethel and made statements to the contrary because State law says no, you don't ....

Daniel Gettel: First of all Wes, I take offense as the gentleman is not here, and you are more or less attacking him. He is not an employee of the Town of Bethel. He is a volunteer on the Ambulance Corp, and he is a volunteer on the Fire Department. I think he raised some legitimate concerns.

Wes Illing: I called him, to talk to him Dan, and he didn't call me back. So I did reach out to him, he never returned my calls. So I don't know what to say.

Daniel Gettel: I saw him today and he said he is more than willing to sit with you, he hasn't heard from you.

Wes Illing: I'm sorry, that is such crap.

Daniel Gettel: Jeryl, if you are going to talk, you have to come up.

Jeryl Abramson: I called him several times. Wes called him several times. I reached out. He is only second in command. I reached out to, I forget the chief's name, I called him. I sent emails. I finally sent a registered, return receipt letter. I got the receipt back, I never heard from him. The town is lead agency. It has always been my understanding in the past that once the town assumes the role of lead agency, that it is up to the town to notify any agency within jurisdiction. If that changed, I was unaware of it. However, the maps are on file, they are free to look at it any time they want. I have done everything that I can to try and communicate with them, and I don't know what else to do. I am sure they would be happy to meet with me, but first they have to set up an appointment, and that seems to be the problem. So until he returns my phone calls, letters, emails, I don't care how he reaches me, until he reaches out and returns one of our calls I don't know what else to do. So what I did do, since I can't get the cooperation of the town ambulance corp. is I reached out to my friend Albee Bockman, who is the owner of Mobil Medic. I believe he sent an email saying that he supports the project, thank you BJ, and he will cover, and he is within this jurisdiction, and there should not be a problem. We will have coverage, we are not required by law to comply with mass gathering laws, which would require us to have a Part 18, that is not the law, and we will have emergency services available. I don't know what else to do. If we can't go to the local volunteer squad, then we will go to the paid squad, and we will take care of it that way. Albee was more than happy to comply with us. So I think we have covered everything.

Wes Illing: Another point of interest, although it is just a reference point, the State fire code, says that when you build a building that that building's, emergency access, I believe is 300 feet, it has to be within 300 feet of a road that is serviceable or accessible by emergency vehicles. So the State said hey, you can build a hotel over there, it has to be 300 feet from the road, and the emergency people have to track 300 feet, that's a reasonable distance, and then once they get to that front door, they have to go another 200 or 300 feet inside that hotel, to that guys room to go get the guy, that is okay. So, New York State when they talk about the distances for emergency services, on our site plan, when you go up these roads, you have these hammerheads to turn

around. When you walk in here, its only 200 or 300 feet so it's not like we are asking these people to carry a body over three miles. It is a short distance. So what we are asking is not unreasonable at all. We don't have high expectations of emergency service people. I think our expectations are very reasonable and certainly for campgrounds. This is not unusual for campgrounds. You want to camp up in the Adirondacks, what do you think they have for access roads up there? You want to camp out in the Rockies, and camp in some federal campground out there. They are not going to have emergency service roads right up to your campsite. You may pack in someplace and you are miles from anything. That is just the way it is. When you go camping it is understood you are taking certain risks, and you have accepted those risks. You are good with that, because you want to do that in exchange for the experiences you are going to have in the great outdoors. You are not going to a hotel, you are going camping. So anyway, I asked Freda...

Jeryl Abramson: I also want to add something. Not even just the campground, I myself have been on ambulance calls years ago, when I was a volunteer. I can tell you even getting someone out of an apartment sometimes is nearly impossible. I have had to lift elderly women over a washing machine and dryer that was blocking a hallway and this woman had a call once a month. She was an elderly woman, she weighed a lot, and we had to lift her over a washer and dryer that was blocking a hallway every month. It doesn't matter where they are, you go and get them. That is just part of the deal. Not every situation is going to be easy to get a person. And I have had calls from campgrounds, and I have had calls to apartment, and I was on a squad for nearly ten years, and they were difficult calls. Not every one of them is convenient.

Wes Illing: By the way I did ask Freda at the County to go back to her emergency service people that she insinuated that they didn't feel it was safe or whatever. I told her go ahead, show me the code. Show me the requirement that says this isn't safe, that we are violating some kind of criteria for emergency services, knowing full well that there was none. Of course I got no answer back because there is no criteria, there is no requirement. It's just a charade. So no, we are fully compliant with the emergency service requirements. I don't think that is a legitimate concern at all at this juncture. And we did reach out to those folks, and they haven't returned our calls, probably because they know better. They know as well as we do, there are no requirements.

Daniel Gettel: Wes, don't assume....

Wes Illing: Why didn't they call me back? There is no reason why you don't call somebody back. That is unprofessional.

Jeryl Abramson: And Dan, I would like to just say, I was reaching out the day after the last meeting. I put in the effort, and I really did not stop following up, for three weeks.

Daniel Gettel: The 239, Wes?

Wes Illing: Okay. Freda talked about the character, basically talked about the 17B corridor that the County has, there are different visions of that corridor from the Town of Bethel, but that is between you and the County, what you are going to turn that corridor into, with the surrounding

properties. But the bottom line is your code does talk about the character and so does the County so by moving everything out of that corridor, it eliminated the whole character issue, regardless. So, the density of our campground was too high, or it had a high density, first of all, our campsites are larger than what is required by code. And the new code requires larger campsites by about 30% than what was allowed by code, and when you look at the total amount of land where the campsites are, we are way beyond the maximum per town code, and on top of that the campsites are underneath the canopy hidden in the trees where you can't even see them from the road anyway. So the density is immaterial because you can't even see the campground. So this density issue I really don't get. The liter issue, she basically had insinuated that the people were going to be littering 17B with trash, and there is no evidence of that, it hasn't happened in the past. That wasn't the right thing to say quite frankly. I told her that point back. She didn't remember writing that in the letter. It said it point blank in the letter; these people were going to litter 17B with trash. So, anyway, liter is not an issue. But what we did do for clarification, we added a dumpster on the plan up in here. We have all these trash cans all over the place at every trail intersection, so that when people walk along trails, they have a trash receptacle right there at the end of the trail, and it's not that far of a walk. It only takes a couple of minutes to go from one point to the next. I know Jeryl had a dumpster, but we added it to the site plan over here, so now they will take that and put it in the dumpster. Maybe because we didn't have the dumpster on the plan, maybe that is what was triggering that. I don't know. So we did add a dumpster for clarification. Traffic, one of the consequences of moving the parking up the hill like this, we no longer have room to put all the parking on just this one side. We had to move some of the Phase 1 onto this side. We can do all the Phase 1 and 2 parking on both sides just as before, but Phase 1 had to be on this side, and a little bit on this side. So what that did for us, it actually added more flexibility or control over the traffic coming in, so when the traffic is coming off 17B, coming up Yagur Road, they come in to park, the people can be directed to come in this way, to park in this parking lot, or they can go this way and park in this parking lot. So now the traffic can be diverted both ways to make sure that there is never any back up of cars on Yagur Road. Once they are in here they go around this circle that we talked about. So unfortunately Freda hasn't had the opportunity of attending any of the public hearings and understanding the details of how we have thought out this traffic coalition inside the campground. I think if she had she would recognize it is not really an issue at all. But that is adequately addressed. And more so now that we split the parking up like that, the land use compatibility, um, first of all, the Town of Bethel was very good about sending the Ag folks that Ag data form. And you guys did do that, and the Agriculture did have the Ag Data form to review and technically I suppose they were supposed to I don't know, maybe she did, who knows, but the bottom line is, Town of Bethel did the job, you guys sent the stuff out to the Ag folks, so that wasn't quite correct. Now we have gotten a response back from the Extension Office and I think what we have done with this addresses their concerns or the bulk of them anyway. Maybe there are some issues we can address later on, in the special use conditions. The um... I don't think the Ag data form is an issue anymore. Then she talks about public convenience and/or governmental efficiency, and said we are asking for too many waivers, and I wanted to... the Towns throughout Sullivan County we like waivers. We have this list of uses in our codebook but we never know what is going to come before us. You never really know when you write the code what you need so the solution is, the Town's write the code really strict, but then they allow you to have all of these waivers. If an application comes in where you don't need a lot of them, you just grant the waivers, it is no big deal, but if an application comes in that is really horrendous and you need all

that armor, you've got all of those requirements you can throw at them to address a lot of the issues. Waivers are a thing that give the Planning Board a lot of discretionary authority and allow the Planning Board's to mold projects to fit into the community better. I think the number of waivers is irrelevant. It is the nature of the waivers that is important. It gives the Town Board the flexibility it needs. We reduced the number of waivers significantly, just by making this one change. Then she talks about the special use permit, it is tough to regulate and what not, and again a lot of towns in Sullivan County have gone to special use permits because, to enable special use conditions, that enables you to tailor requirements to better fit that application rather than have some blanket criteria for every applicant that comes. So the special use permit is really flexible for the Planning Board and the applicant to work together on a project. Yeah, it is a little more work for the town, to maintain, the compliance with those conditions. But the towns have overwhelmingly endorsed and embraced this special use permit because a lot of towns, it is all special use permits for a lot of the stuff. And Bethel has done that too and I think it is a reasonable thing for the town to do, and you embrace the extra responsibility associated with that, and feel it is a worthy exchange. And then the Community Safety and Emergency Response, I already talked about that.

Daniel Gettel: You spoke to Freda about that also?

Wes Illing: Yes I did. I asked Freda, I said show me the code Freda. She said she was going to talk to emergency service people to see if they could find any requirements, and I haven't heard a word. I know what the answer is going to be, there are no requirements.

Daniel Gettel: I can't answer for Freda, but technically I believe she has 30 days to respond, and it hasn't been 30 days.

Jacqueline Ricciani: What, from the last public hearing?

Daniel Gettel: I don't know if she gets another 30 days, or how that works. I don't know.

Jacqueline Ricciani: There were no new or additional submissions to her to trigger another review period.

Daniel Gettel: Just a phone call, and a removal of a lot of the parking, one of the main obstacles.

Jacqueline Ricciani: But her prior letter said that it was an incomplete application. I don't know if the applicant wants to reach out to her now that there has been additional information that has been provided.

Daniel Gettel: Did the new plan go to her?

Wes Illing: I don't know, I didn't send her a copy of it.

Daniel Gettel: That would be a no. The town doesn't send to the County.

Wes Illing: I don't believe you have to send them a second copy do you? You have to send

them one time, and you have to decide the changes on the site plan that had to be addressed, those concerns raised in that M239 review. By the way, she isn't just doing a 239M review. She is doing a 239MNOP review. What I was inquiring about the first time that basically enables her, those other sections of the 239 review, it gives her the authority to tell you how to enforce your own town code.

Daniel Gettel: It was my understanding, and my recollection that the reason the public hearing was held open was to give the applicant the chance to reach out to certain agencies that weren't satisfied, and Freda would be one of them. With a substantial change to the site plan, which we told you would be considered a substantial change that kept the public hearing open for that change, and I don't understand why one wouldn't be sent to Freda.

Wes Illing: I assumed you guys sent it.

Daniel Gettel: We don't submit the County information. You were dealing with Freda. We did the initial submission, but you were speaking with Freda, I was under the understanding you were going to meet with Freda, and go over a new plan, or a revised plan, and what your changes were, to try to resolve things, similar to every other agency that had an issue with it.

Glenn Smith: Mr. Chairman, in Monticello we have had similar occasions, where the application was incomplete, and the applicant did resubmit, and ended up doing a letter; they still have the 30 days.

Daniel Gettel: But who submitted to the County?

Glenn Smith: The applicant I believe.

Jacqueline Ricciani: There is certainly nothing in this letter that indicates that the County is in favor. So if this board was to act on this project, in my opinion, they would need a super majority.

Wes Illing: What the Planning Board has to do is agree. The bullet in that letter has been addressed by the changes in the revised submittals. And if the changes in the revised submittals address the issue she raised, there is no supermajority required at all.

Jacqueline Ricciani: I don't think that this board can determine whether or not the County has been satisfied.

Daniel Gettel: I would agree with that, especially since we haven't received anything from the County.

Jacqueline Ricciani: Well what we have from the County says it is not a local determination or approval, or a recommendation that is favorable.

Wes Illing: And that word incomplete is not correct either by the way.

Jacqueline Ricciani: It is their word. Sir, this is what we have. This is what we are stuck with.

Wes Illing: That is not a correct statement.

Jannetta MacArthur: Jacy, what is the date of that letter?

Jacqueline Ricciani: July 11<sup>th</sup>.

Wes Illing: If you want to go through the criteria of what defines a complete application, we can do that, and you will see that this application is completely compliant with your town code as far as completeness is concerned, so that statement is simply not valid.

Daniel Gettel: Again, Wes, it was my understanding that you were going to sit down with Freda and go over the revised site plan and to address some of her concerns. If she hasn't seen a revised site plan, I don't understand....

Wes Illing: Well Dan, I thought that when I submitted to the Town of Bethel.....they would send her another revised plan.

Daniel Gettel: Absolutely not. That is the applicant's responsibility to make a resubmission to the agencies that have a problem. Did you expect us to send it to the Fire Department, and the Ambulance Corp, which you said you were going to sit down and meet with? No.

Wes Illing: I reached out, yes I did.

Daniel Gettel: You reached out to Freda too.

Wes Illing: And I talked to her, and we had a nice dialogue, we spoke about an hour on the phone on a bunch of other things as well, but .....

Jeryl Abramson: I have a question, legitimately a question; when the town takes the position of lead agency, don't shake your head, I'm asking....

Daniel Gettel: Continue, but you are confusing two different items.

Jeryl Abramson: My understanding was, and from all the applications that I have put in, in the past for the reunion, once the town declares itself lead agency, the town takes the responsibility of notifying all the other agencies within jurisdiction. How am I incorrect on that?

Daniel Gettel: The Town of Bethel declares our intent to act as lead agency. BJ has a list of possible involved agencies, or interested agencies if you want to call it that, and we submitted the plans that Wes submitted along with his narrative to all those agencies. A number of them never reply. Some of them do. The DEC replied and said that we should be lead agency, I believe. A number of them did reply. That is how the Ambulance Corp. and the Fire Department got involved, because they got a lead agency request. We are lead agent on the SEQRA form, that doesn't override any opinion they have on the project.

Jeryl Abramson: No, not the opinion, I'm talking about the notifications.

Daniel Gettel: It did go out.

Jeryl Abramson: Okay, so wouldn't you have notified the County, and the Fire Department, and the Ambulance squad?

Daniel Gettel: Yes, that submission went out, initially.

Jeryl Abramson: So, now they are not notified?

Daniel Gettel: The County was not notified with an updated site plan after they said the initial submission was not complete. In the past that has been the responsibility of the applicant.

Jeryl Abramson: Okay, I'll admit the oversight. What about with the Ambulance squad and the Fire Department?

Daniel Gettel: I can't answer that, they are not here.

Jeryl Abramson: I understand that, but weren't they notified through the town that the site plans were available?

Daniel Gettel: They received the site plan as the initial submission.

Jeryl Abramson: Okay, they did see the site plan.

Daniel Gettel: And they said it wasn't adequate for turnarounds. And Wes added to the plan to address that.

Jeryl Abramson: And they refused to look at that.

Daniel Gettel: I don't know that they refused. They are not here to talk about it. I don't have them here to ask.

Jeryl Abramson: I can't find them. They just won't respond.

Daniel Gettel: I can't answer for them Jeryl.

Jeryl Abramson: Nobody can.

Wes Illing: They are not going to respond, they are not going to return our calls, and they aren't going to give the Planning Board any information or any letters, or any input other than this guy that sat up here nervously making a case that didn't exist last month. After 30 days we are going to say we are done, we're moving on....

Daniel Gettel: I think you made an argument tonight on how we should consider that. I don't

have anyone else here tonight to rebuke that. I don't necessarily accept anything that you say. I'm just saying we don't have somebody here to refute it.

Wes Illing: I called the State....

Daniel Gettel: I can table the application until next month and I'll call them.

Wes Illing: It wasn't a surprise, it's not like a hotel, and campgrounds don't have that emergency service access, that's the bottom line. So you are not going to act basically because you don't have the response from the County, is that what you are saying Dan?

Daniel Gettel: I agree with Jacy that if they gave us a letter that says it is incomplete, that we would have to have a super majority to override the County, and I told you at the last meeting I don't think that would ever happen on this board. I will publicly say, without a second letter from the County saying that they reviewed it, and that some things have been addressed, and some haven't, I'm not going to override an incomplete application that the County sent out, I will not personally, as my single vote. I'll entertain a motion.

David Slater: I am going to agree with Dan, we had a lot of concerns last time, they were brought up, we are not sure what the County feels about it, and I go along with Dan on that one.

Daniel Gettel: They haven't seen a revised site plan, which supposedly addresses most of their concerns.

David Slater: You say you have addressed it, but is the County satisfied with what was being addressed? That is something we had asked for.

Wes Illing: I talked to Freda about moving these trees back, and I assumed you guys were going to send her a revised site plan, but basically I talked to her about putting them up here, and her comment about putting them up there was, oh, I don't like that because ummm, there are nice open fields right there, and I want to keep that open field. You know, you can't have everything. You are going to have to give up on something. And this tree line here, it eliminates the bulk of the issue. The property owner is entitled to develop her property regardless of what the County thinks. Anyway, I will reach out to Freda; I will send her an electronic version of the drawings so she can look at them.

David Biren: This conversation you had with her was strictly on the phone?

Wes Illing: Yes.

David Biren: Nothing was face to face?

Wes Illing: No.

Daniel Gettel: But we have to accept the fact this is what she says.

David Biren: Right.

Wes Illing: Well I am sworn by the State of New York to tell you guys the truth.

Susan Brown Otto: What about the Farmland Protection letter, do we have to have a super majority?

Wes Illing: I don't know.

Jacqueline Ricciani: I will get back to you on that.

Wes Illing: My gut feeling is they were taking stuff that was in your code, and didn't notice that in your code it said if you put in a double row of trees, you don't do the stockade fence. The double line of trees is adequate. When I read that, that is how I took that. It looked like they were trying to get us to try to follow our own code, and they were trying to pull out of our code exactly what our code says. And that is what our code says with the exception of the fact that they didn't .....

Daniel Gettel: Glenn, do you have any comments at this time? If you would come up, Jannetta has to pick you up.

Glenn Smith: No, nothing new other than what you already have gone over Dan. We still have the noise issue that needs to be resolved a little bit more than what we discussed tonight.

Jacqueline Ricciani: I have something on that.

Daniel Gettel: We have always been promised things, there isn't going to be any noise from one stage to another. We haven't gotten a report on that either.

Jacqueline Ricciani: I found in the code what you were making reference to. Any use of found amplifying equipment, or any musical instrument outside a structure, constitutes unreasonable noise. That is Section 220-5, the noise section.

Daniel Gettel: Glenn, your thoughts on the EAF? I don't want to put you on the spot but you and I did preliminary reviews.

Glenn Smith: The part 2 of the EAF was done a while back for the last meeting, and I think I said at the last meeting, there are several items in Part 2 that could be a moderate to large impact, which would require you guys as lead agency to do a Part 3, and Dan I believe since that Farmland letter came in, you added something to modify....

Daniel Gettel: Yes, there is an agricultural section in the EAF, and I think it does affect that section.

Glenn Smith: I had checked the moderate to large impact in the agricultural section under other impacts, evaluate camping activities or noise and stage impact on the adjacent Russell Farm,

which kind of goes along with what that Farmland letter....

Daniel Gettel: Yes, I thought it was more addressed in their letter. Under other I added, number H, other impacts, I just wrote the concerns raised by Sullivan County Agriculture Farmland Protection Board, and we kind of attached their letter to our EAF. That was the easiest way to handle it.

Jeryl Abramson: Can I say something Dan?

Daniel Gettel: Absolutely, if you stand up.

Jeryl Abramson: Glenn, my house is a lot closer to the use, the amplified noise, than Harold Russell's house. Do we agree on that?

Glenn Smith: I agree.

Jeryl Abramson: I cannot hear it from my house.

Glenn Smith: The stage down in the woods?

Jeryl Abramson: I cannot hear the stages in the woods from my house. Here is what happened when we did the density test. We couldn't go past Yasgur Road with it because the crickets were interfering with the decibel.

Glenn Smith: That's the ambient noise.

Jeryl Abramson: The crickets are now out.

Susan Brown Otto: Yes, they are now out.

Jeryl Abramson: We had the stage at that time, the stage in the field, and the decibels level were not able to be read at the Yasgur house. There was a letter.

Glenn Smith: I would be curious to see it.

Jeryl Abramson: I believe I sent you a copy of it, it was from '04.

Wes Illing: Would you be comfortable putting a criteria like I did on the site plan saying, hey, we are ready to sign up to 75 dba above ambient, at the property line in, writing it on our site plan, I am really comfortable with that number.

Glenn Smith: What you should do, if the board is okay with it, you should have a condition at some point, is to have some kind, something running on your property and have a decibel meter on Russell Farms, so you can see what 55, 65, or 75 db sounds like at that point.

Wes Illing: Our conversation right now is like 70 – 75 dba.

Jeryl Abramson: It can't be heard over the ambient noise, is what I am saying. It doesn't come out of the woods.

Glenn Smith: If that is the case, not a problem.

Daniel Gettel: I think our point is we have numerous agencies referenced in the minutes from past meetings that are going to be involved; they are going to make sure this works and this works. We have nothing from any of them. All we have is your word, and Wes has been sworn to tell the truth, I don't know if Jeryl has been sworn, but Wes has been sworn to tell the truth, I don't know how else to put it. In the past we have had applications where a certain problem comes up and they have a certain person do a small report, it doesn't have to be fancy on what they intend to do, how they intend to do it, and what the result will be. And that is what we can hang our hat on.

Wes Illing: And in this letter, and when I said we were going to have Bill Henley come out, and design.....

David Slater: So, get a letter from Bill Henley saying he can do it. I'm looking online, I looked on Bill Henley's website. I don't see anything the man has done in years. He got his name the Godfather doing something in 1969, and I am looking at his website, I'm going through everything; get us a letter saying he can do this.

Daniel Gettel: I believe we asked for that at the last meeting. I don't have the minutes in front of me, but we did ask for it at the last meeting.

David Slater: Get us a piece of paper....

Jeryl Abramson: We will get a letter from Bill; Bill will be here in two weeks.

Daniel Gettel: Wes, we cannot accept everything as word of mouth.

Wes Illing: I understand, Dan. We'll get the letter from Bill.

Daniel Gettel: These are things that have been brought up. I don't want to look like a bad guy when we have asked for it a number of times.

Glenn Smith: Any acoustical guy around can write this.

Daniel Gettel: We have required it on every other application.

Wes Illing: And the acoustics are, it is not a simple field, I guess.

Daniel Gettel: It is not an exact science that is why we are asking for this.

Wes Illing: That is why I put it on the plan; we'll just put some criteria on the plan.

Daniel Gettel: Honestly, the problem I am going to have with your plan with all of the conditions on there is the enforcement issue, which you raised. You can't expect us to allow an event to go on when it is going to cost the town all this money to police it, and if something happens, what is our repercussion? We're not going to take away your special use permit.

Wes Illing: Do you guys have db meters down here?

Daniel Gettel: We do have some.

Jeryl Abramson: How are we going to do this before we get the equipment? I have already given you all of the equipment, all of the specifications on the equipment, and what the outputs are. Now you are asking me for....

Daniel Gettel: We don't have any of that Jeryl.

Wes Illing: Let me explain, when I spoke to Bill Henley, he went over the things he is going to do to design the sound system so that it doesn't exceed the 75 dba at the property line. What he is doing basically, he'll set up the speaker array at the stage. He points the speakers essentially kind of towards the ground. He keeps pointing them more and more towards the ground until the sloping ground right here and the trees and vegetation of the canopy soaks them up. They bounce around up inside there, it doesn't really effect the sound quality significantly in the area right in front of the stage.

Daniel Gettel: But you understand...

Wes Illing: He has to actually have the system they are going to use to tune it, and tweak it, because they will literally go out there when they are setting it up and make sure that the property line.... he satisfies that criteria.

Daniel Gettel: Are you done?

Wes Illing: Yes.

Daniel Gettel: You understand the benefit that we would have if we actually had something from him saying that this is what he would propose to do at this site....you understand that benefit, that is all we are asking for. In the past we have given Jeryl a permit and we don't address specifics on sound, we just tell her to point the speakers away from the neighbors, point the speakers towards the ground, so the sound doesn't travel, she has certain conditions in her license that we give her every year.

Wes Illing: Until he actually builds the actual sound system....

David Slater: When we give her a permit we give her one for 60 hours. You are now asking for 6 months worth of sound, so the sound in April is going to be different, or October, then what is in the middle of the summer. It is easy to set up the stage for one day....

Wes Illing: You lost me on that. Why is it different?

David Slater: I assume leaves will be on the trees in the summer, where spring and fall they may not be. You are going to have ferns in there; you are going to have foliage in there, your term. These are things to take into .....

Wes Illing: By the time they start up, the trees will have all of their leaves.

Daniel Gettel: Not based on your management plan.

Wes Illing: When do you open up, Jeryl?

Jeryl Abramson: After the burn ban, end of May. We will be open by Memorial Day.

Daniel Gettel: And they are going to be open in October, the second week of October.

David Slater: The leaves will be coming down.

Wes Illing: The leaves will drop in October.

David Biren: That is why you need a professional giving us a letter.

Jeryl Abramson: Okay, we will get that.

Wes Illing: Okay, we will get a letter for you from Bill.

Jeryl Abramson: Wes, did you give them the letter with the specifications for what we use now?

Wes Illing: Um, no. I did not, because that is going to change....

Jeryl Abramson: Not significantly, we are not going to output much more than what we do now.

Wes Illing: Dan, can we go through the waivers.

Daniel Gettel: Do you want to run through yours, and I will try to follow with mine, to make sure we are on the same page. Give me a minute, please.

Wes Illing: The first one, I call it waiver #1. Regarding 120-4 of your code, b 5, basically this was a section of your code that said, hey, just because the Department of Health gives you a waiver on something, like our pump and haul operation, doesn't mean we do. So I wanted a waiver from that requirement. If DOH gives us a temporary pump and haul permit, but we are getting the sewer line in, you are going to go along with that. So I wanted a waiver from number one. It is 120-4, b, paragraph 5. I wanted a waiver from that one section of code.

*“If an applicant receives a relevant waiver from the State Department of Health, it may seek a waiver of any of the requirements of this Chapter 120 which pertain to the same*

*subject matter as the State Department of Health waiver, upon written application to the Planning Board. Said waiver application must provide written evidence of the waiver received from the State Department of Health. Notwithstanding the foregoing, the Planning Board shall not be required to grant any waiver application.”*

Jacqueline Ricciani: How is that different from waiver #2?

Wes Illing: Then waiver #2 is 120-6, design standards and general requirements.

*“Sewage and water supply. No individual on-site sewerage or water supply shall be permitted, and all community systems for the common use of campground occupants shall fully comply, as evidenced by approved plans, with standards imposed by the New York State Department of Health and the Town of Bethel”.*

Wes Illing: There is very specific wording, for clarity we assume the word individual in our case would be an individual campsite. Because it says in the code, that “no individual onsite sewerage or water supply shall be permitted, and all community systems for the common use of the campground occupants shall fully comply with DOH requirements” so we are fine with the latter part of that, but it wasn’t clear in the code whether you were talking about having individual sewage or water supplies for individual campsites, versus the campground. I wasn’t clear on that in the code, so maybe....

Daniel Gettel: We don’t need a waiver of that; we discussed that at the premeeting.

Wes Illing: Then okay, 120-6G-1, there we are talking about, the requirement in the code says basically putting in the sewer lines, that the RV’s have to be able to hook up to a sewer line, We say yeah that’s great as soon as we have our sewer line, we will be happy to do that, but in the meantime we are going to have to set up to a dumping station, so we wanted a waiver of number #3 from that, a dumping station for sanitary is proposed for Phase 1, as defined in the site plan, the requirement regulated by the DOH, Phase 2 shall connect the RV sites to the sewer line as required by your code. For Phase 1 a waiver is requested from plumbing fixtures within any recreational vehicles placed upon lots in the campground or RV Park, shall be connected to the sewage disposal for the development, so we are asking for a waiver from that sentence because we are going to have a pump and haul, just that sentence.

Jacqueline Ricciani: I presume I am going to be writing this resolution so I would really appreciate it if you would let me get a word in once or twice. So this is only for the RV portion? Doesn’t it apply to all of Phase 1?

Wes Illing: What we are saying here under waiver #3, during the Phase 1 of this project we are asking for a waiver from the requirement that we have to connect these RV units to municipal sewer, so we are asking for a waiver from that sentence in your code.

Jacqueline Ricciani: I understand that. I think it applies to more than just the RV portion. I think it applies to the entire campground.

Daniel Gettel: Anywhere on the campground or RV park, or elsewhere within the development.

Jacqueline Ricciani: So if you are going to pump and haul the entire campground, I think the waiver you are seeking is not limited to just where the RV's are, it is the entire campground. The word or.

Wes Illing: That first sentence...

Daniel Gettel: Do you want a chance to look at that Wes?

Wes Illing: It says:

*"Sanitary facilities. No owner or occupant of any campground or RV park lot or within such campground or RV park lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campground or RV park lot or elsewhere within the development, except in places designated therefore".*

Wes Illing: Which is our dumping station, okay, so all the tanks and the trailers, those are designated for that. So the first sentence doesn't apply....

Daniel Gettel: So you don't need the waiver.

Wes Illing: We need the waiver. It is specified here where the plumbing fixtures aren't going to be connected to a sewer line.

Daniel Gettel: That was the second part.

Wes Illing: Yeah. Glenn, do you agree with that?

Glenn Smith: The pump and haul would be considered the sewage disposal system.

Jacqueline Ricciani: It pumps it into a container that is on the property where it is going to be stored until it is hauled away.

Daniel Gettel: That is the intent of the section.

Wes Illing: That is how I interpret that, but if I misinterpreted that, then we definitely want to make that a waiver.

Jacqueline Ricciani: What does the board think?

Daniel Gettel: Glenn, what is your interpretation? I don't think we picked you up on the record, I couldn't hear what you were saying.

Glenn Smith: The designated sewer system would be the pump and haul if that is approved.

Daniel Gettel: I tend to agree with that.

Glenn Smith: Then you would not need the waiver.

Wes Illing: Just the one section, that talks about the sewer connection.

Daniel Gettel: So the section that states:

*“Plumbing fixtures within any recreational vehicles placed upon lots in the campground or RV park shall be connected to the sewage disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided in separate buildings located not less than 100 feet or more than 500 feet from each campground or RV park lot.”*

Daniel Gettel: Are they interconnected?

Wes Illing: No, the RV’s have their own little tanks.

Daniel Gettel: So they have to move to dump?

Wes Illing: So on the way out DOH wants them to stop by the dumping station and dump their sewer and their tank and get on the road. So the DOH calls that a dumping station for that reason.

Daniel Gettel: I think the intent of the code is to make them stop and dump at a designated area. I don’t think it is meant to be tied into a specific sewer system.

Glenn Smith: I think traveling up and dumping.

Daniel Gettel: I don’t think you need a waiver from that Wes, and I will go on the record for that. I think you are misreading the beginning of it, and I think the intent of the code is that they want designated areas for dumping.

Wes Illing: #4 is the same thing again, the same paragraph in your code. The DOH regulates and requires toilets, urinals and hand washing faculties to be located within 500 ft of each campsite, however showers are also regulated by the DOH, but there is no requirement for the distance from the campsites. And while we initially planned to provide showers, DOH shut us down on that. They made it clear that they would only grant a waiver for the pump and haul as long as we don’t have showers. We can’t have showers.

Daniel Gettel: You need a waiver of requiring showers. Not necessarily the separation.

Wes Illing: Dan, also when we do the showers, I suspect we are going to want to put them out here someplace in the field...

Daniel Gettel: Is that north of the parking area?

Wes Illing: Yes, there is some sun exposure; we are going to put solar panels in there. Its north of the parking area, it is southern exposure for solar hot water heaters, and that is common in campgrounds, they use solar hot water heaters for the showers.

Daniel Gettel: You and I have a different number on 120-6.

Jacqueline Ricciani: 345-16 is for the landscaping.

Wes Illing: There are a lot of campgrounds that don't have showers. One thing that DOH liked about our submittal to them, aside from the communal lots, toilets and what not, we are trying to make this campground more sanitary, and getting away from the porta john, getting toilet facilities where you can wash your hands afterwards. Flushable toilets, we are moving in a more sanitary direction. Showers also move in that direction. And those things are things people like. I think that will help increase our draw for customers.

Daniel Gettel: Just to keep things moving Wes. The next one is Section 120-6, Design Standards and General Requirements. That is not from paragraph from 120-6. That is from 345. You also need a waiver from that. Section 120-6B reads:

*“All nontransient campgrounds and RV parks shall provide and maintain a screening strip of planted natural materials along all property boundary lines. Such screening shall be a depth of not less than 20 feet, to effectively screen the area within a reasonable time period (five to 10 years). A planting plan specifying types, size and location of existing and proposed plant materials shall be required and reviewed as part of the special use permit application.”*

So we will have to come back and renumber that one. The number is correct, but the paragraph is not. It is 120-6 B.

Jacqueline Ricciani: The italics that he quotes in there, is actually 345-16.

Wes Illing: Thank you. Sorry.

Daniel Gettel: Wes, I think you kind of breezed over this in one in your initial application. I just want to make sure we don't need a waiver of it. Section 120-6, paragraph E (1) is Streets. I'll just read it.

*“Nontransient campgrounds or RV parks. The residential street design standards contained in Chapter 300, Subdivision of Land, shall apply to streets within nontransient campgrounds and RV parks.”*

Daniel Gettel: You made the claim that you drive on things that aren't streets. I don't know what you called them in your original submission but you didn't call them streets.

Wes Illing: I called them drives.

Daniel Gettel: You called them drives. They are not streets, therefore the code doesn't imply? I want to touch on that because I think that is kind of a stretch. Sometimes a duck is simply a duck, and sometimes a street is a drive. I don't want to say streets are different than drives. Streets are defined in the zoning book, but drives are not. If you want to argue the semantics, drive is an act, it is not a physical thing that you are actually on. Drive is when you want to drive to the golf course. Drive is not the right word for it. I think it is either a street or a road, and I think you need a waiver of that section, so we are adding 120-6 E (1) streets to your request.

Wes Illing: Okay.

Daniel Gettel: It is not a noun, I believe, in the context you want it.

Glenn Smith: Mr. Chairman, just as an update, the New York State building code that Wes mentioned before about needing 300 feet from a building from fire apparatus, but they have a section on streets and a section on driveways, and the streets show 20 feet wide which you are not going to get here, the driveways they recommend is 12 feet wide, to get up into places like this so...

Daniel Gettel: I believe the fire department needs 14 feet, I believe. I know we didn't seat Mr. Yakin tonight I think he would agree with that.

Robert Yakin: Actually we usually request 16 feet.

Daniel Gettel: Wes, we may not have the authority to waive some of these sections. We haven't touched on that. That is something we have to look into. I do think there are some things that you asked for that we can't waive. Let's finish up the waivers though. You go to 345 from there. Waiver #5 will probably be addressed with 345. We are going to move onto #6, we are going to put 6 before 5.

Wes Illing: This is talking about ... basically the little hedge rows and the raised planting beds and parking areas, in my mind that is more applicable to high density type application where you are right in town and you want things to look nice, you want to dress up your parking lots.

Daniel Gettel: There are better benefits to it. It gives people a better idea of how to park, and where to park. I think we discussed this earlier too. I don't think this is necessary for something like this.

Wes Illing: Okay, so I asked for a waiver from those requirements in #6. Section 345-16 B. We have a forest here. Waiver #7, 345-16 E, there was a reason why I wanted a waiver from the whole thing.

*"Landscaping standards. The Planning Board, in reviewing landscape plans, may employ the following guidelines:*

*(1) The minimum branching height for all shade trees should be six feet.*

*(2) Shade trees should have a minimum caliper of 2 1/2 inches (measured one foot above grade)*

*and be at least 12 feet in height when planted.*

*(3) Evergreen trees should be a minimum of three feet in height when planted.”*

Wes Illing: So, if I am planting evergreen trees 3 or 4 feet tall, I guess I am not planting any shade trees. In the code a shade tree is not an evergreen tree.

Susan Brown Otto: No, a shade tree is like a maple tree.

Daniel Gettel: A deciduous tree.

Wes Illing: Okay that is fine. For these soils, a tree of choice, the maples would have a hard time, they won't survive. It describes things for buffers. We wanted to say is hey what we are doing here with this double row of white pine trees, each of these are staggered like this, to create a visual barrier. Basically we are proposing that in lieu of the requirements in 345-16 E.

Daniel Gettel: Just so our board is aware of this, there is a section in there 345-16 F which Wes feels he needs a waiver on but we do have to accept his plan and make sure it addresses' this section:

*“Where it is determined that a proposed special use would not have a significant impact on the natural environment, adjoining landowners or the view from a public highway, these requirements may be appropriately modified.”*

Daniel Gettel: We can modify certain sections. I think it meets the intent. There is a section in there too:

*“Notwithstanding anything contained herein to the contrary, the Planning Board may waive application of the requirements of this § 345-16,”*

Daniel Gettel: But it says to farm operations. You are not a farm operation.

Wes Illing: But that means you can waive without a waiver request.

Daniel Gettel: Can we waive 345-16 based on that paragraph? Under Section 345-16J it says:

*“Notwithstanding anything contained herein to the contrary, the Planning Board may waive application of the requirements of this § 345-16 to farm operations”*

Jacqueline Ricciani: I don't think this is a farm operation.

Daniel Gettel: That is what I am saying. Do we have the right to waive it? The camping section gives us the right to waive certain section of the camping section, but it is not broad enough for us to waive everything.

Wes Illing: You don't have a general waiver section in your code?

Jacqueline Ricciani: No, but with respect to subparagraph e to the landscaping....

Daniel Gettel: If we feel that it meets the intent of the code.

Jacqueline Ricciani: Well, I don't even think you have to get that far into it, because it says the Planning Board in reviewing landscapes plans may employ the following guidelines. So all those different things about evergreen trees or whatever, those are just different guidelines that you can employ when determining what kind of landscaping you need, and then the other paragraph that the chairman read, "F", about you know that the requirements can be modified when they don't impact other neighbors, would probably apply to a lot of the perimeter that is wooded. So you don't want to put landscaping where it is already wooded. But there are open areas.

Daniel Gettel: I think that will address....we have to at least touch on it.

Jacqueline Ricciani: I think that all of these different guidelines that are listed 1-8 are the things you can rely on when determining whether the landscaping is proper and appropriate. Whether you want to do shade trees, evergreen trees, something, clearly there has to be landscaping. This part of the code does not require the applicant to comply with each and every number, 1-8.

Wes Illing: Thank you and I wasn't certain of that. That's why I said the waiver listed below may not be required as it pertains to the code using the word should, as opposed to shall.

Daniel Gettel: Or may.

Jacqueline Ricciani: And the word guideline, as opposed to required.

Wes Illing: So I didn't know if I needed a waiver for 16, but I put it in there.

Daniel Gettel: We also have to discuss it on the record, and I think that if you can demonstrate that you meet the intent of that section, I don't know if you need a waiver from it.

Wes Illing: I didn't know.

Jacqueline Ricciani: You need to provide a landscaping plan.

Wes Illing: Which I've done.

Jacqueline Ricciani: Which are the two rows of pine trees.

Daniel Gettel: Wes, can I make a suggestion though, you keep talking about the wood lines. Can the wood line be shown on the plan?

Wes Illing: It is. See this tree line here, this is the tree line, we lost it here, but it goes over here, comes back here.

Daniel Gettel: That is relatively accurate?

Wes Illing: Oh yeah. And then it comes down here and goes all the way down here, all the way down here, all the way around here, and then it goes off to wherever, and then it comes back, here it is again. There is a field right here; this area right here is a field. This is all wooded from here over, and from this line down is all wooded.

Daniel Gettel: Okay, I can't see that from here.

Wes Illing: There is a neighbor up here, so that is open up here that is why this tree line is right here. When I walked up here and looked at the land up here, you can see his hayfield right over here. This is open land over here, but all of this is wooded, then the woods kind of stick out in this little area here as well. Basically we are going to put a couple row of trees here, everything is behind trees.

Daniel Gettel: Okay. That takes care of the ones you have.

Wes Illing: Did you have other ones, Dan, ones that I have missed?

Daniel Gettel: I don't think so. I think that was pretty much it. It was 345-16, but that was before you moved the parking, so a lot of them went away. We don't have to enforce this section.

Susan Brown Otto: What about the wall the Farmland spoke about?

Daniel Gettel: I think they meant a fence, not a wall.

Jacqueline Ricciani: They said a wall, but someone said.....is there a fence going up?

Daniel Gettel: There is a fence in our code, it calls for a fence supplemented.... and it looks like they took it out of our code, I'll agree with that, but our code does not say wall. Wes is claiming that his double row meets our code. As a mature buffer.

Jacqueline Ricciani: But I think the camping section requires.....

Daniel Gettel: Wes, the only one that I have that I think we ought to look at is Section 345-18 b, 5, which is lighting. I know you don't want to have lighting.

*"Lighting. Adequate lighting which provides security and visual interest shall be provided, while minimizing adverse impacts, such as overhead skyglow and glare on adjacent properties and the public rights-of-way."*

Daniel Gettel: Before I read it all into record, Jacy, do you think we can waive 345-18, which would be lighting standards? Because there is the word shall.

Wes Illing: I'm sorry I didn't know that was a requirement. I thought it was a requirement that you put it in....

Daniel Gettel: You're the one with the shall's and the may's.

Jacqueline Ricciani: Are you looking at the commercial section?

Daniel Gettel: Is that a gateway standard?

Jacqueline Ricciani: Hold on, wait I don't know.

Daniel Gettel: Paragraph 18-5 is a gateway standard, so you don't have to address that.

Jacqueline Ricciani: So you are saying no, it doesn't apply.

Daniel Gettel: Because he is not in the gateway anymore.

Jacqueline Ricciani: Okay, but there is lighting, general commercial. Section 345-21, the gist is that the light has to be shown going down.

Daniel Gettel: It doesn't say required for security, or safety.

Susan Brown Otto: What about where the emergency vehicles turnaround at the top of the hammerhead or whatever, is there going to be any lighting there?

Wes Illing: There are lights on the bathrooms, the entrance doors to the bathrooms. Where the fire trucks are going to turn around, you have headlights on your car that is what you have headlights for. I hope they have their headlights on.

Susan Brown Otto: Lets say you have the person, or whatever, you're not going to have any lights?

Jacqueline Ricciani: I think you need lights in a parking lot? Did I read that?

Wes Illing: No, it's not required I don't think.

Jacqueline Ricciani: Section 345-22?

Daniel Gettel: Nope.

Jacqueline Ricciani: No requirement for lighting? For some reason I am missing parts of this code.

Daniel Gettel: Okay, but I don't have it, so I probably have everything. Let's assume they don't need it because you don't have something that says differently. That is like asking me to rely on what Freda said. I believe lighting is in a separate section.

Jacqueline Ricciani: Okay.

Daniel Gettel: You said you have one light in one of the parking lots now.

Wes Illing: Yes there is one there now; it's been there for a long time.

Jeryl Abramson: We have two poles.

Wes Illing: Actually that light.....

Jacqueline Ricciani: On Yasgur Road?

David Slater: You have one listed in the parking lot.

Daniel Gettel: The new parking lot location has one.

Jacqueline Ricciani: Are they shown on the plan?

David Slater: There is only one shown on the plan.

Jeryl Abramson: The other one is in the other zone. There are two lights in that field, and we'll put in lights in the other one. Right now we are using portables.

Jacqueline Ricciani: Are you going to make that part of your application?

Wes Illing: What part of our application?

Daniel Gettel: That you want to use portable lighting.

Jeryl Abramson: I am using portable lighting for the reunion. I'm not using that for this.

Jacqueline Ricciani: So no light for this parking lot.

Jeryl Abramson: It will be permanent, not portable.

Wes Illing: We are not having any lighting. No lighting on the plan, other than the light poles that we have, the single light that we have in the parking lot is shown. We can put in lighting, but it is expensive, and you know most of the people, they are not coming in at night.

Jeryl Abramson: We'll get a light pole on the other side.

Jacqueline Ricciani: Two light poles, one for each parking area?

Jeryl Abramson: Yes.

Wes Illing: The existing one is an old globe fixture, but it exists. Do we have to change that or can we leave as it is.

Daniel Gettel: You can leave as it is.

Wes Illing: She can change it if she wants to, to the new one if she so chooses?

Jeryl Abramson: I can't hear what you are saying.

Jacqueline Ricciani: So he wants the general DOH waiver, okay, he wants the waiver for the plumbing facilities for the RV; you said we don't need that.

Daniel Gettel: I don't believe that we need that.

Jacqueline Ricciani: The shower, the waiver requirement for showers.

Daniel Gettel: Which we can waive.

Jacqueline Ricciani: I can go either way on that. It's not really specifically addressed in our code, but the code says that you can waive whatever the DOH waives. The Department of Health is not really waiving it.

Daniel Gettel: He can request that we waive it.

Jacqueline Ricciani: But he can only request that we waive what he could get a DOH waiver for.

Wes Illing: That's right.

Jacqueline Ricciani: Like landscaping

Wes Illing: If DOH says no pump and haul, we can't pump and haul.

Daniel Gettel: Jacy, it says upon the request of the applicant and the discretion of the Planning Board, the Planning Board may waive any of the elements, Section 120-5 C 1-10, and shower facilities are specifically listed as #10. Wes, there were items you wanted to look into, what were your thoughts, or do you think you addressed what you needed?

Wes Illing: I thought I addressed everything that we needed to address from the County, and from the Ag District.

Daniel Gettel: I'm talking about the waivers.

Wes Illing: And I thought I got all the waivers. I don't think there are any more out there that we have to have that's in the code. I think we hit them all if I'm not mistaken.

Jacqueline Ricciani: I don't see streets in the list of the design elements.

Daniel Gettel: I don't think we can waive it. That is the one that I added back.

Wes Illing: Do you want me to change the word to driveway as opposed to drive?

Daniel Gettel: Do you think you are meeting the intent of the section of code?

Wes Illing: I believe we are putting in plenty of stone....

Daniel Gettel: Do you believe that you are meeting the intent of the code?

Wes Illing: Yes I do, I believe we are making a safe passageway for emergency service vehicles and for the pump and haul trucks that they can get in there to pump those trailers out, and also for other service vehicles to get in there. To truck anything back in there, to get the trailers back in there, so the service roads that we have going in there are more than adequate to get vehicles in and out of there safely. The grades are fine. Turning radiuses are all fine, and the road base I think we were going to put in, is a foot of stone, which will be more than adequate for the road base for the vehicles. Especially given the use they are going to have.

Daniel Gettel: What waivers have you requested from the Health Department?

Wes Illing: The pump and haul is a waiver.

Daniel Gettel: I'm aware of that one.

Wes Illing: I think that is the only waiver from them. I don't have an issue with anything else from DOH. We have complied with everything else they wanted. Everything else is a cakewalk. The water treatment system, I asked if we could get a waiver on the iron. Glenn says forget it. We are not getting any waivers from DOH except for this pump and haul waiver. That is going to be decided by the new woman. I've met her.

Susan Brown Otto: Where are we on a timing standpoint given the fact that today is August 1<sup>st</sup>?

Wes Illing: Obviously this year is gone.

Daniel Gettel: She has a permit for her reunion.

Susan Brown Otto: I understand that. I was talking about the whole campground.

Wes Illing: Basically we can plan to open next spring. Get all this stuff in place. We can do some of the construction this fall, do some of the construction in the spring, so that when its time to open, we can open, get DOH's waiver by then, and their permits so we can put in the water treatment system, we can get that all checked out.

Jeryl Abramson: I'm not sure if I understand your question.

Susan Brown Otto: I am not talking about the weekend, of August....

Jeryl Abramson: I don't understand your question....

Susan Brown Otto: Today is August 1<sup>st</sup>. The next time we meet is September 12<sup>th</sup>. Okay, so we are waiting for the County now, that was the decision, we have to wait until next month.

Jeryl Abramson: I think we are down to just two issues now. Waiting for the County, which we are going to take care of, and the letter from the sound guy, and I think we are done with that. So to address the time issue I think if we can agree on everything by September then I will have all of my financial information, all of my specs, I have people bidding the jobs already....

Susan Brown Otto: But it would be for next year, you are not looking to have camping in September....

Jeryl Abramson: No.

Daniel Gettel: It runs out in October. You don't operate after the second week in October based on your management plan.

Jeryl Abramson: But that is for the campground.

Daniel Gettel: That is what Susan is asking about.

Jeryl Abramson: Okay. I just want to make sure we are all clear. I don't intend to do anything this year. I'm not going to have the conditions met in time. Just planting the trees alone won't happen any more. Basically I am ready to move forward, I'm ready to start submitting for financing, I'm just waiting for a few last numbers, and for the approvals.

Jacqueline Ricciani: October may be a good time to plant trees.

Wes Illing: I think the spring may be better. I don't know the answer to that.

Jeryl Abramson: Whenever we get together. The whole thing has to be financed first. There are many things I could be working on right now, but I'm not doing that because I have to wait to get the financing. So all of these will be taken care of as we move forward with this, but I believe that there are certain things the board is willing to give me a little bit of time on. Like if the trees can't be planted until October, well I still won't be parking in that other area, but the trees obviously won't be planted then. One thing is contingent on other things. My goal is to get this done as quickly as possible and meet all of the conditions. I'm not rushing into this thing, but I am ready to go. I hope that answers you, there are certain things that are engineering, and certain things that are operational. I do understand the operational part. I just want you to be comfortable with that; I think I know what I'm doing. I know a lot of people say that, but I do think I have a good handle on how to operate this and how to deal with the people that are coming here. I think it is going to be a good project for everybody. I think you are all going to be very happy with it, at least I hope that.

Daniel Gettel: Wes, the section that we have all been kicking around, I just looked it up. Section 345-16 E 5:

“A buffer screen at least 15 feet in width along any residential lot line should be provided. It should include, at a minimum, an opaque wooden stockade fence six feet in height and one evergreen tree for every 15 linear feet of property line. An additional row of evergreens meeting these standards and offset such that each row serves to place trees between the gaps of the other shall be permitted as a substitute for the stockade fence. No stockade or similar fence, however, should exceed eight feet in height or be placed in such a way as to purposely interfere with the views from or admission of light and air to an adjoining residential property. Other yards should be landscaped in accord with Subsection E(6) below.”

Daniel Gettel: Willy, do you have any comment being on the board?

Wilfred Hughson: I wasn't there.

Daniel Gettel: I know, but they don't normally require walls out in the middle of the pasture. It would prevent dogs from crossing over to the farmlands, but...

Wes Illing: People are camping on the other side of the property. Russell is over here, and the campers are over here.

Daniel Gettel: It has been an issue in the past.

Wes Illing: The campers are initially going to park here. Initially they are going to park over here, when this lot is filled, they are going to park over here.

Daniel Gettel: Wes, we're not arguing with you.

Wes Illing: I just want to point out; I don't see a stockade fence offering much value.

Daniel Gettel: I think we said that 10 minutes ago.

Wes Illing: All right.

Jacqueline Ricciani: I think we are satisfied with the landscaping you put on the plan. That satisfies it.

Susan Brown Otto: Is the landscaping bonded?

Daniel Gettel: Landscaping is always bonded in the Town of Bethel. How does the board feel about the waivers, do you want to act on them, do you want Jacy to make sure we can waive them?

David Slater: I would like to table to the next meeting, let Jacy check them out.

Jacqueline Ricciani: The only one I am not 100% on is the landscaping requirements within the parking lot, the every 12 feet. That one I am not 100% on.

Wes Illing: That was May though...

Jacqueline Ricciani: That was the landscape. Parking is separate. The DOH waiver under the camping section is fine, if you want to waive showers. Waiving that the site plan has to show mature trees....

Daniel Gettel: Wes, I'll tell you moving forward, Glenn and I have spoken about this a lot, and I have mentioned this probably at every meeting we have been to. I am uncomfortable with the pump and haul, because at the beginning of this proposal you had told us it would never be approved, it would never be approved, it is very hard to get a permit for a pump and haul. Then everything became pump and haul. I am uncomfortable because we really have very little information from the Health Department. You did submit your last email from them, and they recommend, and their email pretty much indicates that you are at the very very very preliminary stages. That is the way I read that email.

Wes Illing: That's correct. They are swamped over there. They are understaffed.

Daniel Gettel: Okay, but you understand my concern.

Wes Illing: But the bottom line is, okay, they have to review that whole site plan for all of their code requirements for distances, a huge number of requirements and validate before they give us a permit for the campground itself. So I asked them, just take a look at the pump and haul issues because if we are not going to get that, there is no point in going further right now. So that is what they did for us and they came back with a list of questions that they want answered. We still have to get them the answers for that.

Daniel Gettel: But they appear to be very preliminary along in the review. One thing they asked for is that if you are going to go along with the extension, and the Town Board they would entertain ... I haven't read the letter if Rita actually wrote one.

Wes Illing: I saw the letter from Rita, and the Town Board voted unanimously....

Daniel Gettel: That they would entertain the idea of extending the sewer main, I believe.

Wes Illing: That they would support extending the sewer line.

Daniel Gettel: BJ, can you get us a copy of that for the file, because I haven't seen that.

Wes Illing: They voted unanimously to extend the sewer line. We talked about all of the approvals....

Daniel Gettel: All I hear is map, plan, and report.

Wes Illing: That is the first thing you have to show them, the map plan to show them what the district is, and get that laid out first. After that, you give them details. But that is the first step towards the approval process. But they support the extension, and that is what the DOH wanted to know, can this happen? Because the DOH is not interested in giving pump and haul permits on a permanent basis.

Daniel Gettel: We are not interested in approving that either.

Wes Illing: This is a temporary pump and haul we are going to get from DOH.

Glenn Smith: Mr. Chairman, the email from the DOH that was a few weeks ago. Before the September meeting, do you think you can get a decision out of them? That is quite a ways away yet.

Daniel Gettel: Wes, it has nothing to do with what we are acting on tonight. I am telling you as a courtesy that we have a concern that has been kicking around. Glenn and I have been talking about that. I don't think the email that you sent us from the Health Department really helped that cause.

Wes Illing: That was all I had. I told you I would give you information as it came up.

Daniel Gettel: And I appreciate the fact it was submitted two weeks ago.

Glenn Smith: I got a pump and haul approval in the beginning of the summer for a camp, it was about two and half weeks to get it, but I kind of bugged them about it too.

Wes Illing: I don't want to push. They'll get to it. You can push Glenn (Illing), I can't.

Daniel Gettel: What are the board's thoughts? David made a proposal, I don't know that I agree or disagree with it. I don't think any of the waivers he is asking is too out there. I'm not too crazy about the shower idea, waiving showers.

David Biren: I can't see waiving the showers. I don't know how long people are going to be staying. You are going to tell me people are going to stay for two weeks and not have a place to shower? To me it just doesn't make sense.

Wes Illing: There are a lot of campgrounds that don't have showers.

David Biren: Okay you tell me that. I've never been to a campground. I can't say yay or nay.

Wes Illing: You can go online....

Daniel Gettel: But Wes, that doesn't have anything to do with this site. You keep comparing this application to every other one out there. We are not treating it any differently than other

applications; David is just making a point. That he doesn't know and he's not comfortable with the showers. It doesn't matter if Jellystone has showers and Swan Lake doesn't have showers. It doesn't matter.

David Biren: It is going to be open 7 months or 8 months per year, which is fine by me, but I think you need showers, or accommodation of some kind.

Wes Illing: When we get the sewer line connected, we can have our showers, we want the showers, but DOH isn't going to let us have showers until we get the municipal sewer line. So we want the municipal sewer line so we can have the showers. Certainly we would be happy with that as a condition, because we want the showers. DOH says no, and I think part of the reason they say no on the showers is they know the cost for pump and haul is high, and when you look at your volumes of water coming off the campground, showers are a huge portion of that flow. I think they have had problems in the past with campgrounds, or other people, they just kind of take that gray water and dump it or whatever and they don't handle it properly, so they just said screw it, you are not going to get it.

Daniel Gettel: That is a theory that you have.

Jeryl Abramson: No, I heard her say that.

Wes Illing: She actually said that?

Jeryl Abramson: Yes. The two of us, who are not actually capable of saying anything that is true, but if you were to take our word for it, yes we both heard her say that they don't like showers for pump and haul because there is too much water being wasted, and too much hauling of gray water, and that is why they don't approve showers for a pump and haul. How would I know this if she didn't say it in front of me?

David Biren: That is one of the problems I see here.

Jeryl Abramson: I agree with you, and we wanted to put in a temporary...the units where you can bring a shower, they won't allow it.

Wes Illing: We originally had the showers on our submittals, and DOH made us take them off. On our original submittal we had showers on our site plan, and we gave them to DOH, the very first thing they said was get rid of the showers and we will consider it. We said, okay, showers are gone, and you have a copy of that original submittal with the showers on.

David Biren: To me it's a problem. Thank you.

Wes Illing: This isn't a campground with swimming pools and tennis courts. This is a campground where you camp in the woods. This is supposed to be a camping experience in the woods, not like where you go over to Pennsylvania, some of those campgrounds you go over to the paved parking lot, you sit in your RV, you have this little postage stamp place with some shrubs on both sides and a little camp fire, you have your water and sewer connections, and kids

screaming all over the place, and there is a playground over there, and everything is paved, that's not a campsite.

Jeryl Abramson: The point is that we are not going to be able to do the showers; the Board of Health is not going to allow it. People know that there are no showers there, for the next year or so until we can get the sewer hooked in. They know that when they come in. We are not hiding this information from them. They know it is going to be a wilderness camping experience, they know what they are getting into, they know what we are providing and we are not providing. The RV's are self contained, they have their showers, there is nothing that the Board of Health has against that, but on the other side of that I have to say buyer beware. People come there, they know what the situation is, they know what the facilities are, it's not for everyone, but the customers that we have that like to come to us know that they are going to go a few days without showers. I don't think anybody is going to be there for a month straight. It's going to be a few days at a time in the beginning, and then when we get the full facilities done then people will be wanting to extend their stays. Initially I don't expect people to be there for a week or two at a time without a shower. But they know that, and they do want the experience of Yasgur's. That is going to be the initial tradeoff. We are trying to address all the sanitary needs, and we are doing it as quickly as we can. People know it is going to be a rough time, and they don't mind.

Daniel Gettel: How does the rest of the board feel about showers? You have two no's. I don't think David is going to change his mind. Did that change your mind?

David Biren: No.

Daniel Gettel: Mine doesn't change either. I don't have anything from the Health Department saying they can't have showers.

Wes Illing: You want me to get a letter from them saying....

Daniel Gettel: I'm saying we don't have anything to support what you are saying.

Wes Illing: I will get that in writing.

Daniel Gettel: If you want us to vote tonight, I'm going to vote no.

David Biren: So will I.

Wes Illing: We have to wait until next month anyway, I guess is the bottom line. The waivers are in pretty good shape Dan, at this juncture. Showers, if you want verification from DOH that they told us no showers. That will ease your mind in that regard.

Daniel Gettel: It may not change my mind, it may ease my mind.

David Biren: You didn't say yes to all of the waivers.

Daniel Gettel: No, but I don't think there are a lot of significant ones. I think showers are

significant. I don't think the landscaping and parking lot is necessarily significant. Do we still need a waiver of every 12 feet? I don't think we even need that one. I don't think that there are that many.

Jacqueline Ricciani: That is the one I am checking into to see if we can waive it, the planting beds.

Daniel Gettel: We only have that for the Dollar General, Dunkin Donuts, and the Flea Market.

Wes Illing: They are small ones.

Daniel Gettel: They are also ones that we have reviewed.

David Biren: You may not need it every 12 spots, but you may want it every 24.

Daniel Gettel: We can't write code though.

David Biren: I understand that.

Daniel Gettel: Jacy, do your homework.

Jacqueline Ricciani: Here is the first thing I am coming up with. As far as all of those requirements for parking lots the purpose of these landscaping requirements are to balance the impact of the open paved area and provide effective storm water control. Now that may not apply in this case since we don't have a paved area, it's all on grass and I'll leave it to the engineers about the storm water.

Daniel Gettel: What Wes is saying, if we have the ability to waive it that would be the argument for waiving it not an argument for ignoring it.

Jacqueline Ricciani: I would say it doesn't apply. I'm saying it may not apply because it is not a paved parking lot.

Daniel Gettel: Okay, if I were to vote on showers tonight, I would vote no. We are arguing about nothing, we have been talking about nothing for the last 20 minutes. I think we all know what we need to do. We'll all take a look at what waivers he is requesting. We are down to three or four.

Wes Illing: Jacy is going to write those up for next meeting?

Jacqueline Ricciani: It is the basic DOH waiver for the camping, showers, and showing the mature trees on the site plan.

Wes Illing: And the others are not required, we agreed to....

Jacqueline Ricciani: We have determined that a lot of the other stuff does not...

Daniel Gettel: Jacy, are you going to circulate something to the board?

Jacqueline Ricciani: I will circulate whatever you want me to.

Daniel Gettel: Summarize what you just said.

Jacqueline Ricciani: About the waivers that are remaining? Sure.

Daniel Gettel: Are you okay with that Wes?

Wes Illing: Doesn't she usually write the official resolution?

Daniel Gettel: It's not my money.

Wes Illing: Are you suggesting that we are not going to get approved?

Daniel Gettel: I didn't say that. If Jacy is willing to do it, she'll do it. It is not something that the Town is required to do, but we will do it if that is how you want it to be done.

Jacqueline Ricciani: I'm doing the resolution anyway.

Jeryl Abramson: You are getting paid to write the resolution, why should I pay you for an additional letter, summarizing what is in the resolution?

Daniel Gettel: So we'll get back to what I said, if Jacy is willing to do it, circulate it to the board and to the applicant, I don't have an issue.

Jacqueline Ricciani: But it is just going to be based upon what was most recently requested and you know.... this is what you requested, so this needs to be addressed. I'll take care of it.

Daniel Gettel: Wes the only problem with this is that if there is something missing....

Wes Illing: Section 345-16 B, we said that wasn't applicable anymore, isn't that what we agreed to?

Jacqueline Ricciani: "B" is showing the mature trees on the site plan.

Daniel Gettel: Wes is saying it is waiver 1, 4, and 5, and streets were added.

Jacqueline Ricciani: There is also that screening.

Daniel Gettel: Which we can say if that is substantial enough to meet the intent of the code.

Jacqueline Ricciani: They need a screening strip along all property boundary lines.

Susan Brown Otto: This is not part of the waiver, but the farm letter talked about signage, about small...interior signage.

Daniel Gettel: We don't review interior signage.

Wes Illing: We were going to put up some signage by the trails; they will have a little map.

Susan Brown Otto: The other thing about the lantern.

Wes Illing: We don't want our forest to burn down, so that is in everyone's best interest. I don't think Jeryl cares about the floating candles. We don't want them. I would love that as a condition.

***Motion to adjourn by David Biren, second by Wilfred Hughson***

***All in favor – 7***

***All opposed – 0***

***Agreed and carried***

*10:15 pm*

Respectively submitted,  
*Jannetta MacArthur*  
Recording Secretary