

The Town of Bethel Town Board meeting of August 27, 2014 was called to order by Supervisor Daniel Sturm at 7:30 p.m. at the Dr. Duggan Community Center Meeting Room.

Council members present: Lillian Hendrickson
Vicky Simpson
Bernard Cohen
Dawn Ryder
Rob McEwan

The meeting was opened with the Pledge of Allegiance

Resolution of Respect – Theodore “Teddy” Yeomans

*Resolution of Respect
In Memoriam to*

*Theodore “Teddy” Yeomans
August 10, 1936 – July 28, 2014*

Whereas, Almighty God in his wisdom has seen fit to call from our midst one of our public officials who served the Town of Bethel with honor and dignity, *Theodore “Teddy” Yeomans*, and

Whereas, Teddy served in the U.S. Navy from June 1956 through March 1962 aboard the USS Lake County, was an active community member advocating for the Woodstock site to be developed, steered in the development of the Bethel Pool and Park, operated the family diner Andy’s Place in Kauneonga Lake, past member of the Bethel Democratic Committee, and past member of the Bethel Economic Development Committee, and

Whereas, he served on the Bethel Town Board in 2008 and during his service as Town Councilman he served our community with a strong work ethic, and had always exhibited those qualities essential as a public servant, and he worked with dedication and devotion; and

Now Therefore Be it Resolved, that the Town of Bethel Town Board expresses their most sincere sympathy at the passing of *Theodore “Teddy” Yeomans* on July 28, 2014, and extends their condolences to his family and friends and in respect of his memory cause this Memorial Resolution to become a part of the official minutes of the Town of Bethel.

Dated: August 13, 2014

Daniel Sturm, Town Supervisor
Rita J. Sheehan, Town Clerk
Victoria Simpson, Councilwoman
Lillian Hendrickson, Councilwoman
Bernard Cohen, Councilman
Dawn Ryder, Councilwoman

Motion by Mrs. Simpson to approve, seconded by Mrs. Hendrickson, put to vote and carried 5-0.

Request to attend NY Health Ins. Update and Training on Oct. 15th

Request to attend NY Health Ins. update and training on October 15, 2014 in Suffern, NY at no cost to Town except mileage and tolls. Motion by Mr. Cohen to receive, file and approve Donna Stackhouse’s request, seconded by Mrs. Ryder, put to vote and carried 5-0.

Request to reduce speed limit on Hurd Rd from Laymon to Briscoe Rd

RESOLUTION OF THE TOWN OF BETHEL TOWN BOARD, COUNTY OF SULLIVAN, STATE OF NEW YORK TO ESTABLISH A LOWER SPEED LIMIT ON A PORTION OF HURD ROAD

WHEREAS, the Town of Bethel Highway Superintendent on behalf of the residents on Hurd Road is requesting a lower maximum speed limit on a portion of Hurd Road (TR48),

WHEREAS, speed limit reductions have already been granted from Route 17B to West Shore Road (TR 86), and

WHEREAS, the amount of incidents on this portion of roadway has increased over the years since the last review, and

WHEREAS, the Highway Superintendent is requesting a review of the portion of Hurd Road (TR48) starting at a point 1.2 miles north of West Shore Road (TR86) to Briscoe Road (CR144).

NOW THEREFORE BE IT RESOLVED, the Town Clerk is hereby directed to file a TE-9 with the Sullivan County Commissioner of Public Works requesting a lower maximum speed limit of 30 mph Hurd Road.

Motion by Mr. Cohen to request speed limit reduction to 30 mph on Hurd Road beginning at a point 1.2 miles north of West Shore Road to CR 144 (Briscoe Road), seconded by Mrs. Hendrickson, put to vote and carried 5-0.

Clean-Up Crew Update

Mr. Sturm updated the Town Board on the clean-up road crew that has been working since May. There is one paid town employee; 3 others that are with Work Force Development. That have cleaned up 435 bags, 125 tires, 5 mattresses, 15 tv's, 6 couches AC's, wood, and 50 hub-caps. They have also been cleaning the grate at CR141 from the lake debris.

Motion by Mrs. Simpson to send thank-you letter to road crew and Terri Lynch, seconded by Mrs. Hendrickson, put to vote and carried 5-0.

Public Hearing: 7:45 p.m. – Proposed Local Law #1-2014 Chapter 120 & 90
(Camping and Mass Public Assemblies)

Mr. McEwan briefly reviewed the changes to the Town of Bethel Code Chapters 120 (Camping) and Chapter 90 (Mass Public Assemblies).

Town Clerk read legal notice. Motion by Mrs. Simpson to open Public Hearing at 7:45 p.m. for Proposed Local Law #1-2014, seconded by Mrs. Hendrickson, put to vote and carried 5-0.

Susan Harte thanked Town Board for Camping Law. Needs clarification on Section 120-10 (E) - storage of a camping trailer, what is Town Board's intent? If there is a residence suggested to allow it. Suggested if there is no dwelling/residence then it should not be allowed. Definition of dwelling – does it apply to bungalow colony? The way it reads a bungalow colony can put tents all over for 30 days. Laws are no good unless they are enforced. Mr. Sturm will take into advisement.

Jeryl Abramson commended and thanked Town Board for finally complying with NYS Department of Health Codes which were confusing and contradictory. Density issue - last 5 years have not been able to go ahead with campground license because of density in Bethel kept her from going forward. Called surveyor and moving ahead to develop a Campground.

Suggested: address definition of camping; quite overbroad. Can't sleep in car; people pull over and sleep outdoors, needs to be addressed.

120-6 (C) 1 - 10' setback for each campsite, is a little vague. Define where boundaries begin and end. The campsites should be by tax lot, section, block, lot. She has 5 lots; "x tents" amount per parcel. One lot is 1 acre and another is 70 acres; should not go by SBL; should go by acreage or space parameter that makes more sense; you are not defining. Could have a postage stamp or 100 acres and could be one sbl. This needs to be cleared up.

Mr. Sturm agrees about density that's why it was changed. Mr. Sturm – 1,250 sq. feet; for each campsite; it is the Department of Health (DOH) that has 12 per lot. Mrs. Abramson - no its by sbl, its confusing.

Mr. Sturm – The code had 6 sites per acre; DOH 12 per acre. Mrs. Abramson you are confusing transient and non-transient. Mr. Sturm – no don't think I am. Mrs. Abramson - the density on permanent campground is what you addressed. When it comes to transient it is not covered by doh except when it comes to 60 hour rule. When it comes to transient you are defining camping parameters as sbl not by acreage. 5 tents on postage stamp or 5 tents on 100 acres? Mr. Sturm - 1,250 feet is for transient or non-transient? Mrs. Abramson - no. Mr. Sturm - we will look into it.

Mrs. Abramson asked about her renewals. What will be her first step? Special Use, transient or non-transient. What is her next step to Planning Board? Thank you, long-time coming.

Denise Frangipane – read statement: important work. Housing facilities, temporary housing facilities - no definition. Mr. McEwan – it's in existing Code.

Mrs. Frangipane asked several questions about the definitions - Temporary Shelter different than temporary housing? – is definition in code? Dwelling – are current situations grandfathered clause or do they have to come into compliance? License transfer - New owners - have to reapply? Mr. McEwan – temporary only lasts 60 hours does not apply to special use.

Mrs. Frangipane – Special use for Campground – bond for landscaping? Mr. McEwan – these are Planning Board issues; bonding is discretionary.

Mrs. Frangipane - Outdoor Recreational Facility does not include the work "commercial".

Karen London – 120-3 D(2)(B) – Campgrounds and RV parks. Suggested to have more public input/comment than less; preserve Public Hearing process for "Renewal Licenses".

Mrs. London – Section 120 - Exemptions – 6 months seems like a long time; permits trailers to be on rear or side without limit of size of property. Mr. Sturm – 1250 sq. ft. still applies for campsite. Mrs. London - No specification of property size. Mr. McEwan need at least 5,000 sq. ft. Mrs. London – maybe need to have a minimum lot size. Mr. Sturm – have ¼ and ½ acre lots and we want you to still be able to camp. Mr. Sturm – we will put under advisement. Mrs. London - Add Sub-Section D – 345-31 (G)(2) that requires public hearing, important section.

Mrs. Abramson – non-transient parameters not defined. The 1,250 is only for permanent campground. Mr. McEwan – That is not so. Mrs. Abramson - written per lot; different than the 1,250 sq. ft. Mr. Sturm – We will review. Mr. McEwan - applies to everyone, transient, non-transient or homeowner. Mrs. Abramson – I know your intent but you need to make it clear. Mr. McEwan– I disagree.

Mr. Sturm suggest to keep Public Hearing open for 7 days to allow additional written comments.

Motion by Mrs. Hendrickson to continue public hearing open for written comments only and served or post marked no later than next Wednesday, seconded by Mrs. Simpson, put to vote and carried 5-0.

Motion by Mrs. Simpson to close oral comments of Public Hearing at 8:15 p.m., seconded by Mrs. Hendrickson, put to vote and carried 5-0.

Public Hearing: 8:15 p.m. – Proposed Local law #2-2014 Chapter 345 (Zoning)

Town Clerk read legal notice. Motion by Mrs. Hendrickson to open Public Hearing, seconded by Mrs. Ryder, put to vote and carried 5-0.

Mr. McEwan reviewed changes to 345 – Zoning.

Jeryl Abramson – Recreational Facility: Is that an outdoor stage? Is there a difference between temporary and permanent? 100 hours per year temporary stage, covers them for season.

Mrs. Abramson - 345-31.C(1)(H) – not enough oversight on smaller parcels, this opens camping and recreational events in any zone/anywhere/anytime in town; only permanent campgrounds are restricted. Anyone can put up a stage for 60 hours. Mr. Sturm - need 5 acres for that use. Mrs. Abramson – for a stage? Mr. Sturm – need at least 5 acres for outdoor recreation.

Mrs. Abramson – same site plan as site plan as temporary, transient, and non-transient? For a 60 hour event and going to have camping? What are requirements if smaller lot; have to produce site plan and seqr? Mr. McEwan – site plan review process. Mrs. Abramson – cost becomes ridiculous? Mr. McEwan – site plan requirements are the same for licensed people and the outdoor recreation temporary; camping and a stage have same a site plan process; just stage - site plan. Requirements same for each. Don't need site plan for transient or outdoor recreation temporary. Mrs. Abramson what is compliance, insurance, etc. Mr. McEwan – yes, whatever else is set forth in zoning code with regard to site plan. Mrs. Abramson doesn't see it in the code, does not see compliance for smaller recreation or transient campgrounds. Mrs. Ryder and Mr. McEwan – It's there.

Mrs. Abramson – not best interest to have camping everywhere. Mr. McEwan – transient? Mrs. Abramson – yes. Mr. Sturm – 5 acres, page 7 – minimum 5 acres outdoor recreation. Mrs. Abramson – allows outdoor recreation facilities anywhere. Mr. Sturm still need site plan review before Planning Board.

Mrs. Abramson - event for limited amount of time – is expensive going through compliance; limiting # people and stage, making applicant expend a lot of money; turning people away that may have an opportunity. Commercial districts could benefit. Wants compliance with sanitary code, insurance and other things that you have let pass; not in town's best interest, need more structure for port-a-john, etc. Mrs. Abramson - Town Board will go over process for campground, transient, non-transient, outdoor recreation and special use for stage? Need clearly defined.

Denise Frangipane – Planning Board can waive renewal public hearing, not on initial application? Mr. McEwan – only licenses and on license renewals. Present provision can waive public hearing on certain instances. Mrs. Frangipane - Special Use permit – would you waive public hearing; Mr. McEwan – no, not on special use. Mrs. Frangipane – can Planning Board waive certain items, Mr. McEwan - Yes. Mrs. Frangipane – three minutes can make a lot of difference. Impact on members of the community may not have a public notice, no public comment at Planning Board meetings. Make policy today with who we are working with today; we won't be here forever. Policy is based on need of today but needs to be made on needs of future. Needs to be effective beyond tenure of board. Legislation has been better because of public input. Taking Public Hearing out of process is a mistake.

Johnathan Hyman agrees with Mrs. Frangipane and Mrs. London. It was a big mistake to take Public Hearing out of process. Mr. Hyman – disservice and flaw that Planning Board Chairman does not take public comment. Real problem and needs to be re-considered.

Motion by Mrs. Hendrickson to continue public hearing for written comments only and served or post marked no later than next Wednesday, seconded by Mrs. Simpson, put to vote and carried 5-0.

Motion by Mrs. Simpson to close Public Hearing oral comments, seconded by Mrs. Hendrickson, put to vote and carried 5-0.

Correspondence Planning Board – re: Local Law #1 and Local Law #2

Correspondence has been received from the Bethel Planning Board recommending adoption of Local Law #1-2014 and Local Law #2-2014 with minor changes that were discussed at the Planning Board meeting. Mrs. Ryder asked what changes were wanted by Planning Board. Mr. Sturm explained that were only numbering changes. Motion by Mrs. Hendrickson to receive and file, seconded by Mrs. Simpson, put to vote and carried 5-0.

M-239 response from Sullivan Cty. Planning Department re: LL #2

M239 response has been received from Sullivan County Division of Planning and Environmental Management (DPEM). The DPEM feel that the proposed action will have positive inter-community impacts. Motion by Mrs. Simpson to receive and file, seconded by Mrs. Hendrickson, put to vote and carried 5-0.

Motion to set Special Meeting on Sept. 4th at 1 p.m. at SC Govt. Center

Motion by Mr. Cohen to set Special Town Board meeting at the Sullivan County Government Center Legislative Hearing room on September 4, 2014 at 1 p.m. for the purpose of discussing The Forest Reserve at Smallwood contract (Smallwood Golf Course), seconded by Mrs. Hendrickson, put to vote and carried 5-0.

Milfoil Update and Correspondence from Mr. Silna

Mrs. Simpson reported that the NYS Dept. of Environmental Conservation came out and did a survey so the Town saved \$6,000.

E-mail has been received from Mr. Silna regarding the impact that the Milfoil infestation will have on the quality of the water in the lake. Mr. Silna is suggesting to form a lake homeowners association to decide what is in the best interests of the community. Motion by Mrs. Simpson to receive and file, seconded by Mr. Cohen, put to a vote and carried 5-0.

Town Board Comments

Mr. Cohen – Ballard Road striping looks great.

Mrs. Ryder commented that she has some issues which have been addressed by public. She will put in writing to Mr. Sturm.

Public Comments

Sharon Wiser – Taconic Trail squatters, 52 Taconic owned by Eagen and in mortgage foreclosure by HSBC. The bank attorneys have not filed papers and in 20 days case will be dismissed. Town needs to remove these people, illegal wood cutting (day and night), commercial business, many boats and pick-up trucks, property and house in total disrepair. Very concerned, Town needs to do something.

Bob Barrett – Board of Directors, Civic Association backing up what Sharon said.

August 27, 2014

Regular Meeting

Cynthia LaCaprucia – per Building Department deed not filed by HSBC. HSBC Attorney – doesn't have documents. What remedies does the Town have? Mr. Sturm - Tennant was issued violation letters.

Carol Mayer was present to discuss large and dangerous tree in front of her house at 170 Pine Grove Road. Mr. Cohen – Highway Dept does not have the equipment. Mr. Sturm – tree is a problem. Mr. Cohen – get quote from tree contractor. Mr. Sturm – will check if in right-of-way.

Adjournment

There being no further business, Mrs. Hendrickson moved to adjourn the meeting, seconded by Mrs. Simpson, put to vote and carried 5-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk