

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 November 11, 2014 at 7 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.

In attendance: Daniel Gettel Chairman, Steve Simpson, Vice Chairman, Susan Brown Otto, David Biren, Michael Cassaro, Wilfred Hughson, Walter Norris, Alternate, BJ Gettel, Code Enforcement Officer, Jacqueline Ricianni, Attorney, Jannetta MacArthur, Recording Secretary, Michael Weeks, Engineer, Glenn Smith, Engineer, Daniel Sturm, Supervisor, Lillian Hendrickson, Councilwoman, and Vicky Vassmer-Simpson, Councilwoman

David Slater excused

Walter Norris – Seated

Pledge to the flag.

Motion to approve the minutes from the October 14, 2014 meeting by Steve Simpson, second by Walter Norris

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Just for the record the minutes for the meeting that was held on October 28th are not ready yet. They will be forthcoming.

1) Public Hearing for a Special Use Permit with Site Plan review for a commercial project located at 1459 SR 17B, known as Bethel Tax Map #: 34-3-1, proposed by Maser Consulting, P.A.

Daniel Gettel: In a moment I will ask the applicant to make a brief presentation. If anyone in the audience would like to speak at this Public Hearing I would ask that you write your name on the list at the back of the room. If, after the presentation, anyone decides they would like to speak and their name is not on this list, I would ask them to raise their hand and I will call you to come forward at that time. I will call the names in the order which they appear on the list and ask that person to step up to the mic at the front of the room so we can get their comments on tape. This will not be a question and answer period, and it is not intended to be a public debate. We are simply here to listen to the public.

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Return receipt mailings have been received.

Motion to open this meeting up for a Public Hearing by Steve Simpson, second by Susan Brown Otto

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel: Mr. Dates, if you would please. We have seen this application a number of times, if you would, please address the audience.

Justin Dates: I work with Maser Consulting, one of the consulting engineers for the applicant for the proposed Dunkin' Donuts. It is on the corner of Schultz Road and Route 17B. It is the former Bank of America building, which is currently vacant. The building is about 1,200 square feet in size, and the applicant is looking to construct a Dunkin' Donuts at that site, of about 1,500 square feet. Right now along Schultz Road there is open driveway access into the parking, and a driveway. What we are looking to do is to create more defined access points, with a drive-thru on the eastern side. Right now there is a drive-thru on the southern side of the building. We have parking on the south and on the eastern side of the property. The site right now has a well and a septic on it. We will be abandoning the septic, and need to relocate the well. We will be installing new potable water well on the site. We have provided a full landscape and lighting plan on the project, and more green space. Right now the majority of the site is open pavement. We will be incorporating islands, and landscaped areas on the site. We also have a rendering up here of the proposed building. The building will be getting refaced. We have hardy plank board for siding, cultured stone along the base, a couple of cupolas on top of the building. We also, on the bottom here, have our proposed monument sign to be located along Route 17B.

David Slater arrived 7:37 pm, but Walter Norris will be voting as he was previously seated.

Daniel Gettel: Just for the record, we did receive 239M responses from the county and the state. Since the property is located on the state road, the county and state both get to comment on the application. The state's 239M response states that it is possible that Route 17B, and Route 55 may be widened at their intersection and sidewalks may be installed on the southern side of Route 17B in the future. There is no time line given for the expansion, but they do acknowledge that the expansion may impact the location of the proposed sewer connection to the town main. Unfortunately there is no solution to that at this time as the applicant has proposed connecting to the proper sewer main and the Town Board has agreed to give them this connection. Short of running the sewer main above ground, there really is no solution to what the state is stating. Keep in mind the expansion has yet to be designed so it is also possible that the expansion may not infringe on the location of the sewer main. The state's letter also requests some information

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on traffic, some comments on the improvements that exist and work that has to be completed within the bounds of the right of way. The majority of these concerns have been raised in the past at our meetings, and in the event that the project is approved tonight it would be approved with the condition that the applicant gained the state's approval prior to completing any site work. The county also submitted a 239M response. Their letter states that it appears to be good use of an existing vacant building and they recommend approval with modifications. The modifications would include addressing the state's concerns that were raised in their review as well as a suggestion that the murals that had appeared on the building be removed. The applicant has indicated those murals are not going to exist on the proposed building and has removed them from the proposal, so that is a moot point. That is the review from the county and the state.

Motion to receive and file the 239M reports from the county and state by Steve Simpson, second by Michael Cassaro

All in favor – 7

Opposed-0

Agreed and carried

Daniel Gettel: At this time there is just one person who has signed up to speak at the public hearing. Mr. Malone, please step up to the microphone.

Rob Malone: Good evening, I have prepared a statement on my phone. Dunkin' Donuts is a phrase in the donut industry with an identity problem. To me the DD façade is questionable of donuts, while supplying coffee as an alternative. Bethel is anything short of enrichment. The double disaster is to claim profit within, and a half-mile of two to three established businesses', which supply identical products, namely the Gulf and the Citgo stations, as well as an established business that already specializes in coffee, namely Java Love. I am not fooled by advertised expenditures of fancy flavors to entice the public and poison them with your GMO infestation.

Daniel Gettel: Thank you Mr. Malone. That is the only name on the list at this time. If anyone else would like to speak, please raise your hand.

No indication or comment from the public.

Motion to close this public hearing and go back to our regular meeting by Steve Simpson, second by David Biren

All in favor - 7

Opposed - 0

Agreed and carried

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Daniel Gettel: Are there any questions or comments from the board?

David Biren: We were discussing lighting last time.

Justin Dates: Yes. At the last Planning Board meeting we had some comments about the site lighting. One was the style of the lighting, especially on the frontage of Schultz Road and Route 17B, and also addressing some concerns of light spill at the property line. For this meeting what we did was we now have two different fixtures. We did convert all of the site lighting to LED. That allows better control and distribution of the lights from these fixtures. These are all full cutoff lights. There will be no worries about the night sky pollution. The three fixtures that we identified at the last meeting along Schultz Road and Route 17B, we did go with a more aesthetic fixture. Kind of like a shepherd's hook, a tear drop style light, again being LED and cutoff. We converted these fixtures in the rear of the site to LED lights, to a rectangular fixture, but again with cutoff and forward throws, so we greatly reduced the lighting around the perimeter of the site and at the property line too to keep within code. We also added some landscaping around the eastern and southern ends of the property lines.

Daniel Gettel: Michael have your concerns been pretty much addressed by the applicant?

Michael Weeks: The only thing that would remain would be the outside agency approvals.

Daniel Gettel: Just so the public is aware, in the event we were to approve this tonight this is not the final step for Dunkin' Donuts. They still have to get the state's approval for the sewer connection and for a little bit of work within the right of way of Route 17B. They also need the Department of Health's approval for the new well. This is really just a first step for them. It is nice to know that Michael's comments have been addressed. We don't have to make a condition that they have to address Michael's comments. We have a Short Environmental Assessment Form and I will read through it at this time.

Jacqueline Ricciani: Before you do that, can you mention on the record that the applicant has already ventured into an agreement with the Town to link into the sewer system, so that has been addressed. It just needs to be part of the record that is going to have an impact on the EAF.

Daniel Gettel: Consider it mentioned. The applicant has completed a Short Environmental Assessment Form. Part 1 has been on file with the town for a number of months, so I will not read Part 1 into the record. I will read Part 2, which is the impact assessment, which is our responsibility to complete as Lead Agency.

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

No, the proposal conforms to zoning.

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

No, this had been a commercial use in the past.

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

No, there shall be no change.

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

No, there are none in the Town of Bethel, and I don't believe there are any in the county.

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 or Small as a use such as this does not generate a significant number of new trips as people tend to stop in on their way to another destination. They would already be in the traffic flow. We also cannot ignore the fact that the building on this site had operated as a bank in the past and one could argue that the stop and go traffic a bank experiences is similar to that of the proposed use. There shall be no impact on mass transit, biking, or walkways.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

No, this will be a fully renovated facility, built to today codes. The applicant has changed all exterior lighting to LED fixtures.

7. Will the proposed action impact existing:

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a. public / private water supplies?

No, water shall be private and provided by an on-site well. The water demands associated with a use such as this are similar to that of a typical residence.

b. public / private wastewater treatment utilities?

No or Small, the Town of Bethel Town Board has approved a contract with the applicant that would allow for a connection into a municipal sewer main but the sewer plant has the capacity to accommodate this use which has sewer flows comparable to those of a single family residence.

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

No, this is not a historic building.

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, none exist on site.

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

No, the applicant has reduced the amount of impervious ground cover and has completed a drainage plan for the property.

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

No, there shall be no hazard to human health.

Daniel Gettel: None of the questions resulted in an answer that was considered to be a moderate to large impact, and the reasons for the findings were clear, so there is no need for us to complete Part 3 of this form.

Motion to grant this application a negative declaration by Steve Simpson, second by Mike Cassaro.

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All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Again, any comment from the board?

Susan Brown Otto: I have a question about the landscaping. What type of landscaping are you planning to put in?

Daniel Gettel: Justin, while you are talking about landscaping could you address the sign? Am I right Michael, there was a detail missing?

Michael Week: The detail was there of the actual sign, but not of how it was going to be mounted.

Susan Brown Otto: Which way is it facing? East, West?

Justin Dates: Actually it is up in the northeastern corner here.

Daniel Gettel: Just so the public is aware that is the same location as the original bank sign.

Justin Dates: It is a monument sign, 5 feet high, 6 feet wide, on the ground. It has cultured stone to match the building, and then the Dunkin' Donuts drive thru sign.

Daniel Gettel: For the record, it is similar to the sign across the street at the Jeff Bank. Will it be illuminated at night?

Justin Dates: We are looking to keep it lit.

Jacqueline Ricciani: Like twenty-four hour lighting?

Justin Dates: Dusk to dawn.

Daniel Gettel: I believe Dollar General shuts theirs off. If the other businesses are left on, I don't have a problem with it. I thought the other businesses' were just on during hours of operation.

Justin Dates: We have a full site plan, a full landscaping plan. We have a combination of red maples, river birch, winter king hawthorns, those are the tree species we are having on the site. Then we have a mix of boxwood, Saint John's wart, winterberries and a holly species. We have a mixture of deciduous and evergreen trees throughout the site. We have bird nest, spruce, and

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rhododendrons, to have some flowering. Hasta are perennials that we use.

Susan Brown Otto: My concern is the deer and the fact that we have a lot of deer. They like to eat a lot of our landscaping. Some of those are deer proof landscaping, but not all of them.

Justin Dates: The hasta, deer like to nibble on. I can look to swap that out. We just have it on the north side of the building.

Susan Brown Otto: The sewage facility on the corner of Route 17B and Happy Avenue, the deer eat all the trees, they nibble them down. The first year it was great, but after the first winter they died. That is a concern. Do we have bonding for the landscaping?

Daniel Gettel: Yes, that will be one of the conditions. Justin, if you would, could you check on more deer resistant species for some of your proposals?

Justin Dates: I am pretty confident on most of them with the exception of the hasta. The inkberries, the hollies, they are usually not too favorable to deer.

Daniel Gettel: The hasta is more of a ground cover. If you would could you look into something that might be different. I don't have a problem with you swapping that out.

Susan Brown Otto: Sometimes they like to rub the side of the tree, and the tree dies.

Justin Dates: They have the trees wrapped the first two year's.

David Biren: The two other signs are they lit? (On the building)

Justin Dates: Yes they are lit.

Daniel Gettel: Are they on during off hours? I don't think they should be on. They should be off when business is closed. I am okay with the monument sign being lit, people notice Dunkin' Donuts, but I have an issue with the signs being lit on the building. If the building is closed there is no reason for the signs to be lit. I believe you will see that on the Dollar General as well. Is there anything else from the board?

Jacqueline Ricciani: I think the monument sign is outside the dimensions BJ can't approve, so you will need a separate resolution for that.

Justin Dates: It is just one sided, it is 3 foot by 4 foot. That is the actual Dunkin' Donuts sign.

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BJ Gettel: I can approve that then.

Jacqueline Ricciani: It looked a lot bigger on the picture.

Daniel Gettel: Section 345-21 of our zoning code is the section that addresses the General Commercial and Industrial Standards. Under Section 345-21 the only paragraphs that pertain to this project are paragraph "A" which gives us the right to increase the setbacks for a building that is adjacent to a residential use and gives us the right to ask for more landscaping along the perimeter. Also, paragraph "F" which sets the lighting standards. This is an existing building and the setbacks are not proposed to change. We also asked the applicant to consider some additional site landscaping in lieu of more landscaping along the perimeter at our last meeting. The lighting shown on the plan also conforms to zoning.

Daniel Gettel: Section 345-30 of the Zoning Code outlines the Special Use Procedures and Paragraphs I & J are the two that I typically read into the record when Special Uses are proposed. These paragraphs read as follows:

I. The Planning Board, in reviewing the site plan, shall consider its conformity to the Comprehensive Plan and the various other plans, laws and ordinances of the Town. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire Town shall be part of the Planning Board review. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The Planning Board shall further consider the following:

(1) Building design, lighting, location and signs insofar as suitability for the use intended and impact on and compatibility with the natural and man-made surroundings.

This is the renovation of an existing building. The building design, lighting and signage conform to the current zoning. The building design and signage include features and materials that we as a board requested the applicant to include.

(2) Storm drainage, flooding and erosion and sedimentation control.

The applicant has completed a drainage plan which has been reviewed and approved by our engineer. At present the vast majority of the site is blacktopped and the applicant has proposed drastically decreasing the amount of impervious material on the site.

(3) Adequacy of community services and utilities, including police protection, emergency services and the educational system.

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There are adequate community services to accommodate this use. The applicant has sought out, and has received, access to municipal sewer services. There will be no impact on the educational system.

(4) Environmental impacts in any form.

The application was subjected to an environmental review and a negative declaration was granted.

(5) Impacts on housing availability.

There will not be a negative impact on housing availability.

(6) The potential for nuisance impacts such as noise, odors, vibrations or glare.

This is a commercial area and there are no anticipated nuisance impacts. The site lighting plan has been reviewed and approved to conform to zoning.

(7) The adequacy of the trees, shrubs and other landscaping to buffer or soften a use in terms of visual or other impacts on adjoining property owners, Town residents and those visitors on whom the local economy often depends.

This is a commercial area and the landscaping as proposed conforms to zoning.

(8) Impacts on nearby property values.

There are no anticipated negative impacts on nearby property values.

(9) Traffic impacts (see § 345-22H).

345-22H addresses driveways that have direct access onto NYS Route 17B. This parcel fronts on NYS Route 17B and Schultz Road, but has one existing driveway on Schultz Road that pretty much is over one hundred and fifty feet wide. The proposal is to utilize and existing driveway, but channelize it to better define the new limits. The Town Highway Department has indicated that no permits are required for this channelization.

A facility such as this is anticipated to see a traffic impact similar to a use where a person gets out of the traffic flow to frequent a business then gets back into the flow, similar to the previous bank usage, where one would stop in their way to or from work. This use is not anticipated to see a significant increase in new trip generations.

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There is work proposed to be completed within the bounds of NYS Route 17B and at this time the applicant is in, and has been in for some time in, direct talks with the State DOT to resolve their concerns. If this application is approved tonight one of the conditions will be that the applicant receives all required permits from the NYS DOT prior to commencing any construction. Any revisions to the traffic flow patterns within the bounds of NYS Route 17B will be subject to their review and approval. As a board we have requested that the applicant maintain a width for Schultz Road that would permit one lane in and two lanes out exiting onto NYS Route 17B, as it exists today.

(10) Any other factors which reasonably relate to the health, safety and general welfare of present or future residents of the Town of Bethel.

There are no known health factors unless you factor in the potential impact of donuts on one's health. There are no foreseen impacts on safety or the general welfare of the Bethel residents.

J. The Planning Board, in acting upon the site plan, shall also be approving, approving with modifications or disapproving the special use permit application connected therewith taking into consideration not only the criteria contained above but also the following:

(1) Whether the proposed use will result in an over concentration of such uses in a particular area of the Town or is needed to address a deficiency of such uses. The Board shall, in this regard, consider the suitability of the site proposed for a particular use as compared to the suitability of other sites in the immediate area.

This is the renovation and reuse of a vacant building in a commercial zone and I do not feel there is an over concentration of this use. As stated by the County the proposed establishment is consistent with the general character of the area, and supports the adaptive reuse of an existing vacant structure. For the record this is the first time I have actually quoted a County Official, who happens to be new.

(2) Whether the proposed use will have a detrimental or positive impact on adjacent properties or the health, safety and welfare of the residents of the Town of Bethel.

Any reuse of a long vacant structure, as long as the use conforms to zoning, may be anticipated to have a positive impact on adjoining properties.

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(3) If the proposed use is one judged to present detrimental impacts, whether an approval could be conditioned in such a manner as to eliminate or substantially reduce those impacts.

There are no anticipated detrimental impacts.

(4) Whether the use will have a positive or negative effect on the environment, job creation, the economy, housing availability or open space preservation.

The application was subjected to an environmental review and a negative declaration was granted. The application is anticipated to have a positive impact on the economy and job creation, but no impact on housing availability or open space preservation.

(5) Whether the granting of an approval will cause an economic burden on community facilities or services, including but not limited to highways, sewage treatment facilities, water supplies and fire-fighting capabilities. The applicant shall be responsible for providing such improvements or additional services as may be required to adequately serve the proposed use and any approval shall be so conditioned. The Town shall be authorized to demand fees in support of such services where they cannot be directly provided by the applicant. This shall specifically apply, but not be limited to, additional fees to support fire district expenses.

There are no projected economic burdens on community services.

(6) Whether the site plan indicates the property will be developed and improved in a way which is consistent with that character which this chapter and the Comprehensive Plan are intended to produce or protect, including appropriate landscaping and attention to aesthetics and natural feature preservation.

The applicant has presented a plan which conforms to zoning. The site at this time has no real natural features as the previous owner paved the vast majority of the property.

Daniel Gettel: That is the end of Section 345-30. If there are no questions from the board I would like to propose a number of conditions that could be included in any approval we might grant to this application if it were to be approved tonight. I feel these conditions are fair and are consistent with conditions we have placed on other projects of this nature.

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Approval Conditions

- 1) All landscaping shall be in place and a bond shall be posted for a period of one year for the landscaping, in a form acceptable to the Planning Board Attorney, in the amount of \$2,500.00, prior to the issuance of a Certificate of Occupancy for the building.
- 2) An Engineer approved by the Planning Board, shall indicate to the Town Building Inspector or Code Enforcement Officer that the improvements installed at the site substantially conform to those shown on the Site Plan as approved prior to the issuance of a Certificate of Occupancy for the building.

Daniel Gettel: For the record I did ask Michael if he would do this, since he is the reviewing engineer for this project.

- 3) The applicant shall obtain all pertinent approvals and permits from the NYS Department of Transportation prior to beginning any site work or site disturbances.
- 4) The applicant shall obtain all required permits from any other governmental agencies prior to completing any portion of the project that would fall under their jurisdiction.

Daniel Gettel: Justin, we anticipate you are going to have to have the Health Department's approval for the water supply.

- 5) In the event that any of the involved governmental agencies require anything that would require that the applicant make a substantive change to the Site Plan, as approved, the applicant agrees to present the revised Site Plan to the Planning Board for review and the possible reopening of the Public Hearing.

Daniel Gettel: If the state requires some drastic change to the intersection, we are going to want to know about it at this board.

Jacqueline Ricciani: Do you want to add a condition that the lights on the building are not to be illuminated when it is not open for business. It was discussed, that's why I'm bringing it up.

Daniel Gettel: I don't have a problem with that. This will show up in the final resolution.

- 6) All building mounted illuminated signs shall be turned off during non-business hours.
- 7) That all fees be paid to the Town of Bethel.

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Daniel Gettel: Are there any questions from the board?

Susan Brown Otto: What are the anticipated hours of opening and closing?

Justin Dates: 5 am to 11 pm.

Motion to grant this application a Special Use Permit with Site Plan approval subject to the previously referenced seven conditions by Steve Simpson, second by David Biren

Roll call vote:

***Michael Cassaro: Yes
Wilfred Hughson: Yes
Daniel Gettel: Yes***

***Susan Brown Otto: Yes
David Biren: Yes***

***Steve Simpson: Yes
Walter Norris: Yes***

Motion passed 7 – 0.

Daniel Gettel: Good luck Mr. Dates.

2) Application for site plan review and license to operate a transient campground with occasional or temporary commercial outdoor recreational facility, from August 14-16, 2015 located on Yasgur Road, known as Bethel Tax Map #: 25-1-14.1 & 15, proposed by Jeryl Abramson Howard.

Jeryl Abramson: I didn't bring anything because I am confused to what I am supposed to do.

Daniel Gettel: We will run through that.

Jeryl Abramson: My application was submitted. I paid my money into escrow to review the site plan that had been reviewed before. I'm not sure if we are going to review it again. I know there is no public hearing.

Daniel Gettel: What we are going to do, for the record, is we will be reviewing this application under Section 120, the camping code as revised and approved by the Town Board as Local Law #1 of 2014, as well as section 345, the zoning code, which was also revised, adopted and approved as Local Law #2 of 2014. The primary changes of those codes impacted camping and outdoor recreation. We review a site plan and the accompanied documentation, and upon our

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approval we indicate that BJ should issue a license. We are reviewing a transient campground with a temporary commercial recreation facility. The only question is, are you seeking any waivers from Health Department?

Jeryl Abramson: No.

Daniel Gettel: So you will be sticking to 60 hours or less.

Jeryl Abramson: Yes.

Daniel Gettel: Are you proposing a stage at the property?

Jeryl Abramson: Yes.

Daniel Gettel: It should be indicated on the site plan. BJ has a site plan. Are you proposing any changes to the way you operated from last year, besides the change in dates?

Jeryl Abramson: No.

Daniel Gettel: For the public and the board's knowledge moving forward there has been some discussion of whether this particular application should be handled as a new application for a license, or a renewal of a license. I believe, and I think Jacy agrees, since a license was not issued last year, a special use was, we feel this should be a new application. With that being said, I do not feel we can or should ignore the fact that we are all familiar with this event, the way it is operated, and the fact that there have been few if any complaints about this event in the recent past. Jeryl, moving forward we will need a site plan, which you submitted. In the past you have submitted an operational plan, if you could would you give us an updated version of that?

Jeryl Abramson: I believe I did that.

Daniel Gettel: If BJ has that, we are fine with that. We need a Short Environmental Assessment Form.

Jeryl Abramson: I did a long form. My engineer had a long form already. It would have been more expensive for me to give you the short one.

Jacqueline Ricciani: Is it the same as the last time?

Jeryl Abramson: Yes.

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Daniel Gettel: Then it is the new form. At this time we have everything we need to proceed I believe. Is there anything else from the board?

Jacqueline Ricciani: The dates?

Daniel Gettel: The dates of the concert are August 14, 2015 through August 16, 2015, as listed on the agenda. Jeryl, we have to do a motion to declare our intent to be Lead Agency for the SEQRA as well as move forward to grant you a Public Hearing for December 9th.

Jeryl Abramson: I thought there wasn't a Public Hearing.

Daniel Gettel: There is a Public Hearing for a first permit. It is not an option to waive it. It is only optional after 2 or 3 years, at our discretion. We would not be waiving a Public Hearing at this time. If there are no comments from the board, as I said we all know this application, it will be operated as it was last year. There were no complaints.

Motion to declare our intent to act as Lead Agency by Susan Brown Otto, second by Mike Cassaro

All in favor - 7

Opposed - 0

Agreed and carried

Motion to grant this application a Public Hearing for December 9th at 7:30 pm by Steve Simpson, second by Susan Brown Otto

All in favor - 7

Opposed - 0

Agreed and carried

Daniel Gettel: Thank you Jeryl.

3) Application for subdivision and SEQRA review located on Plum Beach Road, known as Bethel Tax Map #: 31- 3-17.1, proposed by Shaya Boymelgreen.

Daniel Gettel: For the record Michael, we have we addressed the question of is there an EAF on file. The answer is yes, there is an EAF on file. Is it a long or short form?

BJ Gettel: Long form. It's a major subdivision.

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Michael Weeks: Long form.

Jonathan Farber: We are following up on the last meeting. We submitted the SWPPP. The clients engineer has submitted the sanitary system for review. The only change from last time is we combined two parcels.

Jacqueline Ricciani: Did you say you submitted the SWPPP? Michael hasn't received it.

Daniel Gettel: Michael, most of the comments that I have are based on your letter that came out today. Obviously we didn't expect the applicant to address the comments, but if you would be so kind as to go through your letter.

Michael Weeks: My first comment, Item #2, was the EAF which I now have a copy of. Item #3, according to Section 300-15 evidence of acceptable water supply should be provided. There are historical records of existing wells. Item # 4, the plan indicates it is a minor subdivision, note 2 on sheet 1 indicates it is a major subdivision. This comment ties into some of the comments that are further down the page. Four lots or less is a minor subdivision.

Daniel Gettel: In your opinion this is a major subdivision?

Michael Weeks: Considering the fact that they have to build a road to serve two lots, yes, it is a major subdivision. Item # 5 addresses driveway access to a lot. The driveway access to a lot shall be provided from the front lot line, so Lots 3 and 4 are from Lakeview Drive. Those two lots have frontage, yet we have a proposed private drive that will serve those lots from Lakeview Drive, but through the side yards.

Pamela Richards: There is a grading plan, we would ask for a waiver. A minor subdivision, my understanding in the code, is that two units in a subdivision can share a driveway.

Jonathan Farber: So the reason why we didn't provide access for Lots 3 and 4 the grades are very steep, as is shown on the grading plan that we submitted. It is my understanding that the code for a minor subdivision allows two units to share the driveway, which is the intent on the site plan.

Michael Weeks: My comment, Item #6, it appears that the applicant is proposing access to Lots 3 and 4 by a private access driveway. No construction details are provided. Waivers from Bethel Subdivision Code Section 300-22 may be required. I think we need some discussion on that, what is permitted, and what is not permitted.

Jacqueline Ricciani: There are criteria for the board to grant a waiver from any of the

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subdivision requirements, based on hardship to the applicant, that sort of thing.

Michael Weeks: Are you discussing flag lots, say two lots can be served from a single driveway? I'm not sure if those are technically flag lots the way they are laid out.

Daniel Gettel: By definition of our code they are not flag lots.

Patricia Richardson: Which section of the code are you referring to? We can address a response to the comments. We just received the comments tonight.

Michael Weeks: You are not proposing a street. What you are doing doesn't really fit of what we have in the code.

Daniel Gettel: Michael, your comment where two lots can share a driveway, is that in our code?

Michael Weeks: There is a section where it says flag lots can share a driveway.

Daniel Gettel: If we don't feel this is a flag lot that would not pertain.

Michael Weeks: In the chapter on flag lots, Section 300-21 paragraph b-3 talks about flag lots. Let me finish going through my comments. If the applicant wants to go through this in further detail we can. My comment, Item #7, the application when it was previously submitted sought a waiver from the Town Board for sewage facilities. I am suggesting that we need to refer to counsel as to whether it is still applicable.

Jacqueline Ricciani: If they are in the same locations. Yes.

Michael Weeks: I wanted to make sure that was still valid. Section 323 requires common open space for all lots in subdivisions. They have proposed recreational facilities. We need to see some type of shared access agreement.

Daniel Gettel: If that is the case.

Michael Weeks: If that is what they are proposing.

Jonathan Farber: It is the intention of the applicant that it is shared.

Michael Weeks: We are going to need some language on the deed.

Patricia Richardson: Whatever is the pleasure of this board?

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Daniel Gettel: Can we ask that a note to be placed on the map? Michael, let's go back. As far as the water supply goes, are you suggesting test wells or are you just suggesting that there may be evidence from an existing well in the area?

Michael Weeks: A paragraph in our code permits the use of well logs of wells in the vicinity. I am not overly concerned with the ability to drill more wells here, but I thought they should provide something.

Daniel Gettel: They are not conventional three bedroom homes either. I know there are other houses owned by this individual in the neighborhood, perhaps they could look into that. I tend to lean toward the idea that this is a major subdivision, not a minor subdivision. That is my gut.

Michael Weeks: If they are constructing a driveway, and that is the only way we can serve those two lots, then I agree. That driveway has to be built in order for those lots to be developed.

Daniel Gettel: Is that going to be treated as a road right of way through Lot 2?

Jonathan Farber: Yes.

Daniel Gettel: So it could be deeded as a right of way to either lot. I don't think it is a real issue.

Jacqueline Ricciani: This is going to be a road?

Jonathan Farber: My intention is that it would be a driveway. This is the first I am hearing comments that it is not.

Daniel Gettel: You still have to deed rights through Lot 2. In order to get to Lot 4 you have to deed rights through Lot 2, then through Lot 3 to Lot 4. If it is laid out as a right of way it could be a road right of way or a driveway, to me it doesn't matter. We still need to treat it as a major subdivision.

Michael Weeks: I'm not aware of anywhere in our code that says they are allowed to do what they are doing.

Jonathan Farber: The reason why we are going this way through the site is because of the steep grade. There is a 25% grade along the front of the property line. It would bring a great hardship to bring a driveway up to Lots 3 or 4, so that is why we came up the backside. Is there a waiver?

Jacqueline Ricciani: You are going to be asking for a waiver that the access has to

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Patricia Richardson: If I may, I am looking at Section 300-22 d. In the middle of that subparagraph, the town can approve a waiver from the requirements, provided a release is given to the town. We can certainly provide the town with that.

Daniel Gettel: The beginning of that paragraph states that all lots shall front edge on a public or private street, private street rights of way also. I think that was my point before. If you treat the driveway as a right of way to Lot #4, I am okay with that. Perhaps we can give a waiver because of the steep slopes along Lakeview.

Jacqueline Ricciani: Lot 3 is in the same boat.

Daniel Gettel: Lots 3 and 4.

Michael Weeks: That is suggesting that it is a private road, built to the road standards.

Daniel Gettel: Looking forward Lot 4 may be sold to another individual. Wouldn't it be cleaner to have it as a right of way? As far as the County, they are concerned too. We are all arguing the same point. We have approved private roads to driveway specs before. It is a 50 foot wide right of way that is going to serve... it is going to run through Lot #2 to serve Lots 3 and 4, built to driveway specs. You will be requesting a waiver with the lot fronting on Lakeview, I believe.

Jonathan Farber: Do you believe it is a major subdivision?

Daniel Gettel: Are we going to argue whether we are building a street or a driveway?

Patricia Richardson: The driveway is to be maintained and owned privately. There would be no responsibility by the town. It would be built to driveway specifications.

Daniel Gettel: Is there a difference in our review between a minor and a major?

Michael Weeks: If it is a driveway it is a minor. If it is a road, it is a major subdivision.

Daniel Gettel: We will treat it is a minor subdivision with a right of way through Lots 2, 3 and 4. So there is no waiver required?

Michael Weeks: Assuming you grant the other waivers that are required. If you were to deny those waivers... I think you need to present to us how you are deviating from the code, what you need waivers from and justify why you need them. Otherwise I am reviewing against the code.

Daniel Gettel: Is it on the map to what standard it will be built to?

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Michael Weeks: No.

Daniel Gettel: Get a detail on the plan to show how the driveway will be constructed. I imagine that is going to cover all the driveways.

Jonathan Farber: We will provide profiles and construction details.

Jacqueline Ricciani: There is also another provision, it is more of a general provision giving the Planning Board the power to waive other subdivision requirements when you meet that 300-5 hardship criteria. You may want to look at that too.

Daniel Gettel: We have resolved Item #7, the one with onsite sewer systems. It is my understanding that they were in the same positions.

Michael Weeks: I just wanted to make sure the waiver was still valid.

Tim Gottlieb: The septic systems are all in the same location, one of them increased in size because we increased the number of bedrooms, Lot 2. That is it.

Daniel Gettel: Thank you. As far as the open space goes, we will get some verbage on the plan also. That takes care of that. Jacy, you would feel more comfortable getting the request for a waiver and getting some of these concerns resolved before we move further with the application?

Jacqueline Ricciani: Yes. I don't think the application is complete yet with all of these other issues.

Daniel Gettel: Are there any questions from the board. I know this isn't a new application, but there are some new aspects to it that we need to be aware of.

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

All in favor - 7

Opposed-0

Agreed and carried

Our next meeting is December 9th. If you can get us the information on the driveway construction, the notes on the map, and perhaps what waivers you feel you need. We will move forward at that time. There was a concern about connecting a lot to Lot #1.

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Jacqueline Ricciani: It is connected. Lot #1 is direct access to Naylor Road.

Daniel Gettel: For my own knowledge, is there a problem taking a lot out of a subdivision and attaching to another subdivision?

Patricia Richardson: My understanding, the Naylor Property was part of the prior subdivision. That subdivision was previously abandoned. The intent is to combine the two lots, the Naylor Road property with the larger property and we requested the right to reserve, the entire property, into three other lots at some point, but not before 5 years.

Daniel Gettel: That would involve you coming back to the Planning Board, and you have that right anyway.

Jacqueline Ricciani: I don't see an acreage indicated on that property on Naylor Road. Do you know how large it is? Is it more than 5 Acres?

Jonathan Farber: 1.1 Acres.

Daniel Gettel: Thank you.

4) Application for a Transient Campground and Outdoor Recreation to be located on Best Road for specific dates, known as Bethel Tax Map #: 16-1-39, 22-1-1, 22-1-4, 22-1-21, and 22-1-22, proposed by Bethel Woods Center for the Arts and ID&T/SFX Mysteryland, LLC.

Daniel Gettel: For the record the applicant did offer to make a formal presentation. I indicated to hi that we don't need a formal presentation as we have seen it a number of times.

Brian Tamke: I am here on behalf of ID&T/SFX Mysteryland.

Daniel Gettel: Glenn, I believe the majority of your questions have been answered. I don't want to speak for you. I know you got a response letter back today.

Glenn Smith: Yes. I had made some comments back in mid-October which I hadn't seen any official response back on. About 3pm today I received some emails. Friday's emails never came through, I got them today. I went through the comments. I had some questions on the EAF, the site plan, and topography they hadn't showed, the Woodlands campsite on Darling Road and Filippini's Pond. I had a question about the sewer and water, about how that was being handled. That was answered in today's response also, satisfactory. The only thing I brought up was the

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main parking area, where there are 4,000 or 5,000 cars on Best Road. I haven't seen a plan with much topography on that yet. With that many cars on the field some kind of topography probably should be prepared to make sure we catch any errors before they occur even though that field had been used last year. Has that expanded from what it was last year?

Brian Tamke: It will be used in a bigger capacity.

Glenn Smith: I wanted clarification on the gravel road that is being proposed around the camping areas. That was addressed on the new plan I got this afternoon. The engineering report on sewer and water, I found that to be quite comprehensive. They have the luxury of kind of gone through this once already, and knowing what they used, how much waste was generated, how much water was used last time around. Now they can apply a unit number to the wastewater generation, and the water assumption. That is good information to have for the next event. The waiver that is being requested on the 60 hour temporary camping, I guess that is being proposed. On the EAF I suggested, Dan, on Part 2 I had two items that might be a no, could be moderate to large. Transportation traffic was being addressed in the report. The other was the noise issue, which is really a Town Board matter, not this board.

Daniel Gettel: It is also a concert matter, which we don't review at this board.

Glenn Smith: Okay. The response today was that the noise issue was being studied on the sound that was brought up last year. I asked about the last event, and we got the report on the structural counts by the stage.

Daniel Gettel: Also in response to your letter a lot of changes you asked for in the EAF were made. I don't want the public to think the changes were made today at 3pm. The changes were made quite a while ago. You might not have gotten a specific letter back until today, but the changes you requested were addressed and were mentioned at our Public Hearing that we had two weeks ago. As far as the gravel roads and a lot of the parking questions I believe the board is pretty familiar with the fields that they use for parking. I don't know if topography is a real issue for us. I imagine it is out of the realm of where Bethel Woods would have topography available of any accuracy. I am comfortable with parking on those fields. Are there any comments from the board?

Susan Brown Otto: My only question was, and this was discussed at the last Planning Board meeting, about the emergency exits out of the new campground area off Darling Road there. There was an ATV trail you mentioned and there was talk that the ATV trail feeds back into the campground facilities and that maybe you were going to do some gravel roads, or road work.

Brian Tamke: Yes, and we will put in lighting. We also have the use of Darling Road and Best

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Road to come up on either side of it.

Susan Brown Otto: My concern is that if Darling Road gets clogged up for some reason, if it gets muddy or something stalls and they can't get down Darling Road is there a separate access down to that campground facility?

Brian Tamke: Yes the ATV path we mentioned. It will be made useable for foot traffic and emergency traffic.

Daniel Gettel: That is the same access that you mentioned to keep the people off of Best Road. I don't believe anyone that lives on Best Road came to the Public Hearing. That is a statement in itself. As part of your application you did attach to the EAF, I believe, a letter from the DEC about the Lead Agency status. I want the board to be aware the DEC is familiar with this and they had two comments, based on their review.

1. Freshwater Wetlands - This site contains, New York State regulated wetlands; specifically, Freshwater Wetland LH-29 (Class II) and Freshwater Wetland WL-9 (Class II). A freshwater Wetlands Permit pursuant to Article 24 of the New York State Environmental Conservation Law will be required by this office for any physical disturbance within the wetland boundary or within their regulated 100 foot adjacent area.

Daniel Gettel: There was also item #2.

2. Protection of Waters - Please note that the tributary of Black Lake [Index# D-10-15-P I 03-2-2, Class B] have a class and standard of B, according to 6NYCRR Part 815, Item 195 and Item 25. Therefore, any physical alteration to the bed or banks will require Department permit.

Daniel Gettel: I don't believe there is any disturbance in any of these wetlands, they just happen to be on the properties. These are vast properties that you are working on and any wet areas are going to be fenced off so they won't be accessible to the patrons, I guess that is what you would call them. I don't know if the DEC is necessarily concerned, and they also have a statement here about disturbance over 1 acre of land and there is a SWPPP that will be in place. Glenn...

Glenn Smith: The SWPPP has been submitted, and it is fine.

Daniel Gettel: So there is a permit that is going to be required for that.

Glenn Smith: Yes.

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Daniel Gettel: Jacy, you and I both had the same comment about the number of support staff. It is kind of an open ended number. I said at a prior meeting that based on some of your calculations I can work the calculations back to come up with a number of about 1,300. You (Brian) thought that was high. I don't know how Jacy worked her numbers, but she came up with, I believe 1,363 or a number similar to that.

Jacqueline Ricciani: The number of campsites times 36 people per site.

Brian Tamke: For the crew camping?

Jacqueline Ricciani: Yes, but it seems from the plans that the campsites for the crew camping seem to be smaller than the festival campers. I am just trying to get a handle on some anticipated numbers.

Brian Tamke: I can't provide a solid number now. Is it something I could provide you, as we get closer?

Jacqueline Ricciani: Can you give us a range?

Brian Tamke: Probably between 700 persons and 1,000 persons is probably a realistic number. It depends on security staff.

Daniel Gettel: I know it takes a number of people to pull this off. It is amazing how many people were actually working the property last time.

Jacqueline Ricciani: 15,700 people at Holy Ground, 3,800 people at Woodlands, and then if you are expecting a 20,000 person total, if the crew was included in that...

Brian Tamke: If the concern is whether we would surpass the total number of campers on the sites, we wouldn't.

Daniel Gettel: I think the problem is since there are three different campsites, we should know the population of each campsite, is that your point? We have to acknowledge them as separate campsites.

Jacqueline Ricciani: That is my point. 20,000 campers minus 15,700 for the Holy Ground site minus the 3,800 campers for the Darling site leaves 500 staff.

Brian Tamke: To make sure we have enough room for our staff, we would limit the number that is on sale.

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Daniel Gettel: So we will hold you to a maximum of 20,000 campers.

Brian Tamke: That's fine.

Daniel Gettel: Jacy, can you work with that?

Jacqueline Ricciani: The applicant said this year they wanted 20,000 campers, and the 20,000 was going to be in the two locations, plus the crew camping. So, I am just trying to figure out what the distribution of bodies is going to be. Are you really anticipating 15,700 at the Holy Ground site?

Brian Tamke: We might cut that down, and that would also help us with the number of projected staff in line with the total number of campers between the three sites.

Jacqueline Ricciani: My understanding from last year is that with the staff you did not have the maximum amount there the whole time; they kind of came and went.

Brian Tamke: Correct.

David Biren: How many did you have last year?

Brian Tamke: About 650 was what we had last year.

David Biren: And you had 7,500 attendees

Brian Tamke: No, a little fewer than 7,000 total attendees.

David Biren: So how many are you going to need then?

Daniel Gettel: The setup is what takes a number of people. It is the same setup.

Brian Tamke: It doesn't fluctuate too greatly on the camping size.

David Biren: Security wise it is bigger.

Brian Tamke: Sure. But again, the only thing that is growing is the camping footprint. We are not increasing the event size, just camping.

Daniel Gettel: Based on your numbers, I can set a maximum of 1,300 in your staff area to go

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from a range from 500 to 1,300, with the understanding that any increase is going to come out of the Holy Ground site.

Nick Schwartz: The Darling Road site, the Woodlands Campground, is 3,300.

Jacqueline Ricciani: I have 3,800.

Nick Schwartz: The remainder is 15,700 on the Holy Ground site.

Daniel Gettel: So it was on the Darling site that we had the wrong number on. It is also public knowledge that we talked about a sound consultant. There is a report that is in the works. That will be addressed before you ask for a permit from the Town Board, who addresses' the noise permit for the camping. I believe we are looking at simply shifting a stage, or relocating, or pointing the speakers. We don't address noise at this board. As far as road closures go, we did get the 239M from the County. That just came out. The county recommends approval of the project, but on a technical note the department has the following comments. "The activity buffer plan in the engineering report on page 6 notes there are several residences within 500 feet of the proposed festival site. It goes on to say existing hedge rows by the Bethel Woods Performing Arts Center buffers them and they have hosted multiple concerts throughout the years without any complaints. As this is generally true to particular characteristics of the Mysteryland Festival including the performances the type of music and music volume has generated some complaints in the wake of last years festivals with the impact felt beyond the adjacent properties." What I think the County is doing is they are confusing the festival with the camping. I don't know what was submitted to the county, but we are addressing the camping not the festival. "Farm impact in the event that the location is in close proximity to a number of farms, the department has concerns about event traffic interfering with those uses in the roads by farm machinery, as well as product delivery and pickup trucks. Similar to the residential concerns noted above, these concerns can be addressed through outreach and direct communication with potentially affected farmers and the department can provide contact information for farms in the event upon request." In the past you did have an outreach program to a number of neighbors and to a number of farms in the area. I would suggest that you revisit that this year. We will make some recommendations to the Town Board about limited access on certain roads. I don't know if we will specifically talk about road closures unless it has to do with the public safety, specifically Best Road. I do think an outreach program to the local farmers would be a good idea. Some will be inconvenienced, but there are alternate routes around the site. "Rare species, the environmental assessment form indicates a presence of a rare animal or plant species on the site." Glenn, do you have any idea about that?

Glenn Smith: I am not aware of nesting eagles on the site.

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Daniel Gettel: It said it had been submitted.

Susan Brown Otto: A rare animal?

Daniel Gettel: Nick, do you have any comment on that?

Nick Schwartz: With respect to endangered species, we did submit a request to the Natural Heritage Program and Fishing and Wildlife to make sure that there were no threatened species or endangered species on the site. Any time I have been down here, and in the middle of July, I haven't witnessed nor have I seen any habitat that would support threatened or endangered species on either of the sites.

Daniel Gettel: We're talking about farm fields; we are not talking about any of the wetlands.

Nick Schwartz: It is one of those formalities that we make sure that we do. We haven't received correspondence back from the National Heritage Program yet, but based on my evaluation and others from my office, we do not feel there is any impact or potential danger to threaten any species that may or may not be on the site.

Daniel Gettel: I believe that would have come up during the Bethel Woods review as well.

Nick Schwartz: If we receive an answer, we will forward it on to you.

Daniel Gettel: Are there any concerns from the board that we should address at this time? Susan, do you have any standing issues? I know you weren't able to be at the Public Hearing.

Susan Brown Otto: The farmers. That is when they plant corn. I know last year the farmers planted corn on Happy Avenue and West Shore, that corn was planted before the festival. I'm not sure of the farmers you are in touch with. The Michel's do plant corn there.

Brian Tamke: We will make sure we reach out to all of them.

Daniel Gettel: Susan, would you like to attend that meeting? Only three members of the board are able to attend.

Susan Brown Otto: Yes.

Daniel Gettel: Jacy, do you have any concerns? There is a question kicking around about the 60 hours.

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Jacqueline Ricciani: Before we get to the 60 hours, the campsites for the crew camping are smaller. They seem to be denser on the plan.

Brian Tamke: Yes they are.

Daniel Gettel: Brian, you are looking for the 60 hour rule waiver from the Department of Health. As you know, in the event you don't receive a waiver from the NYS Department of Health to exceed the 60 hours, we have to hold you to a 60 hour standard. During the work session we did discuss that the transient campground would obviously open on Friday, May 22, 2015, at a certain hour. In order to meet the 60 hour requirement you would have to close on May 25, 2015 at a certain hour. Do you have numbers you would like to put in, in the event

Brian Tamke: Can we revisit that in the instance we don't get the waiver from the Department of Health?

Daniel Gettel: Jacy isn't comfortable with that. I am going to defer to her.

Jacqueline Ricciani: Our code allows 60 hours, and provides for a greater amount of time consistent with whatever waiver you get from the Department of Health. If you don't get that waiver, you don't want to be scrambling to come back here.

Brian Tamke: The only problem is with 60 hours is the ingress and egress from the site.

Jacqueline Ricciani: No question. You will have all day Saturday, and all day Sunday, and then you have another 12 hours.

Brian Tamke: To tack on to either side is going to be challenging in order to get people into the site.

Jacqueline Ricciani: I don't disagree with you, but this is what our code permits.

Brian Tamke: I would put 6 hours before and 6 hours after. So beginning 6pm on Friday, and depart by 6 am on Monday.

Jacqueline Ricciani: Okay.

Daniel Gettel: You're comfortable with that?

Brian Tamke: Yes.

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Daniel Gettel: Brian, you want to do 7?

Brian Tamke: That's fine.

Daniel Gettel: Jacy, in the past we have approved applications such as this with conditions. There is nothing that says that we can't put reasonable conditions on a license. BJ, we will be reviewing the site plan, and giving you conditions that they need to meet as part of your license. Brian the conditions we gave you last year, I believe were reasonable, and you were able to live with them. I will read them into the record now. The board has discussed them previously. In the event we approve this application tonight:

Daniel Gettel: These would be the conditions if we were to be approving this application tonight.

1. The applicant shall maintain liability insurance covering the event and camping. The applicant shall provide the Town of Bethel with a Certificate of Insurance naming the Town of Bethel as a co-insured party. The amount of the insurance coverage shall be no less than \$1,000,000 per occurrence.
2. No later than April 22, 2015, the applicant shall provide the Town of Bethel with copies of the contracts/agreements for security services, trash disposal and collection, sanitary services (including licensed acceptance of trucked "grey water" and septic waste), potable water, EMS and other contracted or service providers.
3. No later than April 22, 2015, the applicant shall obtain all required governmental agency permits and approvals. This shall include, but may not be limited to, the New York State Department of Health, the New York State Department of Transportation (including sign placement) and the Town of Bethel Town Board. Copies of the permits and/or approvals from State and County agencies shall be provided to the Town of Bethel on or before April 22, 2015.
4. The applicant shall petition the Town of Bethel Town Board either to close or limit traffic on portions of Best Road and West Shore Road or to have these roadways properly posted for pedestrian congestion and pedestrian crossing(s).
5. The applicant shall provide the Town of Bethel with copies of, or links to, all ticket sales literature or sites as soon as tickets go on sale which shall clearly indicate that individual fireworks, glass containers, illegal drugs, and pets shall not be permitted on the site.

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6. The applicant shall, as necessary, act to insure that traffic movement on New York State Route 17B and surrounding roadways is not impaired by implementing the traffic control procedures outlined in the Mobility Plan.
7. No later than May 15, 2015, the applicant shall provide the Town of Bethel Building Department with evidence that all vendors possess appropriate licenses or permits.
8. No open-air music event shall take place within 150 feet of any property line and shall be screened from adjoining residential uses. All speakers shall face away from immediately adjoining homes and shall be angled down towards the ground. Amplified music shall not be permitted in the camping area earlier than 10:00 am or later than 2:00 am, subject to any permit issued by the Town of Bethel Town Board.
9. The applicant shall take affirmative steps to mitigate any impact on agricultural uses by:
 - A. Ensuring that there is no trespassing onto adjoining properties.
 - B. Monitoring the buffer zones along all adjoining farmland to ensure that they are unoccupied by persons, vehicles, or debris of any kind.
 - C. Erecting temporary fencing, as indicated on the site plan, to restrict entry to or from the transient campground and parking areas through adjoining properties. This shall be completed no later than May 15, 2015.
10. The transient camping areas, parking areas, surrounding properties and roadways utilized to gain access to the sites, excluding the staff and support staff camping and parking areas, shall be fully cleared of all event and camping related debris, equipment and temporary structures (including temporary effluent storage tanks) no later than June 3, 2015.
11. No temporary structures shall be constructed or installed within the bounds of any buffer zone for any wetland which may exist on these properties.
12. The applicant shall keep the Town of Bethel Planning Board and Town Board informed as other agency approvals are obtained as the date of the event approaches. This shall involve, at a minimum, monthly discussions with one representative of each municipal board and representatives of ID&T/SFX-Mysteryland and Bethel Woods Center for the Arts.

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13. The applicant shall address all of the comments listed in the Planning Board Engineer's review letter dated October 14, 2014, to the satisfaction of the Planning Board and its Engineer.

14. All fees shall be paid to the Town of Bethel prior to any issuance of any license.

15. In the event that the Applicant does not receive a waiver from the New York State Department of Health to exceed 60 cumulative hours of camping, the transient campgrounds shall open on Friday, May 22, 2015 at 7pm, and all campers shall leave the sites by May 25, 2015 at 7am.

Daniel Gettel: Those would be the conditions if we were looking to approve this application tonight.

Jacqueline Ricciani: As one of the conditions we want the applicant to provide the Town with copies and links to the sales literature or whatever, can we have the applicant provide to us at the same time it goes live online or whatever, so we don't get it months and months later and have an issue of what is promoted?

Daniel Gettel: When tickets go on sale. I know your site does address no fireworks, no glass containers, no illegal drugs, and no pets. I don't believe there were any pets last year.

Brian Tamke: No.

Daniel Gettel: I do think as a board we should discuss road closures and possibly limit traffic on certain roads, in order to give the Town Board some direction; I don't think we shouldn't just throw it into their lap. I do think it makes a lot of sense, I believe last year Best Road was closed from the intersection of West Shore to the dog leg. For the record, Mr. Sturm is nodding his head in affirmation. I believe that should be extended to Darling Road this year. I don't know if that affects any adjoiners immediately between the two?

Brian Tamke: I don't believe so.

BJ Gettel: Just Minerva Reinshagen who is right at the intersection.

Jacqueline Ricciani: Just extend the closure of Best Road?

Daniel Gettel: To Darling Road. Is Darling Road a Town Road?

BJ Gettel: Yes.

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Daniel Gettel: Then Darling Road should be closed for the event a well.

Brian Tamke: Okay.

Susan Brown Otto: There is a house down that road.

Daniel Gettel: There is a vacant house on Darling Road. I do think it makes sense that our board make a recommendation to the Town Board that Best Road be closed as I said from Darling Road to West Shore Road and that Darling Road be closed in its entirety for the four-day event. As far as limiting traffic, what does the board think about limiting traffic on West Shore Road leading up to the event and also Best Road leading up to the event?

David Biren: What did you do last year?

Brian Tamke: We didn't have Best Road or West Shore Road closed until the Friday before the event. The week leading up to the event there is a lot of heavy equipment, a lot of moving, a lot of people. For safety sake we would like to put some sort of limited access on both West Shore Road and Best Road during the week before.

Daniel Gettel: I do have to think that this will be better this year because you do have better access from the Gabriel farm directly to the festival site this year. It won't be as bad as last year where everything was going up the road.

Brian Tamke: It should make it a little bit more viable for production use, but still we would like to propose limited use of the roads for a few days prior to the event.

BJ Gettel: If I may address the board, it became a safety hazard last year. Prior to the event, and after the event, I highly recommend those roads be limited if not closed to the public at least two days prior to the event, and two days after.

Daniel Gettel: The problem we had last year, they weren't actual residents that actually lived on the road. Everyone was interested in the concert. The concert was a novelty at the time, and they wanted to see what was going on. There was a lot of traffic at the time. David Slater, what are your thoughts? I know you are not into closing roads, but what about limiting access.

David Slater: I feel to close a road for an event, even though it is a nice event, I feel that it is not ... I understand the safety point, but talking to the public and the tax payers, can anyone just shut down a road then if we want to have an event. Are we setting a precedent? If I want to have a graduation party on two sides of the road, can I shut my road down for four hours? That is my concern. Who sets the terms of what gets done. My concern is, are we setting a precedent, when

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do we end it. Why don't we shut down six roads for a month? I understand the safety point of view, I'm just saying, talking to some of the taxpayers and residents, where is the end of this. Where does it stop?

Daniel Gettel: I see the safety aspect, but I also agree with David too, that we can't just shut down roads because you are having an event. Like David said, where does it end? I could see limited access a few days before, but I don't want to consider closing roads or limiting access two weeks in advance, I think that is a little extreme.

Brian Tamke: It's fine. It is a safety concern.

Daniel Gettel: The Town Board can do whatever they like. If you want to argue differently with them, I would say ramping up two days before the event, and two days after that you do limit traffic. I would be more comfortable with that then recommending we close roads. I know closed roads are a touchy subject.

Susan Brown Otto: And who enforces it? I know we pay overtime, and who is paying overtime for the Police Department?

Daniel Gettel: Enforcement is a problem.

Susan Brown Otto: To enforce the closure of the road, and I was there every day until the road was closed off, and I was there on Monday morning when it ended. I don't know, the ATV's the week before were zipping around the road and people were on the back of ATV's, there will be less of that because people are going to be going on that new road, but who enforces closing the road?

Brian Tamke: We will work with local authorities and security.

Susan Brown Otto: There are State Troopers there that whole weekend. There are State Troopers all over the place and Sheriff, then if you are going to close roads. Who is enforcing closing the roads?

Brian Tamke: Being it is a town road we can't put our security on the road. We would have to work with local municipalities to enforce it. Again it is done not for any self serving motive, it is strictly security and safety on the property. So whatever we would have to do to make this work on your side as well as the safety side for our event and pedestrians that is the end goal.

Daniel Gettel: I would like to recommend to the town board, and if anyone on the board has a different opinion, that as the event approaches, consider closing or limiting access to certain

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roads leading to the site, and if any expense is incurred, let them (the sponsor) pay the cost of the police protection or whoever has to close the roads. I don't think the roads are going to be formerly closed, but I do think something has to be posted somehow to persuade people to find alternate routes. I think there were a lot of lookers last year.

Susan Brown Otto: I think we should be able to drive by and see what is happening and developing.

Daniel Gettel: If everyone in the town drives by it becomes an issue.

Susan Brown Otto: Maybe there can be a communication just a request if people could avoid, warning people there is a lot of traffic.

Daniel Gettel: I don't know the answer, Ray is not here tonight, and he is usually the authority on things like that.

Daniel Sturm: I would like to follow up on Susan's comment, just so people are clear. Last year the road closure started Friday morning at 6 am. There was no town expense whatsoever for the entire period that the roads were closed, Friday, Saturday, Sunday, and Monday. It was either the State Troopers or the Sheriff. If they are suggesting they would like to expand a day or two in advance, I am sure it is something that we can discuss, perhaps we can get another entity to contribute. We do understand that, I'm sure it is something that we could discuss.

Susan Brown Otto: As a Town of Bethel resident, I have to pay taxes to all three jurisdictions, County, State, and Town.

Daniel Gettel: I think it is reasonable to suggest to the town board that they consider expanding it a little before the event, but not closing weeks before, or a week before. I think we got our point across, but I don't know the answer.

Mike Cassaro: I would rather spend my tax money on preventing an accident, then to have an accident happen.

Daniel Gettel: We may not have the manpower to do it, but it should be borne by the sponsor. They submitted a Long Environmental Assessment Form. Glenn, you and I both looked at Part 2. We did discuss this before the meeting. Under noise you had moderate to large impact. There is obviously going to be an impact with noise. We can't deny it. I do believe you are considering the concert itself. We didn't get any specific complaints about the camping, which is outside the festival. We are reviewing the camping, so I don't think we can answer moderate to large impact for the camping.

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Glenn Smith: It is none to small.

Daniel Gettel: The other thing that we discussed was the issue of traffic, and you feel that is addressed in their mobility plan, the fact that they are bringing the campers in on off hours for the weekend. It is only for an extended weekend, it is not an ongoing thing. I don't think we can call it a moderate impact for one day people coming in, and one day people going out.

Glenn Smith: A small impact.

Daniel Gettel: At this time I will read Part #2 of the Long EAF into the record.

1. *Impact on Land* – *Proposed action may involve construction on or physical alteration of the land surface of the proposed site.*

Yes, there is construction.

c. The proposed action may involve the construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.

Small Impact.

I did note my reasons for my decisions in Part 3, so I will touch on those later on.

f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal. (including from treatment by herbicides).

Small Impact.

2. *Impact on Geological Features* - *The proposed action may result in the modification or destruction of, or inhibit access to, and unique or unusual land forms on the site (e.g. cliffs, dunes, minerals, fossils, caves).*

No.

3. *Impacts on Surface Water* - *The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes).*

Yes, they do exist on the property. The potential is there.

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d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.

Small Impact.

h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.

That is also a Small Impact. What we are saying is the potential is there. They actually address this under other sections of their application.

- 4. *Impact on Groundwater*** - *The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.*

Yes.

a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.

Small Impact as there will be an additional demand when you increase the number of campers.

- 5. *Impact on Flooding*** – *The proposed action may result in development on lands subject to flooding.*

No, these are not lands subject to flooding.

- 6. *Impacts on Air*** – *The proposed action may include a state regulated air emission source.*

No.

- 7. *Impact on Plants and Animals*** – *The proposed action may result in a loss of flora or fauna.*

No, there are no substantial construction projects that will do that.

- 8. *Impact on Agricultural Resources*** – *The proposed action may impact agricultural resources.*

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Yes, it is a farming area.

b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).

Small Impact.

9. *Impact on Aesthetic Resources* – *the land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.*

No.

10. *Impact on Historic and Archeological Resources* – *The proposed action may occur in or adjacent to a historic or archaeological resource.*

No.

11. *Impact on Open Space and Recreation* – *The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.*

No.

12. *Impact on Critical Environmental Areas* – *The proposed action may be located within or adjacent to a critical environmental area.*

No, there are none in Sullivan County.

13. *Impact on Transportation* – *The proposed action may result in a change to existing transportation systems.*

Yes, short term.

a. Projected traffic increase may exceed capacity of existing road network.

There may be a small impact due to the short time frame of the event.

14. *Impact on Energy* – *The proposed action may cause an increase in the use of any form of energy.*

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No, not substantial.

15. *Impact on Noise, Odor, and Light* – *The proposed action may result in an increase in noise, odors, or outdoor lighting.*

Yes.

a. The proposed action may produce sound above noise levels established by local regulation.

That is a small impact may occur.

d. The proposed action may result in light shining onto adjoining properties.

That is a small impact.

e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.

It is an open field, there is going to be a light on, it will be a little brighter, small impact.

16. *Impact on Human Health* – *The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.*

No.

17. *Consistency with Community Plans* – *The proposed action is not consistent with adopted land use plans.*

No, Bethel Woods is permitted to have a festival.

18. *Consistency with Community Character* – *The proposed project is inconsistent with the existing community character.*

Yes, because item b.

b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)

Small Impact.

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Daniel Gettel: That is Part #2. Under Part #3, I did touch on the reason for why....

Jacqueline Ricciani: Part 3 is a narrative explanation to kind of summarize.

Daniel Gettel: We are not required to do it, but I think it is a good practice since they are not large.

1. c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.

All improvements shall be temporary in nature or shall be surface roadways for the small impact.

1. f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).

All the areas within the bounds of the camping areas shall be temporary in nature associated with foot traffic and shall be stabilized immediately following the close of the four day event, small impact.

3. d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water supply.

No, it is approved by the DEC, and all water bodies shall be fenced off to not permit access to guests or disturbance, small impact.

3. h. The proposed action may cause soil erosion, otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.

A SWPPP has been provided and shall be implemented prior to any disturbances, a small impact.

4. a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.

The proposed action will place a demand on existing water supplies or storage network but the applicant and history has shown the supply is adequate to handle the demand, therefore it is a small impact.

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8. b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)

As a safety consideration roadways may be closed or access limited during this four day event, if approved by the local town board. Although the event hosts owns a vast majority of the adjoining land and alternate routes do exist, a small impact.

13. a. Projected traffic increase may exceed capacity of existing road network.

The local roadways have been shown to accommodate the event of this size in the past. The applicant has prepared a mobility plan that will bring people to the site during off days to lessen the impact of traffic may have on the area during this relatively short duration, small impact.

13. e. The proposed action may alter the present pattern of movement of people or goods.

If the approval of the local town board certain roadways in the areas may be shut down for the use limit for the event weekend, although alternate routes do exist, small impact.

15. a. The proposed action may produce sound above noise levels established by local regulation.

Again, the camping aspect of the festival is being reviewed as part of this application. The camping area contains a single stage that was not shown in the past to be a disturbance to neighbors. The possibility does exist over the duration of this event. Small impact.

15. d. The proposed action may result in light shining onto adjoining properties.

The host of this event owns the vast majority of adjoining properties and may be impacted by site lighting which would be a small impact.

15. e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.

Sky glow may exist in the area but the camping section is for a short duration of the event, small impact.

Daniel Gettel: Glenn, do you have any comments before I proceed?

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Glenn Smith: No, I agree.

Daniel Gettel: Under determination of significance it is a type one action, and we have completed Parts 1, 2, & 3. Upon review of the information regarding the EAF, please note the additional information, supply information which would be, Site Plan, Drainage and Erosion Control Plan, the Utility plans, the Operational plans, the Engineering plans, the Mobility plans, and the SWPPP plan. I consider both the magnitude and importance of each identified potential impact. It is the conclusion of the Town of Bethel Planning Board as lead agency that:

A. that the project will not result in no adverse impacts on the environment and therefore any environmental impact statement need not be prepared. According to this negative declaration or

B. the project could have a significant adverse impact on the environment. That impact will be avoided or substantially mitigated because of the following conditions which we require by lead agency, or see the project may result in one or more significant adverse impacts on the environment and an environmental statement must be prepared to further assess the impact for possible mitigation.

Daniel Gettel: I don't think "C" is an option for us because we did not identify anything as a major significant impact. We do have to consider it is only a four-day event. We are not talking about a six month project here. I checked a, this project will result in no significant adverse impacts on the environment; therefore the environmental statement need not be prepared. I would consider this an "A".

Motion to declare a negative declaration for this application by Steve Simpson, second by Mike Cassaro

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Since we are reviewing this as a Site Plan, I do not need to read through Section 345-30. If you would like me to read the conditions into record again, I will, but if everyone is comfortable with what I read before...

Jacqueline Ricciani: The code says that upon approval by the Planning Board, the Code Enforcement Officer shall issue the license, so you can include in the resolution that the Code Enforcement Officer will do it, but it is automatic in the code.

Daniel Gettel: But it is pretty much a site plan approval that we are granting.

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Jacqueline Ricciani: You are doing a site plan approval and you are approving a license.

Motion to approve this site plan for camping and outdoor recreation for the open air concert and approving the license for the transient and crew camping with conditions as mentioned earlier (above) by Mike Cassaro, second by Susan Brown Otto.

Roll call vote

***Michael Cassaro: Yes
Wilfred Hughson: Yes
Daniel Gettel: Yes***

***Susan Brown Otto: Yes
David Biren: Yes***

***Steve Simpson: Yes
Walter Norris: Yes***

Motion passed 7 – 0.

Daniel Gettel: Good luck Brian. Keep us abreast of what is going on.

Daniel Gettel: That completes our agenda. Any comment from the Town Board?

Vicky Vassmer Simpson: There is a meeting tomorrow night.

Motion to adjourn by Susan Brown Otto, second by Steve Simpson

All in favor – 7

Opposed - 0

Agreed and carried

9:40 pm

Respectively submitted,
Gannelta MacArthur
Recording Secretary