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Town of Bethel

Planning Board

PO Box 300, 3454 Route 55
White Lake, NY 12786

The Town of Bethel Planning Board held a Work Session on February 6, 2017 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. A regular meeting of the Planning Board followed on the same date at 7:30 PM.

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, Susan Brown-Otto, Wilfred Hughson, David Slater, Robert Yakin, Alternate, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricianni, Attorney, and Jannetta MacArthur, Recording Secretary.

Excused Mike Cassaro, David Biren, and Vicky Vassmer Simpson

Pledge to the flag

Seating Robert Yakin, Alternate

A quorum was present

Motion to approve minutes from January 2, 2017 Planning Board meeting by Steve Simpson, second by David Slater

All in favor – 6

Opposed - 0

Agreed and carried

- 1) Application for license renewal with Site Plan review to operate a transient campground with an occasional or temporary commercial outdoor recreational facility, August 11, 2017 through August 13, 2017 located on Yasgur Road, known as Bethel Tax Map #: 25-1-14.1 & 15, proposed by Jeryl Abramson Howard.***

Daniel Gettel: Jeryl, did you want to give a brief presentation to the Planning Board, or offer any comments on how it went last year?

Jeryl Abramson: I don't think we had any complaints. Everything went well last year. Everybody had a good time. We want to do it again, of course, and I think it is something that is good for the town. I think you are all familiar with the project by now. This is just for the temporary three-day event. It isn't the permanent campground. That is still in the works. This

is just to insure that we get the three days in before without any problem. I was hoping we would be further along with that process, and this wouldn't be as necessary, but here we are. I just want to make sure our three days are covered, and we have some great things planned for this year, and I think it will be a good thing for the town. If you have any questions I would love to answer them.

Daniel Gettel: I know a number of people on the board have some questions about the numbers that show on the plan that Mr. Illing provided. His plan shows approximately 1000 car parking spaces. If that is the case... do you need a thousand spaces? If you do that brings you to a whole other level of review for the environmental, which Mr. Illing should be aware of.

Jeryl Abramson: I don't believe we are going to use that many spaces. I think he just delineated them.

Daniel Gettel: Do you have any idea of what you used last year? How many cars there were?

Jeryl Abramson: About 400.

Daniel Gettel: So nowhere near 1000 cars.

Jeryl Abramson: No.

Daniel Gettel: How many attendees do you think you had last year?

Jeryl Abramson: About 1200 throughout the weekend. Some people leave and come back so that opens up spaces.

Daniel Gettel: Steve, I know you have some questions.

Steve Simpson: I know from our last meeting that you were talking about a total of about 500 people. I have that in my notes.

Jeryl Abramson: 500 people?

Steve Simpson: 500 campsites, does that ring a bell?

Jeryl Abramson: Yeah, that's not 500 people. That is closer to about a 1,000 people. Yeah, we do about that many.

Steve Simpson: So up to 3,000 people. Are we talking about 3,000 people?

Jeryl Abramson: I don't think so, no. I think we will probably have a little bit more than last year, but I don't think it is going to be significant.

Jacqueline Ricciani: Five people per campsite?

Jeryl Abramson: What, no, if there are 500 campsites that would be 1,000 people.

Jacqueline Ricciani: This says 235 campsites.

Jeryl Abramson: This is for the reunion.

Daniel Gettel: This is what Mr. Illing submitted.

Jacqueline Ricciani: This says 235 campsites.

Jacqueline Ricciani: Oh, okay. So that is approximately 500 or 600 campers. That is what we will have?

Daniel Gettel: Does anyone else have any comments before I proceed with what we discussed?

David Slater: Do you not know how many people you have coming and going out of this place?

Jeryl Abramson: Yeah, but I don't have it in my head, of course. I keep count. We have ticket sales.

David Slater: You are taking money, people are coming and going.

Jeryl Abramson: It is mostly presales and it is through Pay Pal. We do get about 1000 people. So 235 campsites... sometimes we go a little bit beyond here... this is not a permanent layout right now. It is showing the approximate areas that we are camping in. It is not, by no means, is this a permanent layout. It is an indication of where we are going with this.

David Slater: You are coming to us for a renewal. You would think you would come in with numbers saying that last year you serviced 1185 people, we had no issues, had enough personnel, the year before we had 900. It is nice to know where we are at. We are approving something without any idea.

Jeryl Abramson: We had approximately 1000 people last year, and we had no issues. We had plenty of sanitation and security. And we have never had an issue, and I feel that we do a very good job and we are only getting better.

Daniel Gettel: Correct me if I'm wrong but there is a decrease in the amount of porta-johns from last year, and you say you are increasing people. Is that something else that Mr. Illing maybe should look at on the plan?

Jeryl Abramson: We usually get about 35 to 40 porta-johns.

Daniel Gettel: Jacy is that less than previous years? I believe it is.

Jacqueline Ricciani: Last year you were approved for 210 campsites.

Jeryl Abramson: How many porta johns?

Jacqueline Ricciani: Your proposal was 45 toilets in the camping areas, and 54 in the parking area.

Jeryl Abramson: No that was your proposal, Jacy. That's 99 toilets. That is ridiculous.

Jacqueline Ricciani: That was what was in the resolution.

Jeryl Abramson: That is what the board suggested, but I believe we agreed that 35 are sufficient, more than sufficient. We run a very clean operation. I am not skimping on anything, but 99 toilets for a 3-day event? I don't even have the room.

Jacqueline Ricciani: I can only tell you what the resolution that was awarded last year. That is what it is.

Jeryl Abramson: It is my understanding that my contract was for 35, and I believe we had 38, including the handicapped. It was more than sufficient. I think we have had this discussion, and we changed it. That is an unreasonable number Jacy.

Jacqueline Ricciani: So this year you are proposing 35 toilets for a 1,000 people?

Jeryl Abramson: They are cleaned every single day. It is essentially like having 99 toilets. Because they are freshened like they are brand new. If we need an extra cleaning, we get an extra cleaning.

Daniel Gettel: BJ, would you be able to follow-up with the Health Department standards to make sure that is adequate. It doesn't seem adequate. It doesn't matter how many times they are freshened up, it is still 30 toilets. The Health Department would never accept it, I don't believe.

Jacqueline Ricciani: Right. It is based on the number of campsites.

Daniel Gettel: Jeryl, my concern is that there is a lot of talk around town that you had a medical emergency there last year and that not everything went exactly perfect all the time.

Jeryl Abramson: We had one kid that called an ambulance. And we responded very quickly and everything worked out well. There was nothing to report.

Daniel Gettel: The people that actually responded don't think that anything went well that day. There was a total lack of management is what we are hearing. I am a little hesitant because I don't have first hand information about it. And also as being on the Planning Board, I can't just ignore it either. It is my understanding based on what the first responders are saying, was that there were a lot of discrepancies, a lot of problems with the way the property was managed. The entry drives and the interior roadways when they arrived were blocked by cars trying to leave the site. They were not able to easily get into the site to find this individual.

Jeryl Abramson: I don't believe that was accurate.

Daniel Gettel: I'm telling you what was told.

Jeryl Abramson: There were security people that were on hand.

Daniel Gettel: Numerous cars and trucks, golf carts were stuck in the mud even though we had very little rain that weekend, it was very consistent, but...

Jeryl Abramson: We had a lot of rain that weekend.

Daniel Gettel: It was very consistent that further made it...

Jeryl Abramson: We had down pours every day.

Daniel Gettel: That further made it difficult for anyone to get in there to try to find this individual.

Jeryl Abramson: We found him in 10 minutes.

Daniel Gettel: When the constables arrived, they absolutely had no idea of who was in charge, or if there was anybody in charge, because everyone was wearing regular street clothes, so there was nothing to distinguish anyone that they should talk to, or not talk to. Everyone wanted to help clearly, but nobody knew who anyone was.

Jeryl Abramson: We had somebody in the woods that used his cell phone to call an ambulance, without telling anyone in charge. So we did not know that he did that. When the ambulance arrived, my son took charge of the situation. Everybody has a radio. There is a gate crew at the entrance. They have a radio. My son was called immediately. He went up there, he took care of it, he found the kid within 10 minutes he told me. They were timing it. And yes, it was extremely muddy, that was something that we can't help, but within 10 minutes he was in the ambulance, he was taken to the hospital, he was later released and brought back to the farm and he was fine. These things happen, Dan.

Daniel Gettel: Jeryl, I am not trying to point the blame, but I am telling you that we have to try to come up with a way so that it doesn't happen again. I don't know if the first responders failed, the medical team that you have failed, if you have a medical team, I don't know.

Jeryl Abramson: We are not required to have a medical team, because we don't have that many people. The process that we use is that we call the ambulance, normally we would know that somebody had fallen victim to an injury or an illness. In this case he chose to use his cell phone and never notified anyone.

Daniel Gettel: Actually he called his mother. He didn't call 911.

Jeryl Abramson: I know. He called his mother in Massachusetts, and told her a story, whatever

it was. She called 911.

Daniel Gettel: One of the problems that we have in trying to verify security, medical, parking attendants, any of that information, we don't have any information on the contracts in your file from last year. They were not submitted. That is part of your requirements. It shows, in my opinion, a lack of following through.

Jeryl Abramson: Dan, you know what, I am going to go back to last year when I submitted everything and I came into you and you guys were having a meeting at the time and you came out of the meeting and we ran into each other and I handed you the insurance.

Daniel Gettel: I remember.

Jeryl Abramson: And I said I have all the other contracts, and you said don't bother, this is enough.

Daniel Gettel: I don't believe that would ever come out of my mouth.

Jeryl Abramson: You said that it was okay, that you know the contracts were there, and it was okay. I can get you the copies of all the contracts that I have for last year. That is not a problem.

Daniel Gettel: There is also no evidence in the file that any of the vendors on the site had licenses.

Jeryl Abramson: The merchandise vendors don't need them.

Daniel Gettel: According to whom?

Jeryl Abramson: Okay, I went to talk to Rita, and Rita gave... In fact I have it in writing that my vendors are not required to have ...

Daniel Gettel: Submit that to me in writing because your vendors are required... they enforce it for Mysteryland so I don't know why Rita wouldn't enforce it for your event. I don't know, maybe she has a reason. I can't speak for Rita.

Jeryl Abramson: Okay, I can get copies. Actually Rita has a copy because mine are all locked up in my house. But yes, that was the case.

Daniel Gettel: Just moving forward, what the Planning Board has to look for in order to renew a license, in our sole discretion is (reading into record):

Section 120-3(D)2(a) The Planning Board may renew a license if, in its sole discretion, it determines that:

[1] The applicant conducted the use in accordance with the terms of the license, the approved site plan and the applicable requirements of the chapter.

[2] The approved site plan was and will continue to be satisfactory in addressing its statutory purposes as delineated at Town Code § 345-31B

[3] The transient campground or RV park is not a potential source of danger to the general public health and safety or the health and safety of the occupants of the campground or RV park; and

[4] The application for a license renewal does not contain any substantially new elements that compel a new site plan or the substantial amendment of the previously approved site plan.

Daniel Gettel: We also have to consider Section 120-3(D) 2(b) (reading into record):

Section 120-3(D)2(b) The Planning Board may waive any public hearing requirements that may be otherwise be applicable to the renewal of the license.

Daniel Gettel: And (reading into record)

Section 120-3C(5) An application for a license for the renewal of a license may be denied by the Planning Board when the applicant has exhibited a history of non compliance with the requirements of this chapter, the campground is found to be a potential source of danger to the general public and safety or the health and safety of the occupants of the campground; or the transient campground or RV park does not comply with the requirements of this chapter.

Daniel Gettel: Those are what we have to consider tonight in order to move the application forward. I guess the best thing to do is to discuss the public hearing. We have waived it the past under the understanding that everything went smoothly. I think it is a good idea to reconsider that, but I entertain any discussion that anyone here has to say.

David Slater: I think it would be nice to hear from the public a little bit. How long has this been going on, three or four years now?

Daniel Gettel: We may not get any public comment.

David Slater: We may not, but I would like to see. At least open it up to the public and get some feedback from them. You can get positive feedback. I would like to just hear from the public. I think we have to open it up.

Jeryl Abramson: I don't have a problem hearing from the public. It's been waived before, and it just delays me another month. That's fine. I think the most important part of this whole process is the public hearing, so I welcome a public hearing.

David Slater: It could benefit you. If you get some great raves, it could help you. But I would like to hear from them.

Jeryl Abramson: I certainly have not had any complaints from them. All the people on Perry Road seem to be happy with what we do, or are not affected by it. So that is all good. I have no problem with a public hearing at all. We have been doing this now off and on for 21 years. This is really the first problem. And to tell you the truth and in any group of people of that size, and I don't want to minimize with potential dangers, but I think we do a pretty good job of keeping people safe, and taking care of what we need to. I admit it is not the easiest job in the world, because you know, night falls, things happen, and you know, people do what they do, but I think overall our safety record is pretty good. I am pretty proud of it actually. We have taken very good care of people, our vendors, our food vendors are all compliant with the Board of Health, our merchandise vendors are quality people, and we put on a good show. I don't see why the town would have any question about working with me to continue this tradition. I think it has become a town tradition, and I think it is something that we should embrace and be proud of, and be part of. I don't understand why this has to be...

David Slater: I don't think... clearly we are seeing that. I am just saying we should have one. We have some new members on the board. I don't think since I have been on the board that there has been a public hearing. I think it would be beneficial for us to all... and to just look over the real plan, and as you grow we will grow with you. That is my opinion Dan.

Steve Simpson: I have thought about the public hearing issue as well. The only concern I have still is the safety, the medical emergency thing. I would lean actually towards... I don't care about the public hearing, but I want to make sure that is addressed.

Jeryl Abramson: Let me respond to you. We are a little bit more organized than you may believe. I do hire private security. We do have golf carts, so that certain people can get around. The security is... uh, they are uniformed. They wear red shirts that have their insignia. All of the senior staff has radios. We all have radios. Normally, we would find out about an accident, or a need of an ambulance. And we would call it in. But because of cell phones, something happened last year that we did not anticipate which was someone using their own cell phone to call in and actually their mother in Massachusetts to call in, so that is something that we didn't anticipate, I have to say. But we were able to find this guy so quickly that I was surprised. My son found him immediately. We are able to... we did have a significant amount of rain, every single day around dusk. There was at least two inches of rain falling in an hour, and I don't know if everybody would remember that, but I will never forget it and the wind was blowing, and we did have severe weather to deal with. We had event tents blowing over, were caught in the wind, we had a lot to deal with last year, and that does happen sometimes. But we had a very quick response. I have about 20 people on security. They are there 24 hours a day, from the day before the event until the day after the event. They are there to assist people. We have golf carts going through the area just to patrol and make sure everything is okay. If anyone needs to get out of there we can get them out with the golf cart or we can drive the ambulance into the woods. We didn't do it on this occasion because we were able to get the victim out on the golf cart. He was not actually injured in any way, he was just self-medicated.

Steve Simpson: Let's be real, you can't stop everything that's coming, that's not possible, I understand that. As far as the roads, the infrastructure within the campsite area, are there any placard signs that illuminate at night, or when you flash with the light, that would say, medical

services here, or emergency something or another...

Jeryl Abramson: Let me jump in a minute here, we don't offer that. We are not required to by state law because we are under 5,000. It is not a mass gathering. What we are required to do by this board is to have an ambulance provider, which we are doing with Mobil Medic. They don't have a problem. I have spoken to Albee Bockman personally, and he is happy to take care of it. We try and bring the victim out if we can, but we have been able to bring an ambulance in. Don't forget we have to bring the trucks in to come in and clean the toilets. By the way, I would love it if all of you would come and take a tour in the spring, when we are done with the weather problems, please take a look at what we have and what we do, and how we are laid out, you have only seen it on paper. It is really a great event, and we really do the town proud.

Daniel Gettel: But Jeryl you understand the position we are in now. We have individuals telling us that there is a problem out there. We would be remiss in even considering renewing your application. I think at least what we need to do is take a step back and say hey give it 30 days, let us talk to our people, you talk to your people, and let us know what is going to happen next year if it rains for three days and we have the same situation. Are we going to have the same problem again? This is what I am suggesting to you to move the project forward. I think we have every right, based on our zoning, to just turn you down. I don't want to see that. We want to be pro-business. We don't want everybody saying well we aren't pro-business, but we would be remiss in not looking into this and giving you the 30 days, or however long it takes, to come up with a plan. Talk to your security people. What went wrong last year and what can any of us do to make it better?

Jeryl Abramson: But Dan, I don't think anything went wrong.

Daniel Gettel: Our responders would tend to disagree. So maybe the problem is, maybe someone from your side and someone from our side have to get together and work through it. If this happens again, what is going to happen? How do you want us to respond?

Jeryl Abramson: You know I had a problem getting the Ambulance and Fire Department to respond to me. We know we have some sort of an issue going there where they will not talk to me.

Susan Brown Otto: With Mobil Medic?

Jeryl Abramson: Mobil Medic is...

Robert Yakin: Jeryl, I'm....

Jeryl Abramson: I am going to find out from Mobil Medic, because I haven't seen their report. So I would...

Daniel Gettel: You see my point. How can we just ignore it? What you are saying is that... I get the fact that things happen, and you can't anticipate every little incident, I get that, but we just can't simply ignore the fact that this did happen last year. We just can't reapprove...

Jeryl Abramson: I can't help the rain.

Susan Brown Otto: You talked about golf carts getting stuck in the mud. What about ATV's?

Jeryl Abramson: First of all, we didn't have golf carts get stuck in the mud.

Susan Brown Otto: I thought you said a few minutes ago...

Daniel Gettel: That's what I heard. They were stuck in the mud.

Jeryl Abramson: The golf carts weren't stuck in the mud. And if they are we have the tractor to pull them out, so that's fine.

Susan Brown Otto: Okay, ATV's...

Jeryl Abramson: No ATV's. They are loud and they don't do the job that we need them to do. We don't like ATV's, any ATV's.

Susan Brown Otto: They can deal with mud, ATV's. I can understand the noise aspect, but they can deal with mud.

Jeryl Abramson: So can the golf carts. I am going to get the golf carts that have the bigger tires. They have them with like four wheel drive tires. So that will help.

Susan Brown Otto: When people come in, do they receive any sort of instruction that say that if you have a medical emergency, don't call 911, call you, call.....

Jeryl Abramson: We make announcements from the stage. If you have any problems see somebody with a marked t-shirt on, they are all over the woods.

Jacqueline Ricciani: Wasn't the problem that this man was lost in the woods and couldn't find anyone to give him assistance?

Jeryl Abramson: He was with his people.

Jacqueline Ricciani: When he called his mother?

Jeryl Abramson: Yeah.

Jacqueline Ricciani: We heard that he was lost in the woods and that is why he called.

Jeryl Abramson: He wasn't lost in the woods. There are people all over the woods.

Jacqueline Ricciani: You have a lot of woods.

Jeryl Abramson: He wasn't that deep. They found him in 10 minutes. He was sitting by the vendors.

Daniel Gettel: Jeryl I think the answer to move forward is to schedule a public hearing for next month. Give you 30 days to speak to your people. I would suggest that you come up with a plan to address that if this happens again, what went wrong and what improvements can be made. I think that is a minimum we should ask you for.

Jeryl Abramson: Okay, but you know we are going to get the four-wheel drive golf carts. That is going to help, one thing. As far as this kid, this was just a random event.

Daniel Gettel: You have experts in the field, security apparently. I would reach out to them to see what they say to try to alleviate our concerns. I am going to ask BJ to look into the number of toilets that are required for 1000 people. I don't believe 30, no matter how many times they are cleaned, are going to be adequate for the Health Department. At least you will have to meet their standard, even though they aren't involved. That is part of the camping law. There was an issue with the way that the public hearing was handled last time as far as the mailings go. I'm going to ask that you make sure they go certified, return receipt requested. Jacy, last year there was no proof that they were mailed or something. It may not have been for the temporary, it may have been the permanent.

Jacqueline Ricciani: Last year for the three-day event the public hearing was waived.

Daniel Gettel: So the last time the public hearing was held, they weren't properly mailed, it was for the permanent camping. There were no return receipts.

Jeryl Abramson: BJ told me a few years ago that just certified was enough because I did use return receipts and she said no, not necessary.

Daniel Gettel: I am telling you that it has to be certified, return receipts. We require that of every other applicant.

Jeryl Abramson: Okay, sorry.

Daniel Gettel: Any questions for us? I think that is the best way to proceed. Our next available meeting is in March, unless you want us to hold it off until April. It is really up to you. How long do you think you need? Our next step would be to have a public hearing.

Jeryl Abramson: I need it in March.

Motion to grant this application a public hearing for March 6th at 7:30 pm by Susan Brown Otto, second by Wilfred Hughson

All in favor – 6

Opposed - 0

Agreed and carried

Daniel Gettel: I think you know what our thoughts are Jeryl. Thank you, Jeryl.

Daniel Gettel: We don't have anything from the Town Board tonight. Are there any other comments before we adjourn?

Bette Jean Gettel: I just want everyone to remember if you haven't already you are required to get your 4 hours of education this year. I have been sending out notices.

Motion to adjourn by David Slater, second by Steve Simpson

All in favor – 6

Opposed - 0

Agreed and carried

8:30 pm

Respectively submitted,

Jannetta MacArthur
Recording Secretary