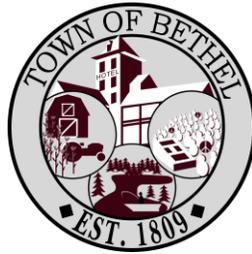


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Town of Bethel Planning Board

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

The Town of Bethel Planning Board held a Work Session on Monday January 7, 2019 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda at that time were the following;

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

Excused: Robert Yakin. We do have a full board.

Pledge to the flag.

Motion to approve the minutes from the December 3, 2018 Planning Board meeting by Steve Simpson, second by Wilfred Hughson.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: We have a relatively short agenda tonight.

1) Application for Subdivision Approval for a two lot subdivision proposed to be located at 10 Fulton Road, Bushville Swan Lake Road and Lee Cole Road, known as Bethel Tax Map # 9.-1-30.1, proposed by Harold Yodice. (Siciliano)

Daniel Gettel: This is the first we are seeing this application. If you would tell us a little about the project, I think everyone has a plan. If you put it up on the board that may be helpful.

Anthony Siciliano: Good evening. What we are proposing here is a two lot subdivision. The parcel currently has two trailers on it. Each trailer has its own well and septic and the owner wishes to split it. He has prospective buyers. He would like to sell the parcels as individuals.

Jacqueline Ricciani: You need to speak up this fan is very loud.

Anthony Siciliano: Did you hear what I said?

Jacqueline Ricciani: Some of it. I got the two trailers, with their own well and septic.

Mr. Siciliano: Yes. Each trailer has its own existing well and septic system, which would remain with each individual lot. Each would be on their own parcel after subdivision.

Daniel Gettel: Like he said it is preexisting. There are two trailers there. For the record each sewer system was approved by the Town, and engineered by Michael Sanders. Lot #1 is a 4.53 acre parcel at the intersection of Bushville Swan Lake and Lee Cole Roads. Lot #2 is a 1.94 acre parcel at the intersection of Bushville Swan Lake and Fulton Roads. We would consider this a minor subdivision per zoning. Anthony is being given a copy of the site plans for the sewer systems that were submitted to the Building Department when the permits were issued. We have a Short Environmental Assessment Form on file which is fine for this project. We don't need to declare our intent to be Lead Agency on the short form. Since it is a minor subdivision our next step is to grant you a Sketch Plan approval and then move you on to a public hearing.

Daniel Gettel: Are there any questions from the board?

None

Motion to grant this application a Sketch Plan approval by Mike Cassaro, second by Steve Simpson.

All in favor – 7

Opposed - 0

Agreed and carried

Motion to grant this application a public hearing for February 4, 2019 by David Biren, second by Susan Brown Otto.

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Usually you would send notices out 10 days before the meeting, return receipts are required. We will see you in February.

2) *Application for an amendment of the Special Use Permit with Site Plan review to allow for the construction of Duplex Units to be located at 4446 New York State Route 55, known as Bethel Tax Map # 8.-1-48, proposed by YGS Torah Center. (Gottlieb)*

Daniel Gettel: When this was originally put on the agenda I looked at the map and I saw that you were adding duplex units. When I looked at the EAF I see there is a little more to it. So the next time it is on the agenda it will be on the agenda with more information, including the renovation of existing units. Glenn I think you would agree it is a little hard to tell what the proposed actually is, unless you read the EAF. The plan itself doesn't call for renovating the buildings. So on the agenda next time I want to show that it includes more than just adding the duplex units. Okay, Mr. Gottlieb, if you would please.

Tim Gottlieb: The proposal is to... we are in the process of consolidating the northern end of the property with a parcel that they purchased and they are going to demolish the buildings that are there. They want to put in five new duplexes down at the lower end, the southern end by the sewage plant. That will be for their instructors and their families. The same here with these buildings that is labeled families, it should say instructors and families. That is pretty much it.

Daniel Gettel: Just so we are on the same page. The project was approved by us in 2015 as a High School use. It was approved as a school, a private High School. The approval specifically said no staff will live on the site.

Marvin Newberg: I do recall when we had the site plan approval that there was a discussion regarding that. However, the instructors have to travel up from Brooklyn, or wherever they are coming from down below, and it would be a much greater benefit to the school to have the instructors and their families there to help with the growth of this school. I'm advised that the maintenance building, which has ten apartments in it where a building permit was issued and a CO, has been constructed.

Daniel Gettel: There is no CO.

Bette Jean Gettel: There are no CO's issued.

Daniel Gettel: There is a building permit and there are still violations, but no CO.

Marvin Newberg: Okay. They have been constructed, and it would help the school. This was the former Daytop property which has been renovated and is now a good part of the community to have the instructors there. I didn't see anything in your code that says this is a school that does not allow having instructors live there. I do understand that their plans also are to take down storage units, and make additional parking. It is simply to modify the site plan. It is not changing the use, but it would help the school.

Daniel Gettel: Were there students on the property this past season? That is something that we never noticed because the kids were in the back. It did appear that it was being operated as a bungalow colony in all honesty. You had families living there with kids playing in the dirt. We had no

indication that it had anything to do with the operation of the school, if there actually was a school being operated. Mr. Gottlieb, I think you presented this to us last time, and there were a number of conditions that were to be implemented before anything took place at the property. We gave you permission to put in a chain link fence, I'm going to call it on the left side of the property, because I am looking at the map, and it's on the left side. We kind of stretched that to allow for the privacy fencing for the students that were going to be there. For that first season that was great, there were a couple of kids, maybe, in there that actually used it. A couple of ornamental trees were put in to address some of our comments, but none of the other conditions were ever met from the original permit. The additional landscaping on the right side of the road, they just threw up chain link fencing, pretty much locked everybody in, kind of had them warehoused for the season, whoever was in there. I may be on the minority of the board, to be honest with you, but I know a lot of people on the board are not happy with the way it was renovated last year. It is questionable how you got the permit to renovate a maintenance building into a school. That is not for me to address, that is something that the Town Board, I think, should look in to. If I have to say anything, our concerns are who operated the sewer plant, was the sewer plant operated by a licensed operator? Were records kept? Did they have all the government approvals to operate that? We don't have any of that information available to us.

Tim Gottlieb: It was renovated, it had to be updated. They hired James Farr to oversee that. They brought it back to operating condition and I believe Mr. Culligan was the operator of the plant. He filed all of the reports.

Daniel Gettel: Is this something that we asked you to work with Glenn on to get us some background on how it was operated, and how it was upgraded? That is a concern of the board. How did it all of a sudden open up one year and we weren't told anything, and there isn't any information on file with the town on how anything was upgraded or renovated, or what permits were issued.

Tim Gottlieb: I don't believe there were any permits needed to upgrade the sewer treatment plant.

Daniel Gettel: Was the existing maintenance building actually tied into the sewer system originally, or did they extend the services?

Tim Gottlieb: There were bathrooms and offices, both of these buildings had bathrooms.

Daniel Gettel: I would like you to work with Glenn and talk about the sewer upgrades, was it operated by an operator, did it have the proper approval. Glenn, the same thing for the water. Potable water, water testing, DOH, etc.

Glenn Smith: The normal technical stuff, sure.

Daniel Gettel: Right. What permits did the Health Department give it for operations for the 2018 season? Was it operated as a... I would like to know that Glenn. Is it a school, is it a Bungalow Colony, a Camp? At the last meeting we talked about the swimming pool in front, in 2015, and at the time we were told they are actually going to fill it in because it is in disrepair, then it opened up this year. It can't be both. Which one is it? It was pointed out to the gentleman at that meeting that the existing pool does not conform to today's zoning. We can say it is grandfather in, but the thing was they were not going to use it. The next thing you know the swimming pool is open. At least then the children had somewhere to play. Like I said, it is questionable about the permits that were

issued for the maintenance building. There are different variations of the same permit out there. The wording is different on all of the permits. It is kind of questionable how that happened, and I'm sure someone will be looking at that on the Town's end. Glenn I will keep you in the loop on that. BJ there is also a question out there what is in the existing ten unit building? I know there are some violations of venting of dryers and things of that nature that can be rectified but have to be rectified before the building is given a CO. That's how we know they don't have a CO. There are also questions on the units having stoves in them, some days they did, some days they didn't. I don't understand the whole stove issue Glenn, but I would like to know what the building has in it. Can we get Glenn access to the building so he can take a look at it? Glenn, at your convenience. Also, and this isn't just my list, this is what we talked about with the board. There was a question of when the maintenance building was a maintenance building did it conformed to zoning? Now that it is a multifamily residence it probably doesn't conform to zoning. When you change the use of a building, you should be looking at what ramifications does that have as far as zoning? I don't know what the side yard is on the maintenance building. The maintenance building probably did conform, it was preexisting nonconforming regardless, but I'm sure it doesn't meet the setbacks for a multifamily building. And Jacy the question to you, and perhaps Mr. Newberg, if we were to consider approving this application how would it fit into our zoning? You don't normally associate a school with housing for the staff and their families.

Jacqueline Ricciani: And that is what Mr. Newberg says there is nothing in our code that specifically prohibits it, however, the common everyday understanding that this board was led to believe that this school would be operated as a traditional boarding High School. Parents would come up and visit on parent's weekend, things like that. The children would live here during the school year, and it would be a traditional boarding school. There was never any inkling that it would be anything other than that.

Marvin Newberg: It is a school.....

Jacqueline Ricciani: There was a specific discussion that instructors would not be living on site.

Marvin Newberg: As I mentioned before, I recall that discussion, I was here, but now we are in a situation where it is harder to get instructors to travel hours and hours a day to come back and forth. Some come from Brooklyn, some down below in Rockland County, which is a problem. There are private schools, and boarding schools, where the teachers do reside at the school. Maybe not in the Town of Bethel, but there are, and it would be a benefit for them. If the teachers are there, and the teachers have a family, and we are talking about something that is already constructed, to have ten units there in that building where a permit was issued. So we should look at it going forward because things change. That is why we are here to modify the site plan.

Jacqueline Ricciani: Has this school operated at all during the regular academic year, September to June?

Marvin Newberg: I don't think they have gotten that far. They plan, they hope to. They have to get the numbers up.

Jacqueline Ricciani: So the number right now is zero.

Marvin Newberg: They have been operating as a school.

Jacqueline Ricciani: They have been operating during the academic year, or during the summer?

Tim Gottlieb: Summer.

Jacqueline Ricciani: So they have been a camp.

Marvin Newberg: No it's not a camp. It is a school.

Jacqueline Ricciani: School meets during the summer, summer school.

Daniel Gettel: I look at this way. We are in a building that is owned by the Monticello Central School District. We would love to have the school reopen this building, the Duggan School. That is like saying you know we are really having a problem getting teachers willing to come out to Monticello School to teach at this school, so we are going to put thirty units in the back yard and we are going to let them live here for free with their families. That is an incentive to have this school reopen. I just don't understand the logic of having families and staff living together on the property where the kids are. It is like me going to College and have my mother come with me just to take care of me. I don't understand it. That is why Jacy, you and Marvin need to work it out, and how we would approve it if we get that far. I think it is a concern. If it isn't specifically in our zoning, it doesn't mean it is permitted. If it isn't in our zoning, it is not permitted, I believe.

Jacqueline Ricciani: Generally that is the case.

Marvin Newberg: If there was a use that wasn't there, it wouldn't be prohibited unless it is similar to some other use. That is the general way you would do it. Here the use is a school, so we are not talking about the use, we are talking about allowing teachers who are difficult to get and doing a lot of traveling back and forth to be there, to facilitate a school. It is different than a public school obviously where people live around here. Teachers from Monticello live here, they live in Orange County etc. Unfortunately there are not teachers for this school that are living here in this community.

Daniel Gettel: How would you suggest you regulate that? How do we insure that the person living in cabin #12 A is actually a staff member?

Jacqueline Ricciani: That's the Math teacher. It is not just people that are coming to spend the fall in the Catskills.

Marvin Newberg: If that is made a condition, then we can work on some kind of verification. If we are abusing it, that's fine, then there is a violation.

Daniel Gettel: What are the ramifications if you are abusing it, because we all feel that it was abused this past year, with operating without a CO, and with questionable use of the building in front? There is no ramification. We gave them exactly what they asked for. It wasn't our idea that the teachers weren't going to live there.

Marvin Newberg: When we were here, and I recall some of the discussions, you had a falling apart old Daytop Village empty building which was zoned for a school. My client came in to make the

investment to have a building and a use to enhance. To help the economy but also to make it useful as opposed to having some like we've had in Sullivan County, and I have lived here my whole life, decrepit hotels and other buildings falling apart.

Steve Simpson: For the sake of enhancing that existing structure, making renovations, making it look pretty. There are the rules. This is a decision that came from this board when this project first came to us.

Marvin Newberg: We are seeking to work with the board, there may be issues of what is required or not, and I'm not ready to address that, but we are here to try and work with the board and be good neighbors. That is why we are asking to modify the site plan, and I'm sure Tim is going to work Glenn, and I will work with Jacy to address your concerns. On the other hand we have an ongoing project. It is an enhancement as opposed to Daytop Village sitting there like it was for years, and we'll work with it.

Mike Cassaro: If your modifications don't work out, why wouldn't the instructors be able to get local housing nearby?

Marvin Newberg: Why? I don't know what's available. They travel

Mike Cassaro: I understand the traveling. If this didn't work out, they could still have the school and have them living nearby.

Marvin Newberg: I don't understand, it is hard to get bungalows.

Jacqueline Ricciani: And bungalows are not permitted in this town.

Marvin Newberg: So there, that is part of the answer.

Daniel Gettel: There are only ten units.

David Biren: What are the rules for package plants? How come we didn't get that?

Daniel Gettel: It is an existing sewer plant.

David Biren: They should have given us paperwork on the sewer plant.

Daniel Gettel: Someone in the Town should have been given the paperwork, correct?

Marvin Newberg: I don't know.

David Biren: The pool problem should have been rectified, that wasn't done, and it was utilized. All these things don't taste right.

Daniel Gettel: Glenn, you spoke with Mr. Gottlieb before the meeting, what is the capacity of the school, 400 or 500 students?

Tim Gottlieb: We showed 500 on the plan.

Daniel Gettel: We are going to have to look into that too Glenn. You say if they put 500 students there....

Glenn Smith: I have seen numbers 500, 400 students....

Jacqueline Ricciani: At the time it was only supposed to be, 150-200 students initially, with 20 teachers. Maximum was going to be 450 to 500 with 40 teachers, but this board only approved a total of 400.

Daniel Gettel: There are some numbers that don't jive.

Glenn Smith: That affects the sewer and water as well.

Daniel Gettel: Mr. Gottlieb may I suggest that you redo this report which outlines what you gave us in 2015 and what your changes for 2019 are? That would be a narrative.

Glenn Smith: I agree.

Susan Brown Otto: If the use was authorized, but not prohibited by the zoning, shouldn't it have gone to the ZBA?

Daniel Gettel: It should have gone to the Planning Board, and the Planning Board either approves it or sends it to the ZBA.

Susan Brown Otto: It did not go to the Planning Board or the ZBA?

Daniel Gettel: No. Neither. The renovations of the maintenance building and what we call the shop building, it is called family housing on this plan. Those changes in use did not come to the Planning Board or the Zoning Board.

David Slater: Who approved it?

Daniel Gettel: That's a good question David. Glenn, a few items on the EAF. Item #5 talks about how it is permitted by zoning that is still a question up in the air. Is it consistent with the comprehensive plan, also #5, that is also kind of questionable because the use was not contemplated? Item #9 does the action meet the energy code? It is going to have to meet the energy code if it is new construction, so that would also be a yes. Tim there are a couple of minor things in the EAF you and Glenn can work out. I would like to get some of the background out of the way before we move any further. Work closely with Glenn.

Glenn Smith: It is going to need a 239 review also.

Daniel Gettel: It will need a 239 when we get to some kind of resolution. Anything else gentleman?

David Biren: Yes. I would like the map to show all the changes that are going to be made in the

population and on the buildings.

Daniel Gettel: You want numbers on the buildings?

Jacqueline Ricciani: You want bed counts in the buildings?

David Biren: Yes.

Daniel Gettel: The dormitory behind the kitchen/dining room building up on the hill, is that a dormitory?

Bette Jean Gettel: That originally was a counseling center.

Daniel Gettel: That was another renovation. It is my understanding the building behind the kitchen/dining room building might have housed students this year that is why we didn't know they were there. It was not originally approved as a student housing building. If there are bedrooms in there we need a bed count.

Tim Gottlieb: There were probably about 100.

Daniel Gettel: Were there permits issued for that? We don't know. We would need at least a bed count. Originally Daytop on the west side of the road, where all the dormitories are, and on the east side were all the maintenance, and common units, kitchen/dining area. That is no longer the case. Are the dormitories on the west side going to be used?

Tim Gottlieb: Yes.

Jacqueline Ricciani: So the building behind the dining room on the original plan of 2015 was supposed to be for offices and classrooms.

Daniel Gettel: But it was renovated for dormitories, 100 kids.

Jacqueline Ricciani: It wasn't approved for that.

Daniel Gettel: Not approved by this board for that. If you are going to have 400 students, where are the 400 students are are going to be housed?

Tim Gottlieb: 400 total.

Daniel Gettel: Where are they going to be?

Tim Gottlieb: We will place that on the revised plan.

Daniel Gettel: What is the scale of the plan? Is it 40? Is the building 25 x 35?

Tim Gottlieb: It's 45 x 50?

Susan Brown Otto: Is it Swan Lake Fire District?

Daniel Gettel: Yes. I assume it is a 25 x 40 duplex?

Tim Gottlieb: It is 25 x 25.

Steve Simpson: There are a lot of dormitories, and housing. How many square feet of actual academic educational space do you have here?

Tim Gottlieb: I have no idea.

Steve Simpson: Would you make an attempt at that?

Tim Gottlieb: Yes. We will identify them and put populations down.

Jacqueline Ricciani: There is a building here that doesn't have a name. Is it still there? Will it have a label?

Tim Gottlieb: Yes. There are classrooms in the shule.

Jacqueline Ricciani: But the discussion last time was that the students were going to live on one side of the road where the dormitory is and they were going to get bused to the other side where the educational was going to be done. That is exactly.... it is in the decision, and that was the plan. There was a whole discussion, no day students, all instruction on the opposite side of the property, which is why there was a building that said classrooms on the original plan.

Daniel Gettel: It wasn't our decision to bus them across the street.

Jacqueline Ricciani: But that was the plan. The plan that is being presented now doesn't seem to have any educational spaces.

Marvin Newberg: They are existing.

Jacqueline Ricciani: Where?

Marvin Newberg: The large building right there on the corner.

Jacqueline Ricciani: There wasn't supposed to be instruction in the shule.

Marvin Newberg: You have dining room and classrooms right there.

Daniel Gettel: Can I suggest that we update the plan to show that? Lets just ask Tim and Glenn to work together to update the plan.

Steve Simpson: I think it is a weak argument that the instructor has to live on the site. Speaking about myself personally, I drove to the city almost my whole career in all types of weather, all year long. I have no problem with that. That is the job you do, that's your choice. It is the owner's

choice to own that property. Maybe they should have thought about that in advance of buying the property. Perhaps you want to rethink that and come back with something else with another argument. Dan is not really in the minority here.

Marvin Newberg: I appreciate what you are saying, but things change. I'm listening, but I would ask to keep an open mind just because people ask to modify site plans all the time. Conditions change. Just because something was approved three years ago with a certain decision, if its not going to be a detriment and can be regulated and it helps the project and helps the school and keeps it open and keeps it going, to keep an open mind on it. If you have ten teachers living there.

Jacqueline Ricciani: The problem Mr. Newberg is that you are saying that this change is necessary to keep the project going. It seems like the school hasn't actually opened.

Marvin Newberg: That's not true at all. They have been running.

Jacqueline Ricciani: Only during the summer, not during the academic year. So they never even opened for September, October, or November. So they don't have a problem having the teachers come up in the summer time, but they are having a problem doing it in the academic year.

Marvin Newberg: They have a problem coming up.

Jacqueline Ricciani: So it's not a problem in the summer, just during the regular school year.

Marvin Newberg: It would be helpful to have the teachers live there, you get better teachers, rather than doing the commuting, and I appreciate people commute all the time, and it is tough. It is better if you don't have to do that, they become more available to be there to help the kids as well. That is what I am saying, just keep an open mind. What is the detriment if they are there, and if it is allowed, that is a legal issue that you and I can deal with, why not. People modify site plans all the time.

Jacqueline Ricciani: It still has to comply with zoning.

Marvin Newberg: And as far as I understand that building has been constructed with a permit.

Jacqueline Ricciani: Again, that is going to be investigated.

Daniel Gettel: Glenn, as I have said a couple of times already, just work closely with Mr. Gottlieb, clean up what's happened, how we got here, what the history is with the property. It is hard for us to obtain some of these facts. Speak with whoever you have to. Give us some kind of idea how we got here. Is there anything else from the board? Let us know as you progress. A narrative would be great.

Tim Gottlieb: Yes we will do that.

Daniel Gettel: Vicky, is there anything from the Town Board?

Vicky Vassmer Simpson: We already had our first meeting in January, we had our reorganization meeting.

Motion to adjourn by David Slater, second by Wilfred Hughson

All in favor – 7

Opposed - 0

Agreed and carried

Respectively submitted,

Jannetta MacArthur

Recording Secretary