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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 September 9, 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, David Slater, Robert Yakin Jr. , Alternate, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricciani, Attorney, Jannetta MacArthur, Recording Secretary, Vicky Vassmer Simpson and Glenn Smith, Engineer.

Pledge to the flag.

Excused: Wilfred Hughson

Seated: Robert Yakin, Jr.

Motion to approve the minutes from the August 5, 2019 Planning Board meeting by Steve Simpson, second by David Slater

All in favor – 7

Opposed – 0

Agreed and Carried

- 1) Application for a Subdivision Approval for a single lot subdivision to be located on John Bishop Road, known as Bethel Tax Map #: 17.-1-16.3, proposed by Barbara Putzer. (Putzer/Oestrich)***

Daniel Gettel: Jannetta let the record show that Barbara Putzer is here tonight and that I did say I would walk Barbara through this. We do encourage homeowners to represent themselves. It is a courtesy we have provided to other people. Mrs. Putzer, if I say anything that is wrong just let me know. You have a parcel on John Bishop Road which you want to split, pretty much in half.

You are going to retain 2.35 acres and convey 2.30 acres of land to your daughter. It is a simple two lot subdivision where you have plenty of road frontage. There were percolation tests done on the property. These come in under 10 minutes per lot. That is a little on the quick side, but it is an acceptable percolation rate. What was suggested in the letter from Brustman Land Services Inc. is that at the time they apply for a building permit BJ should require specific sewer designs for that specific house location. That is something we have done in the past for most subdivisions. Section 314 of our code talks about the procedure for minor subdivisions, and clearly this is a minor subdivision. The first item that has to be addressed on the minor subdivision check list would be a sketch plan approval.

Daniel Gettel: Reading Section 314A 1 into the record:

The property owner or his duly authorized representative shall submit to the Town Building Department a sketch plan showing existing site features, USGS topography and a tentative layout of the proposed subdivision for purposes of classification and preliminary discussion. A metes and bounds description of lots shall not be required for a sketch plan.

Daniel Gettel: Larry Oestrich is the surveyor for this. He has already provided the metes and bounds. He has gone above and beyond what is required for that. We did speak a little bit during the work session. The code does say they want topography, but it is a flat piece of property and again it is only a 2.30 acre single lot. I don't think it makes a lot of sense to have somebody shoot topography for a two acre lot. Glenn, correct me if I'm wrong but we do have the ability to waive that.

Daniel Gettel: Reading Paragraph 2 of the same section:

The Planning Board shall determine whether the sketch plan meets the objectives of this chapter and shall, where it deems necessary, make, in writing, specific recommendations to be incorporated by the applicant in the next submission to the Planning Board. In its review, the Planning Board may schedule a field visit to the site. To facilitate the inspection of the site, the subdivider shall have the corners of the property, proposed lot corners and the center line of any proposed streets marked by temporary stakes. The subdivider and/or his representatives may be requested to accompany the Planning Board during its site visit.

Daniel Gettel: We also discussed, during the work session, that there are two (existing) houses. This is the empty field between the two houses, so it is very clear where the property is. There isn't even a question of where it is. We never required that a lot be staked in the field and I don't think it is something we have to do today.

Daniel Gettel: Reading Paragraph 3 of the same Section:

The Planning Board shall use the sketch plan to determine the maximum number of dwellings or lots permitted under the provisions.

Daniel Gettel: Again it is two acre zoning that she is proposing, each being a little more than two acres in size.

Susan Brown Otto: That is what is there. Is it two acre zoning?

Daniel Gettel: Yes, two acre minimum.

Daniel Gettel: Reading Paragraph 4 of the same Section:

The Planning Board shall classify the proposed action under the requirements of SEQRA, make a designation of lead agency status, notify (if necessary) other involved/concerned agencies and, finally, make a declaration as to potential environmental impact.

Daniel Gettel: It is a little premature for SEQRA. Jacy, we always have that as part of our public hearing. It is going to be an Unlisted Action for the record if we can declare that for a short form. We don't have to declare our intent to act as Lead Agency.

Jacqueline Ricciani: Are you going to do that now?

Daniel Gettel: We don't have to do Lead Agency for a short form.

Jacqueline Ricciani: No, I mean type the action.

Daniel Gettel: It is an Unlisted Action.

Daniel Gettel: Reading Paragraph 5 of the same Section:

The Planning Board may request that the applicant modify the proposed sketch plan or it may grant sketch plan approval to allow the application to proceed to preliminary plan approval (major subdivisions only) or final plan approval (minor subdivisions), following the procedures and time of SEQRA regulations as contained in the New York State Environmental Conservation Law

Daniel Gettel: Are there any questions from the board? I think it is relatively straight forward. I would suggest that we entertain a motion to grant the application a sketch plan approval based on what Mrs. Putzer had submitted.

Motion to grant the application a sketch plan approval by Susana Brown Otto, second by Steve Simpson

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Like I said, we do have a short EAF and we don't have to declare our intent. BJ, it is in the RD Zoning District so we don't have to do a County 239 for an Ag review even though it is in an agricultural area. Mrs. Putzer, we have to have a public hearing. I don't believe we have the ability or the desire to waive a public hearing. We like the neighbors to come in and see what you are up to and what you are proposing. Everyone within 500 feet must receive a notice from you. BJ will give you a list and a letter with the people to notify by certified mail, return receipt, and walk you through the procedure. It is probably all the people that you grew up with, but it is something that is in our Zoning.

Motion to grant this application a public hearing for October 7, 2019 by Susan Brown Otto, second by Robert Yakin Jr

All in favor – 7

Opposed - 0

Agreed and carried

Jacqueline Ricciani: That means that we are going to accept the site plan that you have. Is it going to be the preliminary plan?

Daniel Gettel: Yes, we granted the sketch plan approval. Preliminary is only for major subdivisions.

Jacqueline Ricciani: You're right.

Daniel Gettel: That wasn't too bad, right?

Barbara Putzer: No, not at all.

Daniel Gettel: In October you have to speak to the public. It's not bad at all. BJ, do you have the signed EAF?

Bette Jean Gettel: Yes.

2) Application for a Special Use Permit to allow for a Multi-Unit Development to be located on Frances Street, known as Bethel Tax Map #: 34.-2-3, 4.1, 4.2, 24, & 25, proposed by White Lake Wood, LLC. (Harte/Kask)

Daniel Gettel: Victor (Kask) did you want to make a presentation and then we will turn it over to Glenn's review letter and talk about our concerns, how would you like to proceed. Tell us what has been added.

Victor Kask: Sure. I'll run through it. Page 1 is a combination of Phase 1 and Phase 2. I am showing topography, general sewage disposal for both phases. The building is on here with the general layout, with sizes, bedrooms, and number of bathrooms. As we go further into the

drawings, Phase 2 is more conceptual. From here on out other minor points, we will concentrate on this Phase 1 area. This is from Richard Reilly, the storm water pollution prevention plan, an Engineer from Monticello. Phase 2 is more of a conceptual manner with just a sketch. More detail of Phase 1, landscaping, lighting, topographic changes, signs, road offsets.

Jacqueline Ricciani: Signs?

Victor Kask: There is a sign detail coming up. The roadway section, gravel road is 20 feet wide. Further into the drawing, more detail descriptions on what happens when we encounter boulders or very soft material. We have plumbing here and we have the well, an 8.5 gallon per minute well demonstrating water capacity. We will have 40 gallon water heaters, we have enough. Waste water comes to the front, detail for the trenching, details for the pump station. Here is the electrical plan showing lighting, general information showing voltages for the pumps, conduit sizes, overhead wiring, underground to the main panel, one for each unit, one for the facility, for lighting and pumping. The sewage by gravity down to sewer manhole 5, 4 foot deep to a manhole, about 2.5% out to the manhole. This is a profile of the cut and fill, a little more cut than fill. This is the manhole detail. This is the sign detail, a 2 foot x 6 foot sign. The sign out by Route 55 will be double sided. Some of these may be redundant. This is the material referred by the engineer, so I will refer to him, fencing detail, plant detail. That is it for me.

Daniel Gettel: Victor, before I refer to Glenn's comments and give you some of my comments, I have some questions. The erosion and sediment control is where the grading is shown? This is existing grade correct, the red?

Victor Kask: Yes.

Daniel Gettel: So there is no grading shown on the site itself. It is just on the erosion control plan, am I right?

Victor Kask: Phase 1 there is grading shown, Phase 2 there isn't. I did do it once for the previous presentation.

Daniel Gettel: I understand there is different topography. Do you think that ... I have to assume that is what is shown on page 1? Glenn, there was a little bit of disconnect between your review comments and my getting the response. You provided a number of review comments, some people think it was a little too extensive for Phase 1 and Phase 2, based on our past discussions. I would rather you provide a larger list, than a short list than add to it every time they come back. I appreciate the fact that you gave them a thorough review. Do you want to touch on any of the key items that you are talking about? I don't really want to go through the punch list. We looked at the letter before, and you are going to come to the table right?

Glenn Smith: You told me to right?

Daniel Gettel: I thought I asked you too. I would request you come up to the table please.

Glenn Smith: My first paragraph, the current plan primarily addresses the initial Phase 1. The

question is how much detail does your board want for Phase 2 at this point, compared to Phase 1? My comments are sewer, water, and drainage, things like that. I think the Phase 2 needs a little bit more detail. I think later on when Phase 2 is developed there should be a little bit more detail than now. That sheet 1a, that Michael Reilly did, that was an erosion sediment control plan, you should have more than that. I wouldn't call that conceptual. It is town sewer. The water for Phase 2 will be Health Department concern. They will want more on the well testing. You will need a 6 hour test. The prior project that was proposed 5 or 6 years ago had a very extensive drainage plan. That was shown through the Woodstone property to 17B. Why I don't know.

Daniel Gettel: That seems a little bit extreme.

Glenn Smith: The sewer, the water, the drainage. I had a question of who would be responsible for Francis Street, for plowing.

Daniel Gettel: What sticks out to me, I was saying a little bit about disconnect is I didn't realize until today that Ms. Harte had responded to your email to just me, and not the board, so the board didn't receive it until today. A lot of people saw it fresh this morning. I would ask that in the future that everything go through BJ. I think we talked about it before, but I think everything should be sent to BJ.

Susan Harte: I didn't send it to everyone?

Daniel Gettel: It was only me, and I didn't get past sentence #2 where you talk about your love notes to Glenn. You lost me right there. I shut it off right there so I did not know to forward it on. It was a little questionable. Really a question before the board is, there a couple of things that stand out to me, but as far as Glenn's comments go I do agree that we don't need specifics on the sewer and water, but in order to do the environmental we do need to have to have specifics on Phase 2. We need a complete landscape plan, something to hold it too. This plan opens a path to Route 55 through what they call Phase 2 and I don't think anyone in the Town wants to look at a cut up in the woods for the next 5 years until they do Phase 2.

Susan Harte: The cut off Route 55?

Daniel Gettel: Where the sewer main comes through your property. Where it comes through your property it will be an open cut. I think moving forward, when you look at Phase 2, I don't think you are going to want to look at the backs of all the units from Route 55. Typically towns try to avoid where you look at the back of a unit. There has to be some kind of landscaping plan. We have the ability to require a landscape architect. I would not go to that extreme at this point, but it something we could request.

Susan Harte: I need from you guys, when we had the preplanning board meeting it seems we are hearing new things each time.

Daniel Gettel: In all fairness this is the first time Glenn has had a first review of the plan, and he came back to the board with his review comments.

Susan Harte: What requirements do you want to see for Phase 2 at this point in the game?

Daniel Gettel: Okay, I'll tell you what my comments are. In order for us to address impacts, we have to look at the project as a whole. Phase 1 and Phase 2 in order for an environmental. Jacy I don't know of any way for us to review Phase 1 separately and reopen SEQRA for Phase 2.

Jacqueline Ricciani: You can't.

Daniel Gettel: One of the big parts of SEQRA will be the storm water pollution prevention plan and grading and drainage. That will be for both sections. I can't do SEQRA without knowing that you are not going to have an impact on the neighbors. I don't know how to get around that.

Victor Kask: It was presented to us at the last meeting a little bit different.

Daniel Gettel: For sewer I agree with the fact that we don't really need to know since it is a private system that you call for 4" line, and down the road if you have to change that to a 6" line to accommodate to Phase 2, I am okay with that. I am concerned with landscaping. There is nothing shown for Phase 2. I am concerned about the appearance of the project from Route 55. We have Sullivan Renaissance, who is readily available to give you a hand and talk to you about what they would suggest within budget. They were willing to work with us on the corner project. They were going to work with Steve Dubrovsky with a plan that never materialized. But I think reaching out to them and asking them, not saying that you will look in your back yard and seeing what is there that the deer won't eat, it really doesn't answer the landscaping plan. I would look at landscaping on the entire property. We did talk before the meeting about Francis Street. You show a street section 20 feet wide then you show the tapered grass shoulders. The right of way itself is only 30 feet wide. I don't think that section is going to fit in some of your areas as far as some of the shoulders go. Steve, I will put you a little bit on the spot as far as Francis Street goes, if you don't mind even though you are not our NYSEG guy....

Steve Simpson: I do have a question about that substation? Right now it looks like it (the fence) is 10 feet from the edge of the road, from the actual substation....

Daniel Gettel: We don't know where the fencing is but....

Steve Simpson: Have you had a conversation with NYSEG about this, the possible relocation, or the distance of the fence and the shoulder of the road?

Susan Harte: I have gone out and measured. There are 2 or 3 poles within where that 30 foot right of way is. I have gone and measured from the edge of the poles, and the opposite side of the street and the shortest distance was 23 feet. I think I talked to NYSEG and spoke to Mark Otto, and they have agreed that it has to go through their whole process where I want to have my entrance, and we have measured on the right side and it is all of my property, on that portion there is plenty of room to the edge of NYSEG's property. They are going to move one pole. I don't think we have to move any others so we can get our 30 foot wide and our 20 foot wide, we can use the property on my side.

Steve Simpson: The reason I am asking about it, the one closest to your driveway entrance, I don't want you to have a big surprise if they decide they come down and decide they are not going to be able to help you out. Technically there is an electrical ground there under your fence. That protective fencing is bonded to that equipment to that substation. We don't know exactly.

Daniel Gettel: One of our concerns is, and you touched on it, is where you think the 30 feet right of way is.

Steve Simpson: They should stake it out so you know where it is exactly. Again I can't see it based on its drawing.

Glenn Smith: This is a drawing from a few years ago,

Daniel Gettel: There is a buffer around NYSEG's lot.

Steve Simpson: That is expensive. It is not my project, and I have no interest....

Susan Harte: My conversation with them, the poles are in the right of way, technically they shouldn't be in the right of way, so if it needs to be moved... right now they are aware it is an issue.

Daniel Gettel: They very much could be in the right of way.

Susan Harte: We went back and looked, and we did an extensive title search.

Daniel Gettel: Victor has a 20 foot section of road with shoulders. It just won't fit. The question really is where the neighbor's fence is and where is the NYSEG fence and how do you fit within your right of way? One of the things that sticks out in Glenn's letter, and I don't know how we address it, is Phase 1. The lot does not conform to the minimum depth of the lots. I can't overlook that. It is a 1.63 acre lot. By zoning it has to be 250 deep to be considered buildable for your multifamily use. That was one of Glenn's comments, and I don't think it is addressed in your letter. I believe you said see comment above I believe.

Susan Harte: If we look, we can't go the across the street?

Daniel Gettel: We can't accept it. It came up in Glenn's letter.

Victor Kask: We wish we had known this before. We discussed this before.

Daniel Gettel: The depth was never discussed. You are the experts, we are relying on you.

Jacqueline Ricciani: What district is this?

Daniel Gettel: It is in the RS District. It's a Zoning Board issue.

David Biren: They need to go to the Zoning Board.

Daniel Gettel: Vicky, I don't mean to put you on the spot but typically in other towns... Bethel does it different with the sewer district. I just don't understand the rationale that people don't have to be brought in the district.

Vicky Vassmer Simpson: When they set this whole thing up they didn't want to force people into it.

Glenn Smith: They (other Towns) require that you are annexed in or you don't get sewer service.

Daniel Gettel: Susan, I don't know how to get around the Zoning question.

Susan Harte: I don't know either.

Daniel Gettel: You can meet the setbacks, but not the depth.

Susan Harte: So we will have to connect with Zoning with that.

Daniel Gettel: If you look at the Part 2 of the environmental, you will see the questions we have to address. One is going to be drainage, one is going to be landscaping, as far as impact on people that come to the town, and those are things we have to address. I don't see a lot of traffic problems. I agree with David that we will need some sort of maximum bedroom count, so we have a set population. I think your review letter says something along the lines you don't know how many bedrooms there are going to be in Phase 2.

Victor Kask: In my mind it is 64 bedrooms.

Daniel Gettel: You are basing your overall project on a total population. We should try to define that a little better perhaps. Give us some kind of total population. Is there anything else Glenn? Lighting is something in the EAF. It is going to be LED down lit, nothing to shine on the neighbors.

Susan Harte: Initially we had drawings for Phase 2, the retention on drainage ponds.

Victor Kask: There weren't any calculations.

Susan Harte: That is when we were talking to Michael Reilly the engineer, we were talking conceptual.

Glenn Smith: How much impervious area, a lot of onsite, if you are sending to neighbors.

Susan Brown Otto: The next Zoning Board meeting is October 21, 2019, the third Monday of the month.

Daniel Gettel: Glenn, one thing that stands out to me in the EAF is that 100% of the site is Wellsboro soil. That never happens.

Glenn Smith: There is very little infiltration.

Daniel Gettel: I am trying to see what I would need to do for Part 2 and Part 3 for Phase 2. I think it is landscaping. There is some recreation with the pool. If you don't keep the pool you will need some other sort of recreation. I don't know how to get around that depth. We consider the Frances Street the street you have frontage on.

Jacqueline Ricciani: As far as the acreage for Phase 1?

Daniel Gettel: They can put it in there, the 1.63 acres. You do meet the setbacks on the lot.

Susan Harte: Can I get Igor to make that right of way....

Daniel Gettel: You would have to get more property from the owner behind you. I think that is up to you to decide. You still have the move the road, which are the southern bounds of Francis Street. Steve and I talked about it before the meeting. I don't know a way around it.

Steve Simpson: You would have to speak to Igor, the owner. The alternate would be going to the Zoning Board, or the owner.

Susan Harte: The road itself is 30 feet. If you look at the plan, it would be a right of way.

Steve Simpson: You would be shifting your project. You would be shifting that 4 unit building, to make room for that curve.

Daniel Gettel: You need 51 feet.

Susan Harte: You can have a right of way through your property.

Daniel Gettel: I am in favor of not setting a precedent with this project. I would bring it to the Zoning Board of Appeals. Unfortunately that is where we are.

Vicky, is there anything from the Town Board?

Vicky Vassmer Simpson: Nothing from the Town Board.

Motion to adjourn the meeting by David Slater, second by Susan Brown Otto

All in favor – 7

Opposed - 0

Agreed and carried

8:20 pm

Respectively submitted,

Jannetta MacArthur
Recording Secretary.