

Town of Bethel  
*Planning Board*

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In attendance: Dan Gettel Chairman, Steve Simpson, Bill Brey, David Biren, William Thelman, Alt #1, Tim Dexter Code Enforcement Officer, Vicky Simpson Councilwoman, BJ Gettel Asst Code Enforcement Officer and Kimberly Shaw-Rea, Attorney, Michael Weeks – Engineer

Excused: Susan Brown Otto, Michael Cassaro, and Jannetta MacArthur – Recording Secretary

Absent: Wilfred Hughson, David Slater – Alternate #2

The Town of Bethel Planning Board held a Work Session on April 14, 2009 at 7 PM at the Bethel Senior Center, 3594 State Route 55, Kauneonga Lake. A regular meeting of the Planning Board followed on the same date at 7:30 PM.

Pledge to the Flag

Seat Bill Thelman Alternate #1

Dan Gettel: Before we get to the first item on the agenda, we passed around a resolution for the final approval of the Gisser project. We need a motion from the board to accept this resolution.

***Motion to accept resolution on the Gisser project by Steve Simpson, second by David Biren***

***All in favor –5***

***All Opposed –0***

***Agreed and carried***

***1) Request for an extension for the Swan in Swan Lake project. (Wasson)***

Dan Gettel: Randy if you could give us a brief idea of where you stand with the approvals. If you want to come up.

Randy Wasson: This is Jeffrey Kaplan, also representing the Swan in Swan Lake project. We have submitted plans and applications to the Dept. of Health we have received a round of comments. We have responded to their comments, and we are anticipating approval on the water supply fairly shortly. They were holding back pending receipt of a permit from the DEC, the water supply application. I just got a call from the DEC today the permits are ready to go they were only waiting confirmation that the sewer works corporation had in fact been formed so that was emailed to them today as well, so we are expecting the permits from the DEC probably within the next week, so then we can wrap up the application with the Health Dept and we should be ready to go fairly shortly. We are looking for an extension because our 180 days, which was a condition of the approval, is over.

Dan Gettel: So approximately 6 months ago we approved this application. We gave you a final

approval, but one of our conditions for final approval was that the infrastructure be put in. So therefore we have to give you an extension of that approval.

Jeffrey Kaplan: You actually made it a condition that we had 180 days to commence construction, and if we didn't within the 180 days we have to come back and explain why.

Dan Gettel: So it is a condition of your final. Any questions from the board? I think most of the board members were here when this project was approved.

***Motion to grant another 180 days extension made by Bill Brey, second by Steve Simpson***

***All in favor –5***

***All opposed –0***

***Agreed and carried***

***2) Application for a 4-lot subdivision located on Plum Beach Road, known as Bethel Tax Map #: 31-3-17.1, proposed by Shaya Boymelgreen. (Gottlieb & Meltzer)***

Dan Gettel: This item will not be heard tonight. It was pulled by the applicant.

***3) Request for an extension for White Lake Partners project.***

Peter Groendale: Representing the White Lake Partners. I thank you for your time tonight. We are looking for an extension. We received an extension once before and we are looking for another extension due to the financial conditions of the bank. They pulled the commitment on us.

Dan Gettel: Are you prepared to give a small presentation of what the project is and the number of units. There are people on this board who have never seen this application.

Peter Groendale: All I can tell you is . . . . . I had a little bit of an emergency today, I came directly here, so I don't have my file with me. It is a 36-unit town house that is right next door to the Building Department. We were approved. We have water and sewer on it. The last thing we did was get approval from the Board of the Health, and the work was finished and submitted, I don't know the results of it. I believe it was approved. The partners would receive the paperwork directly. I was hired to be the builder. I'm sorry I don't have much more to tell you than that, other than to tell you we knocked the cottages down that were on the property, the first bank pulled the commitment on us, so we stopped, although we finished the engineering we got Chasin to finish everything so we are really waiting on the commitment from the bank, we are waiting for the transition of these banks to give us a construction loan. We are ready to go.

Dan Gettel: You had a 6-month extension?

BJ: It was a 1-year extension.

Dan Gettel: I know some of the board members aren't familiar with the project.

BJ: Originally submitted in August 2005. First approval was March 2006, and the extension was 2008.

Bill Brey: How many times can it be extended?

Dan Gettel: Twice. So if we give them an extension, they have to finish the project. They have only received one extension.

BJ: The first extension was April 8, 2008.

Dan Gettel: I would like to point out, at the last meeting I asked you to clean up the property, and you did a nice job.

Peter Groendale: We appreciate that. Thank you.

Dan Gettel: Any questions from the board?

David Biren: Can I ask one? You have a for sale sign up. Are you selling it, or do you actually want to build on it?

Peter Groendale: We would like to build on it. The partnership, there are a number of people involved in this partnership, the partners that want to build on it, want to build on it, and the other partners say lets put a for sale sign on it to see if they get the money, but in today's market, so to keep the partners happy, we put up a for sale sign on it.

***Motion by David Biren to extend for an additional 6 months, second by Bill Brey***

***All in favor –6***

***All opposed –0***

***Agreed and carried***

***4) Application for a Site Plan Review for a Bed & Breakfast to be located on 633 Hurd Road, known as Bethel Tax Map #: 11-1-30, proposed by JoEllen Fernbach. (Kask)***

Victor Kask: This is the first presentation in front of the board. It has been reviewed by the town engineer. I have also submitted a review, the questions asked by the town engineer.

Dan Gettel: Just to clarify, you have a 90 acre parcel with a house on it and a garage and you want to convert the garage or storage building into a Bed and Breakfast. How many units is the Bed and Breakfast? Rental units?

Victor Kask: The initial will be 3. We want to leave an option to add more.

Dan Gettel: In the same footprint of the building, or an addition?

Victor Kask: It would be a physical addition.

Dan Gettel: You are talking 4 bedrooms now in that existing building. Three units with 4 bedrooms total? Did I get that right, or is it 3 bedrooms.

Victor Kask: The first one was 5. Then the Health Department started to get involved. The owner did not want to install a commercial kitchen or have a disinfectant system. She wanted to avoid all that hassle. So we reduced the number to 4.

Dan Gettel: Correct me if I'm wrong Michael, if we give him an approval for 3 units and they

want a fourth they would have to come to the board, correct?

Michael Weeks: These plans would represent that the way I see this application it would be a site plan approval for 4 units. And then if they wanted to come back and add a fourth unit, it would be a building permit issue.

Victor Kask: That is what we intended.

Michael Weeks: Assuming it meets all the criteria for 4 units, but when they put the building permit in for three.....

Dan Gettel: I just want to be clear that we are reviewing your final ..... I don't want you to come back..... So we are talking about 4 units. Some concerns were raised about the sewer system. I see you have a lot of comments; an engineer would have to design a sewer system.

Victor Kask: We designed the system just to make sure it worked. What they are asking for this purpose I don't think you need that much detail. We were talking about zoning here, not construction.

Dan Gettel: The Building Dept. ultimately approves the sewer system design. We have to know that we are approving a project that is feasible. So the feasibility of the system I believe this board would have to approve.

Victor Kask: But there is enough information on there that shows that the percs passed and there is enough room for the system.

BJ: He did respond to concerns that Michael had.

Dan Gettel: Michael did you have any comments as far as your letter goes.

Michael Weeks: Obviously I couldn't review the new plan; I have 10 or 11 comments here. I can go through them individually if you like. Basically I am going to read my comments.

1. Just the information we received and reviewed.
2. Additional information is required on the improvements that are going to be constructed parking stalls, construction of the parking stalls, the dimensions, the depth of the gravel
3. There is a proposed accessible stall and accessible route to the building, that requires additional information to insure it is an accessible route

Dan Gettel: If I can interrupt you, the first three items on that list I do believe the Planning Board has to approve.

Michael Weeks: Yes

Dan Gettel: Just to clarify, those are things this Planning Board would look at. The parking details, things of that nature. It is something the Planning Board looks at. Thank you, Michael.

Michael Weeks: Just so the applicant understands, the accessible route, we need to see grades and slopes to make sure the accessible route from the handicap parking spot.....

Dan Gettel: I know he does show a 2% slope. I did see that on the plan.

Michael Weeks: There are a couple of arrows, but we really need some grades, specifically on the accessible route.

4. Is relative to the sewage disposal system. Essentially what I am saying is that additional information is required prior to applying for a permit. And that we have not reviewed the design or the details of the sewage disposal system.
5. Our sewage code requires that there is a 100% replacement area for the sewage disposal system. I don't believe that was tested for. There is additional testing that needs to be done.

Victor Kask: More perc tests or deep tests?

Michael Weeks: Both. It is spelled out in our sewage code. How many feet, and how many percs.

6. The original plan just showed kind of this blowup, it did not give us an idea of where this was situated on the overall property. So we are looking for an overall boundary. Showing the location of the existing house, the proposed units. I wasn't looking for a boundary survey, just a deep plot, giving us an idea of the setbacks and the location.

Dan Gettel: Are you satisfied with that?

Michael Weeks: Yes, I think so.

Dan Gettel: They are well within their bounds.

Michael Weeks: I didn't know if it were 10 ft off the property line, or 100.

Dan Gettel: Just for the record, if the plans show at least 290 ft off of any road

7. Your zoning code, gives the Planning Board the right to request a landscaping plan if you so desire. That is entirely up to the discretion of the board. I am at least pointing it out to you.
8. I am looking for some additional information, the proposal here is to serve the new units off of the existing well. Which serves the existing house. Victor and I had discussed this on the phone. I'm not looking for a 72-hour pump test or anything, but I think we should have some information of what the yield on this well is to make sure

Victor Kask: I could have a well driller come out on Thursday, and do a 12 hour test.

Michael Weeks: That should be fine.

9. The Department of Health approval may be require for the transient room service and the commercial kitchen service. The applicant should confirm whether or not permits from Department of Health are necessary.

Dan Gettel: You think that has been addressed by the plan change already then.

Michael Weeks: I believe so.

10. Your zoning code asks for preliminary plans for the building. The floor plans, elevations, etc.

Dan Gettel: Which we have now on sheet #2.

Michael Weeks: Yes, you do, that is now for the board to look at and comment on. If that adequate, or not.

11. The location of the entrance and the public right away should be provided for review

Dan Gettel: It's an existing driveway now? And the site distances for the record are 310 and 175, on a road like Hurd Road, a secondary road, we will look at that.

Michael Weeks: I will go through this.

Dan Gettel: General information on the sewer should be provided. But ultimately Timmy and the Building Dept. approve the sewer plan, right?

Michael Weeks: They are going to have to apply for a separate permit. It is not necessary for us to have all of the design done on these plans.

Dan Gettel: But you would like the reserve area shown, and the locations of the tests, and at least the results. What kind of detail are you looking for is my question, I guess, or are you just pointing it out.

Michael Weeks: They need to do testing for the reserve area. I'm not sure that it is required to be done right now.

Dan Gettel: I'm just trying to make it clear to the applicant what we are going to require. I don't have a problem with an engineer designing a sewer plan; I do think there are problems with the sewer plan the way it is presented on this plan. As far as separation distances and things that are important to this board I think you show enough detail. Michael does mention a reserve area should be shown and an additional perc should be done they will probably be done prior to our next meeting any way if you could have them shown on the plan.

Michael Weeks: It might also be worth, I didn't put this in my letter, it might be worth adding a note to the plan that a sewage permit would be applied for to the Town Building Department, just so there is no confusion that this somehow represents approval for the sewer permit.

Dan Gettel: On Michael's letter a some of the items we would be interested in, a little detail on the parking areas, length and width, typical accessibility of the parking stall to the building, if you can give us some idea of grades. As far as landscaping goes, a number of people on the board spoke about it before, I don't want to speak for the entire board, but I don't think the board is interested in what landscaping they are going to do at the buildings, but in the past, I assume you are going to have a sign advertising a bed and breakfast, so we have asked when someone puts up a sign at the end of the driveway to put a raised bed around it, rock bed or something, a landscape bed, it is for your own benefit anyway. I don't think that is too much for the board to

ask as far as landscaping goes. I am not really interested in you planting shade trees around the building. I guess the board agrees, no one is arguing with me.

Steve Simpson: Pretty much to standardize it. We have been asking everyone.

Dan Gettel: There are a number of those planted beds along 17B. It's just natural materials. I don't know if you want to illuminate the sign. It is kind of an eyesore. Especially on a back road like Hurd. We normally ask that they not be illuminated. Most of the items I believe have been taken care of, or at least discussed at this meeting. You are going to have the well tested, the Department of Health you believe you have addressed by reducing the numbers. Does the board have any comments on the architectural plans and the details of the floor plans at this time?

David Biren: I have a question on the driveway, not on the floor plans.

Dan Gettel: What is the exterior material of the building? Are you going to keep it looking like a barn? Are you looking to keep that appearance? That is what it looks like on the plan.

Victor Kask: We really haven't addressed that yet.

Dan Gettel: Is it fair to say you are going to keep it looking rustic?

Victor Kask: Yes, we are going to spruce it up a little.

Dan Gettel: The floor plan and elevations have been provided on the new plan. I'm fine with what you have provided. Item #11 on the list, David was the entrance and exists, if you want to ask your driveway question. We are going to look into whether the site distances is accessible off of Hurd Road is based on the speed limit. I don't happen to know the speed limit on Hurd Road.

David Biren: My problem is with the driveway. It looks like it is only 15 ft wide.

Victor Kask: It is just a farmhouse.

David Biren: But you are going to have cars coming and going. It is going to be tight. It is going to be anytime day or night. Cars are going to be coming and going and I think 15 ft is a little to narrow. I would like to see it widened. So cars can pass each other safely.

Dan Gettel: David's concern is with the angular parking spaces, people backing out of the new parking spaces onto a narrow driveway.

David Biren: And also down here toward the bottom, it is just 15 ft.

Dan Gettel: If you could address that when you address the parking spaces that would be fine. We don't want to hold you up; we want to move you along. Anything else from the board? If that is the case, Michael does recommend that we declare lead agency as far as seqr goes. Would someone like to make that motion?

***Motion by Bill Brey, second by Steve Simpson that the Planning Board takes lead agency on seqr.***

***All in favor -5***

***All opposed-0***

***Agreed and carried***

Dan Gettel: We meet every month. You know the procedure that you need to get the things in 15 days before. We'll look at them; I assume you want to be at the next meeting. If we need a public hearing I think we have enough information to schedule a public hearing for the next meeting.

*Motion to schedule a public hearing for next meeting by David Biren, second by Bill Brey*

*All in favor –5*

*All opposed –0*

*Agreed and carried*

*5) Administration Items:*

- a. Review of the Proposed Zoning Map Changes*
- b. Review of the Proposed Zoning Text Amendment Changes*
- c. Review of the Proposed Bulk & Use Table Changes*

Dan Gettel: The Town Board has asked us to look at the changes to the zoning.

BJ: They have made a couple of changes to the maps. The only change was between the two SR Districts. Instead of making it white, they made it all green FC. It was RD, it is now FC. They took the definitions and they made it match the bulk and use tables and vice versa, the bulk and use tables match the definitions.

Dan Gettel: They have also expanded on some of the definitions. A lot of these were raised at the Planning Board meeting, and things the Planning Board had requested. So really the zoning text amendments and the bulk and use table changes were just to have them both conform. Are there any comments from the board?

Bill Thelman: Is that where Smallwood Golf course was?

Dan Gettel: That is all zoned the same. That was the only change to the map. If there is no comment from the board, I need a recommendation to the Town Board that they proceed to adopt the zoning.

*Motion by David Biren, second by Steve Simpson to recommend to the Town Board to adopt the zoning changes.*

*Roll Call Vote*

*Bill Brey Y*

*Dan Gettel Y*

*Steve Simpson Y*

*David Biren Y*

*Bill Thelman Y*

*Agreed and carried*

*d. Mandatory Training Class on April 22, 2009 at 6:30 PM*

*Motion to adjourn by Bill Brey, second by Steve Simpson*

*All in favor –5*

*All opposed –0*

*Agreed and carried*

Respectively submitted,

*Jannetta MacArthur*

Jannetta MacArthur  
Recording Secretary