

Town of Bethel
Planning Board
PO Box 300, 3454 Route 55
White Lake, NY 12786
845-583-4649 Ext 15
845-583-4710 Fax
Email: bldgdept@libertybiz.rr.com

The Town of Bethel Planning Board held a Work Session on February 10, 2009 at 7 PM at the Bethel Senior Center, 3594 State Route 55, Kauneonga Lake. A regular meeting of the Planning Board held on the same date at 7:30 PM.

In attendance: Dan Gettel Chairman, Wilfred Hughson, Steve Simpson, Michael Cassaro, Susan Brown Otto, William Thelman, Alt #, David Slater, Alt #2, Tim Dexter – Code Enforcement Officer, Dan Sturm, Supervisor, Vicky Simpson Councilwoman, BJ Gettel – Asst. Enforcement Officer, Jannetta MacArthur – Recording Secretary, and Kimberly Shaw-Rea – Attorney, and Michael Weeks - Engineer

Excused - David Biren, and Bill Brey.

Seating - Bill Thelman and David Slater alternates to fill vacant seats.

Pledge to the Flag

Dan Gettel: We did receive a number of correspondences over the past month; I would like a motion to receive and file. They were from Randazo and Orr.

Motion to receive and file made by Susan Brown Otto, second by Michael Cassaro

All in favor –7

All opposed –0

Agreed and carried

Motion to approve minutes from January 13, 2009 meeting made by Mike Cassaro, second by Steve Simpson

All in favor –7

All opposed –0

Agreed and carried

Dan Gettel: A little announcement for the audience. Obviously there is some interest in applications tonight. As I said at the last meeting this is a public meeting, but it is not a public hearing. Meaning, it is open to the public, but at this time we cannot receive your comments at this meeting. All the projects on the agenda tonight have either had or will have a public hearing. We do not have any public hearings scheduled for tonight. We cannot entertain any questions or comments from the audience.

1) Requested for an extension of Naylor Road Subdivision, known as Bethel Tax Map #: 27B-1-1.3, proposed by Takourian/Bianco. (Smith)

Dan Gettel: Mr. Smith isn't here yet.

BJ: No, he is delayed at another Planning Board meeting. Basically what he says is, he indicated the town Planning Board had issued preliminary approval on April 8 2008 for a 2-lot subdivision of a parcel situated off Rt 17B and lying between Naylor Road on the west side, and Beechwood Road on the east side owned by Mr. Steve Bianco and Mr. Harry Takourian. The 4-lot range from one point 2 acres to 1.5 acres in size. Lots 1 & 2 are in the sewer district. However lots 3 and 4 are not in the sewer district. They have petitioned the Town Board and they are on this Thursday's agenda to address this issue to be included into the sewer extension. Right now they are asking for a 6-month extension on their preliminary approval.

Dan Gettel: So they have done what we asked?if that is the case, I would like someone to make a motion that we grant another 6 month extension to this project.

Motion by Steve Simpson, second by Wilfred Hughson to 6- month extension

All in favor –7

All opposed –0

Agreed and carried

2) Application for re-consideration of a 3 lot subdivision located on SR 55, White Lake, known as Bethel Tax Map #: 53-1-38, proposed by Daryl Gisser. (Illing)

Wes Illing: Since my initial submittal, I have talked to the owner and I thought he had a really good idea, so we revised it and I think the preferred option as I called it on the plan has a lot of benefits over the original approach.

Michael Weeks: Do you have a full size set of plans?

Wes Illing: Yes I do.

Dan Gettel: Wes, please keep in mind that there are two members that haven't seen this project yet, so if you don't mind a brief summary on the project

Wes Illing: We think this preferred option is much better for a lot of reasons. We have created 3 lots just under 10 acres. There is an existing house here and an existing house here. (Showing on map) What we are proposing is, right now they are on a 10-acre parcel. What we are proposing is to separate this little house and put on it's own lot, and take this other existing house and put it on it's own lot. And creating a third lot back here for a new house. And when we do that these two houses share a septic system, so we will be able to put in a septic system for the two existing houses. Over here, this one would service this little house, a little 2 bedroom, this area would service this 4 bedroom house over here, with the septic system area. These soils we did a long time ago with the engineer. Nothing has changed in that respect. We got rid of, there used to be a leach field in this area, it has been eliminated. The benefit is taking two houses and putting them on separate lots. I think that is highly preferred by the town. The other benefit is now we are using an existing curb cut. An existing driveway. It is already there. We are not asking for any additional curb cuts from the County. The existing driveway is actually the same width that we are proposing. When you come off the main road there is a green line in the plan that outline the existing driveway. And the proposed driveway is in black line. You see on your plans the difference between existing driveway and the proposed driveway. Within the 35 ft right away the owner of Lot #1 will come in and move into his own property on his own driveway. The owners of lots #2 and 3 and will share this driveway going back like this. We will prepare a maintenance agreement for these three property owners to share the cost of the shared driveway based on the area of the driveway that each one uses. The drainage of the property, it naturally drains away, there is a concave area here is why this wetland is here, because the water runs

(showing on map) the way we have routed the driveway now essentially the water runs in both directions away and downhill allowing to soak in the forest. The forest are pine trees we can walk around, except for one wet spot, the soil is nice and dry. There is no need for drainage swales anymore. By eliminating the extra curb cut over here, and using the existing driveway, everything will stay as is. No changes are required there at all. The lots are bigger, 3.5 acres, 3.4 acres, and 2.5 acres for the 3 different lot sizes. You have adequate well and separation differences shown in the plans. We will have a surveyor define the respected easements and the driveway maintenance agreement. We have met all the minimum side yards and front yard distances. We comply with the requirements for the RF zoning district. Sheet #2 are simply erosion control requirements by the DEC. (Showing on map) here we have detail of the driveways, the bulbs in red are the property lines. You can see the detail driveway with the dimensions of the driveway. We have increased the radii a little bit, 10 ft is the preferred radius opposed to 6 ft, and we could reduce it back to 6 ft. I think 10 ft is more reasonable. The last page hasn't changed, the only thing we did, we have deleted one of the septic areas, we don't need it any more, and the perc rates were done a long time ago. That information is well documented and witnessed by the engineering firm. I am asking the Planning Board if they prefer this option to what we have submitted several weeks ago.

Dan Gettel: If this is the one you prefer, we should go with this one. If you don't mind, giving us a little bit of background on the County review since some of the people don't know the background of the County issues.

Wes Illing: The County didn't want another curb cut. They wanted us to put a plan together that eliminated that. Which this plan does. It satisfies the toughest part. The County also had some issues they wanted cisterns for the houses for storm water runoff. We did accommodate that. We have another drawing here for the new house it will require a cistern. The road cut was the biggest issue

Dan Gettel: The County was opposed to numerous road cuts. This simplifies it but...

Wes Illing: Before we were going to abandon this road cut, and put in another one. They wanted the entrance a little less wide. What we have now is about the same width as a town road

Dan Gettel: Any question from the board? I understand it is a continuation of our past review. We are not treating it as a new...

Wes Illing: It is a request for reconsideration

Susan Brown Otto: Wasn't there an issue before about one of the houses here and how many bedrooms they had?

Wes Illing: Yes, we addressed that issue

Dan Gettel: I believe it was the guesthouse

Wes Illing: There is plenty of room; there is a primary reserve area.

Dan Gettel: How many bedrooms are in primary house?

Wes Illing: 4, before I had 4 plus 2, so I had a 6 bedroom next to the wetland. Mike (Weeks) was concerned with the proximity of that septic system relative to the wetland. He said he

wanted to have that wetland delineated prior to construction. By moving that septic system well away from the wetland we have eliminated that entire issue.

Dan Gettel: The only issue is where the pipe is going to cross alongside the road. It doesn't cross the wetland.

Wes Illing: It will be a little 2-inch line

Dan Gettel: How does the board feel about this revised plan? Should we call it option 8? We'll call it the preferred option. I appreciate the fact that each lot actually owns road frontage at this time. That is my comment. I do agree moving the sewer away from the wetland is a better idea.

Michael Weeks: Just one new home is being constructed, and utilizing 2 existing structures.

Wes Illing: The density is essentially lower also. Instead of having 5 homes on 10 acres, we are only going to have 3 homes on 10 acres.

Dan Gettel: Not that it matters, but do you happen to know if the houses are going to be renovated or just sold off

Wes Illing: They are going to be sold off, and the buyer can renovate them.

Susan Brown Otto: I was just curious, you said this is your preferred option, what was the other option

Wes Illing: The other option was what I submitted a couple of weeks ago for Mike to review. After having discussions with the owner, he suggested this. I looked at it, and we laid it out to see if it all worked, and I think it so much better than the original approach, because it does so many good things.

Dan Gettel: Michael, do you have any comments?

Michael Weeks: I'll do a review of this plan.

Wes Illings: He hasn't had a chance. He just got it today.

Michael Weeks: Based on briefly looking at it, you have drastically reduced the disturbance. My speculation is if I have comments, they will be nothing significant.

Dan Gettel: Did you have any comments of the county review?

Kim Rae: I believe this will have to go to the county for 239 review.

Wes Illing: I've sent over copies of this preferred option. I don't expect anything significantly different than what they have said before. We have gone through seqr and a negative declaration. I don't expect to see anything different in the seqr review this time. We have already gone through a public hearing; I don't expect to see anything significantly different than what we heard last time. I would like to ask tonight is as an act of good faith from the Planning Board's part, I would like to ask for conditional preliminary approval tonight, and there are six conditions that I would recommend for preliminary approval.

1. Negative declaration on seqr
2. Nothing significant from public hearing, that we have not heard before
3. Nothing significant from engineer
4. Meets and bounds to be sealed by a licensed land surveyor
5. A driveway maintenance agreement needs to be drafted, and submitted for approval
6. M239 review

Dan Gettel: Are we required to do lead agency again? Or is it a continuation

Kimberly Rae: You have already declared lead agency status.

Dan Gettel: How does the board feel about granting any approvals for this preferred plan. I think we can give you a nod on whether or not we like this or not, but submitting a plan at the meeting and asking for a preliminary approval is a little bit of a stretch.

Wes Illing: We have visited this so many time before, I think a conditional approval would be a, you should ask your attorney, but I think it would demonstrate an act of good faith on the town's part, and would probably be very good for the town to do.

Kimberly Rae: I think you are going to have to have another public hearing. I don't think you can conditionally approval upon without any significant comment, I don't know what the public is going to have to say about this preferred option. Certainly until we get the commentary I don't think the board can give preliminary approval. I believe you are asking for public hearing.

Wes Illing: We have to have a public hearing. I agree with that. I don't expect to see anything significantly different than the last time.

Dan Gettel: Keep in mind also; there are a number of members that were not here for the first public hearing.

Wes Illing: Okay, I understand that.

Kimberly Rae: We don't want to lessen the significance of public comment. I think that is a necessity

Wes Illing: But I do have a nod?

Dan Gettel: I prefer this plan to other options that we have seen.

Wes Illing: Is everybody ?

Dan Gettel: I think the board is more receptive to a plan of this nature.

Wes Illing: I would like to request a public hearing for next month?

Susan Brown Otto: What about if there is a snow storm, with the weather

BJ: I will do what I usually do. If we have a snowstorm everybody is going to call ahead of time on March 10th, and I reschedule the earliest I can, I have to readvertise.

Susan Brown Otto: Because of timing and what have you, is it wise to have a snow date set, that

way we don't have to readvertise in the event of snow.

Dan Gettel: We'll first try for a March meeting and hope for the best.

Motion to grant this application for public hearing for March meeting.

Motion by Steve Simpson, second by Wilfred Hughson

All in favor – 7

All opposed – 0

Agreed and carried

Wes Illing: For everyone to get their mind set properly I will be submitting the revised to reflect 3 lots instead of 4 to Michael for review for seqr, and I'll put together the road agreement, I'll have that together in a few days. I will have the 239 for you tomorrow.

Dan Gettel: With the public hearing coming, please watch the submission times. Two weeks prior to the public hearing.

Wes Illing: We are not going to change this now. One more thing I would like to add, after the public hearing next month, since we had a public hearing on this, in fact I think we have had multiple public hearings on this project, I expect next months public hearing we should be able to close public hearing that same night and we should be able to move towards the preliminary approval. I will be asking for preliminary approval next month. I think that is a reasonable expectation. Are there any questions that anybody has?

None

3) 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)

Dan Gettel: Do you mind introducing yourself.

Jonathan Farber – Landscape Architect – Do you want me to introduce the project again for people that weren't here, or just start.

Dan Gettel: Briefly. We all read the minutes, so we are familiar with the application.

Jonathan Farber: This is our second meeting with the Planning Board about a major subdivision. Just a brief summary of where we stand. At the last meeting we responded to initial technical review from the Town Engineers, comments from the Town attorney, and the board. Two weeks ago we resubmitted another package in response to those technical reviews, that included storm water pollution prevention plan, sanitary systems, the long form EAF, seqr, revised survey including an area photograph of the subdivision, and documentation from the clients attorney regarding with the subdivision documentation form the clients attorney with road access off Hemlock Road. The subdivision right now is a 4-lot subdivision. We were granted relief from the moratorium a few months ago with the condition that the site could be further subdivided 2 times not sooner than 5 years from now, and that the additional subdivisions could be no less than 3 acres each. The entire site is 28 acres approximately. Lot 1 is a 6 acre site, lot 2, is a 16 acre site, lots 3 and 4 are both approximately 3 acres. They covered mature hemlock stands in areas between young beech trees and birch. There is a 1-acre federal wetland on the site. Each will have it's own sanitary system and well. There are two proposed site accesses both off of Hemlock Road. There is a single driveway to one house off of Birch Road, and there is a shared

driveway off Hemlock, that services lots 3, 4, and 2. I would like to go right into questions from the board regarding the package that we sent in two weeks ago and the second technical review.

Dan Gettel: My initial comment is I see that you relocated the tennis court

Jonathan Farber: Yes, one of the comments that we got from the Planning Board was that there was 100 ft of set back and we reviewed that code and talked with BJ and we moved the tennis court to reflect those setbacks.

Dan Gettel: And that would be lot #2, and it is approximately how far off the lot line at this time? What scale are you at?

Jonathan Farber: 120 ft from the lot line of lot 3, and 156 ft from the lot line near Hemlock Road.

Dan Gettel: So it has been substantially moved from away from the adjoiners.

Jonathan Farber: And it is still nestled in between the hemlock trees you can see on the photograph, and it is below grade as well.

Dan Gettel: We had questioned whether the tennis courts are illuminated. Did you determine that?

Jonathan Farber: It still has not been determined, but I have asked the client

Kimberly Rae: There are question on the roads I have reviewed Mr. Meltzer's submission. The HOA has submitted information on their assertions, ownerships and access. I have not completed my legal review yet. It is a threshold issue. And until that legal review is completed, I cannot recommend that the Planning Board take lead agency status. Knowing that there are technical issues you are addressing, we have to sort out ownership issues.

Dan Gettel: Michael, do you have any comments since you were not at the last meeting?

Michael Weeks: I have provided you a 2nd technical review based on resubmission of plans. I would be happy to go through.

Dan Gettel: If you don't mind touching on the primary ones.

Michael Weeks: Sure. Most of these are off shoots of my initial review. My comment #2 is regarding soil testing that was completed for the sewage disposal system were not witnessed by our office, they need to be witnessed by our office. In the engineer report that was submitted it was suggested that we would witness them as condition of approval.

Dan Gettel: So that needs to be resolved.

Michael Weeks: More importantly I think is my next comment regarding the fact that the types of sewage disposal systems are not in conformance with the new sewage law in terms of a number of shallow and alternate systems that proposed major subdivisions can have no more than 33%, the lots have either shallow or alternate sewage disposal system. The applicant has suggested that they can apply for a waiver from this section of the code, citing under code 300. I am going to defer to Kimberly. I am not sure they can cite those waivers.

Mr. Meltzer: I will be communicating with the town attorney about the road issues. I have been asked, but have not had the time yet to look into this issue about waivers.

Michael Weeks: #4 – deferred right away issue to our attorney, comment #5 one of the things I want to see on the plans is the existing right ways labeled, right now the proposed right away have been corrected to imply with our town code, I would like to see the existing rightaways and roads that we are using to access the subdivision. #6 the road that will serve the 3 lots required to comply with town standards, in the applicant response they will comply with that. My last comment, there is a discrepancy between the EAF and the swif plan. The EAF indicates that there will be roughly 2.5 acres disturbed, the swif indicated 4.3 acres. That needs to be clarified. A note for the Planning Board and the applicant the limit disturbance are proposed at 4.3 acres. We are going to need to be fairly certain that those limits are 4.3 acres and not 5.1 because all the rules will change during construction if they decide to clear extra trees for whatever reason that would require greater than 5 acre requirement. That is something I think needs to be resolved if the actual disturbance is 4.3 acres that is going to need to be cleared showing the limits on the plan, and the limits you are going to disturb. Tim and I were just discussing we were looking at the plans, it is not in my letter, there are small odd shapes of property that are being cut off by a proposed right away, in between the road and lots 3 and 4. We wonder if that can be cleaned up.

Jonathan Farber: Parts of lot #2 that are between the smaller lots and the road. I think we discussed at the last meeting.

Michael Weeks: If the property lines for 3 and 4 were a coincident with the right away

Jonathan Farber: If the lot lines were extended to the road, it would occur

Perry Meltzer: It would not be a problem extending the lot lines

Michael Weeks: I think it would clean things up.

Jonathan Farber: I think they are the limits of the right away. We will work on that with our surveyor

Tim Dexter: I think it will make it a lot easier for you when you file this

Jonathan Farber: Regarding the road issue we will have our engineer look at that

BJ: You need a road name too. The three driveways come off of one. For 911 purposes, should this be approved it needs a road name.

Dan Gettel: Mr. Farber, I know it came up at the last work session, but it wasn't addressed at the meeting, and I don't think it is a question necessarily for you but there is a question of ownership of roads. There is also a question of there is a strip of land that that appears to lie between the adjoining lots, and lots 1, 3 and #2. I believe it is a 5 ft strip of land, no one has mentioned the ownership of that.

Perry Meltzer: It is owned by Beechwoods, but under the deeds, you have to remember we have access over the roads, access of Plum Beach, our access is shown as a right away. If you look at the maps, it is shown as a right away, it is not shown as a private strip. It is one of the rightaway areas in Beechwood that we have a right over to access Plum Beach going back to the 1930 something deed, which is part of package that was supplied to counsel. It is not a strip of land

under separate ownership. It is a right away that is part of the property that is owned by Beechwood Club, they use it to run a water line. Which is something that had been discussed with Beechwood in the past. We don't expect it to be problematic. It was raised to me by some members of Beechwood, in my office, discussed with Beechwood counsel; it was discussed by title people

Dan Gettel: As long as it is being addressed and the legalities are being straightened out

Sue Brown Otto: I was not at the last meeting, but to what degree do we have to be concerned with fire trucks getting in there and turning around on these roads

Kimberly Rae: That is part of the seqr review

Sue Brown: They are treacherous. I was there today, in fact. I would not want to drive a fire truck

Kimberly Rae: That is one of the many issues, as part of the seqr review, if and when we take lead agency

Dan Gettel: Do you have any idea when these will be resolved

Kimberly Rae: I hope by next meeting

Dan Gettel: I don't want to table this item simply because if it is not resolved at the next meeting, I don't want to drag the people here, but I would like to leave it open to them when they would like to appear back. I do think the legal items needs to be addressed before.....

Kimberly Rae: There are a lot of technical issues that Mr. Weeks brought up, that are pretty much coincident with access of this project as configured, a lot of the road specifications and if you want to forge ahead with the technical aspects with, you could do.

Dan Gettel: But at this time, there is really no action that we can take as a board.

Kimberly Rae: Until the ownership and access issues are resolved. We just received information today by members of the Homeowners Association, as I had mentioned earlier I had hoped to receive as much of that information in making a legal determination as a way of streamlining. If anyone has any other submissions to make, I would really appreciate it.

Dan Gettel: Let me point out, typically we require submissions 2 weeks before the meeting. Anything submitted the day of the meeting most likely would not get read. I'm sorry but.....

Kimberly Rae: It is very difficult for me to incorporate that in a legal review

Dan Gettel: Just for the public, I know it is not a public hearing, but if you would like to make some comments, please submit everything two weeks prior to next meeting. As a courtesy to Mr. Meltzer at least, it would give him a chance to respond.

Michael Weeks: The issue of the sewage disposal systems is a concern. Right now the project that is proposed and designed does not meet code.

Jonathan Farber: So we need to have our attorney and your attorney resolve those issues. The

other technical issues we can solve, such as the survey change, and the road change.

Michael Weeks: The others are solvable issues

Jonathan Farber: We would like to be on the agenda next month

Dan Gettel: What I would suggest is, make a submission prior to the next meeting or request to be on next agenda. Instead of us tabling it and automatically putting you on we will give you the option in case things don't get resolved, I don't want to drag everyone in every meeting if the road issue isn't resolved. Let's hope it is resolved. Instead of tabling I would rather, you have our comments, we all know what needs to be done, let's get that done before we proceed

Perry Meltzer: I suggest the HMO has some title examination done. Has had counsel representing them who I understand has reviewed the title examination. And perhaps, that may assist in getting the issues and the recommendation that she has to make to the board.

Kimberly Shaw: I would need recommendation from the HMO.

Dan Gettel: Any other comments?

4) Requested to review the revised Chapter 345 of the Code of the Town of Bethel.

Dan Gettel: I believe all the Planning Board members have been provided copies of the code. Mr. Sturm is here, Vicky is here. If anyone has a question. I know a concern was raised about will the Planning Board be given the opportunity to have someone explain or give us a little a presentation what has been changed and what we are looking at. Dan or Vicky.....

Vicky Vassmer Simpson: We are going to bring up at Town Board meeting, Thursday. We are going to have a summary of what we has been changed. We are going to present what we've done. Our attorney will be there, our planner will be there, we haven't set a date yet. We will set a date on Thursday. You will have that opportunity.

Susan Brown Otto: So that's going to be with the Town Board, the Planning Board and the ZBA?

Vicky Vassmer Simpson: You will be invited and it will be open to the public. Just so you know, because you had asked about this, once we get this approved we would like to take the zoning and have our attorney present, and our planner present and use as a training session for all of you so you would be able to get two hours toward your training.

Dan Gettel: Has everyone at least had the opportunity to review? The Town Board would like a recommendation from the Planning Board that they adopt the zoning

Susan Brown Otto: To adopt the zoning already?

Dan Gettel: To move forward

Bill Thelman: Dan, before you go further, I have a few questions just to straighten out in my mind, just to clarify a few things. I assume you want us to go over it and see if there were any questions. When we get to the puds and into multiple dwellings housing, on the pud's it 75 units or greater. What happens, inmost cases, I don't know what the senior citizen building is down

here, what this is considered. But that's not 75 units I believe. So that is under 75 units. What classification does that become? Is it a multi house dwelling, or is that a pub?

Tim Dexter: A multiple dwelling.

Bill Thelman: So, anything under 75 units would become a multiple dwelling, is that what that is?

Dan Sturm: A planned unit development is a mix of uses in a certain area. It was allowed in the prior zoning town wide. We are limiting the PUD into one certain area. The use of the PUD itself.

Bill Thelman: But it has to be greater than 75 units?

Dan Sturm: I don't remember the 75 units, I know it's got to be 50 or 75 acres or more.

Bill Thelman: It was page 8 – Plan Unit Development spaces include 75 or more dwelling units.

Tim Dexter: PUD used to be minimum of 50 acres. It was like a floating district rezoned. I think now it is being limited to a certain district. There's got to be a maximum amount of units, I thought it was 100 acres, amount of acreage and units. It will be in the schedule to. A minimum of 50 acres. In the Performing Arts District. PUD opportunities are just in that zone, at this time. We left in that district.

Susan Brown Otto: I'll do then in the Performing Arts Center, there will not be allowed any other PUD's; it would be board approval otherwise. No ZBA, no Town Board

Dan Sturm: Not at this time.

Susan Brown Otto: What do you mean at this time

Vicky Vassmer: Right now, it is only allowed in that district.

Dan Sturm: A lot of towns and municipalities use PUD's as a valuable planning tool. However, our understanding was one of the reasons we took it out until such time so we can devise a PUD system that would benefit the town as a whole. When I say at this time, maybe some future date, PUD's they can be beneficial.

Dan Gettel: A lot of people were creating PUD's in district so they could control the zoning of that large piece of land. It didn't necessarily conform to the district it was in. I think they are problematic.

Dan Sturm. That is why we took them out. It is out of every district but Performing Arts.

Bill Thelman: I am saying is that at the Performing Arts Center, they come and want to do a PUD. We have 50 units. According to this law right here, it has to be a minimum of 75 units, or it's not a PUD. No matter what the acreage is. That's what is going to happen to us as a board here, they are going to say we only have 50 units, well not it isn't. According to the definition it is a 75 unit PUD or more. We don't want to have anyone come and say they have 50 for a PUD.

Dan Gettel: I believe the initial submission is to the to Town Board anyway. You have to approve the PUD.

Susan Brown Otto: And it can only be in the Performing Arts Center, so there is only one person who could ask for a PUD

Dan Gettel: They have town sewer there also.

Dan Sturm: We also did revise the PUD section. The PUD definition.....

Bill Thelman: We have had people ask what do you want us to call this, a resort, a hotel, and here is another question when I looked down through here is that we cover, everyone did a great job, I'm not picking it apart or anything, but if someone says to us I want to build a hotel, underneath the definition The definition of a hotel, there is none in here. The only thing we have is Motel and Motor Lodge as far as a definition. When it comes to a hotel, we don't know what it is.

Dan Sturm: We went through each and every definition. We changed some, we revised come, and we used state definitions that are normal standards.

Bill Thelman: Hotel is not one of them anymore

Dan Sturm: If it's not in here, then we use the standard book. I will make a note of that if that was something that was supposed to come out or not. We are going to use a State standard book.

Dan Gettel: We will also have a public hearing coming up on this, correct?

Dan Sturm: The process so far is we introduced the new law January 28th. We did a positive declaration on the environmental impact statement review. So that was a preliminary step. A procedural preliminary step. The next thing we are going to do is to do a scoping document for the environmental impact statement that might come up at our next town board meeting. There are very specific legal steps that have to be followed. We introduced the law last January 28th. We introduced the new law, different zoning, and new maps. We had a public session with Planning Board and Zoning Review Committee. We took comments from those boards, we took public comments from February 14th, and we had over 30 well written comments at the public hearing at that point. Then we took the zoning law, all the recommendations from the Planning and Zoning and Review committee and all the public hearing comments, we have been meeting weekly ever since, we have been revising page by page. It is very tedious

Bill Thelman: You have done an excellent job; I am not taking anything away from anyone that has worked on this. A lot of effort went into this. I have a few more questions if you don't mind. On pg 58 it there is a tentative section which has to do with covenants when you have a piece of property and it becomes a HOA, in a couple sections you want 75% of the units be sold then the HOA will take over, which makes sense before the owner is not a part of it anymore. That is not standard throughout this entire article. In some instances it doesn't mention at all that 75%. I don't know if it was planned that way, or I would think that you would want them to be all basically the same.

Susan Brown Otto: Like a standard definition of a Homeowner Association

Bill Thelman: Right. Wherever one is going to occur.

Tim Dexter: Are there different percentages?

Bill Thelman: No. Some were not mentioned at all. It just says a Homeowners Association would....

Tim Dexter: The developer sells 75% of the lots, and then he transfers the maintenance and everything else to the HOA at that point

Bill Thelman: There were 3 different spots in here where it mentioned HOA, but only one did it give the definition that 75% of the units sold

Dan Sturm: Let me see what you are referring to, on pg 58 Multi family section

Bill Thelman: It is the second full paragraph down, I didn't mark down the page number, back further where it said that 75 % of the units sold then it would become the homeowners responsibility, not the owners responsibility

Dan Sturm: If I am not mistaken, this is a multi family development

Bill Thelman: Right. But it still mentions a property owners association. In one case we have a Homeowners Association, which I assume they are the same, right

Tim Dexter: It could be a cooperative, could be a condominium, town houses

Dan Sturm: In this section, the multi family section it is mandating the Property Owners Association shall be mandatory for all property owners in the development. You are saying it may say something else somewhere else?

Bill Thelman: Before this, because I read this afterwards. I'm sorry I didn't write it down. It is someplace prior to that it does say 75% of the units sold

Dan Sturm: When you find it, please let us know. Those are the type of comments we are looking for

Bill Thelman: Just a couple more. Like I said, you did an excellent job. Traffic access, which is on page 60. It says traffic access; multi family residence use shall have either road frontage on county or state highway, for safe and convenient access. Say, there is a road along side that, do we want the people to come out on the state or county road, or out on the town road. According to what that says right there we want them to come out the State or County road, correct?

Tim Dexter: It should be the town road

Bill Thelman: That's not what that says. When we get back to pg 7 or 8, there is a section that says you shouldn't

Dan Sturm: If I'm not mistaken, also the Multi Family residential uses are restricted to certain areas. Multi families in the highway commercial, which is on 17B, on the east side, and would also be in the RS district, which is surrounding Kauneonga Lake generally which is county road. We were looking at the language of this, but consider the map. If I am not mistaken multiple

families we prefer state or county. That is one of the considerations.

Bill Thelman: Isn't Briscoe RS?

Dan Sturm: No, but that will be something we look at.

Bill Thelman: The other thing was parking spaces when we got into page 60 and we are talking about parking, #5D – no more than 60 parking spaces shall be provided in one lot, and I think this has to do with multi dwelling families and no more than 15 in a continuous row. Yet when we go to page 35 and 36, it says where there are parking streets there is only going to be 12 in a row before landscape breaks it up. I think it should just be a standard of 12 throughout everything, not 12 in one section, 15 in the other. It might be a typo. I'm talking about page 60, and then go to page 35 or 36. #1 – it says no more than 12 parking spaces.

Dan Sturm: The only thing I can say, this is the multi family section. I would have to check on that. The multi family section is new section. I'm not sure what the intent was. If they wanted to match, this would be any kind of traffic standards. I would have to check. I would say we should match, but the multi family is new and was designed specifics in mind. I have to double check on that.

Bill Thelman: The other question is the zoning. I look into Smallwood and everything from what I understand now the lots can be one acre for the zoning, correct? And there is nothing wrong with that

Tim Dexter: One buildable acre

Bill Thelman: Right. When I look into other areas, like down 17B, past Hurd Road, that district goes actually to Perry Road, and from what I understand it is still half acre zoning.

Dan Sturm: The reason we proposed that was, you have to remember we are talking about the gateway goes from Rt 55 from McKean to Perry Road, the sewer extension that is being built is going out 2 to 300 ft east of Hurd Road, where the sewer line is going. The sewer district line is going 200 ft east of Hurd Road. The only way you would have half an acre opportunities would be if you were in the sewer line, in the sewer district. If there are no public sewer opportunities then you are back to 2 acre zoning.

Bill Thelman: Let me look at that. I think that is what I was missing on the original one that did have sewer and without sewer. When I got the updated the other day, it did not have without sewer. It didn't say either.

Dan Sturm: When we did it last year we did not allow any changes for sewer. It should be done in 6 months. The estimate for the sewer line. Anything after that it would be anyone in the Rural green section is 3 acre zoning which is the Ag district.

Bill Thelman: Getting back to Smallwood. I'm looking at the Swan Lake area we have proposed .5 acre zoning.

Tim Dexter: That is if there was public sewer.

Bill Thelman: But we do mention it with sewer and without. What would happen if they ran sewer in Smallwood?

Dan Gettel: It's not permitted to change in Smallwood. It's still one acre.

Dan Sturm: We created a new Smallwood residential zoning, we couldn't encourage residential development. Smallwood was different than regular RS. So it is one acre zoning, and limited commercial uses.

Bill Thelman: I look in other open spaces that are larger and we are going from 2 acres down to 1 acre, down to .5 acre, where there is room to build on bigger lots, and we take Smallwood that is on 50 x 50 lots already and we want to make it an acre. That should have a sewer district.

Dan Gettel: We have to provide affordable lots too at this time

Bill Thelman: The other question I had under descriptions or definitions in zoning were neighborhood stores. There are a couple of spots that were mentioned 5,000 ft or less, then when we got down to these sheets that showed zoning that 5,000 square ft or less in a neighborhood store and the definition is 10,000 sq ft. Once we get over 10,000 sq ft is that considered grocery store? We had a proposal come up for a 30,000 sq ft grocery store in the area.

Dan Sturm: That would be in your Highway Commercial zone.

Bill Thelman: #7 SR, Smallwood residential we have neighborhood store, 5,000 sq ft. So that would be a neighborhood store. We don't have anything that we can have anything over 10,000 sq ft. store.

Dan Sturm: We are looking at our acreage minimum lot size. For example, you need 2 acres for 5,000 sq ft. If it more than 5,000 sq ft the minimum is 2 acres. In Smallwood it would be 1 acre. I am going to check on it. If it is not on table. Where would that be?

Tim Dexter: It would be a use variance. You would have to go to ZBA

Dan Gettel: I don't think it is necessarily bad that they would have to go the Zoning Board, and have someone else have a shot at it. As long as they are consistent with the requirements for a 5,000 sq ft.

Susan Brown Otto: May I ask a question? About mobile homes versus manufactured homes versus manufactured home Park and Mobile Home Park. I look at the definition of manufactured homes, manufactured home parks, and mobile homes, Mobile Home Park. A manufactured home is the same as a mobile home. A mobile home is trailer, correct?

Vicky Vassmer Simpson: It is a trailer or a doublewide structure that sits on a metal frame.

Susan Brown Otto: No, because here in the definition there is a section with the mobile home versus manufactured home.

Bill Thelman: I think Susan, I had the same problem. I think what you are thinking about is modular homes.

Susan Brown Otto: When you look at the different residential uses in all the different areas, okay, there are one family, two families dwellings, what have you, and then there are specific areas where manufactured homes are allowed, okay, and manufactured homes, a structure

transportable in one or more sections, which is built on a permanent chassis, and is designed to be used as a unit when affixed to a permanent foundation or placed on a concrete slab and connected to the required utilities. Manufactured homes are built to the US Dept of Housing and Urban development standards. Aka HUD. A mobile home is a moveable not less than 12 feet wide in width or 50 ft in length built on a chassis containing a flush toilet, tub or shower, kitchen facilities, water whatever, and sewer connections to outside system. So mobile homes you could drive around in your mobile home. You don't have to have it connected. I would normally think a mobile home not only could you drive it around or attach it to your truck and drive it to Florida what have you, but it's a trailer.

Tim Dexter: Now the proper terminology instead of a mobile home is a manufactured home.

Bill Thelman: It's 12 ft.

Dan Sturm: This is my understanding; we have mobile homes in the Town of Bethel. We have them in existence. We have mobile home parks. So we left the definitions in there, because they are grand fathered in. Going forward in our new zoning, you will not find mobile homes in any district. You will find opportunities for manufactured homes, which is a little higher standard than a mobile home. It has to be affixed to a permanent slab or basement. #2 wherever mobile homes are in the other districts, they are still allowed. Mobile homes were allowed in the Ag district and the Rf district previously. They are still allowed.

Susan Brown Otto: A manufactured home, so, if you have 3 acres of land, and you are in the Ag district, can you by an old trailer and move it in.

Bill Thelman: 1978 or newer, right?

Tim Dexter: As long as it has the HUD seal, and it is habitable

Susan Brown Otto: Meaning you can bring in an old trailer. There is no definition that it has to be new

Bill Thelman: Just '78 or newer I think is all I saw in there

Susan Brown Otto: I appreciate it has to be 3 acres.

Dan Gettel: I just want to ask; the public hearing date hasn't been set?

Vicky Vassmer Simpson: Not yet

Dan Gettel: You'll be setting that, I'm sure you will let us know. Any other questions from the board.

Motion for the Town Board to proceed with zoning by Bill Thelman, second by Steve Simpson

All in favor –7

All opposed –0

Agreed and carried

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

All in favor –7

All opposed –0

Agreed and carried

Adjourned at 8:55 pm

Respectively submitted,

Jannetta MacArthur

Jannetta MacArthur
Recording Secretary