

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 June 9, 2009 at 7 PM at the Bethel Senior Center, 3594 State Route 55, and Kauneonga Lake. A regular meeting of the Planning Board held on the same date at 7:30 PM.

In attendance: Dan Gettel Chairman, Bill Brey Co Chairman, Wilfred Hughson, Steve Simpson, David Biren, Michael Cassaro, David Slater, Alt #2, Tim Dexter – Code Enforcement Officer, Vicky Simpson Councilwoman, BJ Gettel – Asst. Enforcement Officer, Jannetta MacArthur – Recording Secretary, and Kimberly Shaw-Rea – Attorney

Pledge to the flag

Excused - Susan Brown-Otto, and Michael Weeks – Engineer

Seating David Slater alternate to fill Susan Brown Otto's seat.

Dan Gettel: David (Slater) you have a concern in reference to the March minutes?

David Slater – March 10<sup>th</sup> and April 14<sup>th</sup> meetings. I was marked as absent; I would like to be excused instead

Dan Gettel: Does anyone have a problem with that? You had a correspondence you sent to the town, correct?

David Slater: I have an email that I sent to BJ. The March one. In April I was late because of a softball game; I called BJ and told her that I would be late.

***Motion to approve May minutes by Bill Brey, second by David Biren***

***All in favor –7***

***All opposed –0***

***Agreed and carried***

***1) 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)***

Dan Gettel: For the record, this is the third time we have seen this project. We had a Public hearing it is closed. I understand you met with Michael Weeks, or at least sent a submission to Michael Weeks. If you would just update us on what you did with Michael.

Victor Kask: He extended some comments earlier in the week. He didn't have any issues

BJ: For the record, Michael Weeks comments of May 12<sup>th</sup> were his office was in receipt of the

plan, the previous technical comments from May 12<sup>th</sup> have been addressed in the latest plan submission he is recommending that the board give a conditional approval that the sewer be designed by a licensed professional engineer and submitted to the Building Department.

Dan Gettel: I also understand that he met with someone from the Town of Bethel Building Dept to discuss site distances, and a number of limbs were cut back to improve the site distance. I believe it is north and you are satisfied with site distance

Tim Dexter: Yes

Dan Gettel: Any questions from the board. David you had a concern about the vegetation?

David Biren: We had asked that you get rid of the barberry.

Dan Gettel: Before I sign a map, the barberry has to be off the map.

Bill Brey: I have a question on the barberry. Are you thinking of the wild ones?

David Biren: The barberry. They are eradicated in New York State. The red ones.

Bill Brey: Why?

David Biren: Because when the crows pick up the seeds. Or any other birds and transplant somewhere else, it is impossible to get rid of. You can't use chemicals it won't get rid of it; the only way is to get rid of it is by burning it.

Bill Brey: I know of a wild one that is terrible.

David Biren: You can buy it everywhere, Wal-Mart, Monticello Home and Garden. It doesn't mean that it isn't an invasive species. New York State is the only one that hasn't outlawed it. All the surrounding states have already. New York State is in the process of doing it.

Dan Gettel: In the case of this application, you are going to remove that from the plan and make a substitution of something similar. I would like to make a motion to approve.

BJ: Short form seqr

Dan Gettel: It's a pretty straightforward project. There was no public outcry. A conversion of an existing building into a 3 unit bed and breakfast, permitted by zoning I would like a motion from the board to grant this project a negative declaration.

***Motion to grant negative declaration by Bill Brey, second by Wilfred Hughson***

***All in favor –7***

***All opposed –0***

***Agreed and carried***

County 239 came back as a local determination

***Motion to grant approval with conditions listed in Michael's letter, that an engineer designs the sewer plant.***

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

***Roll Call Vote***

***Michael Casaro – Y***

***David Slater – Y***

***Bill Brey – Y***

***Dan Gettel – Y***

***David Biren – Y***

***Steve Simpson – Y***

***Wilfred Hughson - Y***

***2) Application for a 2-lot subdivision located at 114 Butrick Road, Ferndale, known as Bethel Tax Map #: 14-1-5.2, proposed by Karen Young (Fulton).***

Dan Gettel: Mr. Fulton – this is the first time we have seen this project.

George Fulton: Two lot subdivision – each lot has an existing home and an existing well and existing sewer system. Existing driveways, existing well, existing sewer as I stated. Parcel 1 basically we took in everything we could make it a nice lot. It is a 3.178-acre parcel.

Dan Gettel: How did you end up with a lot with 2 houses on it?

George Fulton: They are older homes. They are quite old homes. (Showing on the map parcel #2 home needs remodeling) Homes are at least 40 years old.

Dan Gettel: Any questions from the board?

David Biren: Do you have a response from Michael Weeks?

Dan Gettel: Michael did have comments. I don't know if you have seen Michael's comments?

George Fulton: No I haven't.

BJ: I will get you a copy

Dan Gettel: His basic comment is that he submitted a short EAF; he speaks about your proposal. He says the lean-to structure exists within the building setback on parcel #2. Additional information should be provided on this structure to determine if it complies with setback requirements of the zoning code.

George Fulton: It's just a little lean- two. It was a woodshed at one time. It's not a building.

Dan Gettel: He goes on to say that section 345-16c specifies that no accessory structure shall be located closer than 10 ft to the side yard, or rear lot line. The actual distance between a structure and a proposed lot line shall be specified on the plan and shall not be less than 10 feet.

George Fulton: If you consider a lean-to a structure, you can knock it down I guess.

Dan Gettel: Tim, do you have any input on that?

Tim Dexter: Certainly it is an accessible structure. It was probably a wood shed at one time.

Best thing is probably to remove it, if it is less than 10 ft.

Dan Gettel: Based on the scale of the map, it looks like it is less than 10 ft. It is a proposed lot line too. It is well within the parent parcel but he could shift the lot line also. Since it is an accessory structure

George Fulton: I'm sure she'll take it down.

Dan Gettel: That was Michael's only comment.

Bill Brey: That would be easier than shifting the lot line, wouldn't it?

George Fulton: It will be down by next meeting.

Dan Gettel: You need a public hearing.

***Motion to schedule a public hearing by David Slater, second by Bill Brey***

***All in favor –7***

***All opposed –0***

***Agreed and carried***

***3) Application for a 2-lot subdivision located at 1460 State Route 17B near State Route 55, known as Bethel Tax Map#: 34-2-13, proposed by HSD, LLC. (Smith)***

Presenting project: Glenn Smith – Engineer & Theresa Backner - Whiteman Osterman & Hanna – Attorney

Glenn Smith: I am the engineer for the project – Mr. Dubrowsky is here from Woodstone, and Theresa Backner is the Attorney for project. (Showing on map) This is the property corner lot of Rt 17B and of 55 and – it comprises of 12.2 acres now. It is the original El Monoco Restaurant. There was a restaurant, and the motel, and a few pieces in the back were acquired. It is in the H 17B-zoning district of the town. Basically what is proposed is Jeff Bank is interested in moving to the site. What I am showing on the plan here is the bank kind of fronting on Rt17B, almost opposite the Schulz Road intersection where the Bank of America is on the corner over there. Originally on the colored map I just handed out I show there was a separate lot across from Schultz Rd. Which is about .4 or .3 acres which was a little grocery store there. When Steve got the property originally he consolidated that little lot into the overall property. We will make it a little lot again; the bank wants to be on its own separate parcel. We are proposing about .69 almost .7 acres. There is a well on the property. The sewer would be pumped up. A little ejector pump would be proposed for the bank and be pumped up to the main, which is on Rt 55 kind of across the grocery store and where Candy Cone is. There are two access points shown on the drawing, one would be off Rt 17B directly opposite Schulz Road, into the parcel, and the second access would be off Rt 55, almost opposite the Candy Cone. Which would be a right of way through the remaining properties of HSD LLC who is the owner of the property. The connection to 55 would be to that property via right of way. I received Mike Weeks' comments. We are here for a first sketch presentation tonight to gauge the board's feelings and answer some questions. Obviously we have to do a SWPPP plan because we are disturbing more than one acre on this, a grading plan, a utility plan, and the whole nine yards. We have a lot more to do yet. We just wanted to broach this with the board, and have some discussion and go from there.

Dan Gettel: Would you mind telling us.....

Glenn Smith: (Showing on map) this is the proposed bank building. It is 3 drive through lanes. 43 x 42 ft. in plan, one story building. It is about 24 ft high at the peak. That is what is shown on the drawing. It is showing the building itself; to the right side are the drive through lanes. Obviously with the Woodstone motif. With the stone and wood, and the timber, kind of similar to the clock tower on the corner was done. Carry that theme to the property.

Dan Gettel: We had discussed that this is obviously a large parcel, but at this time you don't have any specific tenants for any other building?

Glenn Smith: Absolutely not.

Dan Gettel: So at this time you are just looking for the bank, and the two-lot subdivision.

Glenn Smith: Two lot subdivision, and the bank, for a service store we need a special use permit on that. I know there is some question on seqr. I did submit a short EAF originally with the application and I did do a long form today. BJ called and suggested that I bring that. Just for the bank, we can't do anything right now for the rest of the property because we don't know what it's going to be at this point.

Theresa Backner: Do you want to hand out long form seqr? The initial question in terms of seqr whether it is an unlisted or a type 1 action and the long form EAF or the short form EAF can be used from listed action. I know your attorney would be more comfortable using the long form EAF. We have no problem with that. The most important thing about the site is that it was previously developed. A site where other buildings were knocked down. That makes things a little bit easy, along with the size of it. The first question under seqr is,

1. Is it an unlisted action or a type 1 action? A type 1 action is supposed to be a bigger deal project. A project could require an environmental impact statement. This we believe comes very comfortable under the category of an unlisted action. And the place that you go to look is 6-17.4 of the seqr regulations. Let me just run through quickly the categories here. We are not changing your land use plan; in fact what we are proposing is in accordance with your existing zoning. I forget what it is called, Highway..... We are doing exactly what we are supposed to do in this district. We are constructing a commercial use. And one of the questions you ask is are we going to physically alter more than 10 acres. No, when you look at the site of the bank and you add in the cross access easement over to 55 it is still an acre and a half. So we don't exceed that threshold. Then you ask is the project ground or surface water in access of two million gallons per day. I hope not. Not at a bank. Not even close. And the next question is are we going to have parking for 1000 vehicles, no, there is going to be 24 or 25 parking spots. And the gross floor area is not a 100,000 square ft; it is more like 1700 square feet. The structure is 24 ft high. It's not 100 ft high. If it were 100 ft high it would be considered a type 1 action. We are not in an Agricultural district. We don't have any historic buildings, structures, or facilities. Nor do we have any publicly owned or operated parkland, recreation area, or designated open space. So once you look at all of those criteria's you don't fit any of them, then you are an unlisted action. I think we can all agree that this is a pretty small project. Doesn't meet any of the thresholds, so it is an unlisted action. You as the Planning Board have the option of coordinating your seqr review with other involved agencies. The only other truly involved agencies are State DOT, and County Highway. We are asking for curb cuts. They don't consider those typically to be actions requiring any seqr on their part, but if you want to write a letter to them and ask them to agree that you are lead agency that is fine. Typically people notify County Planning at the same time, so that would be Sullivan County Planning. We will prepare

a Storm water pollution prevention plan. This project is so small that we clearly qualify for a general species permit. So DEC doesn't consider to be an agency issuing an approval, they already have approved the issuance of a general permit. So those are all the issues. What we would like you to do tonight is make a resolution that you would like to be lead agency. So we can start the seqr process. Then Glenn will work really hard to put together all the plans that are required under the zoning for this particular project. We would like some guidance from Tim and the Board; there are a lot of things that need to be prepared. Some of which seems to be very repetitive in terms of the site plan. So we want you to tell us if you can what you are particularly interested in us spending our time on here.

Dan Gettel: Anybody from the board? Kimberly, do you have any comments on the seqr.

Kimberly Rae: I had spoken to Theresa earlier, and relying upon her representation, I have not seen these specifics until I came here tonight. I think a coordinated review is something you have indicated you are willing to do. It is clear the Planning Board will assume lead agency status

Dan Gettel: I think it is pretty straightforward. I am not going to say anything negative about the existing bank, but I think Bethel should welcome another bank. I think it is a very good-looking building. I believe something was discussed earlier about landscaping along Rt 17B. That it would be provided as part of this application? What landscaping would be put in as part of this?

Glenn Smith: I think your regulations require a landscaping plan, as part of everything else. That will have to be submitted along with the rest of the plans.

Dan Gettel: Typically you asked what the board looks for. We look for landscaping, what the sign is going to look like. We do have some signs along 17B that are in a raised stone bed. We are trying to have more people put in signs of that nature. Try to conform to other people in the neighborhood.

Glenn Smith: There is one that we put in for Bethel Farms that is one of them. That has stone around it. The board seemed to like that one

Dan Gettel: We are trying to be consistent

Bill Brey: Another nice one is Allan Gerry.

Dan Gettel: I don't expect something of the scale of Allan Gerry's on this lot though. That does happen to be a nice one.

Glenn Smith: We will do a coordinated review.

Dan Gettel: That is typically what we look for landscaping. Michael (Weeks) is going to have a number of review comments. So work closely with him.

David Biren: Is that house coming down?

Glenn Smith: At this point, no.

Dan Gettel: The existing house across from Candy Cone, it is occasionally occupied.

Glenn Smith: We will move the right away over.

Dan Gettel: It does encroach in the right away.

David Biren. Lighting?

Glenn Smith: A lighting plan will be part of it.

Dan Gettel: That is typically what we look for to give you a little direction. I don't want to speak for the board, but I do think it is a good project, and I would like to see it materialize, along with the rest of the property

Bill Brey: I think it is an excellent project. Any time you can have an additional building going on in the town, especially on 17B, it will be a big improvement, and it is nice looking.

Dan Gettel: Kimberly, we are looking for a motion to declare our intent to be lead agency, is that correct?

Kimberly Rae: Yes

***Motion to declare lead agency motion by David Biren, second by Steve Simpson***

***All in favor – 7***

***All opposed –0***

***Agreed and carried***

***4) Request for an extension for Birch's II, corner of Ranger Road & Laymon Rd, proposed by Charles Ramat. (Smith)***

Dan Gettel: I believe this is a project that needs an extension, but a lot of the board members aren't familiar with it.

Glenn Smith: This is a 13-lot sub division that we got approved in late '07. Preliminary approval from the board. This is on Best Road and Ranger Road. We have a proposed road coming in from Ranger Road goes to the site and comes out on Best Road. With septic systems and wells, a typical residential subdivision. This board has given us a file approval in December of last year with a condition that either the road be bonded or built. Joe Gottlieb an engineer in Monticello, he did the review of this and the bond number he came up with was like \$234,000.00 the value of the road. That is where we are at this point. The approval with the conditions in December, December 9<sup>th</sup> as matter of fact which was good for 6 months, which takes us to June 9<sup>th</sup> which happens to be today, coincidentally, reading your zoning, it is pretty straight forward for file approval with conditions the board can grant two 90 day extensions after that. Initial approval. I sent my cover letter because that is not a condition, these lots are not moving. Mr. Ramat would like a little more breathing room if possible and actually we are going through this process in 3 or 4 different towns, we've got subdivisions going on right now the same thing is happening in Fremont, Liberty, Rockland, and Bethel. He was asking if the board would consider another extension and see what happens this summer, this fall, and then he has to make a decision to bond it, build a road, or loose the project.

Dan Gettel: Just to refresh our memory, the northerly boundary, there was a question about stonewalls.

Glenn Smith: One of the conditions in December, we put a note in the plan, that the stonewalls not be disturbed, and the other was no clearing be done other than necessary for the road and the house lots. And the third was to bond or build the road.

Dan Gettel: Also, there is a walking path around the outside, I believe is going to disappear in the final.

Glenn Smith: People don't want them, so we are not going to do any of them.

Dan Gettel: It's not a right a way anyway.

Glenn Smith: It's in the HOH. People don't really want other people walking in their backyard.

Dan Gettel: BJ, we can issue him a 90-day extension? Kimberly, do you have any comment giving them an extension beyond 90 days? For a project of this nature, because of the current market they are not selling lots.

Kimberly Shaw: I think you have to stay within the guidelines of the code.

Dan Gettel: And the code calls for 90 days at this time.

Glenn Smith: It allows two 90 days extensions, I can come back in 90 days if necessary. It's not the end of the world if you want me to.

Kimberly Shaw: You can't use your discretion on a basis of market.

Dan Gettel: Once the two 90 day periods are over, we have to start over with our approval process.

Glenn Smith: I imagine you will need a new application. A public hearing and everything?

Dan Gettel: I don't think it is a controversial project,

Glenn Smith: One neighbor wanted to make sure the walls were maintained.

Dan Gettel: You do have an incentive to resolve the project. Any questions from the board at this time?

If there are no questions from the board, I would like a motion that we extend the approval of this project for another 90 days.

***Motion to approve to extend project for another 90 days by Bill Brey, second by Steve Simpson***

***All in favor -7***

***All opposed -0***

***Agreed and carried***

### ***5) Signing of Maps - Takourian***

Dan Gettel: Glenn, can you please bring us up to date on the Takourian project.

Glenn Smith: Four lot subdivision, the board approved about a year ago. The property is between Naylor Road and Beechwood Road, on 17B. The front two lots were within the new sewer district. The back two were not. This board recommended that we try to get in the sewer district for the back two lots. A public hearing was held. The town board just voted on that a week or two ago to put in the sewer district. That was the last condition. We need the maps signed; it is four lots it is upgraded from White Lake.

Dan Gettel: Since the project was hanging, we felt it was better to give a little presentation. Just update the board what the conditions were. You bear the cost for the connections, how does that work?

Glenn Smith: The contractor is putting in lines across the road to a manhole, on Beechwood or Naylor Road; I forgot which one it was. The owner has to run the lines down the road. The first two lots will be gravity, the back two lots will probably need an injector pump to a manhole and then it will be gravity down to Rt 17B.

Dan Gettel: Privately owned, so it is not town.

Glenn Smith: At this point, that's right.

**6) Administrative: Letter of Resignation**

Dan Gettel: We had a letter of resignation; I believe all the board members are aware of it. Bill Thelman sent in a letter of resignation. He was our first alternate. I need a motion to receive and file that letter

***Motion to receive and file letter by Steve Simpson, second by Bill Brey***

***All in favor-7***

***All opposed -0***

***Agreed and carried***

Dan Gettel: There was some discussion, Bill was an alternate, and at this time a number of the members indicated to me that they don't feel the need to fill that position at this time. To have separate interviews to interview for an alternate position. It is my understanding and someone correct me if I'm wrong that we don't need to appoint someone to an alternate position right away. At this time I would like to leave this position open

Everyone is in agreement to leave the position open.

BJ: Michael Weeks had sent in correspondence regarding the soil testing that was done for the Bomelygreen project. I need a motion to receive and file that letter

***Motion to receive and file letter from Michael Weeks regarding the Bomelygreen project by David Biren, second by Steve Simpson.***

***All in favor-7***

***All opposed -0***

***Agreed and carried***

Dan Gettel: It is my understanding, it is not on the agenda, we probably shouldn't discuss it, and I think everyone has read the letter. Vicky if you wouldn't mind updating us on the zoning and what is happening with the town board.

Vicky Simpson: Tomorrow night, on the Agenda on our Town Board meeting, on the agenda is the – FEIS – Final Environmental Impact Statement. It is going to be coming up for a vote. If you are interested, it will be held at 7:30. Also, coming up at 7:00 pm, the county is coming out to talk about solid waste. They are going to be making a presentation. If the FEIS is voted through tomorrow night, if possible if all goes well that the zoning itself may come up for a vote on June 24<sup>th</sup>. That is not a definite. It depends how the vote goes tomorrow, and the time table that Rob McEwan give us, but it is very possible that the actual zoning will come to a vote on June 24<sup>th</sup>. That is where we are. Hopefully by the next time you meet for a Planning Board meeting, we may have new zoning in effect.

***Motion to adjourn by Steve Simpson, second by Wilfred Hughson.***

***All in favor –7***

***All opposed-0***

***Agreed and carried***

8:10 pm

Respectively submitted,

**Jannetta MacArthur**

Jannetta MacArthur  
Recording Secretary