

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.tr.com

The Town of Bethel Planning Board held a Work Session on September 8, 2009 at 7 PM at the Bethel Senior Center, 3594 State Route 55, Kauneonga Lake. A regular meeting of the Planning Board was held on the same date at 7:30 PM.

In attendance: Dan Gettel Chairman, Bill Brey Co Chairman, David Biren, Steve Simpson, Michael Cassaro, Vicky Simpson Councilwoman, BJ Gettel – Asst. Enforcement Officer, Jannetta MacArthur – Recording Secretary, and Michael Weeks – engineer, David Slater, Alt

Excused – Susan Brown Otto, Wilfred Hughson, Tim Dexter Code Enforcement Officer, Kimberlea Rea, Attorney

Seating David Slater, Alt to fill Susan Brown Otto's seat

Pledge to the Flag

Motion to approve August minutes by Steve Simpson, second by Bill Brey

All in favor – 6

All opposed –0

Agreed and carried

Dan Gettel: Before we go to item #1 on the agenda, we do have a little bit of a controversy that involves a town employee and we are going to go into executive session to discuss that before we continue with the regular agenda. In that case, I need a motion from the board that we go into executive session.

Motion to go in to executive session by David Biren, second by Bill Brey

All in favor –6

All opposed - 0

Agreed and carried

Vicky Vassmer Simpson – Councilwomen invited into executive session

7:31 pm

Motion to go into regular meeting by Mike Cassaro, second by Steve Simpson

All in favor –6

All opposed –0

Agreed and carried

7:40 pm

Dan Gettel: Before we open up the first item on the agenda, it has come to our attention, somebody pointed out that there may be a conflict of interest between some of the board members and item #1 on the agenda which has been identified as the Jeff Bank, there are a number of board members on this board that have a slight interest rather it be a checking account, savings account, stock in the bank, this has been identified as the Jeff Bank, it was felt that we need to disclose that as a board some of the members do have an interest in the bank, but none of the board members have a big enough interest to affect anything that would have them recuse themselves from voting on the project. We want to get that out of the way before we move forward with the project. With that said, I would like to hear item #1 on the agenda.

1) 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)

Glenn Smith: Just to refresh the board's memory, this is a property 12.2 acres on the corner of 55 and 17B, where the clock tower is. The proposal is to subdivide a small parcel off of that property about .85 acres for the bank branch, with access from Rt 17 B and access from Rt 55 (County road 14) this dark spot on the corner here, (showing on map), is the old black top that is still there from the El Monoco restaurant and motel that were in that area there. Storm water retention basin down on the lower side of the site. The storm water system and catch basin will collect water from all the built up area here and bring it down to that storm water basin which will be a throttle discharge out to the storm water system that runs down 17B. We are looking ultimately for site plan approval for special use permit because of the bank use on the property here, since the last board meeting; we have made a few minor changes here. I have had some discussion from Mike Week's review comments. We made the proposed lot size larger to meet the required minimum 15ft setback from any paved areas. There are not any other significant adjustments. We met with the DOT on this. They've got copy of the plans, and the local DOT guy in Monticello, Dean Smith was going to the Binghamton Site Plan Review Committee last week, and submitted them. That committee meets every Thursday. They review projects and make comments on them. There were no significant comments from the local office; he made comments about the drainage, and looking into the size of the pipes along 17B. They suggested, as we originally stated, the entrance in off 17B, and the exit out from 17B would be a right only. Right turn in, and right turn out. The DOT would like to see an island at that entrance to make sure cars go right, and not sneak through left, toward Monticello. That's pretty much a standard request. That's not an issue. That doesn't apply on the county roadside. A few other things, in Mike's last review comments. We submitted a storm water pollution prevention plan since the last meeting. Mike brought up the requirement for easements for the facility whether it is the sewer line or the access drives that are outside this bank that will be subdivided out they can be handled by the right of way description that we will provide to them.

Mike Weeks: It looks like the access drives you covered with right of way, then there were some other odds and ends that didn't seem to be covered like for example...the force main inside the drainage.

Glenn Smith: You're right. Part of the force main is between the road right of way, and where it comes out we will provide a utility..... The same with those drainage systems, actually the swales and the ditches down the storm water basin should be in the right of way also. One of Michaels' comments was about the architectural details, that is why I think in the June meeting I put a copy of the plan up here, and provided the board with copies of the current, with the -4th and 5th sheets in are the elevations of the building it has a pretty good description of the building that is being proposed. Mike's other comments on town code the requirements for materials, the

driveways and sidewalks, we have them, and we will take care of them also. Nothing that I found out of the ordinary, nothing that we couldn't meet on your engineer's comments. At this point any way.

Michael Weeks: Just so the board knows, this is in the hamlet 17B zone. There are more aesthetic things. I know Glenn had show the architectural drawing, but I thought we should have a set in the file. Those comments were relative to materials for curbing, those are the guidelines; those 2 or 3 comments are relative.

Glenn Smith: You don't want asphalt sidewalks for example. It has to be concrete or slate or stone.

Michael Weeks: I think it talks about using building block, or granite curbing, concrete

Glenn Smith: Your landscaping regs are very specific and detailed. That second sheet is pretty clear. I wanted to show there are quite a few trees and shrubs and planting areas shown around the building and along the entrance in from both roadways, some screening there.

Michael Weeks: As pointed out at the last board meeting, the board has specific things they like to see around the sign.

Dan Gettel: It was raised at both of the last two meetings. Susan's concern last time was the driveway. You obviously addressed that. As far as the sign.....

Glenn Smith: On this plan I haven't shown a freestanding sign yet. We will put that on.

Dan Gettel: What are your thoughts on lighting?

Glenn Smith: Your regs specify a maximum height of I think it is 14 or 16 ft pole lights. We are going to show along the area of the parking lot, and several along the entrance road in from 55.

Theresa Backner: We are going to use cutoff luminaries

Dan Gettel: I see the property line is quite a bit further off from the drive thru now, correct? That has it shifted quite a bit?

Glenn Smith: It shifted about 15 to 18 feet. Because your regs require 15, basically a planting strip between the parking areas and the property line

Dan Gettel: Any questions from the board. I know there is an issue that keeps coming up about the right of way. Michael has that been resolved with the right of way through the retention basin?

Glenn Smith: That's been acquired from the back property. That back property also has a right of way out to 55; we'll get the paperwork from the attorney, and provide the board with that. The DOT had the same question.

Dan Gettel: Michael, any comments? I know you haven't reviewed the plans.

Mike Weeks: I have reviewed what was submitted. I think Glenn touched on all of my comments.

David Biren: Are you going to have any speed bumps in here?

Glenn Smith: I don't know the answer to that

David Biren: That may be helpful to have so that so none of the cars really would speed up. I would like to see that. This way I am assured people won't be going to fast.

Dan Gettel: I am not in favor of speed bumps. I don't think it is going to be more convenient to drive through this property than to drive around through the traffic light.

Glenn Smith: To cut off people to short cut through there

David Biren: Even if kids on bicycles?

Bill Brey: They are a problem for snowplows

Dan Gettel: They put them in Stewarts in Monticello, and they are a nightmare, in my opinion.

David Biren: I just worry about kids coming off the road and riding their bicycles in there and someone is going to fast.....

Michael Weeks: The other comment that I have that Glenn didn't touch on, the code requires sidewalks installed on properties.

David Biren: I was going to ask, the sidewalks, how much of that property will be side walked? Is it all the way around?

Glenn Smith: Nothing yet. I didn't think you wanted on RT 17B.

Michael Weeks: That district requires it.

Dan Gettel: Are we talking about on the bank lot itself, or are we talking about the entire frontage.

Michael Weeks: I think we would only be talking about the bank parcel. Because they are subdividing that off. They are only developing that parcel.

Dan Gettel: When a concept is developed for the main parcel, than I think that is the time to discuss other walks

Michael Weeks: It is specific to that zone. The 17B gateway design.

Theresa Backner: One of the things that we could do for now we could just put an easement, the fronts of the sidewalks, and at such time as the rest of the property is developed you could have easements and sidewalks in the front. It would make more sense because no one

Michael Weeks: I think you have the applicant in front of you, if you let this applicant go, and then they come in to develop the balance of the

Theresa Backner: No, no, no,

Michael Weeks: And they put a sidewalk, you have the potential of having a gap in the middle.

Theresa Backner: We would reserve an easement across

Michael Weeks: Then how would we get you to come back in and put a sidewalk in?

Theresa Backner: Because we are going to come back in at some point hopefully in the future with respect to the rest of this, and that is when you would get.....

Michael Weeks: But we don't know what the ownership will be.

Theresa Backner: This is just a suggestion, but if you have the easement in the favor of whoever owns these parcels then you have solved that problem legally.

Michael Weeks: We would end up forcing the property owner to put the sidewalk in

Glenn Smith: Would the board want a sidewalk on 17B? I wonder if the DOT would have an issue with a sidewalk on 17B.

Theresa Backner: Is there a sidewalk on the other side of the road?

No

Glenn Smith: The county roadside would be more realistic.

Michael Weeks: If you don't want sidewalk there, then.....

Dan Gettel: If we are talking about the bank parcel, we are talking about 213 ft of sidewalk to no where, because it starts no where, and ends no where. If we aren't talking about the parent parcel, I don't see a reason to put in 200 ft of sidewalk that doesn't lead anywhere. I'm one member of the board. I agree with the fact that as a condition of the approval of the subdivision that the parent parcel be held to that requirement that when the parent parcel is developed they have to finish the sidewalk

Michael Weeks: Then it makes sense

Steve Simpson: As long as the agreement at sale is transferable, it must be. If you think about it, there is no sidewalk from here to Monticello, and beyond. I'm concerned here that it would create a hazard for a lot of the foot traffic in that area. It would be a place where people are going to group together, right on 17B.

Michael Weeks: You probably do have a means, the whole parent parcel be accountable for the whole 113 feet.

Dan Gettel: The bank would have to be willing to let you go in and disturb the site, and do all the grading

Theresa Backner: We would reserve an easement.

Glenn Smith: It would be out here on the road, it wouldn't affect the bank

Theresa Backner: It is something to think about; it isn't something you have to decide right now.

Bill Brey: We did require Bella Logo to put in a sidewalk

Dan Gettel: But Bella Logo developed the whole parcel.

David Biren: But there is nothing on the other side.

Bill Brey: Same thing.

David Biren: I think we should stick to what code is.

Michael Weeks: At some point, somebody thought it was a good idea

David Biren: We wanted to create continuity as things were being developed. That is the thought process involved.

Theresa Backner: The other advantage is, if you put the sidewalk in along the frontage all at the same time it is going to work out better, it will look nicer.

Steve Simpson: It will all look and last the same.

Dan Gettel: I'm not sure what the ultimate solution should be; I agree we don't have to decide tonight. We all have different opinions on the sidewalk, but it is not the most important thing to come up in front of the board either. It should be decided before any approvals are given, but I don't think it needs to be decided tonight.

Theresa Backner: In any case, we will show an easement

Dan Gettel: Or a sidewalk that would resolve everything

Michael Weeks: If the board wants to see the sidewalk at the future date, it should probably be shown on the plans with a note, sidewalk to be constructed when balance of parent is completed.

Dan Gettel: Glenn, do you perceive a problem with the state?

Glenn Smith: No, I haven't mentioned to them. There are sidewalks all along state roads. State right of way goes back quite a ways along there also.

Michael Weeks: You would put it on the property, right? Not on the right a way.

Glenn Smith: The right a way goes back, the right a way the state can take – has some kind of jurisdiction over the property beyond where the property line shows. They stress that 100 ft wide right of way still exists from Newburgh to Cohecton.

Dan Gettel: They are talking about putting it on the base of the bank, I don't mean the bank building, but the bank, and if that is the case it is going to be in the road, it will be in the right of way.

Glenn Smith: They have to get a highway work permit for it, that all..

Michael Weeks: You may want to decide sooner than later. They have to go through the permit process, and then they have to go back with additional information later.

Theresa Backner: We can go forward with it showing it as if it is there, just as a precaution. It doesn't make any difference to us one way or another.

Dan Gettel: I think show a sidewalk where you intend to either build now or in the future, and we will decide on the timing for construction. I do want to be consistent with this project and other projects on 17B.

David Biren: Could I ask a question? Is it possible the lights you are putting in match the scheme of the lights to match the rest of the lights in the Kauneonga Lake corridor?

Glenn Smith: I don't see why not. Those are all the colonial post top lights?

David Biren: That would be nice, to continue the continuity.

Theresa Backner: Along where, along the road?

Glenn Smith: In the facility.

Theresa Backner: Do they give off a lot of light?

Glenn Smith: They don't give that much glare. That will be something we will have to look at and see. I know the zoning is specific also about the downward facing

David Biren: If we could get something within the same scheme – to be the same motif. That would be nice

Dan Gettel: Any other questions from the board, Michael?

Theresa Backner: One thing we would like to ask to do tonight if you are comfortable doing is two things, go through the draft EAF - #2 – issue a neg dec. and set the public hearing. I don't know if the notices can go out in time for a public hearing as a second meeting of the board in the month.

David Biren: We don't have second meetings.

Theresa Backner: Okay. Since we have talked about it being Jeff Bank, there are a couple of things that I wanted tell you, Woodstone is building the bank. It is going to be very high quality. The sign design we will bring the next time, it is natural materials. What they hope to do, Jeff Bank has decided they want to move in the building in the spring. They would like to start construction in October, toward the end of October before the snow hits. I don't know if it is possible to have a special meeting towards the end of September.

BJ: No, it doesn't work

Theresa Backner: We would to ask you to adopt the negative declaration so we can go ahead and do the hearing in October, and if the project is acceptable to the board at that point, and the

public comments are not particularly onerous or anything we can't deal with, we would love you to approve it that night, so we can put together the building permit packages, it is a small project, it is a very small building and there isn't a terrible lot to it. I had sent to BJ and I think she transmitted to everyone; I have extra copies, if anyone would like a hard copy, to work off of.

Dan Gettel: Michael, what do you think of a negative declaration, a little premature, isn't it?

Michael Weeks: My thoughts are we don't have comments from Kimberlea; we don't have comments from DOT.

Dan Gettel: I think it is a little premature to go ahead with a negative declaration. I do I think the next step would be the public hearing. I assume the board is in agreement that you are close to a public hearing.

Theresa Backner: Right. The only thing with the state law the way it is, the requirement is let the board do it that way, after the public hearing to do the negative declaration, but the town law really wants you to complete the seqr process before you do the hearing, which seems to me to be backwards, but that is the way it is drafted, and again any comments the DOT has we will be able to accommodate. Remember, there were many, many entrances on and off 17B, we are proposing one here, we are proposing to consolidate any future entrances as far as Rt 55, so whatever DOT is going to ask for is really by way of technical things, they are really not going to get to until we submit a request for a temporary work permit. We did have two letters, one from the County and one from DOT that was issued as part of the lead agency request.

BJ: County is waiting on the official 239 to come in. I have to send them and State DOT. They will comment but will not respond until the new coordinated review with the County on the 239. I do not know what the comments are. They would not give me any indication. This is coming from the Binghamton office not the Monticello office.

Theresa Backner: And the 239 and referral hasn't gone out to the county yet?

BJ: Not until we set a public hearing date. That can be done this month.

Dan Gettel: I think that is all we can do tonight. Do a public hearing. I think between the two engineers they have made quite a bit of progress on resolving the issues that were outstanding. But I do think the next step is the public hearing. Without our attorney here, I did go over the EAF, and my only question was the first item, does the EAF cover the entire lot or just the bank parcel

Glenn Smith: The EAF pertains to the application, which is the bank parcel on that lot.

Dan Gettel: My questions is, is it a phased, or over a year construction?

Glenn Smith: No, this will be less than a year, one phase.

Dan Gettel: That isn't what the EAF says. That is why I'm questioning it.

Glenn Smith: I think you have two versions.

Dan Gettel: The one that was handed out, says yes it is a multi phase or over a year construction. I was wondering how long it was going to take to build it.

Theresa Backner: That's a mistake. Were there any other items? We didn't prepare a part 3, because there are no potential large impacts. Does any one on the board have any concerns about part 2?

Michael Weeks: I did not review what you sent me. I don't believe from reviewing the project that I will have any issues. I will look at it soon. The one thing I would like to see resolved before the next meeting all of these questions with easements and such. Theresa, are you going to deal with that? All that stuff should go to Kimberlea before the meeting so she has time to deal with it before the next meeting.

Theresa Backner: Glenn will

Dan Gettel: What do you think about the entrance off of 17B, do you think it can be resolved by the next meeting with the State?

Glenn Smith: Which part resolved?

Dan Gettel: Just a nod from the State that they are okay with the design.

Glenn Smith: I had a long talk with Dean Smith last week. He went over 4 or 5 comments. The drainage, the lights, the island, don't call 55 a state road, it's a county road. That was his main peeve. The width is the Newburgh Cohecton turnpike is actually 100 ft, so he wanted a note put on about that. The plan I sent him to the Binghamton office site plan review committee and he'll talk about this Thursday. So after Thursday we'll have some good comments.

Dan Gettel: All the plans you submitted tonight called it New York State RT 55.

Glenn Smith: It's touring Rt 55, its not State Route 55. They don't maintain it, they want that clear.

Michael Weeks: Glenn, there are a few things that are going to require their approval. Like the connections to the storm water, the driveway, you also show some temporary stuff

Glenn Smith: I have done a utility work permit, and non-utility work permit. Non-utility is the entrance drive; the utility is the storm water connection. They want to see a detail on that. The sewer is a county road connection.

Theresa Backner: We assume that you are going to grant whatever approval you give us conditioned upon getting other approval.

Dan Gettel: I don't want the state to turn around and say we're really opposed to this. I want some kind of assurance. I think it is a good design; you tried to align it up with Schulz Road. There is a utility pole there.

Glenn Smith: We shifted down a few more feet to be more in line with Schulz Road, that was the first question I asked DOT, and he didn't have an issue with it.

Theresa Backner: Do you think they will have comments at the county

Dan Gettel: The County responds relatively quickly.

BJ: We will expedite the county; I'll say I need a request back in two weeks.

Dan Gettel: We have the right to do that.

Theresa Backner: That's excellent. Do any of you have any comments or questions about the neg dec? Please let us know, and then we can make whatever changes before the next meeting.

Dan Gettel: I think it is pretty straightforward. Glenn, you know where Michael stands on everything. I think your next step would be a public hearing, I don't know if the board agrees. Is the next meeting okay with the applicant?

Theresa Backner: The only thing that I ask if we can move along if there is anything that we can give you that night that will help you move it along, that would be great.

Motion to schedule public hearing by Bill Brey, second by David Biren next meeting.

All in favor –6

All opposed –0

Agreed and carried

Dan Gettel: Like I said, if you want to expedite, you know what our concerns are. As far as the EAF goes everything looks fine to me.

Theresa Backner: Sounds like your concern is primarily the DOT. The rest of stuff is up to you.

Dan Gettel: As long as Michael is happy, we're happy.

Michael Weeks: You have to make Kimberlea happy.

Glenn Smith: Mike, we will show on the map along with a description of those easements. Okay?

2) Application for a Site Plan Review located on SR 17B next to 1761 SR 17B, known as Bethel Tax Map #: 40-1-6, proposed by Redwood Estates, LLC. (Illing)

No one representing.

3) Request for an extension for a 13-lot subdivision located on Ranger & Laymon Road, known as Bethel Tax Map #: 11-1-20.2 & 20.1, proposed by CR Ranger Road, LLC. (Smith)

Glenn Smith: This is a subdivision that was approved by the board in December 2008. It's a 13-lot subdivision located on Ranger and Laymon Road. It is called the Birches 2. The Birches 1 was a subdivision down here (showing on the map) and has model home built in there now. We got approved for this in December 2008 for 6 months, final conditional approval, and the condition being that Mr. Ramat has to build the road or bond road. About a quarter of a million dollar estimate for the road. I was here in June when the 6 month period ran out for the first approval, and your zoning allows 2 – 90 day extensions, I asked the board for a 90 day extension

in June, which goes to September 9th – which is tomorrow. We would like to ask for the last 90-day extension, and between now and then Mr. Ramat and his partner are going to have to decide what they are going to do here, either build the road, bond the road, or ban the whole project. That is what we are asking for tonight.

Dan Gettel: I think at the last meeting we were very clear we can't go beyond the second extension..

Glenn Smith: I made that very clear to them.

Michael Weeks: We have the bond estimate, I assume.

Glenn Smith: Joe Gottlieb did the review at that time. Bond estimate – \$250,000.

Michael Weeks: I was just expressing that he has 3 months.

Glenn Smith: He won't be able to build a road in 3 months, but producing a bond, actually what we do now with other towns is post a letter of credit.

Michael Weeks: Probably the first thing you should do is talk to Rob McEuen about what form you should put the security in.

Glenn Smith: Actually we did for the Birches I over here. That was also a quarter million dollar bond, and it will probably be the same if he decides to go through with it.

Dan Gettel: Has anything happened in the last 3 months

Glenn Smith: No

Motion to extend additional 3 months by Dave Slater, second Steve Simpson

All in favor –6

All opposed –0

Agreed and carried

4) Proposed Local Law #3 of 2009 to amend the Town of Bethel Town Code Chapter 345, Article II, and Section 345-9 “Zoning Map”.

BJ: The Town Board is looking for a recommendation from the Planning Board to proceed with this proposed local law #3. Rita Sheehan had sent to everyone. Are there any questions? Public comment will be held at the town board

Dan Gettel: The way it was described to me the commercial district will now be 750 ft deep. It is going from 250 ft to 750 ft deep. That makes sense for a commercial district.

Vicky Simpson: It makes it fit with what we want to do.

David Higgins – representing Leo Krauss – who has an application before the Planning Board, the White Lake Estates project: I would like to say something.

Michael Weeks: If he is an affected party, he should be allowed to speak.

David Higgins: Some of you may remember that project. It is located on the corner of Rt 17B and Mattison Road. Today I was at the site with Mr. Krauss and the Sewer Superintendent, and BJ. Essentially we were discussing and trying to resolve the sewer district issue, and there was a question whether the property was in the sewer district, the property is in the sewer district. In talking with Mr. Krauss, I had informed him that the town has a proposal of law #3 which proposes to amend the H17B district by extending it from 250 ft to 750 ft, and in reading the proposed local law there was a statement in the resolution that the Town Board made, I'll read it, essentially what it says at the end of the resolution it says "further result of seqr materials prepared to support local law #1 of 2009 shall be evaluated for recommendation whether the action evaluated under those materials encompasses potential future amendment of the H17B zoning district and if not the full environmental assessment form shall be prepared and delivered to the town board for review and consideration" and then it goes on to the resolution. The question that I have is seeking a rendering opinion from the Planning Board as to whether or not proposed action to modify the zoning district is a good one. The question I have the environmental impact that were associated with this extension of the district were they evaluating and if not the environmental assessment form to be submitted to the Town Board. I would recommend if that is case, and that needs to be done, that should also be sent to the Planning Board, so they can properly evaluate the environmental impact that would be anticipated with that increased use, that commercial area along Rt 17B which would be general increases in traffic, sewer capacity, and water use. Potentially also impact taxes. My questions would be has that evaluation been done? If not, would the Planning Board request that the Town Board submit to the Environmental Assessment form to review prior to rendering an opinion

Dan Gettel: Thank you. BJ, the Town Board is looking to us for a recommendation?

BJ: yes

Dan Gettel: And all of that process is a public hearing, EAF, is all town board item. So our recommendation is that the Town Board proceed which the change with the map. I happen to think the changing of the highway district to 750 ft makes perfect sense. As far as specific parcels are involved, I'm not looking at specific parcels, I'm not looking to rezone parcels but as far as the commercial district goes, I do think it makes a lot of sense. The Town Board is the one addressing the seqr items, public hearings, and public comments.

Motion to recommend to the Town Board to proceed with the change in the zoning map by Steve Simpson, second by David Biren

All in favor -6

All opposed -0

Agreed and carried

Motion to adjourn by David Biren, second by Bill Brey

All in favor -6

All opposed -0

Agreed and carried

8:20 pm

Respectively submitted,

Jannetta MacArthur

Jannetta MacArthur
Recording Secretary

