

Town of Bethel
Planning Board

PO Box 300, 3454 Route 55
White Lake, NY 12786

The Town of Bethel Planning Board held a Work Session on April 13, 2010 at 7 PM at the Bethel Senior Center, 3594 State Route 55, Kauneonga Lake. A regular meeting of the Planning Board followed on the same date at 7:30 PM.

In attendance: Dan Gettel Chairman, Bill Brey, Vice Chairman, Steve Simpson, David Biren, Michael Cassaro, Wilfred Hughson, BJ Gettel Code Enforcement Officer, Dan Sturm Supervisor, Vicky Vassmer-Simpson, Councilwoman, Jacqueline Ricciani, Attorney, Michael Weeks – Engineer,

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

David Slater arrived late – was not seated

Pledge to the Flag

Nick DeGroat – Sullivan West Student in attendance

Motion to approve March minutes by Steve Simpson, second by Michael Cassaro

All in favor – 6

All opposed –0

Agreed and carried

Motion to go into public hearing by Bill Brey, second by Michael Cassaro

All in favor –6

All opposed –0

Agreed and carried

1) Public Hearing for a proposed 2 lot subdivision located on 54 Laymon Road, known as Bethel Tax Map #: 16-1-22, proposed by Rudy Magnon. (Galligan)

John Galligan Jr: I am a land surveyor in Monticello. Mr. Magnon owns a little more than 50 acres on Laymon Road. There is one house near on a one-acre piece that Mr. Magnon subdivided in 2006. Right now that house is rented. The tenant that rents the house would like to build a house and live here permanently. So Mr. Magnon has a 5.36-acre parcel that he wants to subdivide to sell to his tenant. The tenant is going to build a new house back there. I believe he is also going to buy the small house with the one-acre lot in the front for some of his family members to live in. Really there is nothing unusual about these 5 acres that Mr. Magnon wants to sell. If anybody has any questions?

Dan Gettel: Just for the public's knowledge, the Planning Board has reviewed this application in the past. Is there anyone from the public who would like speak at this public hearing about this project?

No public comment

If not I would like a motion that we close the public hearing, and go back into our regular meeting.

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

All in favor – 6

All opposed –0

Agreed and carried

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Dan Gettel: Michael (Weeks) we had reviewed this the last time. You had a couple of comments, which I believe have been addressed. It is a relatively straightforward project.

Michael Weeks: I think we went over all my comments at the last meeting. I believe everything has been addressed.

Dan Gettel: I don't think there is anything outstanding except for the seqra and the public hearing. It is not a type one threshold, there is no coordinated review, there is no adverse affects associated to aesthetics, vegetation, community existence, plants, growth, long or short term or other impacts. I need a motion from the board that we grant this application a negative declaration.

Motion by Steve Simpson, second by Michael Cassaro to grant negative declaration

All in favor – 6

All opposed –0

Agreed and carried

BJ Gettel: Just for the record the County 239 did come back as no adverse intercommunity impact, local determination

Dan Gettel: Does anyone on the board have any comments about this project? If not I would like to entertain a motion that we grant this application for a two-lot subdivision approval.

Motion by Bill Brey, second by Steve Simpson for approval

Roll call vote

Michael Cassaro – y

Bill Brey - y

Dan Gettel – y

David Biren – y

Steve Simpson – y

Wilfred Hughson – y

All in favor

- 2) Application for a Special Use Permit and a Site Plan Review for a Light Industrial Use located on Yasgur Road, known as Bethel Tax Map #: 25-1-14.1, proposed by Combined Energy Services. (Smith)***

Glenn Smith: Showing a reduced version from original plan. A few minor adjustments have been made. The only change from the last meeting was the double row of screening trees around the tanks have been increased to 10 ft high minimum. We added a note on the plan, #6; refer to the agreement required by the Town of Bethel Planning Board endorsed by applicants R. Howard, and CES Inc. regarding specifics and conditions of approval to be implemented in the event of termination of CES operations at this site. There is another agreement that the Planning Board is asking for, that has to be

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signed by Mr. Howard and by Mr. Taylor. Other than that, nothing has changed since the public hearing last month.

Jacqueline Ricciani: Glenn, it looks like maybe the number of trip estimate has been increased?

Glenn Smith: At the last meeting we had we stated there would be one tanker truck per week in the summertime, and two per week in the winter. We would like to double that to two trips per week in the summer, and four trips per week in the winter, and as far as delivery trucks going up to the tanks and back that CES uses to deliver to their customers I would like to go to two to five trips in the winter, and up to two trips per day in the summer. The only reason for that is the numbers we had last month, Roy asked for an estimated number of trips. When I talked to the Planning Board attorney, she said the board is going to hold them to that maximum number. We would like to build a little bit of leeway in there. If they are going to be limited a number, they would like to be limited to a reasonable number, in case one tanker trip in the summer is not going to be a violation of a town code.

Dan Gettel: I don't think they sound unreasonable, the number of trips. Does the board have any comment?

David Biren: I do have a problem. The trips, I walked the property, I went up there with Mr. Taylor. To tell you the truth, the horses are wild and loose. I want them secured. Now you are adding more trips to it, and it scares me even more. I don't want to know that a horse is in the way, the guy doesn't see it, runs it over, tanker flops over, so it is a major issue for me in that respect. The fences now are just strings of rope. It's not adequate. It's going to have to be made adequate so the horses are not on the road. Now with the increase in trips, I worry that much more.

Dan Gettel: The fence needs to be looked at as far as securing it.

David Biren: It has to be addressed. Especially since the trips are being increased. I would appreciate that.

Bill Brey: Would that be Howard's responsibility?

Glenn Smith: They are Mr. Howard's horses.

David Biren: Yes, but he is part of the approval

Dan Gettel: Glenn, we would ask that you speak to Mr. Howard about having the fences repaired so that the horses are confined.

David Biren: Please, we don't need an accident. It's not a major issue; I'm just trying to alleviate a problem down the road

Dan Gettel: Glenn, the other thing that came up, on your side from the site visit was that I went by the property, I know David and Susan went to the property and walked it, the question was the 10ft high minimum trees, we agree with your original thought that they didn't need to be that tall in order to

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screen these because they are on the bluff and they are very hard to see. I couldn't see from my car, I could see from my truck, but I think in order to meet a compromise we would state that the trees need to be of an adequate height to screen the tanks from the road. If you could plant a smaller tree, it might be easier to transplant them.

Glenn Smith: So in other words, if we could screen the tanks with a smaller tree.....

David Biren: He kind of showed me that it is going to be down the ridgeline, so we won't see it, so it is fine by me

Dan Gettel: I feel it is probably easier to plant and the tree would survive better if it was a smaller tree. Plus the trees will be bonded.

Michael Weeks: I would suggest that they install the tank, and then figure out what size tree they need.

Glenn Smith: That's a good point. We'll send someone down the road.....

Jacqueline Ricciani: Before you get to anything else, one of the things I noticed at the last meeting when this was brought up the seqra was tabled. You are going to need to run through that..... there was a short form submitted with the application. You need to run through that also tonight please.

Dan Gettel: I would like to inform the board of what the conditions are that we are speaking of in order to consider this application. We are talking about limitations. The board is aware that there is a resolution to this application, which has four conditions. The conditions being that:

1. *The building department will not issue the certificate of compliance for the propane tanks until CES storage tanks on Broadway (Kauneonga Lake) are removed. And the land is graded and seeded.*
2. *The number of vehicle trips to the storage tanks will be limited to the number stated on the plan, which is new. Will be revised to reflect the new numbers on the plan. Four trips per week in the winter, two trips per week in the summer by tanker trips to fill the storage tank, and two to five trips per day in the winter and two trips per day in the summer by the actual delivery trucks*
3. *CES will deposit \$3,000.00 to be held in escrow by the Town of Bethel for the replacement of any trees that are planted at the site that do not survive two years. After the two years, the balance of the escrow if any will be returned to CES*
4. *CES and YRPLC, which is the owner of the property, shall execute a side agreement in a form acceptable to the Town of Bethel Planning Board and shall provide the Building Department a duplicate of the original of that agreement*

Those were the conditions that we discussed at the last meeting. I think they should be reiterated before we move on to seqra. Glenn, there were concerns raised about the proposed driveway, but you do have a detail on the plan. We will just state that you will build to this plan.

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Glenn Smith: If it is part of the approved plan, absolutely.

David Biren: Glenn, there is a lot of debris on the side where Mr. Taylor plans on putting the tanks.

Dan Gettel: Jacy, you are saying that we tabled this. Does the action exceed any type one threshold, NYCRR part 6 17.4? The answer is no Will the action receive coordinated review? No. The 239 came back.

BJ Gettel: Came back no adverse intercommunity impact, local determination.

Dan Gettel: Adverse affects associated with existing air quality, aesthetics, vegetation, community existing plans, growth, long term short term cumulative, other impacts? No

Motion to grant negative declaration for seqra by Steve Simpson, second by Michael Cassaro

All in favor – 6

All opposed –0

Agreed and carried

Dan Gettel: Jacy, I'll kick it over to you for some items you wish to bring to the boards attention as far as review process

Jacqueline Ricciani: The applicant is seeking a special use permit, and that is one of the things this board needs to decide when making that determination. The code requires that the board consider certain factors. I'm just going to summarize those so that when you decide whether this application should be granted you would keep these factors in mind. They are as follows:

345-30 j

The Planning Board, in acting upon the site plan, shall also be approving with modifications or disapproving the special use permit application connected therewith taking into consideration not only the criteria contained above but also the following:

(1)

Whether the proposed use will result in an overconcentration of such uses in a particular area of the Town or is needed to address a deficiency of such uses. The Board shall, in this regard, consider the suitability of the site proposed for a particular use as compared to the suitability of other sites in the immediate area.

(2)

Whether the proposed use will have a detrimental or positive impact on adjacent properties or the health, safety and welfare of the residents of the Town of Bethel.

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(3)

If the proposed use is one judged to present detrimental impacts, whether an approval could be conditioned in such a manner as to eliminate or substantially reduce those impacts.

(4)

Whether the use will have a positive or negative effect on the environment, job creation, the economy, housing availability or open space preservation.

(5)

Whether the granting of an approval will cause an economic burden on community facilities or services, including but not limited to highways, sewage treatment facilities, water supplies and fire-fighting capabilities. The applicant shall be responsible for providing such improvements or additional services as may be required to adequately serve the proposed use, and any approval shall be so conditioned. The Town shall be authorized to demand fees in support of such services where they cannot be directly provided by the applicant. This shall specifically apply, but not be limited to, additional fees to support fire district expenses.

(6)

Whether the site plan indicates the property will be developed and improved in a way which is consistent with that character which this chapter and the Comprehensive Plan are intended to produce or protect, including appropriate landscaping and attention to aesthetics and natural feature preservation.

As I mentioned during the work session, these criteria are really geared toward bigger types of projects, actually building some kind of a structure so a lot of this may not apply directly but again these are certain things that you need to keep in mind when formulating your decision.

Dan Gettel: I agree with Jacy that the way I read the chapter talks about the buildings, the lighting, it talks about a lot of other items that really doesn't pertain to this project. There is no electric, there are no buildings, it really is more for a development. Any comments from the board before we move on?

No comments

Dan Gettel: The only outstanding thing is that we entertain a motion to issue this application a special use permit with the conditions that were listed in the resolution.

Motion for special use by David Biren, second by Steve Simpson

Roll call vote

Michael Cassaro – y

Bill Brey – y

David Biren – y

Steve Simpson – y

Wilfred Hughson – y

Daniel Gettel – y

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All in favor – 6

All opposed – 0

Agreed and carried

3) Application for a proposed conservation subdivision located on State Route 17B, known as Bethel Tax Map #: 40-1-6, proposed by Redwood Estates. (Illing)

Dan Gettel: Please just talk about what the changes are since the last meeting. I know the board isn't aware of all the changes. The site plan changes were the relocation of the community building, no construction in the front.

Wes Illing: There is only one page to talk about. What we have done since the last meeting is that we suggested to the Planning Board that we move Clubhouse, so the Planning Board could evaluate the density with thirteen homes and a Clubhouse. We also reduced the size of the homes you may recall some of those homes the first time around, some of those homes were 2,800 sq ft footprint, we have reduced those. When you are doing a conservation subdivision thing it gets a little dicey as far as the judgment calls in this zone. The centerlines of these buildings are about 100 ft apart. We are right there with the zoning requirements, even though they are not separate lots. The distances between the buildings are between 30 and 50 ft for this new layout. The building height from the finish grade to the ridge of the house is about 21 ft, so we don't really have a tall building.

Dan Gettel: We have seen the floor plan

Wes Illing: Since the last meeting, we have located this little rivulet. (showing on map) down here in the woods, which barely comes on their property and then goes off their property. This portion of storm water, this swale here, the water on this portion of the site is going to run and drain to that existing rivulet. That storm water will be pretreated because it is going to run on grass, however it doesn't technically meet the DEC guidelines. So we are going to have to submit to DEC for review. The storm water plan has to be sent to DEC for review. I won't sign the NOI, because it doesn't comply. We have done that before with DEC, and they have called and asked me why, we tell them why and they are okay with it. They review it. The storm water pond we have here is only for conceptual nature we don't know how big it is going to be. Until we do this, we don't know how big it is going to be.

Dan Gettel: We realize you are not to that point

Wes Illing: There are a couple of other things that have changed. Your new code, it says you have to, if you can combine driveways when possible. We are suggesting that we make one common entrance for both communities, so they have a shared driveway. We will make the entrance wider, and abandoned this one (showing on map) that will be nice. We can vegetate that so it will look nicer. The people in Sunflower Estates come in the driveway and head over there. (Showing on map) We have set up a bus turnaround. We have set it back from the road; we didn't want the kids up by the road. There is screening in front of it. We also cut down the number of parking spaces as requested by the Planning Board.

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Dan Gettel: I believe now it should be two per unit, plus a number at the community building. You had three spaces per house

Wes Illing: We just threw it on there originally. When the Planning Board pointed it out, that is just added expense so we just cut it way back. You have all seen the copy of the floor plan.....

Dan Gettel: Are we down to just one basic unit that you are building?

Wes Illing: This is the contemporary style home. These are the front and rear elevation view of it. Essentially what these homes are going to have, they are going to have the main body of the house and then there are two wings here, this one wing is the master bedroom suite, the other wing is the living room. Then we have a patio area in the center, this is a highly desirable design for a summer home because it allows a lot of sunlight into the homes, it allows you to open windows to get a good breeze blowing through the house. It's not ideal for heating in the wintertime, but these are summer homes and designed for that. The third page is a floor plan four bedroom homes, you can see the layout the kitchen, dining room, living room, you can see the deck area, with the sliding glass doors, windows, and there are a lot of windows in the home. Two bathrooms....

Dan Gettel: I know when we had a meeting last time we informally met, we had a preapplication meeting for this project, and at that time your associate, Jennifer, stated that it is a 1876 sq. ft. home, which I see is shown on the plan. Is that the actual floor area of the main floor, or is that.....

Wes Illing: Exterior and foundation.

Dan Gettel: If we hold you to that 1876 sq. ft, which is what we intend to do, that is the floor area of one story.

Wes Illing: That is correct.

Dan Gettel: There were some concerns. We had mentioned with her if we considered this conservation subdivision, that we would limit it to one story in height and four bedrooms. She also mentioned the community building would be one story building and she felt that the maximum depth would be about 32ft.

Wes Illing: When you go beyond 32 ft it tends to get expensive. That is a good depth and the width will be very similar to what we show on the plans. I don't know if they are going to mow their own grass or have it done by a landscaper. They may want some room in the Clubhouse for some equipment. There will be some details we will have to get into the further we get into this.

Dan Gettel: Do you feel 32 x 60 if we limited you to 1920 sq ft footprint, that it would accommodate your needs?

Wes Illing: We should be comfortable with that size for the Clubhouse.

Dan Gettel: We were told they would be unfinished basements.

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Wes Illing: Yes, they are unfinished basements

Steve Simpson: The 2146 sq ft., is that less the deck?

Wes Illing: It is the square footage of the house, not the deck.

David Biren: We are coming up with more than what you are telling us

Wes Illing: That is because you are counting the deck, and the deck is not part of the house

Dan Gettel: We are going to lock you in excluding the deck; we are going to lock you into a square footage anyway. That should take care of that, David. We see that you have relocated the Community Building off the front rectangle. There is a swimming pool on that parcel, we would like to have that filled, seeded and graded. I believe our code calls for screening it from the view of the public roadway.

Jacqueline Ricciani: There should be sufficient foliage in front so that somebody who is on Rt 17B won't be able to see the structure so you are going to have to make sure the trees are high enough in the front.

Wes Illing: Right now there are a lot of trees up here. This doesn't really show well. When we actually do the landscaping plan, which we will be required to do for our preliminary submittals, we will cluster these trees. We are going to have a hedge to screen things, to screen the community. Our primary objective tonight is we want to move to prepare our primary submittal we want to lock down the number of buildings and the size of everything so we can do our storm water calculations. So we can prepare our storm water plan, our sewers and everything else.

Dan Gettel: I realize tonight's meeting all you are asking if we would consider a conservation subdivision and allow you to proceed under that review. I'm sorry, I missed the part you where you spoke about the hedge.

Wes Illing: (Showing on map) There are hedges here all the way around

Dan Gettel: In the past you had indicated that there was a fence in the back of the property. Is that still the case?

David Biren: We want that

Dan Gettel: That will come up during the site plan review. I realize we are getting a little bit ahead of ourselves, but it was discussed in the past. Maintenance obviously is going to be by the Condominium Association, I am assuming. The front rectangular are of the piece of property will have some landscaping but will it also have some lawn area, it will be mowed and maintained?

Wes Illing: I think we will have a lot of grass space out there with some trees clustered here and there with some seating areas.

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Dan Gettel: We are going to ask that it be landscaped, and maintained, not just left to grow. Even though it is an open field, there is no reason why it can't be maintained. I understand that is part of the conservation subdivision. Jacy, there is a section that the Planning Board addresses

"We feel the site is appropriate and desirable for a conservation subdivision because the homes are clustered together in the area of the parcel that is farthest from the public roadway. So that open space will remain in the area of the parcel that borders the roadway. This maintains the open space along Route 17B corridor; it will preserve the existing visual character of the area as viewed by the public, by the exiting public roadway. The newly constructed homes will not be prominent because they will be located in an area that is farthest from the roadway and will be limited to one story in height, this way the homes will be screened from the public view, the homes will be located in only one area of the parcel which will minimize the amount of land disturbance for construction the availability of municipal sewer will aid in the development of the homes on one area of the parcel. The intrusion of roadways to the homes will be minimal since all the homes will be accessed from one roadway, which is located at the edge of the open space. A sidewalk from the public roadway to the homes provides pedestrian access within the open space for the homeowners. It is anticipated that the subdivision will contain 13 homes plus a clubhouse potential for a pool, but you will put in a playground, at this time there are no known waivers that are required for this conservation subdivision"

Just so I can address the swimming pool, I know it was a question whether a pool was going to be built or not. It is in there as a potential for a swimming pool, because we do feel that if you decide to build one, we would rather have it shown now. I do believe that since there are going to be children on this property that there should be a swimming pool built. We did discuss at the meeting. I'm not saying it is required, but I do think you should consider it.

Wes Willing: That sounds great.

Dan Gettel: Should we receive and file that Jacy?

Jacqueline Ricciani: I'll ask BJ to put it in a more formal form. It definitely needs to be part of the file.

Dan Gettel: We don't need a motion to receive and file, do we?

Jacqueline Ricciani: Those are part of our findings. Those findings need to be adopted by this body. We are going to need a motion to accept those findings as read.

Motion by Bill Brey, second by Steve Simpson to accept findings are read

Roll call vote

Michael Cassaro – y

Bill Brey – y

David Biren – y

Steve Simpson –y

Wilfred Hughson – y

Dan Gettel – y

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All in favor – 6

All opposed – 0

Agreed and carried

Dan Gettel: – 345-24-b 3 section e discusses our limitations in order to consider this subdivision which is basically the items we just discussed in the past and at tonight's meeting Those conditions are going to be that the maximum number of units be set at thirteen single family dwellings, the parcel may also contain a community building, playground and a potential for a future swimming pool to be constructed in the vicinity of the community building. This authorization is granted with a mutual understanding and limitation that each unit shall be a single family unit which will not exceed one story in height, shall not contain more than four bedrooms, and each unit shall be further limited to a maximum area not to exceed 1876 sq ft, which was stated tonight.

David Biren: And no more decks

Dan Gettel: They can't expand out of their footprint in a condominium because it raises all kinds of problems.

Wes Illing: The HOA takes care of the entire exterior of the home.

Dan Gettel: The community building shall also be limited to a height of one story, with the building limited to a maximum of 32 ft and the footprint of the community building shall not exceed 1920 sq ft, which is 32 x 60. It is understood the community building shall be used as a benefit for the occupants of the development and is not open to the public. The rear rectangular portion of the parcel shall be developed with the roadside rectangular portion of the property remaining undeveloped. The existing swimming pool on the roadside rectangular portion of the property shall be abandoned and backfilled. The site of the existing pool shall be finished, graded to blend with the natural surroundings. It is understood that this parcel shall be developed as a condominium type ownership, the roadside rectangular portion of the property shall be made of the condominium common area as soon as the site disturbance is completed on that parcel it should be finished, graded, seeded, and shall be maintained as an open manicure lawn area with sufficient mature trees at the roadside, and within the parcel to obstruct the view of the structures from the street. The Condominium Homeowners Association shall maintain all common areas.

Jacqueline Ricciani: Dan, if you could just hold your thought. I apologize; I missed the part about the footprint for each unit and the square footage being limited to 1876

Dan Gettel: 1876 is what the actual plan reads.

Jacqueline Ricciani: Does the board want to include any specific direction with respect to the basement not being finished.

Dan Gettel: At this time it is understood that the basements are not going to be finished.

David Biren: The main building, the community building, is a 1920 square footprint.

Dan Gettel: If that is the case, Jacy, I believe the board needs to render a decision whether we should

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consider allowing this to proceed as subdivision conservation.

Jacqueline Ricciani: Giving this developer permission to prepare a formal preliminary site plan

Dan Gettel: Which is very detail and laid out in our zoning.

Jacqueline Ricciani: All the requirements are in there

Wes Illing: I understand

Motion to authorize for developer to proceed as a conservation subdivision by Michael Cassaro, second by Bill Brey

Roll call vote

Michael Cassaro – y

Bill Brey – y

David Biren – y

Steve Simpson - y

Wilfred Hughson – y

Dan Gettel - y

All in favor –6

All opposed –0

Agreed and carried

Wes Illing: I have one minor question. If you look at this plan, you can see a swale here, you can mow them, they are 12 ft wide, one of the things I was looking at today, wouldn't it be nice to push these buildings up so that the front of the foundation was even with the top of that swale, then it separates the buildings a little more, and creates more open space in the center, but we had them set back with a 25 ft setback, it would be nice, but I didn't want to push things, but it would open space a little more

Dan Gettel: If your client would like you to change your site plan after we voted, we will entertain it, but I don't think you should change it at this point. Since we have reviewed this application.

Wes Illing: That is fine.

Dan Gettel: You know exactly what is required. None of it is formalized. You know our deadlines

Wes Illing: We will try to get back next month.

4) Administrative: Proposed Local Law # No. 1 of 2010 amending Chapter 345.

Dan Sturm: We introduced the local law at our last Town Board meeting. Tomorrow night is our public hearing on the law. There is a zoning text change, so we needed your review of that. Generally, the new multifamily section of the code went a little to far according to New York State code. Specifically three areas.

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1. *1. The minimum size of the floor area in our new code is lower than the state standards. We need to change that.*
2. *There is a section in the new multifamily that says, "Any multifamily project development has to have access off of a state or county road." The problem with that is, a lot of it doesn't have county or state road access, so you can't use it if it doesn't have that. That is too strict, it's not going to encourage multifamily development. You won't be able to do it. That is something that has to be fixed.*
3. *There was one more section, in the multifamily section, it says "the distance between the height of the building, you need that much separation between units". A minimum, and that is too strict, not workable. If you are going to encourage multifamily housing of any kind, it's not workable. You need 20 ft between the buildings. We thought that was too strict, according to state codes too.*

So those are three areas of the multifamily section that have to be addressed. We are going to refer to state code.

Dan Gettel: It is beneficial if our board advises your board to proceed.

Dan Sturm: Correct. We need a recommendation. It is one section, the multifamily. There is another brief part. Another update that we had to do. That refers to occupancy permits. Currently in the code as passed in June, it says: "all seasonal dwelling units, have to have an occupancy permit" six months after the passing of the code, we felt that was not really what the intent was when we passed it. What we wanted to do was to get try to get some kind of review of commercial dwelling units that are in our town for example bungalow colonies, cottages, and that kind of thing. The code is too strict right now so it has to be changed. What we did was create another definition. Seasonal dwelling unit commercial, we are still going to do occupancy permits on all those structures. For example, White Lake Homes and Smallwood, have a lot of seasonal units, and Beechwoods, there are quite a few. Our intent was not for them to have a fee every year. We wanted to address the more commercial structures that appear to be falling down, over 1200 cottages and bungalows that are in disrepair, and we have no way of inspecting them.

Vicky Vassmer-Simpson: And it will also address people who rent seasonal. It protects them also.

Dan Sturm: So we are asking to change the code in the same manner, and create a new definition and there will be occupancy permit required for seasonal dwelling units – commercial. So that we give our Code Enforcement officials the opportunity to go in and inspect these units that they never had before, so those are the changes we would like to make,

Dan Gettel: Those are all part of local law #1

Bill Brey: How many units are there?

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Dan Sturm: I think between 1,000 and 1,200 that can be considered seasonal dwelling units commercial.

Bill Brey: That you are going to inspect?

Dan Sturm: Yes, we are going to attempt to do for this year, and I believe it is a three year permit, not every year, but we are going to do the best we can. Even if we have to hire additional staff. There is a \$30.00 fee connected to each permit. It is important

David Biren: I think it is very important. What happens if they are issued summons that they haven't complied, and they want to move in this summer. What are you going to do?

Dan Gettel: Like everything else, it is a matter of enforcement.

Dan Sturm: We intend to get the law passed by the Town Board, and we intend to enforce that code. If they can't comply, they can't move in.

Bill Brey: If they move in, then what?

Dan Sturm: Then that would be a violation of the code, subject to enforcement mechanism that we have.

Dan Gettel: It's typically what the Health Department would do too. They have the same problems that everyone else does. At least it gives the Building Department the mechanism to go to the property. We can't even go to the property now and look at them.

Dan Sturm: Other municipalities have contacted us and heard what we are doing here, and they are interested in doing the something similar.

Motion to proceed with local law #1, by David Biren, second by Steve Simpson

All in favor – 6

All opposed –0

Agreed and carried

Motion to adjourn by Steve Simpson, second by David Biren

All in favor – 6

All opposed –0

Agreed and carried

Respectively submitted,

Jannetta MacArthur

Jannetta MacArthur
Recording Secretary

Town of Bethel
Planning Board
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