

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 June 8, 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. The agenda is as follows:

In attendance: Dan Gettel Chairman, Bill Brey Co Chairman, Susan Brown Otto, David Biren, Steve Simpson, Michael Cassaro, David Slater, Alt, Code Enforcement Officer, BJ Gettel, Vicky Vassmer-Simpson – Councilwoman, Jannetta MacArthur – Recording Secretary, Michael Weeks, Engineer, and Jacqueline Ricciani, Attorney

Wilfred Hughson - absent

Seating David Slater, Alternate

Pledge to the flag

***Motion to approve minutes from the May 11, 2010 meeting – one correction PG 3 – last paragraph should say more than 6 months. Motion by Susan Brown Otto, second by Steve Simpson***

***All in favor –7***

***All opposed –0***

***Agreed and carried***

***Motion by Bill Brey, second by Steve Simpson to go into public hearing***

***All in favor –7***

***All opposed –0***

***Agreed and carried***

- 1) Public Hearing to erect a 20' X 40' tent as an accessory structure to a home occupation located on 1163 SR 17B, Mongaup Valley, known as Bethel Tax Map #: 38-1-26, proposed by Kuperblum.***

Dan Gettel: Is there anyone from the public that would like to comment on this. The property is known as Into Retro.

Gary Rohrs - Smallwood: I have questions; in the application, it is calling for a 20 x 40 tent. Is that correct? In the code it says an accessory structure shall not be larger than 500 sq. feet. Is the board going to grant this because this is a temporary structure, a tent? I just have a question about the consistency of the code.

Dan Gettel: I believe the accessory structure would imply a permanent structure, but Jacy if you don't mind.

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Jacqueline Ricciani: This is 17B – Hamlet, BJ? What zone is this?

BJ Gettel: Highway Commercial.

Gary Rohrs: 345-20 – Home Occupations and Home Based Businesses.

Jacqueline Ricciani: It is definitely a home business. Because this is retail sales, I would say that it is a home based business as opposed to a home occupation under subparagraph j, which does permit outdoor displays, which I believe is what we had decided this was going to be. It says that no outdoor display of any items shall be permitted unless specifically approved by the Planning Board, and shown contemporary use on the site plan; any area to be used for such contemporary outdoor display of items shall be specifically delineated on the site plan. It does not really speak to square footage or the amount of space it should take. I don't think that it really qualifies as an accessory, because it is just temporary. They are just asking for the summer season. And one of the things that this board is going to do is tell you when it needs come down. They will give you a date. There is another section that talks about how much of the interior building can be occupied for the home based business. What I believe this section of the code contemplates is if you are going to be operating a retail business from your home you can do either within the structure of the home or in an accessory structure like in a garage or something that is permanently on the property. One section, sub section 3, there is a separate section which specifically addresses outdoor displays which is my understanding of what they are looking for and does not seem to have any size or description or requirements so this board just needs to be reasonable based on the amount of land that is there, and what it is proposed to be used for.

David Slater: Jacy that includes the new code that he is quoting here, because I am reading it myself and under home occupations. The new one is included together, is it not?

Jacqueline Ricciani: Right, subparagraph A is Home Occupations, if you continue at the end, there is a subparagraph B which is the Home based Business. Next page, 33.

Dan Gettel: That page didn't change, it is in his book.

David Slater: The new section in the book.

Jacqueline Ricciani: Do you see the two sections that I was relying on?

Dan Gettel: Jacy I don't think it is unreasonable for them to ask for a 20 x 40 tent even as far as square footage. We met with them last month and we told them exactly what they needed. I think it is a reasonable request.

Jacqueline Ricciani: You might want them to just further delineate the parking. Is it marked?

Mr. Kuperblum: Showing on site plan the parking. It is 90 ft. There is a space for at least 9 cars. On 400 sq ft, there is a space for 4 cars. This is in addition to the existing.

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Dan Gettel: Has parking ever been a problem at the business?

Mr. Kuperblum: No, I don't have any problem with parking at all. If necessary, (showing on site plan), this is an open area. There is plenty of parking.

Dan Gettel: Is there anyone else from the public that would like to speak before we close the public hearing?

**No additional public input**

***Motion to close public hearing by Susan Brown Otto, second by Bill Brey***

***All in favor –7***

***All opposed –0***

***Agreed and carried***

Jacqueline Ricciani: Before you continue Dan, for the record could you inquire if the return receipts were received and if it was published in the newspaper?

BJ Gettel: Yes, and yes

Dan Gettel: At the last meeting we asked you to delineate the width of the driveways.

Mr. Kuperblum: It was over 18ft.

Dan Gettel: I did drive past, and I do think two cars could pass. It is not as wide as 17B, but do think it is adequate for what you are asking.

Mr. Kuperblum: And I am having someone come in and actually delineate the driveway with some more crusher run and fill in the front part a little bit to make it a little easier to get in and out. Within a few weeks that should be done.

Dan Gettel: You have a site plan that shows the existing house is 19 ft off the property, 22.5 ft off the back but that is an existing property line, you are showing a tent approximately 100 ft behind the house, 20 ft wide, 40 ft deep, 25 ft off the property line, and 40 ft off the rear which would meet for a structure. When would you like to put this tent up?

Mr. Kuperblum: We felt during the period of Memorial Day through the Harvest Festival, at that time frame. We feel that is the main part of the season up here. Normally we close up shop sometime in November anyway. I would say by the end of October, it would be done.

BJ Gettel: The Harvest Festival is usually done by Columbus Day weekend. Around October 12<sup>th</sup>.

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Mr. Kuperblum: That is adequate.

Dan Gettel: At the last meeting you mentioned that you were looking into what tents were available as far as pricing.

Mr. Kuperblum: I included a spec sheet on a tent that I am thinking of getting. I don't know if it went around to everybody. There it is. That is approximately the type of tent that I am looking to get. I haven't decided yet if we are going to purchase it or rent it. It is a frame tent so it has a solid frame on it's own, in addition to being anchored down

Dan Gettel: The front has a cover, the back has a back, and it has sidewalls.

Mr. Kuperblum: Yes

Dan Gettel: 7'8" on the outside as far as the height. Does anyone else from the board have any questions?

Bill Brey: After the tent is installed, will it be inspected?

BJ Gettel: I will go down and inspect it if that is what the board chooses.

Dan Gettel: We will give you a permit to put it on the site, and I believe BJ has to give you a permit for the installation of the actual tent. One thing we spoke about at the last meeting, you need to go for a 239 review from the County, and we did not get the results back from that yet. One option that we do have as a board if we do decide to approve the construction of the tent, the installation of the tent, let's say, we have the option of saying that the tent can not be installed until the County review comes back, assuming that it is going to be local determination, we are going to ask BJ to withhold the permit to build the tent until the County review comes back favorable. Jacy does that sound .....

Jacqueline Ricciani: That sounds fine with the understanding that if there is a problem with the 239 M, we are going to have to bring it back for the.....

Mr. Kuperblum: What exactly is a 239 M?

Dan Gettel: The site plan is submitted to the County Planning Board, and they typically come back for a smaller project like this, local determination. Then it really is up to us. There are larger projects that come back and they say we would like you to do this, this, and this, but we haven't gotten a review letter back.

Mr. Kuperblum: How long does that usually take?

BJ Gettel: The County as a rule because you are on State Route 17B, the County was submitted and the

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State was submitted. They normally take 30 days, I have requested an ASAP onto it, but that wasn't acknowledged. So unfortunately, we have to wait.

Dan Gettel: It could be between 2 weeks, 3 weeks. We don't have an option. If you do end up purchasing a tent, you are taking the risk, just so that is clear.

Mr. Kuperblum: What I will do, if I get the approval, I will then go forward with getting more information on the purchase and everything else, and I'll hold off with the actual purchase and installation until I get that final approval. If I don't get the permit to put it up, I'm not going to get the tent.

Jacqueline Ricciani: This board is going to have to establish some parameters as far as what that structure, I mean you can't just tell the applicant he can put up any tent.

Dan Gettel: He has given us a site plan, he has given us a height, he has given the front and rear as a zipper front, it has sidewalls, and it can be secured at night. It is tied down

Mr. Kuperblum: It has an independent frame on it, so it can stand alone, but in addition it gets anchored down to the ground.

Dan Gettel: The specs were submitted. There are no center posts; it is a freestanding structure.

Mr. Kuperblum: Right. It's not like a pole tent.

Dan Gettel: Galvanized steel

Mr. Kuperblum: My feeling is that if I am going to do it, I'm going to do it right, this way next season I am assuming the permit will be allowed again next season, I'm hoping, so therefore I can use the same tent, I don't have to after season throw it out and buy something else.

Jacqueline Ricciani: You will have to come back next year.

Dan Gettel: It is something that would have to be renewed. I do appreciate the fact that it is going to be in the back yard, and not in the front yard. Does the board have any other questions or comments?

Bill Brey: Putting it in the backyard is ideal

Susan Brown Otto: When did the application go into the County?

BJ Gettel: Last week. It did go in late.

Mr. Kuperblum: This has to be reapplied for every year? What would a reason be for not getting the permit next year?

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Dan Gettel: Past performance.

Jacqueline Ricciani: And what else might happen in the Town in that area.

Dan Gettel: You might be before us next year asking for a permanent structure, you might do so well.

Mrs. Kuperblum: You really have no idea when we will be able to put the tent up?

Dan Gettel: It really is out of our hands. We have two options. Either we can approve with conditions at tonight's meeting or we just hold it over until next meeting which will be a month.

Mr. Kuperblum: We are better off taking the conditional, and as soon as that comes through you will let us know.

Dan Gettel: As long as you are aware of the risks, if you purchase anything.

Mr. Kuperblum: I am not going to do anything. Is it okay to put some crusher run down in the area of the tent?

Dan Gettel: I don't see a problem with that. That is also your risk. It is also not permanent. Any other questions from the board?

**No comments or questions**

Dan Gettel: We do have a short EAF. It is not a permanent structure, very little disturbance of land

BJ Gettel: It doesn't have a PG 2.

*Motion to grant a negative declaration by Susan Brown Otto, second by Steve Simpson*

*All in favor -7*

*All opposed -0*

*Agreed and carried*

*Motion to approve with the stipulation from Memorial Day to October thirty first, and that the tent will be as described in the paperwork, 20 x 40 solid color tent, no electricity, nothing permanent, hours restricted, condition that the County review comes back as local determination- by David Biren, second by Steve Simpson*

**Roll call vote:**

**Michael Cassaro - Y**  
**Susan Brown Otto - Y**

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*Bill Brey – Y*  
*David Biren – Y*  
*Steve Simpson – Y*  
*David Slater – Y*  
*Dan Gettel – Y*

*Motion approved*

**2) *Introductory application for a proposed hotel/spa located at 1623 SR 17B, known as Bethel Tax Map#: 33-5-2.1, proposed by White Lake Mansion, LLC. (Cosentino)***

Dan Gettel: First of all I would like to thank you for coming in, so it is clear I realize you don't have a full submission for the board, but I thought it would be a good idea for you to come in and introduce your engineers, we will update our board on what the Zoning Board acted on during their last meeting. If you want to give us a brief presentation, I can talk about what the Zoning Board went through.

Mr. Cosentino: What we are starting to do is accumulate our team. We have a landscape architect, traffic engineer, and environmental engineer. Basically we are going into full architectural drawings. That will take more than 3 weeks to put together. However in doing so we are now ready to study the structural, the mechanical parts of it, the plumbing, electrical, in doing so we need to grade the site through site engineering, the environmental studies, and the traffic studies. Tim (Traffic Engineer) was also explaining to me just looking at it briefly, maybe an extra lane will have to be put in. All of that will have to be researched and looked at. All of that is going to take time. Right now we are just putting together all of these studies. We already have geo technical reports. We will have to get another one done, I don't think the earth has changed, but where we took the samples from..... The wells were studied, but not too deeply. Now that we have a strong site plan, and an idea of where it is all going, to design the site and use to its best ability. I was speaking briefly with BJ; you probably won't see us for a few months, until we get these studies done, and start moving forward. Especially with the site drainage. The sanitary hook up.....

Dan Gettel: Speaking of the sanitary hook up, you do have to go to the Town Board because not all of the property is in the sewer district, so that is another step you are going to have to take.

Mr. Cosentino: Is that another submission as well?

Dan Gettel: That is a separate submission. That is a different board. You also mentioned the Traffic Study; I believe you have a weekend in mind.

BJ Gettel: We are looking at concert weekends, the first weekend of the Harvest Festival that is always a busy weekend.

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Mr. Cosentino: Because they are laid out throughout the season, of course these studies have to be done, the dates are restrictive, so that is why we are not coming back .....

Michael Weeks: Before you do any of your traffic counts or anything you should kind of scope it first, and give me a copy so we are all on the same page before you are all done, and then I want you to do another intersection.

Bill Greeley: I guess just a couple questions in terms of background, the car study that was done by DOT, was that ever finalized in terms.....

BJ Gettel: You might want to check with Sullivan County Division of Planning on that one.

Bill Greeley: There was a lot of information that was collected, they had done some projections on concert events, conditions here, so we are anticipating, and talking with BJ about some of the dates, so we can focus in on those. Initially, the extent of the study we will make that submission and review with you.

Michael Weeks: That's good

Dan Gettel: He doesn't want you to get too far ahead of us; we are going to turn to Michael (Weeks) for all of the engineering pretty much. It is good to keep him up to date.

Bill Greeley: One of the items right off the bat that we are looking at in the preliminary discussions with the property access we may have to put in a turn lane right from day one just because of the volumes, especially the event conditions so that we can safely have people turning left onto the property. That is what we are starting with in terms of the access. From there we will extend out. I know with the corridor study at least with the final draft there were a bunch of recommendations about other improvements at this intersection. We will follow up with the County

Dan Gettel: Vicky, if you don't mind I believe the State is also looking at different turning lanes already. They are already in the plans, right?

BJ Gettel: That would be Chris at State DOT

Dan Gettel: Some of the turning lanes might already be in the works.

Bill Greeley: At our access they said to us we will be responsible for them. Again it is coordination. At this intersection where County 13 & 55, they are looking at actually changing the profile of 17 there because of the vertical curve in this direction. We will coordinate that

Dan Gettel: But your study would be done with the idea that they may not do that

Bill Greeley: Yes, exactly. The things that are definite we will take into account. The things that are

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planned for the future we will have to work around those and look at what interim things can be done.

Dan Gettel: Now Michael, (Weeks) this study would involve a number of intersections, right? He is speaking of both intersections where 55 hits 17B. That is probably the most key intersection, as well as the site itself.

Michael Weeks: They will give us their documentation on what he thinks should be studied, and then we'll go from there.

Bill Greeley: We'll work together

Michael Cosantino: Mike, you are also going to be looking at the site drainage and the hookups? You will need all of that information.

Dan Gettel: All engineering aspects will go through Michael.

Bill Greeley: In the traffic study we planned to do both event conditions, and nonevent conditions, so we will have both covered.

Dan Gettel: I think you will find that some of your people will actually be going to the events. So the engineering, as I said just keep in touch with Michael. We see Michael every month.

Craig Wells – Environmental Consultant: I just wanted to quick go over what the environmental review process would be. If you have an idea of the EAF submitted, do you have any feelings of how that would proceed?

Dan Gettel: Obviously we will be requesting a long form. We haven't yet. Any comments on a long EAF?

Craig Wells: I know at the Zoning Board meeting that the runoff was discussed and in the past you had mentioned the paving stones, things like that that are mentioned in the past we would like to make sure that they are part of the project. Eliminate runoff wherever you can.

Dan Gettel: At the Zoning Board meeting you were granted two variances. They did get the height variance – the replacement for the White Lake Mansion House is 67 ft 8 in, hotel building #1 which is a four-story building was approved at 58 ft. The Hotel Spa Building, which is a three-story building, was approved at 42 ft, the hotel building #2 and #2A; three-story building is 46 ft. One of the main reasons that the building is so tall is because you are trying to maintain the rooflines and the similarities to the White Lake Mansion House. I would like to make a clarification; at the Zoning Board meeting you were also given a zoning variance, if you took all the uses individually, by using the town code you would have to provide 278 parking spaces, at 100 % capacity. The state recognizes that you can do it at two-thirds capacity, which is a 184. The Zoning Board actually granted you a variance for 206 spaces, which is what, is shown on the plan. There were a couple of comments made at the Zoning Board

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meeting maybe you are trying to do too much on the property, maybe you should buy more property and put more parking on another property. It's not that you don't have the property, you have the room for parking but there is no sense putting all that parking in if it's never going to be used. If someone is staying in the hotel, they are also eating at the restaurant, they are also going to the bar, and they are also going to the spa, four uses are not necessarily four cars. I think it is reasonable that you are proposing 206 spaces; I don't think it was accurate to say that maybe you should buy more property and put in more parking. I don't think the parking is required. You exceed the state requirements. I just want to make it clear that it is not a matter of you not having enough property, or you trying to do too much. Jacy, as far as zoning goes, this is what we are locked into now. These are the heights they are permitted, and this is the parking. So really the parking and the heights of the building are really out of our hands.

Jacqueline Ricciani: That has already been determined. If in the course of this process the applicant decides that they want different heights, they will have to go back to the ZBA.

Dan Gettel: But it isn't an item for us to discuss.

Jacqueline Ricciani: They have been granted that for this project

Dan Gettel: I believe the rest of it meets zoning, as far as the setbacks and all that. At the Zoning Board meeting you were also asked about correcting the Zoning District the property is actually located in, it is actually the Highway Commercial District. So the corrections are made on the maps, but it really didn't affect the project itself. It was identified as being in a different district.

Mr. Cosentino: I believe my front yard setback is 50, but we have everything mapped to a 100.

Dan Gettel: One thing that we had discussed probably at our informal meeting when the three boards were together was the possibility of having a site visit. I do think that as a board that we would be remiss if we didn't insist on having a site visit with a minority of this board which would be three members, I would like to be there. A representative from the Town Board, as well as our Town Supervisor, and our engineer. If you can go through BJ and try to schedule some kind of meeting. I don't necessarily think we need to walk through the building, but I do think that we have to get a good idea of what is on the site.

BJ Gettel: When does the board wish to do this? In a month or two?

Dan Gettel: I don't want to do it in November, I think the sooner the better.

Michael Weeks: You don't want to do it next week and have them submit plans three months from now. Would you want to do it once they have plans?

Dan Gettel: I don't really care what time, but I do want it on record that we do want to look at that building. When you get closer to having final plans

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Mr. Cosentino: One thing I want to clear up and want to understand from your board, when we get this approval from you, the permit from you, is this the permit to start to build, or is it the actual building permit.....

Dan Gettel: You get the site plan approval from us, which means you can go with your site plan and get a building permit, assuming your building plans are fine.....

Mr. Cosentino: Simultaneously, is what I am asking

Dan Gettel: The building permits are issued by the Building Department.

Mr. Cosentino: So, my submitting plans to you during this process.....

Dan Gettel: BJ can't approve anything until we .....

Mr. Cosentino: I would rather work together.

Dan Gettel: We don't have an architectural review board. There are guidelines. Especially for 17B. I do appreciate the fact that you are going to try to maintain the, assuming that we are going to go for replacing the building that you are going to try to maintain the look of the building

Susan Brown Otto: What about the sign

Dan Gettel: In the past we have asked applicants to try to be consistent with signs on 17B, Susan if you would tell them what we normally look for

Susan Brown Otto: In fact right down the road from you, on 17B, McKean Real estate, they have a nice little planter, a stone planter, and put the sign in it, further down Bethel Woods, that sign has a nice stonewall as well. There are several signs along 17B.

Dan Gettel: The new bank has a nice sign

Susan Brown Otto: Lighting would be indirect pointing down.

Dan Gettel: It can't interfere with traffic on 17B, obviously. What assurances can you give this board in the event you start the project and tear down the building that a replacement building is going to go back? The worst-case scenario is that we okay the demolition of the White Lake Mansion House and then the project doesn't proceed. Is there anything.....?

Mr. Cosentino: I am going to speak for the owner; I don't think they would start a demolition without having intention of starting the project. I understand the worst case scenario for them is starting building by building. So if they are going to demo White Lake Mansion House, they will probably start with that

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building first

Dan Gettel: You had indicated that you would be building everything at once.

Mr. Cosentino: If they are going to start demolition, they are going to start working. That is their intention.

Dan Gettel: I don't need an answer tonight, but I'm just throwing it out there. Are there any other comments from the board as far as landscaping?

Susan Brown Otto: Dan, unfortunately I missed the ZBA meeting as well as the three board meetings, and to what degree are there old photos of the original Mansion House, trying to keep the same shrubbery, the exterior, how far is that supposed to be taken?

Dan Gettel: It is my understanding that the architectural qualities of the building are going to be maintained, if this building is demolished, the new building would be larger but same style. As far as landscaping goes.....

Karen: I will take a look at what landscaping was there. If it is worth replicating, we'll make a decision and let the board know.

Susan Brown Otto: What about an environmental friendly standpoint of building materials?

Mr. Cosentino: This is not, as we mentioned before, not a lead project, however what we intend to do is pretty much fulfill those requirements without having the certification.

Susan Brown Otto: What kind of roof, shingle or metal?

Mr. Cosentino: Shingle. Whatever was on the original Mansion House.

Steve Simpson: Have you applied to the utility company for the power for this? Is that upcoming after the plans are put together?

Mr. Cosentino: We wanted to get zoning approval first

Steve Simpson: Do you have a preference where that is going to come from, 55 or 17B? Is there any electrical design?

Mr. Cosentino: No, not yet. Do you have any input on that? We're not there yet. Whatever is easier.

Steve Simpson: Easier isn't always better

Mr. Cosentino: Whatever is economical.

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Dan Gettel: Anything else from the board? We have a little bit of paperwork. We have two letters that we received. I would like a motion to receive and file these letters

**No other comments or questions from the board**

*Motion to receive and file a letter from Dr. Seitelman made by David Biren, second by Steve Simpson*

*All in favor –7*

*All opposed –0*

*Agreed and carried*

*Motion to receive and file a letter from Mr. and Mrs. DeGraw, by Susan Brown Otto, second by Michael Cassaro*

*All in favor –7*

*All opposed –0*

*Agreed and carried*

- 3) *Request for an extension for a preliminary approval that was granted on August 16, 2006 for property that is located on the corner of Lake Shore Drive and SR 55, known as Bethel Tax Map #: 33-5-4, proposed by Woodstock Estates, LLC. (Miller)***

Marty Miller: I am new to the project although this has come to the board; I came on board roughly a month ago. Not in a timely enough manner to be on last month's agenda. I needed to be brought up to speed on it. The plans were delivered to me so that it is likely that this board, which has already extended approval to this project preliminarily, has significantly more information than I have. Wes Illing and I are here this evening. What I discovered was that my client had reason, perhaps their own error, or perhaps failure of advise of my predecessor, assuming that there were predecessors, neglected to request an extension from the board in terms of their project. I discussed that with the applicant. I can tell you that we are untimely in that regard. That having been said I think there may be good basis to give consideration to an extension onto the extent that this board can do it of the project. I have with us a set of plans, and before we start unrolling them and displaying them, I can put them on the board but I'm not sure that will be good, because the detail is pretty fine. One thing that Jacy spoke to me about late in the afternoon is a requirement that she learned from BJ that our escrow had been depleted. I found out that we are down to about \$20.00.

Dan Gettel: \$12.00

Marty Miller: In any event, and Jacy indicated to me that it needs to be \$5,000.00. I will communicate that to the client tomorrow. We know that we have to address that. Having said that and knowing that this board isn't going to ask for professional review until that has been posted, I do want to bring you up to speed. It is Wes and my self's understanding, although you may not see a great deal at the site by looking at the surface, that they have somewhere in the vicinity of half a million to three quarters of a

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million dollars in the ground in infrastructure improvements. That is what I have been told. We think it is reasonably close. One thing that is particularly important at that site is there is a sewer line that the town has that runs through the site. As part of this boards approval there was a requirement that new lines be installed. I am going to have Wes review that. At least more than 90% of the lines are in place. As soon as we can get permission to go forward we can complete the last little bit. To that extent the maps will be of some advantage so you can understand what has been done. There is also a requirement at the site that there be a provision for storm water. That has been done, and those lines are in. There is a considerable amount of subsurface work that has been completed. My understanding is to complete the sewer we are talking about a couple of weeks work at best. But we obviously need permission to go forward to do that. At which point the old line that the town has which is causing issues for the community would be abandoned and the new line would be activated. BJ is perhaps as familiar with it as Wes is. While it does not appear, the reality is a great deal of the in ground requirements have been completed, and they have been completed in accordance with the preliminary plan layout which allows for certain construction at the site. That is where we start to get to some issues. At the point that this site was approved, it was under a preexisting zoning law that has since been altered. There is some question here with issues to perhaps some density, but we have in fact put in the infrastructure based upon the existing approved plan. And the lot locations of the lines, which service that site, are based upon the approval, which this board in its years gone by has approved. They are not lines on a map that can just be moved. I am telling you that because they are physically in the ground. I think at this point it might be a good idea just so that you're brought up to speed, if Wes were to tell you and show you on the map what is actually done because you are hearing it from me, and really I think you are interested in seeing it.

Dan Gettel: Before you make your presentation, a couple of things I would like to point out. If you actually go back to when this project was approved, there are very few people that are actually on this board that were on this board at the time it was approved. The vast majority of these members are not familiar with this project at all. Jacy there is really a question..... even if they do their spiel and show us their presentation what can we as a board do to a project that not only did the approvals run out, but also there has been no site work done in the last two years.

Jacqueline Ricciani: One question that I would ask the developer is what is their intention? Do they still intend to build what was presented over four years ago?

Marty Miller: My understanding is yes. Let me correct one thing that Dan said based upon the information that I have, the last work was done at the site in August of last year.

Dan Gettel: I find that very hard to believe.

Marty Miller: I asked the contractor.

Jacqueline Ricciani: What was the nature of that work?

Marty Miller: That was sewer work, storm water. There was work last year. It's not even a year. It

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was August of last year that work ceased. We had been making progress.

Dan Gettel: Perhaps we can agree that substantial progress has not been made in the last two years.

Marty Miller: I'm not going to agree or disagree, because my familiarity with the project runs 30 days. In all fairness, I don't want to characterize. If I was more knowledgeable I think I might be in a position to comment on it.

Jacqueline Ricciani: All I have really is the resolution from 2006 granting conditional preliminary approval. I took a cursory look at the plans. Do not really know what the intent was as far as.... I understand there are three buildings, is that right?

Mr. Rotundo: There are three buildings, and a Clubhouse.

Marty Miller: I can put the map up. The detail is really fine.

Dan Gettel: For the record Wes, we are talking since the record doesn't reflect what he is holding in his hand, it is 17 units in three buildings, and a clubhouse, which is close to Progressive Garage. I believe the sewer line that you are talking about comes off of Maple.

Wes Illing: There is a sewer main.....there used to be a sewer main, that is still there that goes from Maple down to Lakeshore Avenue. Has all the brick manholes that are really bad and the lines themselves are in really bad shape. One of the agreements was we were going to put in a brand new sewer line all the way through for the town. It was a significant cost savings for the Town. I think the Town was given a grant for \$65,000 to do just that sewer line, but also savings is a significant cost savings for the town in terms of what the Sewer Department spent to deal with their I and I problems. We put in the sewer main 15 to 20 ft from the new manhole that we are going to put in to put the sewers and the manholes in all the way around, and all the way down and the sewer line goes into a new manhole in the street, and the pipe is already in, all we have to do is cut the pipe out of the manhole and then put in this manhole and connect, and that sewer line is active. All of it is inspected by Hughson and Horowitz. He is a tough inspector. He slowed things down a lot during construction, but he is very good, and I think he is very happy with the job. I think they did a great job with installation. In addition to that sewer line there is all the sewer lines from these buildings that have already been put in, the water lines are already in.

Dan Gettel: So the water main was put in for the A units.

Wes Illing: To the beginning of B. The storm sewer went in and it goes all the way across. Maple to Lakeshore. It is a big line. It is a 24 "line. It is all-underground, and it was an expense for the developer to pay for. They have also put in some drainage in; they have put in the foundation for the community building, and A building. The original contractor, who was there, was later fired; the building was not at the right elevation. There were some problems that we got straightened out. They went through another contractor, they had to get rid of him, that took awhile, then they had to get

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another contractor, and there were problems with that contractor. He didn't follow drawings. We have Pat doing the work, and he has been doing a great job, he has been following the drawings, he calls if there are questions, it is working, it is just slow.

Dan Gettel: I believe there is another block of foundations in, or is.....

Wes Illing: Just A and R on the diagram.

Marty Miller: But the infrastructure lines in the ground are covered at this point. In accordance with the layout that received conditional preliminary approval.

Wes Illing: There was an easement modification that was granted by the town and approved by Rob McKeuen. With his help we got the change for the easement for the sewer. So the town would have access for any service or maintenance down the road. An old easement was abandoned. That has all been taken care of as well.

Dan Gettel: Well Jacy, we are obviously going to turn to you to see what can be done, and we are going to turn to Michael and ask Michael to look into the project, to look into the site.

Marty Miller: We will tell the client to reestablish the escrow. We apologize on behalf of the client for not having been back here sooner, but certainly they were working on the infrastructure at the time, and ceased in August of last year. I can't tell you why they ceased. But they are expecting to go forward. I would tell you that in the course of construction here, just so you understand the progress that I am advised by Wes that would have to be made is that we can complete the sewer connection when we get approval to do that, and that can be accomplished in a relatively short amount of time. In terms of the basis necessary for the proposed buildings that are there. Wes tells me that it requires a substantial amount of fill. Which needs to be compacted before footings can be installed and ultimately foundations poured on those footings. I'm not an engineer, Michael is an engineer, Wes is an engineer, and what I am told is that in order to do that properly which is to say do the footings it should go through the winter cycle so that the ground is sufficiently compacted.

Wes Illing: Essentially you compact as best you can with mechanical equipment, but it doesn't do an ideal job and it's not a good practice to put new buildings and foundation on freshly compacted fill.

Marty Miller: We wouldn't be talking about pouring until a year hence. Assuming we can get the fill in and get approval to put the fill in. If this was a perfect world and everybody said okay go ahead and put the fill in today, we couldn't be pouring until next spring the earliest. We are at that stage because of the unique nature of this site. From that point forward we would expect it to go forward. That is the time frame as you will, and I am told that is a realistic approach in terms of proper construction. It is not the kind of thing, assume that this was a situation where this board said fine, BJ issued a building permit, and you wouldn't see buildings rising tomorrow. Because of the nature of the site wouldn't allow for that. So you are not going to see framing, and crews and that kind of thing. The other thing that Jacy and BJ advised me of that perhaps we need to do some better security. I will get information from BJ

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and we will discuss that with them as well. We will certainly do what we can in terms of being a good neighbor.

Dan Gettel: On touching on the part of being a good neighbor, the property right now is not in clean condition.

Marty Miller: We understand that, and that is part of the discussion that I was given in the last day or so.

Dan Gettel: That is not a new problem that has been an on going one.

Marty Miller: It is to me, because I have been involved for about 35 days. I can't ride somebody when I didn't know about it.

Dan Gettel: The last time we had people that came before us and asked for approval, the first thing that we did is ask them to do is to finish the grading, seed everything that they had disturbed and they ended up walking away from the project. But we ended up with a project that is graded, and seeded, and it's not the condition that this project has been in for 3 or 4 years.

Marty Miller: Part of the problem I think is Wes has alluded to that they have been through a series of issues with contractors doing the job, and from their perspective, not doing it appropriately. That has clearly been a problem in both getting the project done in a timely manner and in terms of being a financial drain, because every time somebody comes in and then they are gone, somebody else comes in there is a new start up cost that you don't get with somebody who is a continuous contractor. I understand that Pat has a working relationship, and they have a good relationship, and if we could get an approval, and presuming he remains in good health, and they remain in good health, we have an expectation, at least I have an expectation that Pat would be continuing and we wouldn't be subject to that kind of an issue. I don't have any control over that. I'm expecting that is part of the problem, I can tell you that when the owners spoke with me one of the things they expressed was the frustration they had with prior contractors. I didn't get into the details because it is water already passed through, and nothing I could do about it. They have indicated a working relationship with Pat.

Wes Illing: One of the issues also Marty, you try to get rid of a contractor who is just taking your money and not getting anything done, and then another contractor won't come on the site until the excavator from the prior contractor is removed from the site. The other contractor takes his sweet time. The customer, what is he going to do?

Dan Gettel: I don't think that is an issue any longer; you are saying you are happy with your contractor. A little grading and a little seeding would go a long way.

Marty Miller: We kind of need permission to do.

Dan Gettel: I don't know about cleaning up your property if you need any permission.

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BJ Gettel: Cleaning up the property is just a matter of going in and doing it. I don't have a problem with that. I issued a stop work order because the permits had expired. It was out of my jurisdiction to renew them. You needed to come back in front of the board. I heard that oh we are coming back, we are coming back in six months, and it wasn't until I sent the letter that Mr. Miller contacted my office, and said I am representing them, he was tied up last month because of a previous commitment.

Dan Gettel: Basic erosion control is not something you need a special permit from the town to complete.

Marty Miller: I don't know if erosion is an issue, but we can certainly look at that.

BJ Gettel: That wasn't the issue; it was property maintenance that is a big problem there, securing the site; the kids are in there with the skateboards again.

Dan Gettel: It's all things that you don't need permits from us to complete.

Marty Miller: I will call it to their attention within the next couple of days.

Bill Brey: Mow the grass. That would help.

Susan Brown Otto: How long ago did the permit expire?

BJ Gettel: August 2008

Marty Miller: Work was going on last year. I don't know if they knew that the permit had expired.

Dan Gettel: Michael, I assume you are going to look into the files, and look at the plans that are there, and if you don't mind at the same time try to get an idea of a time table when things were done.

Michael Weeks: Actually, what would be a big help if Wes could give me a set of plans and either highlight them for me or give me a spreadsheet of what is complete, what's not complete. That would be a big help for me.

Dan Gettel: He is going to want to visit the property, I assume. He is going to need access to the property.

Marty Miller: I'm not sure if it is advantages for us to come back next month, I think you are going to be talking about, assuming that the money is deposited in an orderly fashion it is going to take 10 days or so, Mike is going to need the time to do his thing, we are going to try to get them to do what they are going to do, my guess is that we will be coming back in August. In the meantime assuming that we do this, I'm not sure how we are going to proceed in terms of the building permit, that is something that Jacy and I have to pursue, my guess it is a town board issue at some point, maybe.

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Jacqueline Ricciani: The density is a real issue.

Marty Miller: I understand that. We may have to go to the ZBA. Given the recognition that there is an infrastructure and a set of plans and some level of approval, there is some attachment, I don't want to start discussing it from that point of view, but there may be some ways of addressing and resolving it in a manner that everyone can live with. I appreciate there is a density situation on the other hand there is a sewer water project in a given location.

Jacqueline Ricciani: I don't think this board is going to say that this project needs to be abandoned, but to build it as originally contemplated four years ago could potentially be an issue.

Wes Illing: I think the board needs to remember that before that project was approved, what were there 17 bungalows, they were cruddy looking.

Dan Gettel: I tend to disagree with you Mr. Illing. I live on that block, and I disagree with you. I thought that was one of the better-looking places. Compared to some that we have, I don't think we are better off today then we were five years ago.

Steve Simpson: Danny is right, I remember it, and it was kept clean. It was mowed and kept clean.

Dan Gettel: The neighbors would agree with us, we were better off five years ago. Michael I think we are pretty clear on what we are expecting from you, and Jacy look into what options we actually have. I don't know if we have any options as a board

Jacqueline Ricciani: You always have options.

Dan Gettel: Mr. Miller, we will wait for you to request to be back on the agenda?

Marty Miller: Yes, my guess is that it will be August. You can tentatively pencil me in.

Dan Gettel: Anything else from the board?

**No comments from the board**

BJ Gettel: If I were able to get a SEQRA class for nighttime, would you be interested in something like that? I'll have to see what I can schedule with DEC.

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

***All in favor –7***

***All opposed –0***

***Agreed and carried***

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Respectively submitted,

Jannetta MacArthur

Recording Secretary