

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 March 9, 2010 at 7 PM at the Bethel Senior Center, 3594 State Route 55, and 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, Steve Simpson, David Biren, Michael Cassaro, Susan Brown Otto, Wilfred Hughson, David Slater, Alt, BJ Gettel Code Enforcement Officer, Dan Sturm, Supervisor, Jacqueline Ricciani, Attorney, Michael Weeks – Engineer, and Jannetta MacArthur – Recording Secretary

Excused: Bill Brey

Pledge to the Flag

Seat David Slater as Alternate

Motion to approve the February minutes by Mike Cassaro, second by Steve Simpson.

All in favor – 7

All opposed –0

Agreed and carried

- 1) Public Hearing 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)***

Dan Gettel: Just for the public, I am going to have Glenn do a little presentation during the public hearing. If anybody has a comment they would like to make during the public hearing, please come forward. The board will probably discuss the matter later on.

Motion to go into public hearing by Susan Brown Otto, second by Mike Cassaro

All in favor – 7

All opposed –0

Agreed and carried

Glenn Smith: I'm the engineer representing Combined Energy Services. Mike Taylor is here from CES tonight on this project. What I just handed out is the reduced version of the plan, it is the same as this plan here on the board so you can follow it. The project will consist of; this is a 71 acre piece of property on Rt 17B, currently owned by Roy Howard. There are a couple of parcels there, but we are dealing with the 71 acre piece (showing on plan) 17B is on south side of property. Roy's house and barn and a couple of other structures are located on the property about 1000 ft up from Rt 17B. The property is in the Agricultural Zoning District, of the town, which happens to permit light industrial uses which include commercial storage tanks. What the proposal is by CES is to extend..... right now

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Yasgur Road which is a town road comes up partially into the site almost 1000 feet, the existing drive continues into the property, the applicant intends to improve that drive about 1300 ft .25 miles back from 17B, which is fields now. It's up on top of hill, and to install a maximum of 3 propane storage tanks, they are about 30,000 gallon propane tanks, we show two rows of Norway or blue spruce trees, planted on the south side and on the west side of the tanks to screen away from the road. In addition the town zoning requires that the tanks be set back a minimum of 100 ft from any property line. On the west side of the property is Mr. Russell's farm, tanks are shown about 150 ft from that property line, there is also an interior parcel owned by Roy Howard, the tanks are showing more than 100 ft from that line also, so it meets all the setback requirements. Basically near the top of the hill behind the property to the north the ground slopes down, toward Hurd Road, it is all wooded back there. I know the County Planning Commissioner had some comments; one was surround the tanks with tree plantings. It is all wooded along the immediate back side of where the tanks are proposed any way, and it is wooded on the east side as well. That is why we are showing the double rows of spruce side on the south and westerly side. There are no office facilities proposed, no intent to build a building up there, no lighting proposed up on the hill, actually no electric power is going to be run up to the tanks. It is not needed. The ends of the tanks will be fenced in with security fencing, and necessary controls. Everything has to be built to National Fire Protection Association regulations, NFPA; there is a note on the plan that reflects that. That includes things like if there is a fire; there are automatic valves that shut down.. Valves are locked when no one is around. We did put a table on the plan with the number of vehicle trips that would be generated. The tanker truck coming to fill the tanks periodically that is about two trips per week in the winter, and one trip per week in the summer. For the delivery trucks owned by CES, obviously they would be busier in the winter, there are 1- 3 trips per day in the winter, and about 1 trip per day in the summer. That is essentially it, Mr. Chairman.

Dan Gettel: Is there any one from the public that would like to make a comment.

Allan Scott - Smallwood: The concern that I have is with the view. I think they have a pretty good plan to address it. My question would be is this an obvious project and construction project that is visible from the main highway, that you are going to see or have you adequate provisions in fact to totally enhance that as far as not even being able to see it from Rt 17B?

Glenn Smith: I would say currently it is not going to be 100% invisible from Rt17B. There is a grove of trees that sticks out into the Howard property which will certainly help restrict the visibility from Rt 17B. I'm showing 5 – 6 ft spruce trees along the front, obviously when the tanks first go in they are going to be the 10 ft diameter tanks up on.....

Allan Scott: And the height of the tanks?

Glenn Smith: The height of the tank is 13 ft. To start with the trees that are planted for screen will not be 13 ft; they will take a couple of years to get up there. To have it be 100% invisible initially, I doubt it.

Allan Scott: Would you discuss considering mature trees that have height advantage? That's up to the

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board, but that's a recommendation that I would make to make sure that it is tended to. I think that is an important matter. These are all basically low lying tanks, not the big.....

Glenn Smith: Horizontal round

Allan Scott: And the traffic on that town road there, approximately 1000 ft, is one that does not have major traffic – proposed in terms of trucks going in and out

Glenn Smith: As I said the maximum would be 3 delivery trucks per day in the winter months. That's in and out.

Brad Theis – 76 Gabriel Road, Bethel – I have a few concerns. My property is less than a quarter of mile, if you go directly as the crow flies, I'm about northwest. My concern is in the event, we have hunters in the area, what if there is an accident with a stray bullet, propane is heavier than air, as Glenn said it slopes off, and it slopes off down toward me, that is one of my big concerns. Besides that, Mr. Scott had addressed a few of the other concerns.

Ron Borello – 164 Burr Road, Bethel – I don't feel this, for lack of a better term, gas station, should be placed in an Agricultural district. It doesn't belong there. We have agricultural and residential homes and business' there. I am sure that most people are familiar with Yasgur Road, and how narrow it is. It is only part of the way up there that the town plows. Who is going to maintain that road after that? If you get a truck going in, you can't get another car going out. There just isn't enough room. It is not set up for that. I don't think it is good thing to put in a residential neighborhood.

Dawn Ryder: Burr Road, Bethel – the zoning in the AG district was intended to compliment the agricultural farm lands and protect them from the various development intrusions which would be incompatible. I'm not sure if the tanks are going to bother the surrounding farmland, and the horses and the cows at Mr. Russell's farm, but I think the daily intrusion of the daily trucks might affect that. I would also like to bring to your attention to the definition in chapter 345 for light industrial use.

“A business premises engaged in the fabrication of finished products or parts, predominantly from previously prepared materials, including processing, assembly, treatment, packaging, and incidental storage, sales, and distribution of such products, including commercial storage tanks, but excluding manufacturing, recycling, refuse and scrap metal facilities, waste-to-energy facilities and asphalt plants”.

Now the way I read this definition, I read it as part of the business primarily engaged in the fabrication of such finished products or parts, not as stand alone storage tank. I would have you refer to your attorney for the definition and clarification on that, because I don't think that I interpret the definition for the industrial use fitting in the Ag zone. Thank you.

Harold Russell – Rt 17B Bethel – I have the land just west of that parcel of property. A lot of the concerns have been hit upon and mentioned. I don't disagree with any of them. One of things is that I

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am understood that this will not be purchased property, this will be leased property. Is that correct?

Dan Gettel: That is my understanding.

Harold Russell: The town road only goes to Max's old driveway. That means that either the town would have to plow up there or someone would have to maintain the road. But for years I have heard about how we are going to protect the Agricultural, AG district in the Town of Bethel, and now all of a sudden you want to spot zone the AG district. I don't think that is quite what you had in mind when you rezoned the Town of Bethel. It is understood that propane gas is heavier than air. It acts like water. It runs down hill. I have talked to five different fire departments, three within our town, and two outside of our town. When they go to classes, I don't know if any of you gentleman are fire fighters, when they go to classes, there is a rule of thumb when there is a fire around a propane tank, no pun intended, but it's a rule of thumb you close one eye and you hold your thumb up. If you can't block out that tank with your thumb, you are standing too close. I don't know if this is something that is allowable in an AG district. I didn't check that like Dawn did, but the Town of Bethel quite fortunately has a county industrial park within our town. Doesn't that strike you; has a light industrial park, where should those tanks be? They should be in an industrial park not in an AG residential area. Like I said, the zoning, the rule of thumb protection, I understand Mike's dilemma, he wants to serve the western end of the county better. Four years ago Mike you came to the town and made an offer to put tanks down on Creamery Road. They had one person in opposition against it. It never even got presented. He was going to offer to give the town gas to heat the park pool. The town is going to get nothing out of this. I don't know what the tax base would be for this, I don't know what the inconvenience would be, but I understand Mike's dilemma. He needs to service this end of the county better. We have an industrial park within our borders; I really don't think the AG district is the proper place for it. I haven't spoken to one neighbor in my area that is in favor of it. I personally don't like the idea that it is only 100 ft from my fence line. My cows haven't gotten out, luckily, but there are 90 some head that could get out and go running around it. Mr. Howard's horses are up there. Has anyone from the Planning Board visited this site? It is not the best maintained site for something of this nature. So before you decide onto it I would urge the Town Planning Board to go visit the site, see if it is a proper location for it. Like Mr. Scott said the visibility I don't know if you passed the ridge rule, the building ridge line rule in the town yet. If you can't build a house on a ridge, why can you put tanks on a ridge? Even if you are considering passing such a law, which I hope you don't, because I think it is ridiculous because Bethel Woods is on a ridge. We are all local, and we are all neighbors, and let's do what is best for the area.

Darien Weisman- Nearing Lane – Bethel: With the zoning, I got the impression that if you are doing something light industrial for your AG business that you have there, that's fine but to lease land to put 90,000 gallons of propane, someone told me there are only going to be two trucks a day. I don't know who is going to monitor that. I am just against it, I live across the street. I don't think it is the whole concept that Bethel came up with these new zoning districts to keep the town a certain way, I think this should be like Harold said, there is an industrial park, and I just want to register that I am not happy about an industrial site going up across the street.

Dan Gettel: Is there anyone else before we close the public hearing?

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Motion to close public hearing by Steve Simpson, second by Mike Cassaro.

All in favor – 7

All opposed –0

Agreed and carried

Dan Gettel: If there are any comments from the board, now is the time. Jacy, the first question that I have we had looked into whether it is permitted in the AG district, and if you have any comment on that.

Jacqueline Ricciani: The way I read the definition, the way that the commercial storage tanks are listed, and commercial storage tanks can be included as a light industrial use, and that is one of the permitted uses for this district with a special permit, which is the process that we are going through here. I believe with a special permit, this board can approve it, subject to anything else that the board would like to add

Dan Gettel: Glenn, there were also comments made about maintenance of the road outside the town bounds. I see on the plan you are making improvements to the road to the driveway section.

Glenn Smith: There will be 16 to 17 inches of compacted gravel, which is a pretty good road needed for any type of delivery trucks and that type of thing, that will have to be maintained by the applicant

Dan Gettel: From Yasgur Road to the tanks, let say and the turnaround?

Glenn Smith: Absolutely, yes

Dan Biren: And the existing road that is there now, what kind of shape is that in?

Glenn Smith: I haven't been up there recently without snow on the ground, so I can't answer that exactly. It's not a peak road up there. I agree with that.

Dan Gettel: Are we talking Yasgur Road, or the driveway portion.

Glenn Smith: The town road section

Dan Gettel: Lyndey (Lilley) has indicated to me that it is adequate for this type of use. My question is about the existing driveway, any improvements to the existing driveway, are you are going to bring up to this standard?

Glenn Smith: That is what is on the plan

Susan Brown Otto: Isn't the property for sale. Isn't there some astronomical sale price associated with the property?

Glenn Smith: Don't know the answer to that.

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Jacqueline Ricciani: That is one of the other things that will need to be discussed; an agreement is going to need to be entered into between the landowner, Mr. Howard, and by the applicant to talk about such things as when this lease arrangement ends, what is the provision for the removal of the tanks. It's either because CES is no longer going to use the tanks, or because the landowner, who in this case is really the landlord, is going to terminate the lease. In either circumstance, CES is going to be required, or Mr. Taylor personally would be required to remove the tanks. It has been suggested that within 120 days, of whenever that should cease. There are a couple of other conditions that I would like to add, and that is that in addition to what has been proposed by the applicant that should have been distributed; I hope everyone got a copy of that draft agreement. In addition, CES is going to have to notify the town of when their use of these tanks would end, no matter why the ending. CES would notify the town, Mr. Howard would agree not to interfere with the removal of the tanks and if the property is sold, to address Susan's concerns, if the property is sold, this agreement would survive, and the subsequent purchaser would then be obligated also to meet the terms of this agreement. Assuming that the lease would continue, if the lease doesn't continue then it is back to Mr. Taylor to notify the town that he is no longer going to be keeping the tanks there, and he has to remove them. If there are any other conditions that this board thinks should be added to that agreement, in the event that this application is approved, that is something that we can talk about. This agreement would have to be modified as to what was presented. I don't think the applicant is adverse to anything that I have suggested so far.

Glenn Smith: No, as a matter of fact that was our first shot at that. That was subsequently signed by Roy Howard and by Mr. Taylor, but I discussed with Mike your conditions and he had no problem with that, we'll just revise the agreement, and get it signed and get it to the town.

Jacqueline Riccini: If there is anything else that the board thinks should be included, that can be discussed as well.

Susan Brown Otto: Do you think a field trip to go to the site is in order?

Dan Gettel: That is up to each of the board members themselves. At the last meeting we all saw photographs of the parcel; I think we all have a pretty good idea what it looks like from the road. If you would like to visit the property, that is up to you.

David Biren: I would like to also.

Dan Gettel: Do we need permission to go there?

Mike Taylor: Give me a call, I will have someone meet you there, Roy's son will meet you there and give you a tour

Dan Gettel: Jacy, going back to the lease agreement, you had indicated earlier, we need to review that prior to.....

Jacqueline Ricciani: If this board is considering granting this application then this agreement between

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Roy Howard and CES and Mr. Taylor needs to be part of one of the conditions to the granting of this application. I'm sure I can work with Mr. Taylor and Mr. Smith to draft an agreement, and we can circulate amongst the board for everyone to see before it is presented for signature.

Susan Brown Otto: One thing we haven't talked about is the site distance and the amount of traffic that is going to be going in and out there, it seems based upon my recollection of where the driveway is, that the site distance is pretty good there. It's pretty wide open there.

Dan Gettel: I agree with that

David Biren: I would like to see more foliage around it, all the foliage as Mr. Scott said, more of it, a buffer on three sides at least, the back side I understand is wooded, the third side where the road is buffered also so we don't have any chance of seeing it from the road. Get tall trees in there, wider trees, even if you need a third row in there to blanket it even better. Whatever it takes to make it so it is not seen. Also, if we do approve it, I would like to know the lighting is

Dan Gettel: There is no lighting

David Biren: Okay. I would also like to know from a fire company the implications, if God forbid something does happen.

Mike Taylor: Would you like me to address the safety concerns?

Dan Gettel: Yes, please

Mike Taylor: I am Mike Taylor, from Combined Energy Services; I have been doing this my entire life. Literally my entire life, I think I know most of you in the room. As Harold was saying, and fire departments using the old rule of thumb, that is ignorance. Firefighters don't believe that today. Firefighters are better trained then they were years ago. The tank itself let me step back.... I am currently Chairman of the New York Propane Gas Association of Urgent Response Committee. I teach at the NYS Fire Academy, Montour Falls. I teach a propane class up there. I teach emergency classes. The rule of thumb that Harold is saying it doesn't really exist anymore. Now the education for firefighters – keeping tanks cool. I brought a book. Everything we have to do with the propane business we have to adhere to Federal standards. FPA. The FPA dictates our life. I live by this everyday. Tanks today are much different. Propane storage facilities are much different than they were 10 years, 20, 30 years ago. The tanks are equipped with pneumatic valves. I have explained to the Planning Board before. Every opening on the propane tank has a pneumatic valve connected to it. It is controlled by plungers. Charged with nitrogen gas, not flammable, through almost like plastic break lines. You can push one button; it shuts every valve in the entire plant. They are all left in a normally closed position. If in fact, for some reason during transfer if something happens, if heat hits any of these lines, they melt all the valves in the entire plant shut down. There is one pneumatic valve within 10 ft of the fill truck, and one at least 100 ft a way, so if a firefighter gets up there it's not just pushing a valve, entire valve, everything shuts off. Somebody says if you shoot this, it's got to be quite the gun. I am not much of

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a hunter, I hunt some turkeys. The tanks are about an inch thick. To pierce that, nothing is going to happen in that respect. They are maintained in NPA standards, we have a lot of money invested our facility, and anything we do. Our insurance company inspects us twice a year. Propane is not something you do haphazardly any longer. Fuel oil, you can park a fuel oil truck and I can fill that with a tractor trailer in the driveway of my house. That stuff goes on; I don't know if you guys realize that. You can spill and get it on the aquifer and make a big mess. Propane you can't play games like that. Redundancy is built in. We do it because of human error. Human error is what causes problems. My weakest link is my poor driver who has the worst day. We set up all the fail safes to stop anything from happening. Excess flow valves are built in, pneumatic shut off valves; everything is shut off, locked, and secured. Let's talk about when gas leaks. It goes down hill definitely. You need a hell of a leak to get down towards Harold's house in all honestly. The wind dissipates; we are on top of a plateau there for the most part. Fire departments do training with a fog pattern, move the gas, just move gas, dissipate it, it's not really a scary situation. Propane, you can smell it, long before it's ever going to have a problem. We put the odor in it, so you can smell it. We want to scare you; we want to get you alert so you can smell propane. You call and shut your tank, and get out of the house. Does anyone have any individual questions about the tanks?

Dan Gettel: I can't really open the public hearing. Once it is closed, I can't reopen.

Mike Taylor: If anyone has specific questions, you can call me at my office.

Dan Gettel: Or they can meet you outside after the meeting.

Susan Brown Otto: Is the road going to be sufficient if there was a fire that fire trucks could get up this driveway? Because there was a fire several years ago down the road from where my parents live and it was in the middle of the day, and fortunately fire trucks could go from both directions, it was an icy day, I was wondering with the driveway itself are fire trucks going to be able to get in there, turnaround, heaven forbid if there was a fire.

Glenn Smith: The driveway is laid out there is the parking and turnaround up by the tanks for their trucks and for tanker trucks to get in there. We have to meet a certain minimum radius for example, and whatever the tanker trucks or delivery trucks can get in, the fire trucks can get in there also. It would be up to Mike and his people to maintain that road. They are going to want to get their trucks in; winter is when they are going to have to get their trucks in and out of there. They will maintain it, and do what they have to do for that. There is really no combustibles, Mike, correct me if I'm wrong. They are steel tanks, and chain link fence is what's going to be up on the hill.

Mike Taylor: In a Steven Segal movie it really looks like these things can blow up and do a lot of damage, but in the real world, they are really very safe.

Steve Simpson: I have something to ask you. I know there is a facility over here on the corner here of Broadway and 55, my questions is, would you be willing to remove the tanks, demo the concrete, clean it up, grade it off, seed it and whatever before you start construction at the new site?

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Mike Taylor: Ah, if I have my approval, I'll take those down. I was speaking with Supervisor Sturm, and my conversations with Harold that was brought it up, there wasn't any objection only of one person back then, against me, and we were doing a land swap. The town wanted me to take my oil tanks down, I have left those oil tanks up deliberately because I wanted to build a propane plant, and I have gone through four supervisors during that time period, and my intent has always been the same. Yes, I will take those down definitely, but I have left those up, and I continue to leave them up until my great great grandchildren have more gray hair than me, if I can't build something. I want to be a good neighbor.

Dan Gettel: Just to clarify, Steve, that was addressed at the last meeting. He did agree to take them down, but we are a little reluctant to make that a condition of this approval, since they are two different sites. I don't want to make it sound that we are doing a swap. It's not really a swap.

Mike Taylor: I live here, my kids go to school here, and I'm not going to do something I say I'm not going to do.

Steve Simpson: What I understand about the swap.....

Dan Gettel: What kind of a time table are you looking for, for the removal of those tanks, and how do we hold you to it?

Mike Taylor: I would do it. During the summer time, as soon as the weather breaks, as long as there is approval on this, I would be happy to take those down.

Glenn Smith: Is there a CO requirement on the new tanks? I imagine there would be.

BJ Gettel: Yes. A Certificate of Compliance.

Dan Gettel: I am reluctant to attach this to the approval of the other project, but it sounds like something we would need to do prior to any certificate of compliance, that the other tanks be removed

Mike Taylor: Before construction? I can't use my new facility you are saying until I have those down?

Dan Gettel: Correct. That would be a condition, since we obviously have to attach it

David Biren: Our fire companies, the three that we have, I believe it is three, are any of them experienced in case we have a fire. Do we have the equipment for it? If we're not trained for it, how do we get the training for our guys?

Mike Taylor: I am happy to do propane emergency class. As I said I have done classes across the whole county. I have had people from Bethel attend them. I would be happy to do one for Bethel.

David Biren: We would have to set something up, and I would like to know that the fire company has

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the equipment, has what it is needed if there is a fire, that we have the equipment. Whatever it takes, I don't know. How much water would it take for your 90,000 gallons?

Mike Taylor: It's a steady stream of water on top of whatever the fire is; it is not a copious amount of water, just a steady stream on top of the tank.

David Biren: Just to dissipate it. When you fill these tanks up, how much of an odor is there?

Mike Taylor: You shouldn't have any odor. If you spread cow manure in the field, you will have more odors from that.

David Biren: There will be no odor in the field? There has to be some, as it dissipates in the air.

Mike Taylor: There is very little when the pipe is unhooked from the back of the truck, and it is released

David Biren: Again, I brought up about the foliage covering that, as long as we don't see it from the road.

Mike Taylor: My wife's cousin is John Rapp. Maplehorst Nursery. They have evergreen trees

Dan Gettel: That is something that we usually make as a condition, improvements to the height of the foliage

Mike Weeks: If you are going to change the number of them, or the height, size, it shouldn't be something as subjective as being able to see the tanks, not see the tanks; it ought to be a certain size, caliber, so there is no confusion later.

Dan Gettel: Glenn, would you change the number or spacing of the trees, or species?

Glenn Smith: There are two rows that are staggered. Two rows that are 15 ft apart, trees are 20 ft apart, and staggered, and they are 10 ft apart. The County Planning Commissioner doesn't want white pine, he wants spruce, so we changed it to spruce. Technically spruce trees get pretty wide. Especially if you go with a 10 or 12 ft high spruce to start with now. That is a fully substantial buffer.

Mike Weeks: I don't think you want to put them closer to that. I think some of them will die.

Dan Gettel: I agree with you.

David Biren: They should be put on a burme.

Glenn Smith: I don't know about a burme, they will be planted around the whole front.

David Biren: They would be better off planted in a burme

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Mike Taylor: The wind could take them out on a burme.

Glenn Smith: You mean like a raised soil burme?

David Biren: Yes, somewhat.

Dan Gettel: What I am getting at, you're not really changing the plan, we are asking that you specify the height of the tree, correct, Michael (Weeks)? The number and the spacing and the layout is already on the plan, the question is really about the height.

Michael Weeks: The height specifies 5 ft.

Glenn Smith: If you are on 17B, you are looking up the hill at them, technically a 5 or 6 ft height tree, the tanks will be behind the trees, they will be screening a lot of the tank. We can go higher if you want.

Mike Weeks: The trees are going to be triangles, so there will be a lot less on the top then the bottom.

Glenn Smith: You'll be able to see the tanks, a higher tree will help screen it. The Norwegians grow really fast.

David Slater: Can you camouflage the tanks?

Mike Weeks: There should be maintenance conditions on the trees so if they die.....

Susan Brown Otto: What color are your tanks, white?

Mike Taylor: White

Susan Brown Otto: Do you ever have like green tanks.....

Mike Taylor: We keep them a light color to reflect heat, to keep pressure down.

Dan Gettel: Any other questions from the board? I guess I need a decision from the board whether we want to move ahead with this at this time, or

BJ Gettel: 239, for the record came back , local determination , no adverse intercommunity impact. Did you want to do seqra tonight?

Dan Gettel: Let's wait and see if the board wants to move ahead with the approval, or to hold off, or table the application.

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Jacqueline Ricciani: Dan, I think we should hold off until we can firm up the terms of whatever side agreement is going to be in place for the eventual removal of the tanks.

David Biren: And while you are doing that I would like to go out and see the site myself, and so does Susan, so that will give us time also.

Dan Gettel: So that would give the applicant time to come up with the agreement as far as the rental of the parcel.

Jacqueline Ricciani: It is really in the event of the determination of what is going to happen to these tanks so we can firm up the terms on that agreement, give the board members the opportunity to physically go up to the site. You have the time.

Dan Gettel: We need some kind of maintenance agreement in line for the driveway, correct?

Jacqueline Ricciani: Well somebody said that I guess Mr. Lilley said.....

Dan Gettel: The driveway portion outside Yasgur Road.

Jacqueline Ricciani: The part that they are going to be using, they are going to be maintaining it

Dan Gettel: It is a shared driveway, in some parts.

Glenn Smith: You can probably address that in the same agreement with Mr. Howard and Mr. Taylor, those are really the only two parties we are dealing with here.

Dan Gettel: It might as well be addressed

Jacqueline Ricciani: I will add that in.

Dan Gettel: Glenn, as far as the foliage goes, I think the simplest thing to do is just call for a minimum of a 10 ft tree. Same spacing, same number, same layout. I personally don't feel it is necessary on the easterly side since you are increasing it on the two sides, as far as I am concerned are the most visible. In order to defray the added cost, I don't have a problem with not screening the easterly side.

Glenn Smith: It is a substantial additional cost if you go higher

David Biren: Are we going to see any of it when we drive by where there is no foliage on the east side, are we going to see the foliage.

Glenn Smith: You are not going to see the tanks driving by on 17B

Dan Gettel: Okay, Glenn, I think you know what we are looking for. If that is the case, get your items

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in order, and we'll table this for a month.

Motion to table by David Biren, second by Steve Simpson.

All in favor –7

All opposed –0

Agreed and carried

2) Application 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 have updated the maps for Mr. Magnon. Mr. Magnon owns about 50 acres on Laymon Road. In 2006 he subdivided the small lot, lot #2, map #10 457. That is a one acre lot. Mr. Magnon currently rents. The tenant wants to build a house in the back portion of Mr. Magnon's property behind the house he is renting now. So Mr. Magnon and the tenant decided that they were going to buy the 5.36 acres, it is 200 ft wide, with a flag on Laymon Road, the narrowest part of the flag, 50 ft wide, right now the flag lot meets all of the zoning, which I put on the left side of the map. Besides that, the remaining portion would be 44.5 acres on the north and south side of Laymon Road. Mr. Magnon has no plans to do anything with that right now.

Dan Gettel: I see you have a soils map on the plan.

John Galligan Jr.: Glenn Smith did deep testing for lot 1A, which is on the left side of the map. I put a smaller version of the letter which has the type of soil and percolation, from Glenn.

Dan Gettel: You want to address Michael Weeks concerns? I believe the board got Michael's review on this. It is pretty straight forward.

John Galligan Jr: I put everything on there up until the site distances, which I still have to do.

Dan Gettel: I believe addressing the soils was one of the concerns that Michael had.

John Galligan Jr.: I put a very small little portion of soils map on the top middle portion of the subdivision map. I believe Mr. Smith when he did the percolation and deep test pits, I believe his letter covers this.

Dan Gettel: But that was done for the past approval.

John Galligan Jr.: No, that was just done for this one. He just did it. I added to the map. This is what Mr. Smith prepared for Mr. Magnon.

Dan Gettel: Do you know the perc rates?

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John Galligan Jr: It is listed in the letter here from Glenn.

Michael Weeks: They should be shown on the plan

John Galligan Jr: They are on the small plan on the right side there.

Dan Gettel: There is also, Jacy, just your opinion on there is a note that they are sharing the vineyard that is on the property.

John Galligan Jr.: Mr. Magnon owns a winery, somewhere, I don't know where it is, but he decided he wants to build a vineyard here.

Jacqueline Ricciani: Just to clarify, this little lot #2 you said..... He is renting to somebody.

John Galligan Jr: He subdivided that in 2006.

Jacqueline Ricciani: And now he wants to..... Is his plan to combine the lot with that..... So he is just going to sell 1A to the person who is currently renting from him. Why not just combine with that little piece that he is already renting

John Galligan Jr: Because the tenant wants to build a house on lot 1A, not immediately, but in the future.

Jacqueline Ricciani: But he is already living in a house on 2.

John Galligan Jr,: If he combines it with that now, then in the future he is going to have to go through subdivision

Dan Gettel: I don't think the fact that it's a tenant, he is just conveying a vacant lot to somebody that wants to buy a vacant lot.

Jacqueline Ricciani: I understand that, but it just seems cumbersome.

Dan Gettel: #4 on the map describes sharing a vineyard that is shown on the map.

John Galligan Jr: Mr. Magnon wants to keep maintaining the vineyard, and the purchaser has no problem with him doing that.

Jacqueline Ricciani: We just need the description of the lot that they want to subdivide, what agreement these two private individuals have between themselves is between them.

Dan Gettel: The map will be filed with the County, so it will be part of the filing. I'm just curious because it is not really a defined area. I don't have a problem with it,

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Jacqueline Ricciani: I don't think it is something that this board needs to be concerned about. If there is going to be a dispute between them, there is going to be a dispute between them. It's nothing this board is going to be responsible for. You're right, it is kind of

David Biren: Does the vineyard need a road to get to it

John Galligan Jr.: Mr. Magnon still has access from his property to where the vineyard is.

Jacqueline Ricciani: Let's not forget he is going to have to get a building permit at some point in time, he is going to have to put a driveway through there. I'm not sure it is something we need to be concerned about. It's going to be the landowner's problem.

Dan Gettel: I see an 11 minute perc and a 50 minute perc.

Michael Weeks: An 18" and a 20" hole.

David Slater: I am getting confused. It is basically too much information for what they want to do, correct. Basically you are subdividing a lot. We don't care whether they are going put a house on it, or whatever. It is a blank lot, with everything else you confusing me.

Jacqueline Ricciani: They need to meet the basic requirements that are required.

David Slater: Which is to subdivide a lot?

Dan Gettel: David, what we do have to look at is that they are creating a buildable lot. That is why we ask about the sewer, and the septic. We don't want them conveying lots that aren't buildable, that will be sold at tax sale, after tax sale. As long as they prove it is buildable, I agree with you. I raise the question about the vineyard, and it is raising more questions then I really had about it. It kind of muddies the whole application. It is a relatively a simple application. It is a two lot subdivision, proposed new house in the rear. It meets zoning, you have an acceptable perc, it could be better

Michael Weeks: It's okay

Dan Gettel: Come back next month for a public hearing. Michael, can we approve that type of system?

Michael Weeks: Yes, for one person

Dan Gettel: If there are no other questions from the board

Motion to proceed with public hearing by Wilfred Hughson, second by Steve Simpson

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All in favor – 7

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)

Jennifer Schmoyer – representing Wes Illing - Engineer. I believe you received copies of these plans. What you have now is a little revised. The base property itself is 7.37 acres, on NYS Rt 17B. I have a copy of an aerial photo, it also overlays the property lines surrounding the property. You will see at the bottom on the southern edge, is Black Lake, and the property at the south is Black Lake Estates. The cemetery is northwest, you can see the open field area, and you can see some of the rooflines as far as the developments immediately adjacent to this property. So again, Black Lake Estates is to the south, what we have is a T shaped property, 200 ft section in width. What we are looking to do is this property is in the G 17B – Gateway commercial zone. What we are looking to do because this falls within public sewer, we are then zoned to go to with .5 acre zoning, and on page 2 you will see our proposal for a conceptual plan, for conservation subdivision. What the proposal includes is 13 single family detached homes, an accessory building which is a club house, accessory uses would the playground toward the center of the property, and then also a potential pool, I can walk you through the plan. It is 7.37 acres in total. We are proposing 13 single family homes. That gives us .0567 acres per home. We fall within the standards of the requirements. In this layout what we show are two different home footprints. Just to give you a rough idea of what it might look like, what the potential home size might be. We are proposing for this subdivision that they would be 1.5 story homes. The largest house shown on this plan is 2,335 square ft., just a general footprint. The smallest home is about 1,800 sq ft in footprint. To clarify what you are seeing, to avoid having the houses looking like large boxes, is the front of the house of the small entry way, it gives a little more architectural detail, the square that you see would be a patio, so you would have two almost dormers coming out the back of the building with their own roof lines, the idea being that you would have windows surrounding both of these back portions of the house so you get a lot of natural light in the home, and you would have use of the central space, and easy access to be outside with the family and friends. Conceptually right now these homes would be in the neighborhood of maybe 8 bedrooms or so, some may have a little less. They have large families, they like to accommodate their children in single bedrooms, have guests, and have family and friends over. We also show ample parking. We show three parking spaces for each home. The primary drive going into the conservation subdivision is a two lane road where you enter the development itself. It is gated. This would be restricted access. The grounds would be for use only by the occupants, along with the clubhouse. We are proposing at this time that the two lane road would be a private road, it would be 18 ft wide paved, with two foot shoulders on each side. You would have an effective travel width of 22 ft. As soon as you enter the community, bus parking space for the boys of the family because they come in and out of the community on buses, there is a paved or hardened surface to wait for the buses, to load and unload the buses. For the club house, we show two handicap parking spaces already provided. As far as the parking for the clubhouse,

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again the clubhouse is for the purpose for the people that are purchasing these homes and using this community. That is really its only purpose. Therefore, the parking would be provided for the home. These would be people that would be walking up to the clubhouse to meet and gather. The idea behind for the conservation subdivision, again the idea is to maintain as much green space between the highway and natural buildings, trees and shrubbery and so forth that would also help maintain privacy for the individuals within the community, but also block the view of the community from the roadway. We also show trees and shrubs throughout the community so you would have a large open space between the houses, for the children to play, and to have one large open space. Surrounding the community we show plenty of trees and shrubs to provide screening for their neighbors, again we said Black Lake Estates is to the south of this community so we would like to not only keep their privacy, but to also keep the same for their neighbors. The next page, again I said this was on public sewer, we will be taking advantage of. As far as water supply that would go through the Department of Health. We would have to provide a water supply plan approved by the Department of Health. Page 3 of 4 what we have here is to achieve our density for the conservation subdivision we needed first by code to demonstrate that we could get 13 buildable lots. That is what we show on page 3. The chart, the zoning requirements to the right, lays out first the minimum requirements, of .5 acres per lot. The width of a minimum of 100 ft, the depth 150 ft per lot. The offset requirements, 25 ft from the rear yard, side yards 10 ft, both side yards just 25 ft, and a maximum coverage of 30% of the lot. You will see that we meet all of those requirements for the gross areas, and as per lot design, which you will see a section of the code in the upper left hand corner, what we did is pulled out the sections of the code that were applicable to this subdivision, so as far as the lot design, which is

300-21,” Lots to be buildable. This section shall apply to the subdivision of land into two or more lots. The lot size, width, depth, shape and arrangement shall be appropriate for the type of development and use contemplated and shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with Chapter 345, Zoning, of the Code of the Town of Bethel, as it may be adopted, or in providing access to buildings on such lots from an approved street. For purposes of calculating development yield, the following areas shall be subtracted from the gross acreage of each lot to establish the minimum lot area”:

Out of that list, the two that were applicable were #4 and #5.

4. “For public roads without dedicated rights-of-way, a theoretical right-of-way 50 feet in width measured 25 feet each side of the center line of such public road”.

The roads within the community are private, we do not feel this is applicable in this case. It does stipulate that the right of way should be for public roads. And #5

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5. "Utility easements, except for utility easements relating to the provision of utility services to individual structures".

So what you will see is for the area that we need to subtract from the actual individual lot, we have subtracted the utility easement, the utility easement is shown in a bright purple, it comes from 17B, the utility would be your septic and electric. We show a 25 ft wide strip that goes from 17B down the center of the community and branches out so that each of the lots are serviced. With this requirement, we then subtracted the utility easements, we then come up with the available lot area, which must be over .5 acres per lot. And you can see we were able to achieve that. The next column also provides the width and depth for each lot. We only took out the utility easement because from the right of way easement that would be subtracted that would be for public road. If you look in 300-21 B the applicable sections that for the developmental standards that we pulled out were # 7, and #8. Number 7 deals with split lots,

"Split lots. Parcels of land separated by a public road or by a private road depicted on a subdivision plat approved on or after January 1, 2008, shall be considered separate lots. Each such lot shall meet the minimum lot area, lot frontage, lot width and lot dimension requirements of Chapter [345](#), Zoning, of the Code of the Town".

Right within the same section of the code, you differentiate between private and public road. We were confident in that you really only need to subtract off the utility easement because it was a private road to be maintained by the community. In the next section, section 8

"Land after subdivision. If remnants of land exist after subdividing, they shall be incorporated in Town of code"

So what you see is we having our private road as it wraps around and to enable a road to come through the area and still provide screening for all of the neighbors. There are very small remnants of land that cross the road. But according to code in section 8, that is incorporated with these lots. That provides a square even lot, for all the lots, that meets the full requirements, and provides screening so you really don't see the road and the parked cars. Page 4 of 4 – demonstrates if this was a public road and you were required to have 50 ft right of ways within the two way road and 25 ft right of ways, for the one way road surrounding the community, we were able to get 12 lots out of this, again we feel that really we should only be subtracting for the utilities, and we feel that the community is rightfully a 13 lot community. Particularly because the right of way being 50 ft gives the community the ability to widen roads if necessary, maintain the roads and so forth, this is a private community, and they are not looking to have two lanes in each direction. Any questions? Our two goals for tonight, we want to get approval to go ahead with the conservation subdivision. These are preliminary ideas, and we would like to have rulings on the density.

Dan Gettel: Just to bring the board up to date, we did have a preapplication meeting with this applicant to discuss the number of units, the type of units, and the style, what's permitted, because a local law was passed this year which allows us to consider a conservation subdivision in this district. If you recall this

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applicant was here before, and we couldn't entertain any review because it wasn't permitted in the district. The Town Board has passed a new local law which does allow us to review conservation subdivisions in the Gateway Commercial District. So that is why they are back before us. At the meeting we discussed a number of units that should be permitted based on the density. They did go through density calculations. There was some discussion about what is a public road, and what is a private road, I do give them that it is a gated community, there is a gate at the end, so it is a private road, so in theory the way the code is written, they do not have to subtract out the roads, they could do an easement around the whole property or do a right of way, and consider that part of the lot. We did agree at that public meeting, there wasn't a quorum of the board, but the people present at the meeting did agree that 13 did seem to be a number that fit on this property, we did stipulate though that if they are going for 13 units, they cannot be 2 story units. The units are going to be restricted as far as height goes, and we did ask about number of bedrooms, and square footage. I don't know if you addressed number of bedrooms.

Jennifer Schmoyer: We haven't gone through full design of the floor plan.

David Biren: Eight bedrooms?

Jennifer Schmoyer: Again these are for large families. They like to provide a bedroom per child, 5 children, parents, maybe grandparents. The footprints of the house were kept to a minimum. Instead of a one story, to minimize impervious area to allow the family to have ample room for their children and family to gather.

Dan Gettel: I guess the first question for the board is, does the board agree that the conservation subdivision would fit this parcel better, then a conventional subdivision. That would keep the houses off the road, and could create more of a community along the back. Does anyone from the board have of any comments? We had discussed at the meeting also, the setbacks for the clubhouse. I don't know if we looked into it.

Jennifer Schmoyer: There are many different options for the clubhouse. The clubhouse in the position that it is in now, keeps it as far away from 17B visually as we can. The reason it is rotated the way it is, if we turned it clockwise it would push it farther towards 17B. The clubhouse requirements, for the rear and front yard to be 50 ft away, currently we can get 50 ft in the back, but 30 ft in the front. For this zoning for any of the homes, the requirement is only 25 ft. for the front yard and the rear yard. One argument that we have for a community house of this nature it is only servicing the people within this community, it's not really servicing a church or a fire hall that would be in within a community such as Bethel, where people would be driving to it and you would want larger setbacks to allow for larger parking. This is just a small clubhouse. The code does allow for a waiver option, and we may seek that in our actual preliminary submittal for that small 20 ft difference. We could probably just turn it and meet the setbacks without a problem. The other option is the landowner also owns the adjoining lots, they really do not want to develop and put the clubhouse on a lower southern lot, that is pushing the development out farther from the community, creating more roads. For the small exception for that 20 ft, we feel it would be reasonable to ask for a simple waiver with the actual submittal.

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Dan Gettel: Michael (Weeks), do you recall somewhere in the code where it talks about community buildings and setbacks. There is a section in the code under bulk and use tables talks about a community building having to be a 150 ft from any property line. Wes (Illing) was supposed to look into that.

Jennifer Schmoyer: I do have the bulk table for this district and it says the front and rear 50 ft.

Michael Weeks: You say there are two other parcels?

Jennifer Schmoyer : They are not part of this..

Dan Gettel: Michael (Weeks) if you would....., I just have a concern this is a good place for the clubhouse as far as benefiting the people that are going to be living there, but what about the neighbors that are already living there. The clubhouse is being built right in their backyard. Can you look into the zoning and check on the section that calls for any community building to be 150 ft from any property line. And see if that in fact is in place. I do recognize the tennis court, the hand ball court, that were previously proposed at one time have been taken out. Is there an existing pool there now?

Jennifer Schmoyer: I believe so.

Dan Gettel: So that pool would be filled in

Jennifer: The only location we found the community building offsets for this bulk zoning for this zone. So that only requires 50.

Dan Gettel: It's nothing that has to be decided tonight. Tonight we have to decide if it is a conservation subdivision, and the number of units.

Jennifer Schmoyer: The biggest thing we want to know is whether to go ahead with the conservation subdivision and of course the density.

Dan Gettel: What's the feeling of the board? Is everyone okay with the 13 units, with the restriction that the building be limited to a story and a half.

Jacqueline Ricciani: They do definitely meet the requirements. It's up to this board to give them approval to continue

Jennifer Schmoyer: As far as the coverage for the lots, it is lower than 30%. As far as doing the standard subdivision plans for the code we are allowed up to 30%

Dan Gettel: I do agree, , at the meeting that we had at the Town Hall we didn't talk about 8 bedroom units.

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Michael Weeks: That is only a footprint

Jennifer Schmoyer: That is a preliminary idea. The actual size could be dealt with as we go on

Dan Gettel: Jacy do you agree that we can let them move ahead with the conservation subdivision with the idea that we are going to revisit the size of the units.

David Biren: That is if we agree if it is a conservation subdivision.

Jacqueline Ricciani: You can definitely do that, just ask for a preliminary site plan based on this density and the square footage.

Steve Simpson: That's if we agree that it is a conservation subdivision.

Jacqueline Ricciani: That's the first question. Do you agree that this applicant can continue as conservation subdivision as opposed to a more traditional subdivision which you see on the other two pages. That is the first question. If you say yes, the second question the applicant is asking is the density. So if they come back, you'll know what to expect.

David Slater: If we agree upon the one tonight, then we have agreed that it is going to be done. The density we can change. We can go back and change our minds later on if we agree to allow them to move forward, we can always take that right away, or once we have agreed they've got it, they've got it? Not the houses themselves.....

Dan Gettel: We are not giving them site plan approval, we are giving them an approval to proceed with this type of layout. We're going to revisit the

Jacqueline Ricciani: What you have is more of a sketch plan. This is not a site plan yet. We're not to that point yet.

Dan Gettel: The idea is what is a better use of the property. Is the layout better in like a cluster? What type of ownership would it be?

Jennifer Schmoyer: A Condominium Association.

David Slater: I guess what I'm asking is once we approve the conservation subdivision tonight then we can't take that conservation subdivision approval back.

Jacqueline Ricciani: Sure we can. What you are doing at this point, the applicant wants to.... You are not really approving. Maybe that is too strong of a word. What you are saying is, please submit to us a site plan, or if you want to do a sketch first, I don't know how far into this you want to get, submit to us something that develops the idea of a conservation subdivision. What you have is really very minimal. The applicant wants to give you something more detailed, more sophisticated. You are not being asked

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to approve anything for them to build. We are not even close to that step yet.

David Slater: I guess the word approve.....

Jacqueline Ricciani: That doesn't mean that you are giving...

Dan Gettel: Does a conservation subdivision seem to be appropriate.....

Jacqueline Ricciani: You can take a look at it, you are not bound to approve a conservation subdivision

Dan Gettel: The way I am reading Section 345 – 24, this may be an appropriate use of the property, that we will consider it. We don't have to consider. If they come back with a plan that is acceptable we will consider a conservation subdivision. I think we should make a motion we would be willing to consider it.

Jacqueline Ricciani: It doesn't have to be as formal as a motion

Dan Gettel: That's what I'm asking you, what do we need? If it is all right with the applicant, I would like to take a 5 minute break.

8:55 pm – break

9:20 pm back from break

Dan Gettel: The consensus of the board is, I don't think the board is opposed to the idea of a conservation subdivision on this property. We are getting hung up as a board on the location of the pool and the club house. Our concern is a conservation subdivision..... the idea is to develop the back of the property denser keep part of the property undeveloped. What we would like to see as a board is the option of no construction within that rectangle along the road. If you divided the piece into two rectangles we would like to see a plan either showing no clubhouse, no pool and thirteen units, or perhaps dropping a unit pulling the clubhouse back into the rear of the property.

Jennifer Schmoyer: If the clubhouse was pulled into the rear of the property, we are talking 13 single family homes beyond that, because it is an accessory use? Or.....

Dan Gettel: I think if your client is comfortable with 13 units and a clubhouse, all pulled backed off the front rectangular piece of the property, that we would entertain that idea. As long as there is no construction within the front section of the property. That is where we are. We would like to see a plan developed more along that line.

Jacqueline Ricciani: Let me also suggest that you shouldn't feel limited to submit one plan, if you want to submit alternates with maybe 12 units and a clubhouse, whatever you want to do, so you are not just

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limited to one. If you want to present two or three different alternatives to the board I think they would be open to seeing what other configurations are out there

Michael Weeks: I was going to say the way the section of the conservation subdivision is written in our code it provides a fairly lengthy procedure that the board needs to go through before they basically give you the approval. As part of that approval the board needs to also consider any conditions they may want to impose as part of the conservation subdivision, and if there are any waivers. I don't know if they have enough information to make that educated approval or other action. So I think in addition to just taking these and moving some buildings around, I think you need to give us more information. The board would like to see floor plans and building elevations.

Dan Gettel: Wes (Illing) had indicated that would be possible, but not for this meeting. I assume in 30 days

Michael Weeks: There are obviously other required improvements that would be required.

Jennifer Schmoyer : Yes, the storm water of course we had looked into that. We need to meet DEC guidelines on that.

Michael Weeks: I think having some thought put in the storm water, and shown on the plan will also help the board. You have nothing shown, you have the pond shown sort of in the middle of the site. It should be on the low end

Dan Gettel: We are not looking for detail...

Michael Weeks: In order for the board to come up with what conditions they might want to impose, I think they need more information than they have in front of them now. I think what Dan is saying generally okay with the idea, I don't want to speak for the board, conservation subdivision kind of works, and the 13 units' kind of works, before we can through

Susan Brown Otto: Just to underscore, two or three plans with maybe 12 units, instead of 13

Dan Gettel: If that better accommodates their needs. We still have the water feature on the plan, it should be taken off.

David Biren: I would like to see a project with less than 8 bedrooms per home. You are talking a minimum of 160 people on a 7 acre lot.

Dan Gettel: Since there are different units.....

Jennifer Schmoyer: We can put proposed floor plans and elevations

Dan Gettel: Michael (Weeks) had mentioned floor plans and elevations. We would be interested in

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that. They are not all going to be the larger unit, I assume you are doing a mix, if you want to make a rough projection on the population

Jennifer Schmoyer: We didn't come across anything that stipulated number of bedrooms, for any type of acreage or anything like that.

Dan Gettel: We also don't have to consider this at all.

Jennifer Schmoyer: I just want to know what kind of guidelines to

David Biren: I'm thinking more like 76 – 80 people instead of 160 people. The eight bedrooms were never discussed.

Dan Gettel: I don't know how we can address any kind of limit on square footage. We feel the 2300 square foot unit is too large.

Michael Weeks: When you prepare your findings, saying if you approve the conservation subdivision, you can impose conditions, one could be the maximum of sq footage, if you want to impose a maximum number of bedrooms.

Dan Gettel: I know we are giving you mixed signals. I do think 2300 sq unit is too large.

David Biren: It is going to be very dense. Everyone is going to be on top of each other. It will be much more congested then it looks like now.

Dan Gettel: Wes (Illing) did indicate that he had some kind of layout in mind.

General Board Discussion

BJ Gettel: I just want to remind everyone of the training on March 24th, 6:30 pm @ the Senior Center

Dan Gettel: There a couple of things I would like to discuss. Jacy, you want to talk about CITGO.

Jacqueline Ricciani: At the last meeting the board saw an application by 17B Convenience Corp, which was the application to put a retail store behind the CITGO station. There was a question as to whether these two buildings could exist on the same two acre parcel. After reviewing the code, it is my opinion that there should be only one permitted, principal use per parcel. Or else we would have a two acre parcel with retail, a bed and breakfast, a professional, crammed into one two acre parcel. I don't believe that is the intent of our code, that application is pending, if this board wants to adopt that position, then that information needs to be conveyed to the applicant by the secretary or myself to let them know. I leave that you .

Dan Gettel: It is my understanding that you need a motion from the board that BJ should send a letter.

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Motion for BJ to send a letter to 17B Convenience Corp stating that each principal use should have two acres. Motion by David Biren, second by Steve Simpson

All in favor -7

All opposed -0

Agreed and carried

Dan Gettel: If anyone has hours missing, bring your information to that meeting.

Dan Gettel: If anyone is available March 25th for a 2 pm meeting. Please let BJ know, regarding the development of the White Lake Mansion House. Does the board feel that we need to have another alternate on the board? If we are going to do interviews, we should do in the winter, then we know who is available. If the board feels we are okay.

Consensus is no alternate is needed at this time

Motion to adjourn by Steve Simpson, second by David Biren

All in favor -7

All opposed -0

Agreed and carried

Respectively submitted,

Jannetta MacArthur

Recording Secretary

9:40 pm