

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 May 11, 2010 at 7 PM at the Bethel Senior Center, 3594 State Route 55, Kauneonga Lake. A regular meeting of the Planning Board held on the same date at 7:30 PM.

In attendance: Dan Gettel Chairman, Bill Brey Co Chairman, Susan Brown Otto, David Biren, Wilfred Hughson, Steve Simpson, Michael Cassaro, David Slater, Alt, Code Enforcement Officer, BJ Gettel, Daniel Sturm – Supervisor, Jannetta MacArthur – Recording Secretary, and Jacqueline Ricciani, Attorney

Full board in attendance

Excused Michael Weeks – Engineer

Late arrival – David Slater – Alternate – Not seated

Pledge to the flag

***Motion to approve the April minutes by Bill Brey, second by Steve Simpson***

***All in favor – 7***

***All opposed -0***

***Agreed and carried***

- 1) 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.***

**Adjourned until next meeting per request of attorney**

- 2) Request for an extension of a final approval for property located on Horseshoe Lake Rd, known as Bethel Tax Map #: 30-4-31.1 proposed by Luca Spensieri.***

No representation this evening.

Dan Gettel: Six months ago we gave this project a conditional final approval for six months. The six months is up. At this time we need to either extend it..... It is up to the board...

Jacqueline Ricciani: Dan, may I just say add that according to the code he can be extended up to 2 additional periods of 90 days each. If you are going to extend him now, it will be for a period of 90 days.

David Biren: We can't do 6 months?

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Jacqueline Ricciani: It says this period may be extended for not more than two additional periods of 90 days, where a particular circumstances so warrants in the judgment of the Planning Board.

Dan Gettel: At the last meeting we did indicate to him that we realized it was the middle of winter, and building the road wouldn't be feasible. You are telling us a 3-month extension at this time. If he has two, that will bring him to the end of the summer.

Jacqueline Ricciani: He is requesting an extension, did he say specify how long a period of time?

BJ Gettel: No he didn't. You can extend him for two periods of 90 days.

Dan Gettel: That is fine. He just has to build the road and connect the utilities. He is well on his way. The grading has been done. At the last meeting, the conditions were either build or bond the road, and the public portion of the utilities, and we also indicated to him that he needs to meet with Jim McBride prior to making any sewer connections.

BJ Gettel: He has done that.

Dan Gettel: Jacy, we had spoken about putting the conditions in a separate form for him to actually get a copy..... not just this time, but clients in general.

Jacqueline Ricciani: We did it last time for CES. This was 6 months ago. We can do it now.

Dan Gettel: BJ, if you don't mind, since he is not here. We can give him a letter stating what the conditions are. The conditions are going to be the same as last time, build or bond the road, and the public portion of the utilities, meet with Jim McBride prior to making any utility connections. Someone will have to inspect the sewer as it goes in. Luca is aware of that. Present a maintenance agreement that the attorney will review and approve for the cul de sac. He needs a letter from Michael (Weeks) stating that his concerns; specifically the ones he stated in the October meeting are addressed prior to my signing of the maps. In addition to that.....

Jacqueline Ricciani: I have to interrupt you a minute..... The thing about the October meeting, it was a piece of correspondence from Michael Weeks; the letter was dated November 6, 2009.

Dan Gettel: It is actually the letter from November, not from the meeting. We also had a condition that we would like him to reconsider the location of the house and the garage on lot #1. That is a new concern that was raised. We would like him to look into that, prior to my signing of the maps. Also, as far as the silt fence go; please have him make

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sure it touches the ground in order for it to be effective. It should be buried 4” to 6”, along the toe of the slopes, as he expands the property. Those are the conditions; I believe there are 5 now.

David Biren: Do you want a landscaping bond? There is not a tree on the property. He took out everything.

Dan Gettel: Is there a landscaping plan?

BJ Gettel: No

Jacqueline Ricciani: Wasn't it in the site plan?

BJ Gettel: No, not to my knowledge.

David Biren: I didn't see one. He shows little trees. We don't know what it is or anything. He has taken down so much. It is barren right now.

Jacqueline Ricciani: It seems a 90-day extension is probably appropriate at this time. He will have to show progress on meeting these conditions.

Dan Gettel: I don't have a problem. This project has been going on for years, so I am not familiar with the plan itself as far as landscaping goes.

David Biren: He was going to keep a lot of trees originally.

Dan Gettel: There were a lot of trees removed. He will have to come back to the board. If that is the case, those are the conditions. Is there anything else from the board?

Susan Brown Otto: I would just like to go on record saying that it is 6 months from the time we approved back in November.

***Motion to extend for 90 days, by David Biren, second by Bill Brey***

***Roll call vote:***

***Michael Cassaro – Y***

***Susan Brown Otto – Y***

***Bill Brey - Y***

***David Biren – Y***

***Steve Simpson – Y***

***Wilfred Hughson – Y***

***Dan Gettel – Y***

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*Motion approved*

- 3) *Application 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.*

Mr. and Mrs. Kuperblum – presenting project.

Dan Gettel: Do you have any kind of sketch? Jacy, if you don't mind, there is a certain procedure that we have to follow to put up a tent.

Jacqueline Ricciani: Can we get a little bit of a description of the purpose of the tent?

Dan Gettel: The question is how long are you open?

Mr. Kuperblum: We are open seasonal right now. Basically from Memorial Day through Labor Day. We are open weekends after that through the Harvest Festival. We would want to have the tent up for the main season. It is like an auxiliary almost like a permanent lowered end yard sale

Jacqueline Ricciani: Retail, for what types of items?

Mr. Kuperblum: It's the same stuff that we have in the shop, which is vintage furniture. Mostly on the outside would be furniture

Jacqueline Ricciani: Can you give us a description of what you think this tent is going to be, what the structure is going to be, what it is going to be made of.....

Mr. Kuperblum: I haven't gotten into that yet. I didn't want to go buy anything or rent anything without knowing if it will be approved. The price range is anywhere from \$3,000 - \$7,000. To go and buy it, I am looking at having it down to the ground, hopefully it will have some clear windows on the sides, closing flaps in the back and front that can open

Susan Brown Otto: It's going to be right behind the house, right?

Mr. Kuperblum: It's going to be back from the house, approximately 25 – 50 ft off the back to the side. It won't be seen from the road. I don't know if there is going to be much seen from the road. Going east you won't see it at all. Going west, I'm not sure if you will see it

Dan Gettel: I assume we are looking at a tent with sidewalls, and somewhat secure as much as possible. You're not going to be emptying it everyday, I don't see that

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happening

Mr. Kuperblum: No, that's why I was told I could put up a tent for a couple of weeks without a permit, I want it up for the season, do it the right way.

Dan Gettel: Is the area of the tent going to go presently on lawn?

Mr. Kuperblum: It's lawn.

BJ Gettel: Where he is planning on put it is straight lawn. No trees.

Mr. Kuperblum: There are trees behind there. I am putting it in front of the trees that exist there. And there are woods to the west of my property that belong to someone else but I understand they have a lot of acreage. They don't even use the property over there.

Bill Brey: Where would you have the parking?

Mr. Kuperblum: There is parking right there between the house and the tent. Gravel driveway. As a matter of fact I am meeting with someone on Friday to improve the driveway regarding putting some more gravel down.

Dan Gettel: There was a question raised about the width of the driveway, and if it is adequate for..... could you give us an idea of what the width of the driveway?

Mr. Kuperblum: It is basically wide enough for two cars.

Dan Gettel: Would you say it is 18 ft?

Mr. Kuperblum: Oh yea, probably more.

Dan Gettel: If you are speaking to someone about having the driveway improved, I would say 18 ft. would be a fair number. There is some concern of a narrow driveway. We didn't review the project originally, when the building was converted to a business.

Mr. Kuperblum: Even at that time with no requirements, I spent a lot of money on fresh crusher, and putting nice crusher in the back for parking.

Dan Gettel: Is there going to be lighting in the tent?

Mr. Kuperblum: It's not going to be a nighttime thing. I may run an extension back there. I would plug into a GFI in the house. I'm not running an electric line. No bathrooms, nothing permanent

Susan Brown Otto: You closed down last season at the end of the season, now you are

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reopening at the beginning of the season.

Jacqueline Ricciani: This is being categorized as a home based business under 345-20b in the code. If you look through the site plan process, which means public hearing, which means you are going to send out notices, BJ can help you out. She will give you a list of neighbors who need to get notices, it needs to be published in the Democrat, you will come back here, the people from the public who have any comments to make about the prospect of a tent being up for this period of time have the right to speak and any other information that this board will take into account in deciding whether or not to allow you to have this outdoor display and any other requirements this board may attach to that. The next meeting would be on June 8<sup>th</sup>.

Dan Gettel: We can't act on it unless you have a public hearing. All we can have you do tonight is to introduce it to us; unfortunately that is where we are.

Susan Brown Otto: If we have the public hearing next month, which is the second Tuesday in June, if that went well, and we voted on it, would they be able to get the tent lets say by the second weekend of June, say by June 15th would they be able to open?

Jacqueline Ricciani: Yes, once this body approves it.....

Mr. Kuperblum: I haven't decided if I am going to rent from the local place, or buy one. I have looked at purchasing.

Jacqueline Ricciani: You may want to have some options available for the hearing.

Mr. Kuperblum: I am going to check locally to see if anyone rents it. I have already looked around to purchase it. Like I said before purchasing is anywhere from \$3,000 - \$7,000.

Dan Gettel: Jacy, we have some pretty straightforward requirements as far as the site plans go. I feel there is a certain minimum that they would have to meet. Michael (Weeks) is going to have to take a look at this. I don't think this is a huge review for him. It doesn't meet the minimal requirements for site plans. There is a certain requirement that BJ could point out to you that need to be shown. There are certain requirements that you have to meet.

Jacqueline Ricciani: There are certain things that have to be shown that are not shown, such as the driveway.

Bill Brey: The width of the driveway, the parking, material, and how many cars

Jacqueline Ricciani: Those different areas need to be delineated on the site plan. You can't really tell where the parking area is on what you have given us. Lighting, those

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sorts of things. They are all spelled out in the code.

Mr. Kuperblum: I looked for a code on tents.

Jacqueline Ricciani: They are under site plans.

Dan Gettel: We have to treat it as a site plan. There is a section on site plan requirements in the zoning. You need to meet the basic requirements. I'm not saying you need to meet..... for a tent..... I don't feel you need to meet all the requirements you would if you were putting up a motel. Realistically there are certain things we need to know. We need to know there is adequate parking for the business, and the tent. We need to know the driveway is adequate for emergency vehicles, in case something happens. I don't care too much for topography, because we know the property is pretty flat. We know the project is pretty clear, I don't think we are looking for landscaping and lighting. The minimum number of parking spaces something drawn to scale

Jacqueline Ricciani: The dimensions of the house.

Bill Brey: The dimensions of the tent should be on the plan

BJ Gettel: I will need to submit to the State and County a 239 because they are on State Route 17B. They have been coming back within 20 days.

Dan Gettel: These are requirements.

Mr. Kuperblum: I wish I had known this before. I would have had things prepared this way.

David Biren: If you get your paperwork prepared properly, you will be able .....

Dan Gettel: The most we can do for you tonight is grant you a public hearing for our next meeting. If you have your paperwork in line, and a little more detail and something that we can say this is adequate to show that the business has enough parking.

Mr. Kuperblum: If I gave you the actual footage, what is enough parking?

BJ Gettel: It is all in the code.

Jacqueline Ricciani: The code is available on the Internet. It is under the 345-20b, which are the home-based businesses. That will tell you how much parking you will need and some other things. Site plans are 345-31 paragraph e, and that tells you what needs to be included in your site plan. You need a Seqr - EAF. It is an Environmental Assessment Form. We need all of that before the public hearing. We should have had it all today. It needs to be complete before the public hearing.

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Dan Gettel: I think for a project like this.....

Jacqueline Ricciani: I don't think it is fair to have a public hearing without having all of the information available.

Dan Gettel: The only other comment is, you already have a sign on the property, there isn't going to be anymore signage, is there?

Mr. Kuperblum: No, we have a sign, and we have a billboard that we rented.

Dan Gettel: We have a whole section on signs.

Mr. Kuperblum: No, we complied they approved it.

David Biren: You are not adding to it.....

Mr. Kuperblum: I see what you are saying. We may put a sign underneath it, OPEN

David Biren: You have to tell us.

Mrs. Kuperblum: In other words, if the tent is going to say OPEN.

David Biren: Anything having to do with the tent, you should add onto the paperwork now, so it doesn't slow down the process.

Mrs. Kuperblum: These are things we had no idea about.

Mr. Kuperblum: If on the tent itself, if I put on **Garage Sale**, will that be a problem?

Dan Gettel: You said it wasn't visible from the road. If it is visible from the road, don't hand spray paint signs, we had a problem with those.

David Biren: You are better off not putting up a sign up like that. If you are going to put anything up, add it to your signage. Include it to what you are going to bring to us. Make sure it looks reasonable.

*Motion to grant public hearing by Susan Brown Otto, second by Wilfred Hughson*

*All in favor -7*

*All opposed -0*

*Agreed and carried*

Dan Gettel: If you can get your information to us fourteen days prior to the meeting. That will give us a chance to look at it.

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**4) Administrative: Proposed Local Law # No. 2 of 2010 amending Chapter 345.**

Dan Gettel: About four months ago, Mr. Goetz came in and discussed wanting to build a garage across the street from his existing garage, but it didn't meet zoning. At that time the majority of the board felt he should seek relief going through the town board for a change in zoning from AG district to RD district since he was right on the border line. There was a discrepancy between the property lines, and the actual zoning line. He did go through the town board and the town board decided to grant him a map change, I believe, which would take his parcel, one side of the street, just the site he wants, that would be brought into the RD Zoning district. That would be taken out of the AG district. It would come back to us, we would have to review it as a home occupation, and it is permitted in the RD zone. He would have to come in for a special use permit. The majority of this board recommended that we send it to the Town Board, and the Town Board is going to propose as Local Law #2. They need an indication from us to proceed on this.

Dan Sturm: We approved the public hearing on May 26<sup>th</sup>. If I am not mistaken Willie, we had some correspondence back that it won't affect the State AG district. I will have to double check. Just our zoning overlay district of AG. It won't have any affect on State AG district. I have that in writing in the office.

***Motion to recommend to Town Board to proceed with this application by Bill Brey, second by Steve Simpson***

***Roll Call***

***Mike Cassaro – y***  
***Susan Brown Otto – y***  
***Bill Brey – y***  
***David Biren –y***  
***Steve Simpson – y***  
***Wilfred Hughson – y***  
***Dan Gettel – n***

***Ayes – 6***

***Nayes –1***

***Motion Approved***

Dan Gettel: I think we have a very adequate Zoning Board, and feel it should have gone to the Zoning Board. The Town Board has taken on all kinds of fees now for changing the maps.

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Dan Sturm: Thank you for the recommendation.

Proposed Local Law #2 Scheduled for public hearing – Town Board – May 26, 2010

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL  
TO INTRODUCE A LOCAL LAW TO AMEND CHAPTER 345 “ZONING”  
OF THE TOWN CODE OF THE TOWN OF BETHEL**

*WHEREAS, the Town Board of the Town of Bethel (“Town Board”) heretofore adopted a Zoning Code under the authority of the NY Town Law § 261, which Zoning Code appears as Chapter 345 of the Town Code of the Town of Bethel (the “Town Code”); and*

*WHEREAS, in December 2006 the Town of Bethel adopted a Comprehensive Plan and Local Law No. 5 of 2006, which although Local Law No. 5 of 2006 implemented certain revisions to the Zoning Code, the Town had not adopted appropriate and necessary Zoning Code revisions and amendments to implement fully the aims, intents and plans embodied in the Comprehensive Plan for certain zoning districts in the Town; and*

*WHEREAS, the Town subsequently conducted a lengthy review to determine all necessary and appropriate amendments and revisions to the Zoning Code for the AG (Agricultural), RS (Residential Settlement), R-17B (Rural Gateway) and the creation of the RD (Rural Development) and the F-C (Forest Conservation) districts; and*

*WHEREAS, the Town Board then introduced Local Law No. 1 of 2009 to amend the Town’s Zoning Code, and on January 28, 2009 determined that the proposed action was a Type I action under the State Environmental Quality Review Act (“SEQRA”), and established itself as lead agency for SEQRA review purposes; and*

*WHEREAS, the Town Board, acting as lead agency under SEQRA, completed all of its obligations under SEQRA and adopted a positive findings statement permitting the Town Board to enact Local Law No. 1 of 2009 containing the proposed amendments to the Zoning Code; and*

*WHEREAS, Local Law No. 1 of 2009, adopting the amendments to the Zoning Code, was enacted on June 24, 2009; and*

*WHEREAS, Local Law No. 1 of 2009, adopting the amendments to the Zoning Code, was enacted on June 24, 2009; and*

*WHEREAS, the Town Board subsequently adopted local laws making minor amendments to the Zoning Code as part of its continuing evaluation process of the Zoning Code; and*

*WHEREAS, the Town Board has been requested by the owner of a parcel of land, commonly known as SBL #18-1-34.1 on the tax map for the Town, to amend the official zoning map for the Town so that said parcel of land would be located in the RD zoning district. Said parcel of land is currently located in the AG zoning district but adjacent to the RD zoning district; and*

*WHEREAS, in conformance with the Comprehensive Plan the Town seeks to amend the zoning map for the Town by altering the boundary line of the RD zoning district so as to include the parcel of land commonly known as SBL #18-1-34.1, on the tax map for the Town; and*

*WHEREAS, it appears that the land to be affected by the proposed change in the tax map is located in Sullivan County Agricultural District No. 1; and*

*WHEREAS, this Resolution introduces Proposed Local Law No. 2 of 2010 which, if enacted, will amend Chapter 345 of the Town Code by alteration of the official zoning map for the Town; and*

*WHEREAS, the action contemplated by this Resolution is subject to the State Environmental Quality Review Act (“SEQRA”) and the Town will seek to act as lead agency for environmental review purposes.*

**NOW THEREFORE, BE IT RESOLVED**, that a public hearing on the Local Law shall be scheduled for May 12, 2010 at 7:45 p.m., which public hearing shall be conducted at the Town of Bethel Senior Citizens Center and proper notice of the public hearing shall be duly given; and be it

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**FURTHER RESOLVED**, that a copy of the introductory Local Law No. 2 of 2010 and a copy of the revised Zoning Map shall be forwarded to the Town of Bethel Planning Board for its review and recommendation in accordance with Town Code § 48-2.B; and be it

**FURTHER RESOLVED**, that a copy of the introductory Local Law No. 2 of 2010 and a copy of the revised Zoning Map shall be forwarded to the Sullivan County Department of Planning and Environmental Management, along with a full statement of the proposed action, for review and recommendation in accordance with New York State General Municipal Law § 239-m; and be it

**FURTHER RESOLVED**, that a copy of the introductory Local Law No. 2 of 2010 and a copy of the revised Zoning Map shall be forwarded to the Sullivan County Agriculture and Farmland Protection Board for its review and comment; and

**FURTHER RESOLVED**, that the Town Board of the Town of Bethel intends to become lead agency under SEQRA and provide notice of its intent to any other involved agencies; and be it

**FURTHER RESOLVED**, that the SEQRA materials prepared in support of Local Law No. 1 of 2009 shall be evaluated for recommendation of whether this action may be evaluated by an Environmental Assessment Form or an Environmental Impact Statement and the appropriate document shall be prepared and delivered to the Town Board for review and consideration; and

**FURTHER RESOLVED**, this Resolution shall become effective when adopted.

Motion by Town Board member Richard Crumley, seconded by Town Board member Robert Blais and adopted upon a roll call vote as follows:

AYE NAY

Robert Blais X

Richard Crumley X

Denise Frangipane X

Victoria Simpson X

Daniel Sturm

X

Duly adopted by 4 ayes, 1 nays the 14<sup>th</sup> day of April, 2010.

**Motion to adjourn by Steve Simpson, second by David Biren**

**All in favor –7**

**All Opposed –0**

**Agreed and carried**

8:30 pm

Respectively submitted,

Jannetta MacArthur  
Recording Secretary

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