

The May 1, 2009 special Town Board meeting was called to order by Supervisor Daniel Sturm at 2 p.m. at the Bethel Senior Center.

Council Members Present:

SUPERVISOR STURM: Is there anybody else that wants to hand a card in to speak at our public hearing today? I only have, four here.

Thank you, Peter. Guys, thank you.

How you doing?

If we could all please rise for the pledge to the flag.

(The Pledge of Allegiance was recited.)

SUPERVISOR STURM: Good afternoon. It's nice to see such a good turnout on a Friday afternoon. Thank you for coming.

We're here today for a two o'clock scheduled Public Hearing in regards to our zoning and SEQRA.

For the zoning, at this point I will entertain a motion to go into Public Hearing.

BOARD MEMBER SIMPSON: Make a motion.

SUPERVISOR STURM: By Vicky.

BOARD MEMBER BLAIS: Second.

SUPERVISOR STURM: By Bob. All in favor?

(Aye.)

SUPERVISOR STURM: And no one opposed.

I'd just like to read a brief statement about our Public Hearing today.

The Public Hearing conducted today is to accept written and oral comments in connection with proposed changes to the Town of Bethel Code as set forth in two proposed local laws:

Local Law No. 1 of 2009 and Local Law No. 2 of 2009. In addition, today's Public Hearing shall include the acceptance of written and oral comments offered in connection with any potential, significant adverse environmental impact resulting from the adoption of either of these laws, as those significant adverse environmental impacts are defined under the State Environmental Quality Review Act. The notice of completion of the Draft Environmental Impact Statement was filed and circulated on March 12<sup>th</sup> 2009, and notice of this hearing was duly published in the Sullivan County Democrat. Notice of the acceptance of the Draft EIS and Public Hearing was also published in the Environmental Notice Bulletin on March 25<sup>th</sup>, 2009. Once again, anyone wishing to speak today, please sign in. We have cards available right here.

Okay. The speakers are going to be called in order that I received the cards. Please speak clearly and identify yourselves before commencing your comments. And now, without further delay, I would like to call the first person to speak on our laws today. Hal Saltzman, rep --

MR. SALTZMAN: I yield. Yield

SUPERVISOR STURM: You'd like to yield. Mr. Saltzman would like to yield.

Ira Gordon, second on our list today. Mr. Gordon, if you would address the board.

MR. GORDON: Good afternoon Supervisor Sturm, Town Board Members. My name is Ira Gordon and I own a home in Smallwood. Thank you for holding this Public Hearing, and thank you for considering my remarks.

I'd like to thank Supervisor Sturm and the Board for the thorough way in which you have deliberated and sought feedback on the proposed Town of Bethel zoning changes. I applaud you for putting together a plan that uses forethought in addressing the issue of future land use and development and how it may impact the town's resources, quality of life, and related environmental concerns.

I am responding today to some of the comments and remarks made verbally in, and in writing at the April 15th Public Hearing of the Town of Bethel zoning by Mr. Larry Wolinski who is the attorney for the former golf course property owner Robert Van Zandt, Upstate Land and Properties, LLC.

To begin, Mr. Wolinski has challenged the credibility of two organizations that have already commented on the zoning issue: Preserve Country, Preserve Smallwood Country Life, PSCL, of which I am a member, and the Delaware Riverkeeper.

I would like to set the record straight that advocacy for Smallwood's community character, protection of the wetlands and aquifer, and the forest conservation designation of the 200-acre parcel in question comes from a highly respected environmental organization, the Delaware Riverkeeper, and from a sizable group of concerned citizens from the Hamlet of Smallwood and surrounding areas, PSCL. PSCL is not a "small vocal contingent," as Mister, as Mr. Wolinski would have, would have you believe, but it is a large group of people who are currently, who currently own property and live in the community. We support the local economy, and we're attracted here because of the area's beautiful natural resources, relaxed country lifestyle, and the community character.

Smallwood is a lake community comprised of large cabins and cottages. We are, we are very concerned that what drew many of us here in the first place could be diminished or destroyed by unchecked and unbridled development. We want to preserve this character, preserve open spaces where necessary and possible, and respect, and respect and protect the natural ecosystem which our community is inextricably connected to. We would also like to point out that Mr. Wolinski represents only one property owner. Bethel is host to a large, vibrant, and important part of the Upper Delaware River Watershed. A large piece of this flowing water and interconnected ecosystem consisting of White, White Lake Brook, Lybolt Brook, and many unnamed smaller tributaries runs through and imprints Smallwood. This ecosystem is the most valuable natural resource our hamlet has to offer. As it flows from State Route 17B towards the former golf course property, White Lake Brook becomes Mountain Lake, also known as Smallwood Lake. Our lake is the central focus of life in our hamlet and the defining factor in our quality of life and our property values. Mr. Wolinski's remarks suggest that somehow the Delaware Riverkeeper and PSCL have offered no rationale for five-acre Forest Conservation zoning. Yet the file on the golf course project is filled with extensive material of fact and research based documents and testimony from both organizations. The New York State Department of Environmental Conservation has also made a contribution to the file regarding freshwater wetlands, wildlife, and stream protection.

I'm enclosing a copy of a New York State DEC letter dated May 23, 2008. There are ample and compelling reasons why the 200-acre parcel, now commonly referred to as the former Smallwood Golf Course property, should be designated Forest Conservation and thus assigned the highest protection the Town can give it. Most importantly, the Town's planners, attorneys, and Town Board members have all seen fit to make the five-acre designation.

Mr. Wolinski stated at the April 15 Public Hearing that there is no rational reason other than community opposition for the rezoning of his client's property. PSCL and the Riverkeeper obviously believe otherwise. The Bethel Town Board has taken the concerns, comments and suggestions it has received, received from both citizens and its professionals seriously. And by its actions, the Board clearly understands the value and need for both the SEQRA, the SEQRA laws and process, and citizen participation from individuals, as well as the unified voice of an informed and active community.

This type of advocacy is a far cry from the type of "Gallup Poll" zoning that Mr. Wolinski refers to. It is established law that zoning can and does legally change when it is in the best interest of the town. New York State courts have upheld zoning amendments just like the one Bethel is suggesting here to make a lot size more stringent even though the amendment may have the effect of reducing the market value of the affected land. The New York State courts have rejected the claim that one who purchases land relying on the existing zoning classification of the land automatically has a vested interest in the continuance of such classification. There is no place in the law that states the town must ensure that the property owner or developer get the highest return possible on his land investment.

Regarding the issue of drinking water and the aquifer on his client's property, Mr. Wolinski states that "members of PSCL argue that development of the property will make all drinking water disappear." PSCL does not make this claim. What PSCL has said is there are many concerns surrounding development above an aquifer and around wetlands and riparian regardless of setbacks. Wells do run dry and aquifers do become polluted and water quality can be compromised. Residents remember and still talk about a time in the 1980's, not too long ago, when wells in Smallwood did run dry. Drought, overuse, ineffective and inefficient private sewer packaging systems and stormwater runoff are all problems that demand consideration when any development, development, (high density or otherwise) is proposed for such a highly sensitive, high value conservation parcel of land.

We have another concern about the harmful chemicals, such as arsenic, used on the golf course when it was in use and what the long term effects would be if a large development were built on this land. No one knows what such a development project would look like once the project is approved and built out and how the use of the former golf course property will affect those in Bethel, Smallwood, and those downstream.

Mr. Wolinski himself brought up climate change in his remarks at the last public hearing. And indeed, as stated by the Delaware Riverkeeper in its March 4th letter to the Town, climate change is a significant reason, among many others, to contemplate special protection for our water supply, these valuable wetlands and riparian buffers. For the details on why this land is as valuable as it is in its own right, I refer you back to the March 4th Riverkeeper article, letter to the Town. Land in Bethel is host to important Delaware River Watershed tributaries. These water resource, these water sources run through the, through the southern part of the town, almost all, all of which significantly propose to comprise the Forest Conservation District being considered.

The water resources, inclusive of the aquifer and recharge basin on the former golf course property, are very sensitive. This was pointed out by Jonathan Hyman in his April 15<sup>th</sup> public hearing discussion about an interconnected ecosystem which converges upon and runs through the former golf course property site. Perhaps the largest and most important part of this sensitive watershed area is this interconnected ecosystem that Mr. Hyman has documented and the water that runs through the former golf course property, Mr. Van Zandt's property.

It is our contention that not only does the former golf course property appear to be indistinguishable from the rest of the proposed Forest Conversation land, but in fact, it may be the most sensitive of all of the land being proposed for the Forest Conservation designation. (Please note that on behalf of PSCL, Mr. Hyman has previously submitted a

descriptive portfolio of 36 photographs which depict three (3) bodies of water, plus surrounding land and habitat which join on or near the former golf course property.)

Mr. Wolinsky further contends that the former Smallwood Golf Course land does not match the characteristics of the Forest Conservation district. The Delaware Riverkeeper, in its written comments, and PSCL during the course of both public hearings on zoning, have illustrated a multitude of similarities of characteristics in the lands including: steep slopes, wetlands, streams and tributaries, forest lands and wildlife habitat.

The evidence shows that the environment, habitats, tributaries and slopes are indistinguishable between the two parcels. And, there is no compelling reason to disturb in one area that which the town has seen necessary to protect in the bordering lands.

Mr. Wolinsky claims that the DGEIS describes the Forest Conservation district as an area of Bethel that has poor road access and large expanses of undeveloped forest lands. We wish to note that perhaps the best road in the southern portion of the town is the newly engineered and rebuilt stone and oil road extension of Pine Grove Road from the border of Smallwood south, into the proposed Forest Conservation district heading towards the Toronto Reservoir.

When speaking of the characteristics of the land and consideration of the environmental sensitivity of the property, regardless of any argument about road access or quality, the record is quite clear on the physical characteristics of the topography of the land, the water, the wetlands and the wildlife habitat.

Additionally, the entire 200 acre parcel of land in question is undeveloped and other than the former fairways of an out of use golf course, large parts of it are forested, matching the description of the proposed Forest Conservation district.

PSCL will be submitting photographs today as an addendum to its previous presentation on 4/15/2009 that show a large area of the Van Zandt property (approx. eighty acres that is not considered part of the original 111 acre golf course property, but part of the 200 acres we are advocating for), as wooded/forested land. These newly submitted photographs, along with the previously submitted aerial photos which show a well developed tree canopy, contradict Wolinsky's April 15<sup>th</sup> comment that, "The property is mostly clear with very little tree cover."

With regard to the existing high density housing in Smallwood--the development of Smallwood took place over 75 years ago and clearly pre-dates modern planning and ecological issues that concern and effect us today.

It has long been understood that Smallwood was developed in ways which did not acknowledge the sensitivity of the landscape. Smallwood has faced well and septic issues for years and in the 1980's the hamlet was rezoned for a one acre minimum for well and septic.

In fact, it is precisely because of Smallwood's unique character and physical characteristics that the town must now endeavor to control the development and density of this area.

Failure to do so will overtax the resources of the community and the environment beyond what is reasonable or necessary. Such considerations must be treated as paramount despite the interests of any single land owner, and as PSCL has stated before, there is precedent in the law that allows the town to do this.

Before closing, I'd like to speak about the townhouse development that Mr. Wolinsky's client has been proposing.

When the developer's representatives came before the Smallwood Civic Association in the summer of 2006, they gave a detailed presentation for a high density, attached townhouse development encompassing approximately 180 units. The exact

number of units has fluctuated over time to as much as 200 units. (At some point, through a representative who spoke in a newspaper article, the number was informally lowered somewhat. Regardless, this development is massive for the town of Bethel and Smallwood.)

At that time Mr. Wolinsky's client proposed building "high end" upscale attached townhouse. It was stated at the Civic Association presentation that the units would appeal to the second homeowner market, with amenities such as: two car garages, swimming pool, club house, tennis courts, and recreation halls.

In an article from *The River Reporter* dated November 16-22, 2006 sub-titled "Townhouse-style residences would be 'high end.'" Attorney Wolinsky is described as saying, before the Bethel Town Board, that the residences would probably appeal to seasonal, rather than year-round homeowners, and is quoted as describing the units as being "higher end, (adding) this is not affordable or workforce house." (I am enclosing a copy of this article as part of my submission.)

Given this, it is curious that Mr. Wolinsky now expresses concern that Bethel's proposed zoning, with its large lot sizes in certain districts, fails to address work force and low income housing and will not provide the needed school age population to keep the local school open.

Yet his client's townhouses were to be marketed to "high end" second home buyers who will clearly not be putting school age children into the Monticello Central School District. We want to point out that Mr. Wolinsky wants to have it "both ways." The project he advocates for, represents the very thing that causes him to find fault with the Town's zoning.

Mr. Wolinsky has also insisted that his client's land remain zoned at one acre, and suggests applying a conservation subdivision formula for the land, and proposes to do it on the "**already disturbed**" fairway area of the former Gold Course.

We would like to point out that the development plan previously proposed situates units on steep slopes and in forested areas and not only on the former fairways, which after decades of non-use are, in effect, not disturbed fairways, but meadows. Additionally, he suggests the town should implement the conservation subdivision planning technique to all districts in the town.

It is well accepted among planners that the concept of a "conservation subdivision" in each district is not prudent. Each area or district of a town has special features, environmental makeup, uses. To say every "district" has to provide some of the development pie is not consistent with sound planning principles. It's actually contrary to "Smart Growth" principles which say you should concentrate development where you already have sewer and water infrastructure transportation, and roads. We ask the town to consider, among other things, not just the golf course land and whether its resources would be adequately protected, but also whether the town has the infrastructure to support such a large development project and what such a project would do to the character of the community and quality of life for all of the residents in and around Smallwood.

Lastly, one of Mr. Wolinsky's claims is that the sensitive land in question would be better served by allowing high density cluster housing. PSCL strongly disagrees and (along with Riverkeeper) believes that the Town must not allow this important, high value conservation property to be judge simply at site plan review. We believe we have presented strong documentation to help the Town's planning and land use experts make the case for Forest Conservation zoning now, as the best use of this land for the entire Town.

On behalf of PSCL we urge you to make the zoning changes that are being proposed which we believe will benefit the town.

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MR. HYMAN: Good afternoon Supervisor Sturm and Town Board members. Thank you for the continuation of this public hearing and on behalf of the citizen's organization, Preserve Smallwood Country Life, thank you for considering the remarks I make and photographs I present today.

As you know, at the public hearing on April 15, 2009 I presented and narrated a series of maps and a portfolio of photographs which reference the approx. 200 acre parcel of land that is now commonly referred to as the former golf course property. The focus of my presentation was to both review some of the materials PSCI has presented in the past regarding various characteristics of the Proposed Forest Conservation District and the former golf course property and, also to explain in depth, with photographs, why you have made the correct and appropriate choice to designate the 200 acre parcel in question and the Lybolt Brook Valley as Forest Conservation land. PSCL has advanced the notion of an interconnected ecosystem in support of our advocacy and in support your decision to correctly designate what all agree is high value conservation land. Although PSCL member Ira Gordon made comments in detail relating to many of the points made by attorney Wolinsky at the April 15, public hearing, I am here today to enter nine more photographs into the record as an addendum to our previous submission of 36 photographs. The new pictures will be part of our portfolio of golf course related photography which will be turned into you today in a form more transportable and more easily handled than the picture boards we used in our earlier presentation.

On April 15th, 2009, in his written remarks, Mr. Wolinski, attorney for the property's owner, Upstate Land and Properties, LLC, stated, "The property was mostly clear with very little tree cover." In response to this remark, we first note, again, that the 200-acre parcel of land in question is undeveloped, and other than the meadows which now exist where golf course fairways used to exist, on an out of use golf course that's been out of use for decades, large parts of the meadows which now exist where these fairways were, are still open land. And also, large parts of the rest of this property are what are we calling wooded/forested. These meadows, no longer in use for golf, are now part of a larger, diverse, rich ecosystem and, and forested area that the Delaware Riverkeeper has described to you in its testimony and its correspondences in the, in the past.

Now, we use the term wooded/forested because although there are many, there may be some esoteric, technical differences between a woods and a forest, the point is this. We are submitting, as one example of the density of trees on the 200-acre parcel, photographs of what is a large, heavily wooded portion of the property that Upstate Lands owns. Seven of the eight added addendum photographs show a large area, approximately 80 acres, belonging to Mr. Wolinski's client, as wooded forested land. Along with the previously submitted aerial photographs which I entered into the record, which show a well developed tree canopy on and around the former golf course property, these photographs seem to contradict Mr. Wolinski's April 15th statement.

I've made a map, which I will just show you briefly, using a sketch map, map originally provided by the developer to a member of our group. And it shows these approximate 80 acres of wooded forested land we refer to. And also, one of the pictures will show a view of Lybolt Brook, Brook across a meadow, unto an area where, where Roundtop is situated. And that is also heavily wooded. And it's our understanding that part of Roundtop is part of the 200 lake, acre parcel.

Again, before I quickly show you these pictures and this map, I want to thank you for considering our comments over the last several years, the past board and the current board. And as Mr. Gordon did, we urge you to go forward with your zoning proposal.

Because we feel strongly that these pictures, documents and very important things, I will be presenting this to you, and with the expectation that it will follow the file. This will be yours to have, and I will leave with you.

Now, I'll do this very fast.

I left off at 36. I'm here to show you No. 37. No. 37 is a picture looking into wooded land, starting right here on this flag lot. This key in this box says that this area of green and orange and pink represents approximately 80 acres of land that we are saying is heavily wooded/forested, a far cry from, a far cry from no tree cover. Picture 37 shows a view into that land. And I will be putting back, that back into the portfolio and handing it to you. Picture 38 goes further down, behind 327 Pine Grove Road, where Mr. Gordon just happens to live. And again, this is a heavily wooded tree area. That's No. 37. I'm sorry, No. 38. Now, picture 39 is behind, is at the, is at the dead-end road of Pocahontas Trail. What I've done is I went to the dead-end road of every single road that leads down to White Lake Brook, perpendicular, and as far as I could go without going onto the golf course property itself. So the first road is Pocahontas Trail. This is Pocahontas Trail, which is right here, No. 39. So we're still in the flag lot. It's still a heavily wooded, heavily wooded area, all woods.

Then I went down to the end of Seminole Trail, right here, No. 40. Still on the flag lot. And this is what it looks like here: Heavily wooded, all heavily wooded.

Now, as we begin to move away from the flag lot and the land that Upstate Land and Properties own opens up into a much larger area, the flag lot is done. And I have a picture at the end of Mohawk Trail, moving. All of these go towards White Lake Road. So now the property opens up and it starts to go into steep slopes, and again, all wooded, all wooded land. And as Mr. Gordon pointed out, the portions of this -- in fact, this wooded land have been part of one of the proposals that were made for the Planned Unit Development that was originally (inaudible).

Now we're going to go down to Iroquois Trail, which is right here on the map. This is now into the open area. And I went, as you will see from my photograph, right up to the property line but not over it. You'll see the pink flag delineating the property line, and you're looking across the property line onto woods.

Now, No. 43, this is the last road in Smallwood before the golf course. This is called Mohegan Trail. That is right here, right in the thick of it. And this is where the steep slopes begin and drop off very sharply down towards White Lake Brook. We've got a picture of a beautiful stone wall and some steep, steep slope as it goes down. And in the background, I'll show you a picture later of the same thing, but there is Roundtop, which you've seen fit to protect with five acre zoning designation in your proposed zoning. So this is the, is the far end of Mohegan Trail. What I've done last is I loop back around, up to here, to show you Ballard Road and the Lybolt Brook, as I've shown you before. I showed you the, the beaver lodge in that area. It's all very wet. But I wanted to show, to show you, all in one, some wooded land, an open meadow and a hilltop, Roundtop, in fact, that's also wooded. So you have meadow, wooded in the background where the arrow is, that's Roundtop, and then looking through Lybolt Brook.

And then lastly, I have a detail. You can see through the Lybolt Brook and up into, you can see how wooded Roundtop is.

I will put these back into the portfolio. I will hand it off to you. I will be leaving you this map, along with the other ones on boards that you may have. But additionally, what I've done is I've made this map smaller so it will also travel with the presentation.

Thank you very much for your time.

SUPERVISOR STURM: Thank you, Jonathan.

MR. HYMAN: (Inaudible comment.)

SUPERVISOR STURM: Next we have Bob Barrett. Bob, if you would.

MR. BARRETT: First, I'm going to give this to Rita, and then I'll ...

MS. SHEEHAN: Okay.

MR. BARRETT: Good afternoon, everybody. I certainly am not going to be as long as the previous speakers because the issue is a little different, yet there is a similarity. And the similarity is in a way in which the terminology has been used by the two previous speakers, quality of life. Now, quality of life takes on many cloaks. And in this particular case, I'm talking about a quality of life that exists now, not something that might or might not be. So that I'm going to read a statement. I've already talked about this in the past, and I want to read it again so that it is at least considered because there are zoning changes that have to be made and some of them are, were neglected, obviously, in the past.

Please accept the following statement and enter into the Public Hearing minutes regarding the Town of Bethel's Zoning Law. I spoke previously about the need to address landscaping standards with an emphasis on fencing requirements. I again state that the proposed landscaping standards do not differ from the previous landscaping standards in Section 130-16 (e) Subdivision 5. Please note the statement that: "The Planning Board shall, to assure an acceptable buffer between adjacent residential and non-residential uses, and create a healthy, safe, and aesthetically pleasing environment in the town, require a landscape plan to be prepared as part of any Special Use application."

Please note, it appears that no special use application was secured by an adjoining resident on West Oak Street in a letter read at the last town board meeting written by Michael and Denise Connolly, which states that the "height and safety of the installation of the fencing was given approval by the town code enforcement officer." Was this approval given for fencing 13 to 15 feet high, even though the Subdivision 5 the code enforced at the time states that: "No stockade or similar fence, however, should exceed eight feet in height, or be placed in such a way as to purposely interfere with the views from, or admission of light and air to adjoining residential property." It seems that the code enforcement officer should have an application from the Connolly's regarding the height and safety of the fence to be installed. If, as the Connolly's state, the approval was received to go beyond eight feet, the code enforcement officer should have referred this application to the Planning Board for a Special Use Permit. Why wasn't this done?

Two: Nowhere in the applicable code under landscaping standards does the subdivision citation appear. Therefore, under a strict reading of the word "and between adjacent residential and non-residential allows a fence to exceed eight feet in height," the reading means that a buffer fence between adjacent residential and non-residential must comply with the remaining description in the landscaping standards.

Additionally, to make it more clear, the word "and" between "adjacent residential" and "non-residential" means between residential and non-residential, non-residential and non-residential, and of course, between residential and residential.

Three: Additionally, the normal practice on stockade fencing is to face the good side away from the installer's property, unless there is an agreement between the adjacent landowners. This condition is not in the old code or the proposed new code, and should be written in as an addition to the landscaping designs to be used throughout Bethel whether for existing residential locations or new, for residential and non-residential, as well.

Three: Anything -- excuse me. Anything exceeding these requirements should be processed as a Special Use application and the Planning Board should be responsible for the implementing of these requirements. Hopefully, community standards can be maintained with this methodology.

Four: I submit this letter after several attempts to correct a distasteful situation which devalues our property and makes it difficult to utilize a lower driveway parking area because of the eight foot fence erected at the corner which blocks the town road view coming from the east, making it a dangerous condition. The Conley letter, which states: "We had this very expensive, high privacy fencing installed," does not justify avoidance of the standing town code at the time of installation.

Thank you for listening to, and hopefully acting upon this situation and properly addressing a major quality of life, everyday issue for us, our neighbors, and visitors to West Oak Street.

And I submit this as part of the public record for the, for the hearing on the zoning. But I just want to add to this. You know, a little logic should come into play here. And the logic means that if you take a look at the town zoning code that was in, in writing in the past, and you look at the new zoning code, after much deliberation they come up with the exact same thing. Now, they didn't come up with the exact thing, willy-nilly. There was discussion. And there was discussion that they actually wanted to lower it to six feet, but they didn't decide, they thought eight feet would be satisfactory. I don't object to eight feet. I do object to 13 feet and 15 feet. And I do object to a statement made, made by the, made by the Connolly's in their letter to the Town Board which simply says that the town code enforcement officer okayed this. I don't know if that's true or --

(break in recording, statement of B. Barrett recording not supplied.)

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MR. WOLINSKI: -- Consider acquiring if the land is so great; land acquisition with a bond. Are the minutes being transcribed? Rita Sheehan, Town Clerk, yes transcribing from Computer Disc.

We have retained an environmental expert who will be filing report during comment period. First we were zoned 1 acre, then 2 acres, then 5 acres south end, then 5 acres entire project.

The Planned Unit Development application is no longer before the Town. Not talking about this project, talking about zoning. Property has area to be developed without touching one inch of wetlands. This is not undisturbed property it was a commercial golf course used in those days with mowing and chemicals. A lot of the woods are associated with wooded wetland is it a primary or secondary growth, needs to be looked at.

Have demonstrated there does not need to Town once was going to purchase the property. Dan Shuster has been responsible for DGEIS 2/11/2009 memo response to U.D.R. site plan section. Large lots is not a panacea for protection. Take careful look at what is being represented and submitted.

Jonathan Hyman presented an overlay map of Audubon society, you need to check the map disclosure, make sure environmental claims are substantiated.

(break in recording statement by L. Wolinski not supplied.)

of over 200 units that, that left so much recharge area open on that the property, that didn't disturb any of the wetlands, that I'm not, I'm not sure what the real argument over groundwater is here. There's plenty. There's tons of water under this property. I mean we've had it tested. There was a lot more water than 200 units could have used on this property. And if there was a drought in 1980 over in Smallwood, it certainly wasn't the result of anything that happened on this property. And I highly doubt whether the two areas are linked hydrologically, but we could certainly all be able to ascertain that. And it's, it's certainly a distance away and would, in my opinion, based on what I know about hydrogeology, probably be outside the cone of influence of that neighborhood.

Also, back on the land use issues, you know, it's -- again, this property is, is historically been part of the Smallwood fabric forever. It was a commercial recreation facility. It wasn't developed with residences, but it was still part of the Smallwood fabric in neighborhood. And now you're kind of, through your land use policy, shifting that away. I think that is probably, from a land use standpoint, not the right thing to do. There's, you know, as you, as you all know, that I'm a professional planner as well as a, an attorney and have been so for a long time. And, and typically, we don't, we don't

buffer higher density neighborhoods with, you know, a large lot, the largest lot zoning in the town.

So I guess on some of the environmental issues, we, we really -- there are, there are hundreds of properties in the Town of Bethel that have similar characteristics to this property, that have wetlands, state designated wetlands, that have some woodland, that have some steep slope, and there are hundreds of properties in, in the town that aren't zoned five acres. So we, we honestly believe that the case has not been made, that, that it's superficial at best. And we, we think we're going to be able to, when we submit our report, to probably help to demonstrate otherwise. Ask that you consider that.

And I believe that that's it. Although I wanted to read you one last quote because I think the tone of my presentation last time, I tried to stay away from, from our property and, you know, as much as possible, and make some general comments on the plan itself, and because I am philosophically opposed to large lot zoning for solving a variety of problems, including environmental problems. But I don't know how many of you know Randall Erin. Randall Erin is a, is probably the foremost expert in conservation planning and has been, done work in this county, and done, done good work in the county. And he's, he's written one of the solutions that many conventional zoning law ordinances use for presumably maintaining open space and rural character is large lot zoning. That is establishing large, five to ten acre minimum lot sizes in rural zoning districts. Although large lot zoning does reduce the number of homes that can be built, it also spreads out the homes in such a way that none of the remaining land is usable for farming, forestry, or even recreational trails. House lots become "too large to mow, but too small to plow, and the greater distance between homes effectively stifles emergence of any sense of neighborhood." So, you know, you really, again, you really should give that some careful thought and consideration before you make your final determination here.

I thank you for giving me the opportunity today, and, again, always look forward to working with you, should the opportunity arise.

SUPERVISOR STURM: Thank you, Mr. Wolinski, Wolinski.

At this point, I don't have any other public comment speakers slated to speak. Since that would be it for the public comments at this time, I did receive a letter that relates to our zoning, and I'm going to read it for the record for the Public Hearing for zoning. It's from our planner that's assisting us with the Farmland Protection Plan. And again, it relates to our zoning so I'm going to submit it for the record. And I want to read it, portions thereof.

"Dear Supervisor Sturm:

"I wanted to take this opportunity to let you and the Town Board know of the progress we are making in the development of the Town of Bethel Farmland Protection Plan. We have been working to answer the first and second planning questions: What are the current conditions related to agriculture in Bethel, and where do we want to be in the future. This has involved significant data collection, mapping, analysis, and public input, as well. To this end, we have information from farmers and agribusiness surveys, interviews with local restaurants, and other businesses and organizations connected to agriculture, and received inputs on strengths, weaknesses, and future visions from both farmers and the general public.

"I wanted you to know that I am also aware of the draft zoning amendments currently being considered by the Town Board. I have reviewed these changes, including those that may impact farming, such as the new, three-acre density standards for the Ag Zoning District and establishment of conservation subdivision procedures. Reducing density, and paying careful attention to conservation subdivisions are in the land use policy toolbox we often recommend for protecting farms. I feel that compared to your existing zoning, these amendments move Bethel in the right direction towards implementing land use policies orientated to farms and farm land protection.

"As the committee works through development of the Farmland Protection Plan, there may be additional zoning standards recommended. I can assure you, we will thoroughly review and analyze all land use regulations in town, adopted and drafted, and make recommendations on any improvements that could help farming remain an important land use in Bethel.

"Over the next few months, Community Planning and Environmental Associates, our planners for this project, will be submitting to the Farm Committee for their review this toolbox of strategies and recommendations. The committee will then decide which ones should be included in the plan. These may include other zoning amendments that would serve to strengthen any existing regulations. After the Farmland Protection Plan is adopted, the Town could implement the Farmland Plan by further updating the zoning law. I know that the Town has been working on these amendments for quite some time as part of your Comprehensive Plan implementation.

Because the Bethel Farmland Protection Plan is not completed, and will not probably, and will probably not be until the end of 2009, I would recommend the Board continue the zoning amendment adoption process it has already started. I know that the Town Board is very interested in the Farmland Protection Plan Committee's work and that it will give its full consideration to implementing any recommendations included in the final plan in the future.

"If the Board would like any other information related to our work on the Farmland Protection Plan, please let me know. By June, we will have all maps," et cetera, et cetera, et cetera, "ready for posting on your town website.

"Don't hesitate to contact me.

"Sincerely, Nan Solzberg, Principal Consultant."

That regards our zoning and our Farmland Protection Plan.

At this point, absent any other speakers, I would entertain a motion to close our public hearing.

BOARD MEMBER BLAIS: I make a motion.

UNIDENTIFIED BOARD MEMBER: So moved.

SUPERVISOR STURM: By Bob.

BOARD MEMBER SIMPSON: Second.

SUPERVISOR STURM: Second by Vicky. All in favor?

(No verbal response.)

SUPERVISOR STURM: And no one opposed.

This here Public Hearing is hereby closed. In accordance with 6 New York CRR 617.9, written comments will be received and considered by the Town Board for ten calendar days following this hearing today. Written comments submitted to the Town must be postmarked no later than May 11th to be considered.

Again, thank you all for attending our Public Hearing today.

Since this is a regular Town Board meeting, I believe, I will entertain public comment on any other, public comment on any other issue that we have.

Penny.

MS. PENNY: I would like to know if there's any money in

the budget of the Town to buy a sign that says M-O-N-T-I-C-E-L-L-O to be placed at the intersection of Route 17B and County Road (inaudible).

MS. SHEEHAN: Yeah, we don't have a sign (inaudible) have permission to touch it. And someone did stick an "I" in there. Thanks to whoever did that. I've written -- my, my best advice is to get a petition. I've written and called several times, and that's the best they can do. I don't if who put the "I" in there.

MS. PENNY: Did you write to Albany?

MS. SHEEHAN: I've spoken to Albany, yes. It's a local matter. So I suggest you can call me. I'll give you the phone number.

MS. PENNY: It's embarrassing.

MS. SHEEHAN: But somebody did put the "I" in there.

SUPERVISOR STURM: So to answer your question, there's no town money available for that purpose, as far as I'm concerned.

MS. SHEEHAN: No, we don't own it; right.

SUPERVISOR STURM: Okay. Any, anybody from this side, public comment? Jonathan?

MR. HYMAN: Yes. Now that we're out of Public

Hearing --

SUPERVISOR STURM: Yes we are.

MR. HYMAN: -- I'd like to urge the board to aggressively pursue Mr. Wolinski's suggestion and really begin to think hard and long as to how the Town might find the available resources to have an honest and serious discussion about purchasing that land.

SUPERVISOR STURM: Okay. Thank you, Jonathan. Around to my left-hand side, any public comments today?

(No verbal response.)

SUPERVISOR STURM: Considering we didn't really have an agenda other than a public hearing, I would like to go to the board. Vicky, do you anything to report for today?

(No verbal response.)

SUPERVISOR STURM: Bob?

BOARD MEMBER BLAIS: Have a good weekend.

SUPERVISOR STURM: Denise.

BOARD MEMBER FRANGIPANE: No. Just thank you everyone who came out, and for all the hard work of the people who testified through this whole entire process. it was a long one. So thank you for that.

SUPERVISOR STURM: Okay. On that -- I'm sorry. Rita?

That was next.

May 1, 2009

Special Meeting/Public Hearing

MS. SHEEHAN: Next Town Board meeting is May 13th here. I just want to remind everybody we're going to be using this door. There is going to be someone else in that part of the building.

And also, the company that hosts the town's website, I am still unable to log on to update minutes, agendas. You'll see the web page, but it's just outdated. It has stale information. So, hopefully, I'll have that corrected in another week. They -- we have a new host company. And the previous company gave me my login name and it was capitalized. And I said: No, it's not capitalized. So that's why we're having the problem.

Also, the museum is coming along very nicely. We have some volunteers who have been cleaning it, including myself. We'll be in there again this weekend. And anyone who has anything they'd like to loan. We, our museum director, Bill Burns, you're going to see a press release coming out next week with all those details. So it's going to be a great thing for Kauneonga Lake and the town. And if you ever see me in there, stop on in. I told my kids that's where I'll be living. Thanks.

BOARD MEMBER FRANGIPANE: Dan, just one more thing.

SUPERVISOR STURM: Yes.

BOARD MEMBER FRANGIPANE: Next Wednesday evening, if anyone's interested in stream bank restoration or anything related, if you have streams on or near your property, there's a seminar at CVI at seven o'clock as part of the County's Open Space Plan. It's called Best Practices or Stream (Inaudible) Management Best Practices. It's (inaudible) seven o'clock. You just have to call to register. 295-2445.

UNIDENTIFIED SPEAKER: Where is this?

BOARD MEMBER FRANGIPANE: At CVI in Ferndale.

UNIDENTIFIED SPEAKER: What was that (inaudible).

BOARD MEMBER FRANGIPANE: May 6th, Wednesday at seven o'clock.

SUPERVISOR STURM: Okay. Thank you.

Motion to adjourn our meeting today?

BOARD MEMBER BLAIS: Make a motion

SUPERVISOR STURM: By Bob.

BOARD MEMBER FRANGIPANE: Second.

SUPERVISOR STURM: By Denise. All in favor?

And thanks again for coming out.

(End of supplied recording.)

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Respectfully submitted,

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Rita J. Sheehan, Town Clerk