

The Special Town Board meeting of January 28, 2009 was called to order by Supervisor Daniel Sturm at 6:30 p.m. at the Senior Center.

Council members present: Richard Crumley
Vicky Simpson
Denise Frangipane

Council members absent: Robert Blais

Town Supervisor Local Law Update

Mr. Sturm took a moment to review exactly where the Town is in regard to the proposed Zoning Law:

Last January 24th, the Town Board introduced our new Zoning Law and Subdivision Law that were brought forward from our Zoning Review Committee that was formed in about April of 2007. We then had a joint Planning Board, Zoning Review Committee and Town Board meeting last February to hear more comments and concerns. We also had a public hearing on Valentine's Day last year. We received over 30 well written comments and many other verbal comments.

At that time is when the Town Board decided to (1) conduct a full impact statement to protect our Zoning Laws and (2) review all public data that had been received, 3) to meet weekly with our consultants, 4) make all the hard choices, and finish properly and thoughtfully the Zoning Law for our town. All members of the Town Board had some input in getting this done.

Our Subdivision Laws were revised, passed on September 11, 2008 after a Public Hearing, and we now have a current, updated well written new Subdivision Law. We do still have one small change to our subdivision laws which we will discuss.

So tonight we are here to introduce a new Local Law to our Zoning, which includes a new Zoning Map, new Code Text, and a Bulk and Use Tables. We are also going to declare a positive declaration to begin the Generic Environment Impact Statement, process which is quite legal, specific and public. This has been a long, tedious, and difficult, but necessary process. My promise was to have Zoning that encouraged residential and commercial growth and protect the rural character of our town. I think we have will do that with our new zoning Law. This is the beginning of the end of this process.

#11 - Approve letter to DEC regarding Toronto Recreational Plan

Motion by Mrs. Simpson to send letter to DEC Commissioner supporting the FERC license for the Toronto Reservoir Recreational Plan with copies to Governor Paterson, Senator Bonacic and Assemblywoman Gunther, County Legislator Segar, and adjoining property owners, seconded by Mr. Crumley, put to a vote and carried 4-0.

Discussion on Resolution to Introduce Proposed Local Laws #1-2009 and #2-2009

Town Clerk read Resolution. Mrs. Simpson thanked the Town Board including previous Board Member Ted Yeomans and Dawn Ryder. It has been a long process.

Ms. Frangipane asked if it would it be helpful to have an information session to explain changes, i.e. Planning Board and the Community-clarify and answer tech questions. Mr. Sturm suggested voting on the matter. Mrs. Simpson indicated she does not want to drag out. Ms. Frangipane explained her position and asked Board to consider workshop. Mr. Sturm stated when the law is final we can have a class for Planning Board.

Motion by Ms. Frangipane for public session for purpose of walking through changes to inform public, no second to motion, therefore motion fails.

#12 - Resolution to Introduce Proposed Local Laws #1-2009 and #2-2009

RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL TO INTRODUCE A LOCAL LAW TO AMEND CHAPTER 345 “ZONING” AND TO INTRODUCE A LOCAL LAW TO AMEND CHAPTER 300 “SUBDIVISION OF LAND” OF THE TOWN CODE OF THE TOWN OF BETHEL

WHEREAS, the Town Board of the Town of Bethel (“Town Board”) 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 such local law implemented certain revisions to the Zoning Code, the Town did not and has 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 conducted a lengthy review to determine all necessary and appropriate amendments and revisions to the zoning code for various zoning districts located within the Town; and

WHEREAS, the Town conducted public hearings with regard to appropriate amendments to the Zoning Code, sought advice and received recommendations from a duly appointed zoning review committee and a separate duly appointed planning board procedures committee with regard to necessary and appropriate amendments to the Zoning Code; and

WHEREAS, the Town requested comments from the Town of Bethel Planning Board, which comments have been duly reported to the Town Board; and

WHEREAS, the Town Board seeks to amend Chapter 345 “Zoning” of the Town Code to implement fully the intent of the Town’s Comprehensive Plan; and

WHEREAS, the Town Board also needs to make minor changes to the subdivision law to implement fully the new zoning code and seeks to amend Chapter 300 “Subdivision of Land” of the Town Code; and

WHEREAS, this Resolution introduces Local Law No. 1 of 2009 which, if enacted, will amend Chapter 345 of the Town Code and introduces Local Law No. 2 of 2009 which, if enacted, will amend Chapter 300 of the Town Code; and

WHEREAS, the action contemplated by this Resolution is a type I action under the State Environmental Quality Review Act (“SEQRA”) and the Town will prepare a draft generic environmental impact statement.

NOW THEREFORE, BE IT RESOLVED, that Local Law No. 1 of 2009 which, if enacted, will amend relevant portions of Chapter 345 of the Town Code is hereby introduced; and be it

FURTHER RESOLVED, Local Law No. 2 of 2009 which, if enacted, will amend relevant portions of Chapter 300 of the Town Code is hereby introduced; and be it

FURTHER RESOLVED, that copies of introductory Local Law No. 1 of 2009 and introductory Local Law No. 2 of 2009 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 copies of introductory Local Law No. 1 of 2009 and introductory Local Law No. 2 of 2009 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 Town Law § 239-m; and be it

FURTHER RESOLVED, that the Town Board of the Town of Bethel shall appoint itself as lead agency under SEQRA; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted. Motion by Councilwoman Vicky Simpson, seconded by Councilman Richard Crumley, and adopted upon a roll call vote as follows:

	<u>AYE</u>	<u>NAY</u>
Robert Blais		Absent
Richard Crumley	X	
Denise Frangipane	X	
Victoria Simpson	X	
Daniel Sturm	X	

Duly adopted by 4 ayes, 0 nays the 28th day of January, 2009.

#13 - Resolution Determining Significance under SEQRA

Town Supervisor read resolution.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL
DETERMINING SIGNIFANCE UNDER SEQRA WITH RESPECT TO THE
PROPOSED AMENDMENT OF CHAPTER 345 “ZONING” AND
CHAPTER 300 “SUBDIVISION OF LAND” OF THE TOWN OF BETHEL CODE**

POSITIVE DECLARATION UNDER SEQRA

WHEREAS, the Town Board of the Town of Bethel (“Town Board”) has introduced a local law to provide a comprehensive amendment to its duly enacted Zoning Code, which Zoning Code appears as Chapter 345 of the Town Code of the Town of Bethel (the “Zoning Code”); and

WHEREAS, the Town conducted public hearings with regard to appropriate amendments to the Zoning Code, sought advice and received recommendations from a duly appointed zoning review committee and a separate duly appointed planning board procedures committee with regard to necessary and appropriate amendments to the Zoning Code; and

WHEREAS, the Town requested comments from the Town of Bethel Planning Board, which comments have been duly reported to the Town Board; and

WHEREAS, the Town Board seeks to amend Chapter 345 “Zoning” of the Town Code to implement fully the intent of the Town’s Comprehensive Plan; and

WHEREAS, the Town Board also needs to make minor changes to the subdivision law to implement fully the new zoning code and seeks to amend Chapter 300 “Subdivision of Land” of the Town Code; and

WHEREAS, the Town Board assumed lead agency status for the purposes of environmental review under the State Environmental Quality Review Act (“SEQRA”) and determined that the proposed action was a type I action under SEQRA regulations with the potential for at least one significant adverse environmental impact and needs to analyze said potential significant adverse impacts and evaluate reasonable alternatives thereto as required by 6 NYCRR 617.7 and that a draft generic environmental impact statement be prepared; and

WHEREAS, the SEQRA regulations, 6 NYCRR 617.8, allow for the lead agency to require scoping to focus the generic EIS on potential significant adverse impacts and eliminate consideration of those impacts that are non-significant; and

WHEREAS, the Town has prepared and submitted a Draft Scope for the proposed legislation for review by the Town Board, Planning Board, involved and interested agencies and the public.

NOW THEREFORE, BE IT RESOLVED, that the Town Board, acting as lead agency, determines that the proposed legislation is a Type I action that may have the potential for the following significant adverse impacts on the environment:

- More rapid utilization of land due to increased lot sizes in certain districts leading to a possible increase in disturbance of natural resources;
- Possible impacts to groundwater supplies and road infrastructure due to expansion of the RS District into areas currently designated for lower density;
- Possible increase in housing costs due to larger lot area requirements; and
- Change in population capacity of the Town due to modification of density standards; and be it,

FURTHER RESOLVED having considered the Draft Scope, the Town Board determines that the impacts of the proposed legislation should be subject to scoping under 6 NYCRR § 617.8 and hereby makes the following determinations:

1. Declares that the Draft Scope contains the items identified in 6 NYCRR 617.8(f)(1-5); and
2. Shall accept written public comments on the Draft Scope from the circulation thereof provided that such comments are received no later than February 11, 2009; and be it

FURTHER RESOLVED that this POSITIVE DECLARATION be filed in accordance with 6 NYCRR § 617.12 with copies to: (i) the Town Supervisor; (ii) the Town Board; (iii) all involved agencies, if any; (iv) the Sullivan County Department of Planning and Environmental Management; and (v) any person who has requested a copy; and be it

FURTHER RESOLVED that notice of this POSITIVE DECLARATION (as attached hereto) be published in the *Environmental Notice Bulletin* (“ENB”) in a manner prescribed by the NY Department of Environmental Conservation and the Town Board hereby requests the Town Clerk to provide such notice to Environmental Notice Bulletin, Room 538, 625 Broadway, Albany, NY 12233-1750 for publication in the ENB; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted. Motion by Councilwoman Vicky Simpson, seconded by Councilwoman Denise Frangipane, and adopted upon a roll call vote as follows:

	<u>AYE</u>	<u>NAY</u>
Robert Blais		Absent
Richard Crumley	X	
Denise Frangipane	X	
Victoria Simpson	X	
Daniel Sturm	X	

Duly adopted by 4 ayes, 0 nays the 28th day of January, 2009.

State Environmental Quality Review
POSTIVE DECLARATION
Notice of Intent to Prepare a Draft Generic Environmental Impact Statement
Determination of Significance

Date: January 28, 2009

This notice has been prepared pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act).

The Town Board of the Town of Bethel, as lead agency, has determined that the proposed action described below may have a potentially significant adverse effect on the environment and that a Draft Generic Environmental Impact Statement (“DGEIS”) will be prepared.

Lead Agency: Town of Bethel

Contact Person: Mr. Daniel Sturm, Town Supervisor
3454 Route 55
PO Box 300
White Lake, New York 12786
(845) 583-4350 ext. 12

Name of Action: Zoning Code Amendment

SEQR Classification: Type I Action

Scoping: A draft scope is available for review at Town Hall and written comments to the draft scope will be accepted until February 11, 2009.

Description of Action:

The Town of Bethel is amending a portion of its Zoning Code to comply with the Town’s Comprehensive Plan.

Location:

Town-wide.

Reasons Supporting this Determination:

(See 617.7(a)-(c) for requirements of this determination)

This project may have a significant effect on the environment for the following reasons:

- More rapid utilization of land due to increased lot sizes in certain districts leading to a possible increase in disturbance of natural resources;
- Possible impacts to groundwater supplies and road infrastructure due to expansion of the RS District into areas currently designated for lower density;
- Possible increase in housing costs due to larger lot area requirements; and
- Change in population capacity of the Town due to modification of density standards

A copy of this notice must be sent to:

- NYSDEC, 625 Broadway, Albany, NY 12233-1750
- Mr. Daniel Sturm, Town Supervisor, 3454 Route 55, PO Box 300, White Lake, NY 12786
- Sullivan County Division of Planning and Env. Mgmt, 100 North St, Monticello, NY 12701
- Ms. Rita Sheehan, Town Clerk, 3454 Route 55, PO Box 300, White Lake, NY 12786
- Any other person requesting a copy

Publication:

As required by 6 NYCRR § 617.12, a copy of this determination shall be published in the NYSDEC Environmental Notice Bulletin.

Public Comment

Jonathan Hyman stated he was shocked after all the effort and good will to not put this out in the public with your professionals that you hired, not a hearing, it won't hold anything up. Moving it along is nonsense. You should be proud to show the world.

Mr. Sturm indicated we are giving it to the world.

Mr. Hyman added that there are many people who deserve the opportunity to answer questions. Good government and the best government do more than required.

Mr. Sturm indicated the paid professional will be at the public hearing. And the Town Board will not be voting at end of the public hearing. We will review all comments again.

Margaret Kennedy stated the public work session will avoid mis-statements or questions.

Dawn Ryder expressed how very proud she is of this document. She wants her neighbors to see it; this is two years of her life. She requested for the presentation to be put on the regular Town Board agenda for a 20–30 minute presentation to point out the changes.

Adjournment

There being no further business Mrs. Simpson moved to adjourn the meeting, seconded by Mr. Crumley put to a vote and carried 4-0.

Respectfully submitted,

Rita J. Sheehan, Town Clerk