

The June 24, 2009 Town Board meeting was called to order by Supervisor Daniel Sturm at the Bethel Senior Center at 7:30 p.m.

Council members present: Robert Blais
Victoria Simpson
Denise Frangipane

Council members absent: Richard Crumley

Others Present: Rob McEwan

The meeting was opened with the Pledge of Allegiance.

Resolution of Respect – Herman Bressler – Moment of Silence

Motion by Mr. Blais, seconded by Ms. Frangipane, put to a vote and carried 4-0.

***Resolution of Respect
In Memoriam to***

***Herman Bressler
March 3, 1923 – June 17, 2009***

Whereas, Almighty God in his wisdom has seen fit to call from our midst one of our past public officials who served with honor and dignity, ***Herman Bressler***, who had served the Town of Bethel as a founding member of the Planning Board where he also served as Chairman, and

Whereas, ***Herman*** also served his community as a founding member of the Bethel Volunteer Ambulance Corp, member for the Monticello Chapter of the Kiwanis International, a member and past Vice President of the Sullivan County Audubon Society and was a lifetime resident of the Town of Bethel.

During his years of service he had diligently performed his duties and had always exhibited those qualities essential as a public servant; and

Herman had the respect and admiration of all who worked or who became associated with him and he will always be remembered for his dignity, honor and kindness toward his fellow man and for the welfare of the Town; and

Now Therefore Be it Resolved, that the Town of Bethel Town Board and Town of Bethel Planning Board expresses their most sincere sympathy at the passing of ***Herman Bressler*** on June 17, 2009, and extends their condolences to his family and friends, and in respect of his memory cause this Memorial Resolution to become a part of the official minutes of the Town of Bethel, distributed to family members and published in the Sullivan County Democrat.

Resolution Adopted: June 24, 2009

Town of Bethel Town Board
Town of Bethel Planning Board

Training Certificates received for Planning Board and Zoning Board Members

Planning & Zoning Board Members:

The Basic of Sitting on Planning and Zoning Boards: David Biren, Susan Brown Otto, David Slater, Bill Brey, Wilfred Hughson, Steve Simpson, Robert Yakin, Jr., Robert Brown, James Crowley, Daniel Gettel, Jesse Komatz, Steve Morey, Richard Conroy, Gary Rohrs.

Municipal Governance and Natural Gas Drilling: Jim Crowley, David Biren, Susan Brown Otto

Stream Management Solutions: Gary Rohrs

Motion by Mrs. Simpson to receive and file, seconded by Mr. Blais, put to a vote and carried 4-0.

Liquor License Application – ATTIMI, LLC – Michele’s Ristorante

Correspondence received from Michele’s Ristorante for an on-premise liquor license and also requesting a 30-day waiver of notification. Motion by Mr. Blais to receive, file and approve license and 30-day waiver, seconded by Ms. Frangipane, put to a vote and carried 4-0.

#109 - Marriage Officer Resolution – Allan Scott

Allan Scott, Smallwood resident, has requested to become a marriage office for the year 2009.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHEL APPOINTING A MARRIAGE OFFICER UNDER SECTION 11-c OF THE DOMESTIC RELATIONS LAW

WHEREAS, the Town Board of the Town of Bethel is authorized pursuant to section 11-c of the NY Domestic Relations Law to appoint one or more marriage officers who shall have the authority to solemnize a marriage, which marriage shall be valid if performed in accordance with other provisions of law; and

WHEREAS, the Town Board proposes to appoint Allan Scott, a qualified resident of the Town of Bethel, as a marriage officer in accordance with the powers invested in the Town Board by the referenced statute.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby appoints Allan Scott as a marriage officer in accordance with section 11-c of the NY Domestic Relations Law; and be it

FURTHER RESOLVED, the marriage officer appointed hereunder will not receive a salary or wage for performing his duties, but he may accept and keep up to seventy-five dollars for each marriage at which he officiates, paid by or on behalf of the persons married; and be it

FURTHER RESOLVED, that the term of this appointment shall expire on the fourth anniversary of this Resolution.

<u>Roll call Vote on Resolution:</u>	<u>AYE</u>	<u>NAY</u>
Robert Blais	x	
Richard Crumley	absent	
Victoria Simpson	x	
Denise Frangipane	x	
Daniel Sturm	x	

Motion by Mr. Blais, seconded by Mrs. Simpson, put to a vote and carried 4-0.

On a motion by Mr. Blais and seconded by Mrs. Simpson, resolution adopted on a vote of 4 ayes and 0 nays. This Resolution shall take effect upon its filing with the Town Clerk.

DATED: June 24, 2009

Correspondence Senior Volunteer Program

Notice has been received from the Sullivan County Office for the Aging that Ann Brucher is up for renewal as the Bethel RSVP member and would like to continue to serve. Motion by Mr. Blais to receive, file and appoint Ann Brucher as the Bethel RSVP member, seconded by Mrs. Simpson, put to a vote and carried 4-0.

Division of Solid Waste – Clean Up Event

Correspondence has been received from the Division of Solid Waste announcing their hazardous waste clean-up day on July 12th. Motion by Mrs. Frangipane to receive and file, seconded by Mr. Blais, put to a vote and carried 4-0.

#110 - Findings Statement Resolution

**RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL
ADOPTING A FINDINGS STATEMENT UNDER SEQRA
FOR THE ADOPTION OF 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”) 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 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 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, caused a draft scope to be prepared, accepted comments to the draft scope, and adopted a final scope on February 12, 2009; and

WHEREAS, the Town Board caused a draft generic environmental impact statement (“DGEIS”) to be prepared for the proposed legislation and accepted the DGEIS as complete on March 12, 2009; and

WHEREAS, the Town Board caused the DGEIS to be published and circulated in accordance with applicable regulations and provided due notice of a public hearing regarding the terms of the draft Zoning Code and any potential impacts under SEQRA that may result from adoption of the Zoning Code; and

WHEREAS, on April 15, 2009 and on the continued date of May 1, 2009, the Town Board conducted a public hearing during which comments were presented and received in connection with the terms of the draft Zoning Code and any potential impacts under SEQRA that may result from adoption of the Zoning Code; and

WHEREAS, on May 1, 2009, the Town Board closed the public hearing subject to the receipt of any additional written comments until May 11, 2009; and

WHEREAS, based upon the comments received during the public hearing and review of the DGEIS, the Town Board caused a final generic environmental impact statement (“FGEIS”) to be prepared for the proposed legislation and accepted the FGEIS as complete on May 13, 2009;

WHEREAS, the Town Board caused the FGEIS to be published and circulated in accordance with applicable regulations; and

WHEREAS, after considering the relevant environmental impacts, facts and conclusions disclosed in the FGEIS and upon weighing and balancing relevant environmental impacts with social, economic and other considerations, the Town Board caused a Findings Statement to be prepared to determine whether the amendment of the Town’s current Zoning Code (“Amended Zoning Code”) will have any significant impacts on the environment and the extent to which those impacts can be mitigated or avoided; and

WHEREAS, the Findings Statement is attached hereto and incorporated by reference.

NOW THEREFORE, BE IT RESOLVED, that the Findings Statement of the Town Board of the Town of Bethel is hereby adopted; and be it

FURTHER RESOLVED, the Town Board finds that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action to amend the Town Zoning Code is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable; and be it

FURTHER RESOLVED, the Town Board finds that the requirements of 6 NYCRR Part 617 have been met in connection with the adoption of a local law to amend the Zoning Code of the Town of Bethel and authorizes the Town Supervisor to sign and certify the Findings Statement on behalf of the Town Board; and be it

FURTHER RESOLVED, that the adoption of this Findings Statement is a positive findings statement meaning that the proposed action is approvable after consideration of the FGEIS, which demonstrates that the proposed action is one that minimizes or avoids adverse environmental impacts to the maximum extent practicable; and be it

FURTHER RESOLVED that this Findings Statement be filed in accordance with 6 NYCRR § 617.12 with copies to: (i) the Town Supervisor; (ii) the Town Board; (iii) all involved agencies; (iv) any person who has requested a copy; (v) the Sullivan County Department of Planning and Environmental Management; and (vi) the Department of Environmental Conservation, Division of Environmental Permits, 625 Broadway, Albany, NY 12233-1750; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

Motion by Town Board member Mr. Blais, seconded by Town Board member Mrs. Simpson, and adopted upon a roll call vote as follows:

	AYE	NAY
Robert Blais	x	
Richard Crumley	absent	
Denise Frangipane	x	
Victoria Simpson	x	
Daniel Sturm	x	

Duly adopted by 4 ayes, 0 nays, the 24th day of June, 2009.

TOWN OF BETHEL
SEQRA FINDINGS STATEMENT
AMENDMENT OF THE TOWN ZONING CODE
JUNE 24, 2009

THE LEAD AGENCY

TOWN OF BETHEL
3454 Route 55
Post Office Box 300
White Lake, New York 12786

CONTACT PERSON

Daniel Sturm, Supervisor
Town Hall
3454 Route 55
Post Office Box 300
White Lake, New York 12786

Telephone Number: (845) 583-4350

SEQRA CLASSIFICATION: TYPE I

PROJECT LOCATION

Town of Bethel, Sullivan County, New York. The project impact is town wide.

PROJECT DESCRIPTION

The action to be undertaken by the Town Board involves amendments to the Town Code, Chapter 345 (Zoning) and the Zoning Map. The Zoning Map will be revised so that the minimum lot size in rural areas will be increased from one acre to two acres, in agricultural areas from one acre to three acres, and in particular environmentally sensitive areas from one acre to five acres. The Zoning Map will also be revised to create an additional RS-Rural Settlement District decreasing the minimum lot size within this area of Bethel from 40,000 square feet to ½ acre with the provision of a central sewage system. The Zoning Map will also be revised to create two new zoning districts, the FC-Forest Conservation and SR-Smallwood Residential.

Additional amendments are proposed to existing Zoning Law provisions that regulate conservation subdivisions, home occupations, multi-family housing, manufactured homes, mobile home parks, special use applications, and the site plan review process. The Bulk & Use Tables for all districts will be amended to provide minimum lot sizes for all permitted and special permit uses. A number of amendments will also be included in the zoning amendments that cover a range of technical and administrative issues such as definitions, procedures and standards.

PROJECT HISTORY

In December 2006, the Town adopted extensive revisions to its Comprehensive Plan. In order to implement the goals of the Comprehensive Plan, the Town began the process of reviewing and amending its zoning code. The Town Board appointed a zoning review committee which conducted a lengthy review process to determine and recommend all necessary and appropriate amendments and revisions to the zoning code, including recommendations to 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.

In January 2009, the Town Board 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.

In addressing its responsibilities under SEQRA, the Town Board elected to subject the proposed action to scoping. The Town Board, caused a draft scope to be prepared, received public comments on the draft scope and accepted the final scope for the project on February 12, 2009. Subsequent to acceptance of the final scope, the Town Board caused a Draft Generic Environmental Impact Statement (“DGEIS”) to be prepared and subsequently received the DGEIS for review and comment.

Based upon public comments to the draft scope, County Planning’s GML-239 review of the Zoning Amendments, and the Town Board’s review of the DGEIS, the Town Board resolved to amend Local Law No. 1 of 2009 prior to scheduling the public hearing for said local law. The revisions included changes to the zoning text along with a zoning map amendment that extended the proposed FC-Forest Conservation Zoning District boundary to include the former Smallwood Golf Course and lands lying north of Ballard Road in the vicinity of White Lake Brook. The amendments to Local Law No. 1 of 2009 were adopted by a Resolution of the Town Board on March 12, 2009. These documents were made available for public review and comment prior to scheduling the joint public hearing on the DGEIS and Local Law No. 1 of 2009. On March 12, 2009, the Town Board accepted a DGEIS concerning the proposed amendments to the Town of Bethel Zoning Law. The Town Board caused the DGEIS to be published and circulated in accordance with applicable regulations.

On April 15, 2009 and on the continued date of May 1, 2009, the Town Board conducted a public hearing during which comments were presented and received in connection with Local Law No. 1 of 2009, as amended, and any potential impacts under SEQRA that may result from its adoption. On May 1, 2009, the Town Board closed the public hearing subject to the receipt of any additional written comments until May 11, 2009.

Based upon the comments received during the public hearing and review of the DGEIS, the Town Board made further amendments to Local Law No. 1 of 2009, caused a final generic environmental impact statement (“FGEIS”) to be prepared for the proposed legislation and accepted the FGEIS as complete on June 10, 2009. The Town Board caused the FGEIS to be published and circulated in accordance with applicable regulations. The Town Board then directed that a Findings Statement be prepared in accordance with 6 NYCRR § 617.11.

JURISDICTIONAL AMENDMENTS

In addition to an extensive revision of the Town’s Zoning Map and district regulations, Local Law No. 1 of 2009 (the “Amended Zoning Code”) makes significant changes to the regulatory requirements that govern the issuance of special use permits and the approval of site plans. In addition, the Amended Zoning Code makes changes to many other of the supplementary use regulations permitted under the legislation and provides for a significant number of new and amended definitions all to assist the planning board and building department to implement the zoning changes. The Amended Zoning Code also amends the non-conforming use requirements, supplementary bulk regulations, and the Town’s enforcements powers. These changes are seen as key factors in allowing the Town to meet the goals set forth in its Comprehensive Plan.

IMPACTS ON LAND USE

The Amended Zoning Code will cause some changes to permissible uses and the intensity of those uses in the Town. Through the zoning review process and the SEQRA review process, the Town assessed such new and changed uses. These changes sought, in part, to preserve agricultural uses and expand open space uses.

For example, conservation subdivisions will be permitted in the three districts with the largest minimum lot sizes, the FC, AG and PA Districts. Further, based upon comments made during the public hearing process, the draft Amended Zoning Code was

revised and the proposed regulations for conservation subdivisions will now permit lot sizes to be reduced to one acre where water and sewer service is not available or reduced to one-half acre where central water supply and sewage service is available. This will enable up to 80% of a conservation subdivision site to be preserved for open space and recreational purposes while maintaining lots of sufficient size to accommodate on-site water supply and sewage disposal systems.

Possible increase in housing costs due to large lot requirements in the AG, RF, RD and R-17B Districts may occur as a result of the proposed action. The Amended Zoning Code will substantially reduce the areas in which one acre lots can be created by subdivision. The price of larger lots thus required may increase the total cost of land and building to future homebuyers and could have reduced the amount of affordable housing available to certain income groups were it not for other changes contained the Amended Zoning Code discussed below.

The Amended Zoning Code will still provide satisfactory opportunities for residential growth to accommodate all income groups within Bethel. It does so by creating zoning districts with a range of minimum lot sizes and by allowing a variety of single-family housing types (e.g. stick built, modular, manufactured housing and multi-family units) to be constructed within the Town. Single-family manufactured housing units will be allowed on individual building lots within the AG, AGR, RD and RDR Zoning Districts to address affordable home ownership opportunities.

The Amended Zoning Code also allows multi-family housing within the RDR, RS, CS and HC Zoning Districts and Manufactured Home Parks with the AG and RD Districts that are intended to address affordable rental opportunities within Bethel. In fact, the proposed amendments will also increase affordable housing opportunities by adding approximately 2,483 acres of land to the RS District, which has a minimum lot area of one acre where water and sewer service is not available or one-half acre where central water supply and sewage service is available. This zoning plan is designed to provide opportunities to create alternative development at higher densities in the areas of the Town where the possibility of connection to central sewage disposal systems exist. This will expand housing choices and also encourage development in the hamlet areas in contrast to the lower density rural districts.

The Town also reviewed allegations that larger, five acre lots will result in lower property values. However, an analysis of recent sales data for vacant parcels in the Town of Bethel refutes this contention. Sales of 84 vacant parcels from January, 2007, through February, 2009, as reported by New York Property Sales Database, reveal that larger building lots have a higher value per acre in the Town of Bethel than smaller ones. In addition, the houses built on such larger lots typically are bigger and have a greater value than houses built on smaller lots. Therefore, the economic impact of the proposed larger lot zoning districts, particularly the FC District, may well be positive rather than negative.

IMPACTS ON AIR QUALITY

The Amended Zoning Code will not cause a substantial adverse change in existing air quality. The Amended Zoning Code is intended to steer higher density development to hamlet centers and corridors where existing transportation, water, sewer, telephone, cable, and electric infrastructure is already in place to accommodate growth. This reduces the need expand public infrastructure thereby helping to reduce carbon emissions. Further, based upon the recommendation contained in the Town's Comprehensive Plan, most of the southern portion of the Town (e.g. south of Route 17B and the Smallwood hamlet) was rezoned from one acre to five acre zoning for single family residences. This new zoning district, the FC-Forest Conservation Zoning District (the "FC District"), includes some of the most environmentally sensitive areas of the Town and comprise areas of wetlands, steep slopes, and significant wildlife habitat. Five acre zoning will actually help to reduce greenhouse gas emissions by preserving large tracts of forestlands and reducing the development potential within the FC District to one-fifth of the number of homes that were permitted in the former RF-Rural Farmland Zoning District. The proposed FC District will encompass approximately 34% of the geographic area of the Town.

The Amended Zoning Code will substantially reduce densities and increase lot sizes in over three-quarters of the Town. It is anticipated that this rezoning will result in the construction of fewer single family residences, fewer residents, and lower air emissions based upon smaller amounts of traffic and fewer quantities of pollutants discharged from the burning of fossil fuels than what would have occurred in the event that the zoning was left unchanged.

IMPACTS ON WATER QUALITY

Various aquifers, ponds, lakes, wetlands, streams and tributaries are located throughout Bethel. These are Bethel's water resources that provide important environmental and recreational functions for Town residents. They are also an important component of the region's water supply. The Town, by reducing the development potential under the Amended Zoning Code, sought to preserve existing water quality resources, for both surface and groundwater sources, through the control of construction density and creation of areas of open space, particularly in the FC District which, as noted above, encompasses a large portion of the Town. There are also large areas of wetlands in Bethel that are regulated by the New York State Department of Environmental Conservation. These wetlands are located along many of the streams that flow through the Town. A number of small-scattered wetlands, generally less than 12.4 acres in size, also exist throughout the Town.

Most Bethel residents rely on bedrock groundwater wells for their individual or community water supply. These wells will also be the dominant source of future water supply in Bethel. Groundwater yields are affected by the type, location and extent of bedrock as well as the number of joints and fractures in the bedrock and so can be highly variable. The Amended Zoning Code encourages residential development on parcels that are of sufficient size to accommodate proposed improvements without excessive land disturbance or water withdrawal, thereby protecting the quality and quantity of vital drinking water supplies throughout Bethel.

The Federal Emergency Management Agency has identified some potential flood hazard areas along the Mongaup River, its tributaries and other streams throughout Bethel. Few of these flood hazard areas fall within developed areas and they are not extensive because of steep ridges paralleling the rivers throughout Bethel. The Amended Zoning Code will not cause a substantial increase in potential for erosion, flooding, leaching or drainage problems because the proposed revisions to the zoning code will result in a net reduction in density and the creation of areas of open space. Much of the area identified as having a potential for flooding is located in the FC District. Increased areas of open space will likely create more opportunities for flood and drainage control.

IMPACTS ON TRAFFIC AND TRANSPORTATION

Traffic impacts will increase in the Town over time through increased population growth. The Amended Zoning Code attempts to foster higher density development around existing hamlets to make it easier to provide public transportation in the future, thereby reducing vehicle miles traveled. Further, in order to minimize future traffic impacts, the proposed amendments relating to traffic impacts have been guided by the existing road system. In the northern portion of the Town (lying north of NYS Route 17B and the hamlet center of White Lake), there is a well-developed system of rural roads that form a pattern of interconnecting north-south and east-west roadways that allow for multiple routes to and from arterial highways including NYS Route 17B or NYS Route 55. County Routes 141 and 183 are important collector roads within the northern portion of Bethel. This extensive system of roads allows for alternative travel routes that help to alleviate congestion on particular roadways by helping to diffuse traffic. Generally, the Amended Zoning Code allows for greater residential construction density in the northern portion of the Town, in part, due to the better transportation network.

In the southern portion of the Town the transportation system is far less extensive and the east-west travel is limited to private roads, which is very limited. Within the

southern portion of the Town, north-south travel is largely restricted to NYS Route 55 and County Routes 26 and 115. There are no north-south or east-west Town roads in the southern half of the Town of Bethel that cross the municipal boundary of any adjoining town, evidencing the limited nature of the existing roadway system here. A more expansive north-south highway system is limited by the presence of significant water bodies and other environmental constraints. The Amended Zoning Code in the area of reduced density recognizes that the highway system in the northern part of Bethel is more capable of accommodating growth than the southern part.

IMPACTS ON VEGETATION AND ANIMALS

The northern portion of Bethel is an area where lower density residential development, coupled with agricultural & farming operations, provide some important habitat areas for a variety of flora and fauna. Because the Zoning Amendments guide a significant portion of future development to the northern portion of the Town, there will be a some loss of vegetation and wildlife habitat, although not as much as the potential loss under current zoning requirements that permit one acre zoning. In addition, the northern portion of the Town contains Sullivan County Agricultural District No. 1 and growth will be controlled, in part, by regulations governing the use of said Agricultural District. Further, part of any loss will be ameliorated through conservation measures adopted in the southern portion of the Town. Finally, individual site plan and special use review process requirements for project applicants may be able to control some protections for vegetation and wildlife habitat on a site specific, case-on-case basis.

The southern portion of the Town is an area that provides significant habitat and wildlife corridors for a common, rare, endangered, threatened, and special concerns species of plants and animals and their habitat. The predominant land use within this area of Bethel is protected open space in the form of parks, conservation lands, and water supply lands owned by the operator of a hydroelectric facility. Many of the lands that lie within this area are forested and many property owners manage these forests through the NY State Department of Environmental Conservation Forestry Management Program in accordance with NY Real Property Tax Law Section 480-A.

These lands form a unique wildlife habitat that is home to a variety of common animal species such as black bear and threatened species such as the bald eagle. The southern portion of Bethel provides a significant habitat for bald eagles, which tend to nest in forests along the shorelines of lakes or streams that predominate the southern half of Bethel. According to the NY State Department of Environmental Conservation, Bethel is breeding and wintering range for bald eagles. The Amended Zoning Code will minimize impacts by helping to preserve this habitat and wildlife corridors by lowering development density and encouraging conservation subdivisions in this area.

IMPACTS ON HISTORICAL, ARCHEOLOGICAL, ARCHITECTURAL, OR AESTHETIC RESOURCES OR EXISTING COMMUNITY CHARACTER

The Amended Zoning Code will not cause the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources in the Town. The zoning amendments strive to concentrate density and future construction around existing hamlet areas both as a way to preserve existing architectural and aesthetic resources and to maintain existing community or neighborhood character. Additional architectural design standards have been included as part of the zoning review process.

Notwithstanding, the Town Board recognizes that the Amended Zoning Code will substantially reduce densities and increase lot sizes in over three-quarters of the Town. As a result, land area may be utilized at a more rapid rate than under present zoning designations since the same number of lots will require a larger land area. The use of a larger portion of the Town's land area for development may alter the rural character of some areas and may increase the rate of loss of agricultural lands.

Increase lot sizes are proposed primarily in those areas of the Town where physical characteristics prevent development under prevailing zoning requirements (one acre lots) or where development at such lot sizes would have adverse environmental

impacts. Therefore the rate of land utilization will not actually be significantly greater than would take place under existing zoning regulations based upon existing land use patterns. Despite this belief, the Amended Zoning Code will allow for flexibility in the design of residential subdivisions to encourage the preservation of open space and the conservation of prime agricultural soils and its working farms.

In order to provide a means to preserve agricultural land and other significant open space, regulations are proposed to allow the Planning Board to authorize conservation subdivision developments within the FC-Forest Conservation and AG-Agricultural Zoning Districts. To further address this issue, the Town is currently in the process of developing a Farmland Preservation Plan.

IMPACTS ON POPULATION GROWTH

The Amended Zoning Code will not accelerate the rate of population growth as compared with the number of people who might come to the Town under current zoning regulations.

In 2000, the U.S. Census reported that the Town of Bethel had a total of 1,649 housing units of which 1,311 were owner occupied and 338 were renter occupied. In 2007, the U.S. Bureau of the Census estimated the Town of Bethel's population at 4,532 persons. The Amended Zoning Code may result in a reduction in the total population capacity of the Town due to density reduction measures that are described above (e.g. a lower number of residential dwelling units can be built under the proposed zoning). Based upon a conservative analysis of the development potential under the existing and proposed zoning code it is estimated the maximum number of dwellings that could be constructed will be reduced from 34,850 to 16,366 dwelling units.

While the development potential under the Amended Zoning Code is less than that allowed under the existing zoning code, the proposed legislation still provides satisfactory residential growth opportunities. In fact, the residential development potential under the Amended Zoning Code still provides growth in the number of dwelling units that is 10 times the number of existing dwelling units within the Town of Bethel. If this reduced residential development potential were realized, the Town's population would grow by 44,188 persons (based upon the average of 2.7 persons per household). Coupled with the existing population, this would result in a build out population under Amended Zoning Code of 48,720 persons - approximately 2/3 the County-wide population of 73,966 recorded during the 2000 Census.

Under the existing zoning code, the theoretical development potential of 34,850 dwelling units would result in a population increase of 94,095 persons. When coupled with the existing population, the Town of Bethel's population would swell to 98,627 persons - greater than the County-wide population recorded by the U.S. Bureau of the Census in 2000. Making matters worse, development under the existing zoning code would be spread development throughout the Town and not to areas where existing infrastructure is in place to support additional growth. This would result in the need to greatly expand the transportation infrastructure and other municipal services.

The dispersed development pattern would also place an undue strain on community services and would result in a pattern of growth that would make it difficult to achieve Bethel's goals of preserving valuable open space and agricultural lands. Thus, the Amended Zoning Code provide mitigation against uncontrolled growth.

IMPACTS ON ENERGY AND UTILITIES

There is sufficient energy infrastructure within the Town to address permitted uses. The Town has no control over energy generation or availability. Sewer infrastructure is currently limited in scope and serves the White Lake hamlet area, and a relatively small area north of Route 17B. In addition, it will soon serve a portion of the Route 17B corridor as well. Although zoning density has been reduced town-wide for the most part, the higher density zoning will be concentrated in the northern portion of the Town and will impact the existing sewer system. Sewer plant improvements and

repair and extension of the existing conveyance system will likely be required beyond current sewer system maintenance and improvement plans. These impacts are a natural byproduct of population growth will likely occur whether the Zoning Amendments are adopted or not.

SUMMARY OF POSSIBLE IMPACTS

Nearly all of the impacts from the adoption of the Zoning Amendments are positive, since the revised Zoning Law and Map will provide a means to guide future development in a logical and efficient pattern while protecting the environment. The possible impacts related to an increased rate of land utilization due to increases in minimum lot sizes in certain districts has been determined to be a real impact that is acceptable to the Town because it results from conservation measures designed to retain the rural character of the town and preserve its natural resources, particularly water resources. In addition, possible impacts to groundwater supplies and road infrastructure due to expansion of the RS District into areas currently designated for lower density is acceptable to the Town in order to provide for satisfactory opportunities for residential growth to accommodate all income groups within Bethel. Impacts related to possible increase in housing costs due to larger lot area requirements appear to be overstated. The change in population capacity of the Town due to modification of density standards is also an impact of the Zoning Amendments, but worth the preservation of valuable open space and agricultural lands.

SUMMARY OF MITIGATION MEASURES

The primary rationale for the Zoning Amendments - particularly the creation of the FC-Forest Conservation District - is to regulate land to reduce adverse impacts by taking into account the physical limitations of either the land, built infrastructure, or both. This is reflected by the establishment of lower density zoning districts within reservoir watersheds, areas with steep slopes, flood plains, wetlands and significant natural features including agricultural lands. Higher density zoning districts have been concentrated in areas where public roads and utilities either exist or are likely to be extended such as within the CS, H-17B, G-17B, PA and RS Zoning Districts. Increased lot sizes are proposed primarily in those areas where physical characteristics prevent development at the prevailing zoning (one acre) or where development at such lot sizes would have adverse environmental impacts. Therefore, the rate of land utilization will not actually be significantly greater than would take place under existing zoning. In order to provide a means to preserve agricultural land and other significant open space, regulations are proposed to allow the Planning Board to allow conservation subdivisions in order to preserve natural resources and meaningful open space. These provisions will permit smaller lot sizes on those portions of a property where fewer development limitations exist while preserving open space and valuable agricultural land.

Alternative housing opportunities will be provided (multi-family housing, manufactured housing and manufactured home parks), and new requirements for site plan review of development plans will better ensure that stormwater management and groundwater supplies are carefully considered during the development review process.

SUMMARY AND COMPARISON OF ALTERNATIVES

SEQRA requires that alternatives to the proposed action be examined as part of the environmental review process. There are two alternatives to the proposed action: the "No Action" alternative and the "Partial Implementation" alternative.

1. No Action - Current Zoning Law Remains in Effect

While not adopting the Zoning Amendments is an alternative that could be considered, it is not the preferred alternative. The amendments support the 2006 Comprehensive Plan vision and provide specific tools to achieve it. They strike a balance between allowing for residential and non-residential growth while providing better protection of agricultural and natural resources. The No Action Alternative would not further the Town's land use goals and would prevent it

from achieving its full vision for the future. While existing federal, state and local regulations might be sufficient to protect natural resources, the benefit of the amendments is that they provide regulatory guidance as to the manner in which the Town can grow, where certain residential densities will be permitted, where non-residential uses are allowed, while protecting the Town's valuable resources.

2. Partial Adoption of Zoning Amendments

The partial adoption of the proposed Zoning Amendments would fail to implement all the goals and objectives of the community as set forth in the Comprehensive Plan and would inevitably result in compromises that could undermine the intent of these Zoning Amendments. For example, maintaining a minimum lot size of one acre throughout the FC-Forest Conservation District. Under this scenario, the intended protection of natural resources and preservation of the rural character of this portion of Bethel would not be achieved. The amendments were developed in a holistic manner and with the intent of being adopted as such.

3. Adoption of Zoning Amendments as Proposed

Of the available alternatives, the adoption of the Zoning Amendments as proposed would provide the best combination of appropriately scaled growth, open space and natural resource protection, agricultural resource protection, opportunities for growth and the provision of housing opportunities that Town residents desire. The Zoning Amendments, as proposed, balances the Town's need for growth while preserving its community character.

SEQRA 617.10 REGULATIONS / FUTURE ACTIONS

SEQRA regulations provide that "Generic EIS's and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, and shall include procedures and criteria for supplements to reflect impacts, which have not been adequately addressed or analyzed in the generic EIS. Such procedures shall include provision for public notice for supplements which allow for public comment on the new material presented by the supplement in the same manner as was provided in respect to the Generic EIS." 6 NYCRR § 617.10(c)

Therefore, pursuant to the requirements of 6 NYCRR § 617.10(d), the following section of this Findings Statement will consider the criteria and public notice procedures under which future actions may be undertaken. All future development actions subject to the Amended Zoning Code within the Town of Bethel shall be undertaken pursuant to the four (4) SEQRA Generic EIS thresholds established by Part 617.10(d), as follows:

1. No further SEQRA compliance is required if a subsequent site specific action will be carried out in conformance with the conditions and thresholds established for such actions in the findings statement for the generic EIS;
2. A supplemental findings statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS;
3. A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental effects; and
4. A supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action involves one or more significant environmental effects.

Notwithstanding the foregoing, project applications appearing for review and authorization before the Town Planning Board or Town Zoning Board of Appeals must completely address all site specific environmental impacts not addressed fully in the

FGEIS as may be required by the lead agency undertaking project review. As such, if a supplement to the GEIS, a supplemental findings statement, a negative declaration or a new EIS is required for further SEQRA compliance, the applicable criteria contained in Part 617 of the SEQRA regulations shall apply.

CONCLUSIONS & GENERIC FINDINGS

Based upon the information contained in the FGEIS, as outlined in these Findings and the supporting documentation provided, the Lead Agency finds that the proposed action will not only achieve the goals of this Findings Statement but minimizes potential environmental impacts and will provide the necessary balance between the protection of the environment and the need to accommodate social and economical considerations.

Therefore, having considered the scope, and the Draft and Final GEIS, and having considered the foregoing written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met.
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the proposed action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable, including the effects disclosed in the environmental impact statement.
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by adoption of the proposed Plan and by incorporating as conditions to the decision those mitigative measures which are identified as practicable contained herein.

The Lead Agency, pursuant to SEQRA Part 617.9(d) has prepared the Findings stated herein and shall cause it to be filed in accordance with Part 617.12.

CERTIFICATION OF FINDINGS TO APPROVE

Having considered the draft generic and final generic environmental impact statements, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the environmental impact statement; and
3. Consistent with the social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

#111 - Resolution to adopt Proposed Local Law #1 of 2009 to amend Zoning

RESOLUTION OF TOWN BOARD OF THE TOWN OF BETHEL ADOPTING 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") 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 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 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, has 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, attached hereto is a copy of Local Law No. 1 of 2009 enacting the amendments to the Town of Bethel Zoning Code; and

WHEREAS, the Town Board provided due notice of a public hearing regarding the terms of Local Law No. 1 of 2009 and any potential impacts under SEQRA that may result from adoption of Local Law No. 1 of 2009 and the amendment of the Zoning Code; and

WHEREAS, on April 15, 2009 and on the continued date of May 1, 2009, the Town Board conducted a public hearing during which comments were presented and received in connection with the terms of the draft Zoning Code and any potential impacts under SEQRA that may result from adoption of Local Law No. 1 of 2009; and

WHEREAS, on May 1, 2009, the Town Board closed the public hearing subject to the receipt of any additional written comments until May 11, 2009; and

WHEREAS, the Town Board forwarded a copy of the proposed Local Law No. 1 of 2009 to the County of Sullivan Division of Planning and Environmental Management in accordance with General Municipal Law § 239-m; and

WHEREAS, by correspondence dated March 5, 2009, the County of Sullivan Division of Planning and Environmental Management ("Division of Planning") recommended modifications to proposed Local Law No. 1 of 2009 and also provided technical advice and comments.

NOW THEREFORE, BE IT RESOLVED, that Local Law No. 1 of 2009, amending the Zoning Code of the Town Code of the Town of Bethel is hereby adopted; and be it

FURTHER RESOLVED, that the Division of Planning recommended modifications to proposed Local Law No. 1 of 2009, which modifications were adopted in part and rejected in part. The modifications not adopted were rejected because (a) the recommendations were beyond the jurisdiction of the Division of Planning because they did not consist of inter-community and county-wide considerations as required by General Municipal Law § 239-1 but addressed matters solely of local concern and/or (b) consisted of technical assistance and informal comments that were not requested by the Town; and be it

FURTHER RESOLVED, this Resolution shall become effective when adopted.

Motion by Town Board member Ms. Frangipane, seconded by Town Board member Mr. Blais, and adopted upon a roll call vote as follows:

	AYE	NAY
Robert Blais	x	
Richard Crumley		absent
Denise Frangipane	x	
Victoria Simpson	x	
Daniel Sturm	x	

Duly adopted by 4 ayes, 0 nays, the 24th day of June, 2009.

Interest Free Loan Program for Small Businesses

Congressman Hinchey has announced an interest free loan program for small businesses. Motion by Mr. Blais to receive and file, seconded by Ms. Frangipane, put to a vote and carried 4-0.

Justice Court Correspondence

Correspondence has been received from Mary Prince, Court Clerk, on the overdraft notices that have been received due to Judge Block not signing his bail account checks to deposit into his fine account. Mr. Sturm would like a letter sent to the Judges requesting that they make their deposits timely to avoid overdrafts. Motion by Mrs. Simpson to receive and file, seconded by Mr. Blais, put to a vote and carried 4-0.

Grant Application Procedures

Mr. Sturm send letter to all department heads, including BLDC that Grants must go through Town Board in the future.

Motion by Mr. Blais to require all grants application including the BLDC must be approved by the Town board, seconded by Mrs. Simpson, put to a vote and carried 4-0.

#112 - Reject Youth Center Bids

Sealed bids were open and publicly read at the Town Clerk’s office on June 8, 2009 at 2 p.m. for the new Youth/Literacy Center. Sealed bids were received as follows:

International	\$223,629
Homestead	\$210,560
Building Corp.	\$207,875
Werlau Construction	\$220,267

Motion by Mr. Blais to reject youth center re-bid, seconded by Mrs. Simpson, put to a vote and carried 4-0.

Literacy Center Donation from Duggan School

The Duggan School 5th graders have donated 1,000 books to the Bethel Youth/Literacy Center. Motion by Mrs. Simpson to send thank-you letter, seconded by Ms. Frangipane, put to a vote and carried 4-0.

#113 Youth/Literacy Center Building Plans

Mr. Sturm suggested constructing the Youth Center/Literacy Center from a modular unit, this is the best solution. Motion by Mr. Blais to authorize engineering fee up to \$3,500 for plans and consulting, seconded by Mrs. Simpson, put to a vote and carried 4-0.

Youth Building Demo Bids

Motion by Mr. Blais to seek sealed bids for the demolition and removal of the Youth Center, seconded by Ms. Frangipane, put to a vote and carried 4-0.

Ms. Frangipane asked if there was any reason to think there was asbestos. Mr. Sturm indicated the contractor will have to check.

Notice of Appeal Upstate Land Properties LLC

Notice of Appeal has been received regarding Upstate Land Properties from a decision dated May 21, 2009. Mr. McEwan explained the attorney for this case has been assigned by NYMIR and they will continue to represent the Town in this matter if the Plaintiff does actually appeal. The Plaintiff has 60 days to appeal. Motion by Mr. Blais to receive and file, seconded by Mrs. Simpson, put to a vote and carried 4-0.

Vested Rights Bill

Correspondence has been received from Jonathan Hyman regarding Assembly Bill A03353 and why to vote No. Motion by Ms. Frangipane to send a letter to Aileen Gunther and John Bonacic in opposition of this bill, seconded by Mr. Blais, put to a vote and carried 4-0.

Town Assessor Training

Request has been received from the Town Assessor to attend the annual conference in Saratoga Springs on September 27th – 30th for \$175 plus accommodations, which is reimbursed by the State. Motion by Mrs. Simpson to receive, file and approve, seconded by Mr. Blais, put to a vote and carried 4-0.

Monticello School Board Letter

Motion by Mr. Blais to send another letter to the Monticello School Board to follow-up on the resolution adopted by the Town Board, seconded by Ms. Frangipane, put to a vote and carried 4-0.

Accept Sealed Bids for Surplus Container

Mr. Blais suggested to bid out 40-yard roll off container at transfer station. Motion by Mr. Blais to received sealed bids for surplus container, seconded by Mrs. Simpson, put to a vote and carried 4-0.

Schultz Road Project Comments

Ms. Frangipane thanked the community for being involved. Can we move to the next step to update administrative procedures to provide to the Code Enforcement and Building Department in this process? Mr. Sturm commented that the forms will get updated just as they did when we made procedural changes last time with the Planning Board.

Ms. Frangipane said specifically we have gotten a lot of calls over the last week or so over the project on Schultz Road and that would not have come before the Planning Board because that is not a Special Use but perhaps there should have been some modified site plan review that could have been done given the size of the project and location of it. Those are the kinds of things that are grey areas and if tools that the building department has if they were a little bit more specific then maybe those grey areas would not be so grey.

Mr. McEwan suggested to reviewing the applications to see how they match up with the new Zoning Code.

Mr. Sturm commented on the structure on Schultz Road that there has been a lot of discussion about, there is a lot of concern about the structure on Schultz Road, 2) under the new zoning that was passed here tonight that structure would not be allowed in that district in that manner that it was put there; 3) the old code they were allowed to do what they did and the new code it would not have been allowed in that district nor in that manner it was put there without further review.

Mr. Sturm asked Mr. McEwan to explain the permitted use of that building. Mr. McEwan explained that each zoning district in the town has uses that are permitted as its right. If you have a use that is permitted as its right then you make application to the building department for a building permit and you submit your plans as to what you are going to do and the code enforcement officer or building inspector looks at those plans and determines whether or not what you are doing is a permitted use and whether you need to take any further steps. Typically what is looked at if the use matches a permitted use within the district they will look at if there is enough parking, if it is a use like a church, whether it meets the height requirements, whether the square footage requirements meet the lot size and those sorts of things. The Building Department can also reach out to the town engineers to see if he has any questions or comments. Typically the building department serves as a gateway for further enforcement or review by the Town Planning Board.

Mr. Sturm stated the question would be for what the Planning Board jurisdiction based up what happened there. There is no jurisdiction for the Planning Board as far as we know at this point to have reviewed that project.

Mr. McEwan based upon what little, what I was told, if it is a permitted use and they submitted their engineering plans and the plans comply with what the town requires in terms of height and parking and that sort of thing then it does not go to the Planning Board, there is no need for site plan review. From what I understand it is not a special use so the building department makes the determination that the plans match what is permitted in that district.

Mr. Sturm reiterated that would not have happened under the new code, but it was allowed under in the old code.

Ms. Frangipane commented to move forward given that situation, and I understand perfectly well that it was something that was not required to go before the Planning Board, but given that situation and our new zoning that we have an opportunity to strengthen it even further by providing some test at the application process so if it is not a special use then perhaps it is something that is based on square footage that if it is a certain size you would want to do some sort of site plan. I know under Ag and Markets for example agriculture uses can be permitted uses but you could still do a modified site plan review even though you are not doing a special use permit. So, I guess I am wondering if you can apply that same philosophy and create some threshold for what the Town would push for further review of a project as opposed to a special use and more of a site plan; how it is laid out.

Mr. McEwan indicated under the zoning code we just passed it does not provide for that if you come in with a project that is a permitted use, if it really is a permitted use, and it passes all the engineering tests then you get a building permit. So, I think the key here is does it have a very thorough review of not only the engineered plans but also what the use is going to be and make certain.

Ms. Frangipane stated that is why more questions at the application process would help dig through that a little more.

David Biren – if there are engineering changes that come in after, it doesn't go before the Planning Board?

Mr. McEwan – it depends on what those changes are. If they increase the size of the building to the point where it takes up too much area on the lot then it would have to go to the Planning Board.

David Biren – internal changes. Mr. McEwan – that is probably okay, unless it changes the use.

Mr. Sturm – David are you asking if they go outside a certain size they would have to go to the planning board.

Mr. McEwan – if the lot allows a building at a certain size and they decide to amend their engineering plans and they decide to build a bigger building and they go beyond the threshold that is permitted then they will need a variance.

David Biren – also if they put new systems in there that they have not proposed yet that should also need a variance. Mr. McEwan – well, it depends on what kind of systems, if you are talking about changing the type of heating unit, then I don't

David Biren – no not the heating unit. Mr. McEwan – it really depends on the changes they propose and I think if it is in a building that is fairly sophisticated like the one that is proposed, it is not a bad idea to have the town engineer look at. David Biren – (inaudible). Mr. McEwan – I have no idea.

Ray Neuenhoff - do we have a fire ladder long enough to reach roof of building? Mr. Blais – New York State Fire Code states every Class A fire truck needs a 35' ladder.

Mr. Neuenhoff – I don't think so. Mr. Blais – I have not measured the height of the roof. Mr. Blais – you don't think we have a 35' ladder? Mr. Sturm – I don't think that is 35'.

Jonathan Hyman - As I understand, the file says replace existing structure. I think that may be the key to the kind of thing Denise may be getting at in talking about what goes on and how the town looks at applications. And certainly it might relate to, with what the town Attorney referred to as the Building Department being a gateway. He used the word gateway.

The gateway to me sounds like maybe the building department should let the Town Board know what is coming down the pike. As far as I know, there is no one on the Town Board that says they knew this was even going to happen. Mr. Blais then commented that the phone has been ringing for two weeks.

Mr. Hyman - I drove by that site several times a day, many times for many years and the only thing I recall seeing there is a one car garage. Mr. Blais then stated with a garage door falling off.

Mr. Hyman then concurred with a garage door falling off. This loophole, this may be a loophole that the town is allowing, but it seems to me to jam the size of that behemoth onto that lot based on the notion that you are replacing an existing structure is a major, major flaw whether we go forward or not with the same idea, I mean I don't know how the zoning is going to change that but you can't possibly convince anybody that what's being permitted there now has anything to do with a one car garage that was there before. So I think it's something that we really, really have to look at.....that is a red flag for the Building Department that there ought to be a lot of discussion before anybody gets a permit. We allowed this before when we tore down bungalow colonies to get a bonus, I think some kind of a density bonus...right? So my question is did they get a density bonus based on that one car garage. Do you understand my point?

Mr. Sturm – I believe it was an allowable use whether it was a replacement or a new building, allowable permitted use, that is how I understand it. Rob do you have any idea if it was a replacement?

Mr. McEwan – I have no idea, I understand Jonathan's question, whether or not they got to build a bigger building given the fact that it was characterized as a replacement building as opposed to whether or not they would have built it smaller if it was a virgin plan, I do not know the answer to that.

Mr. McEwan – I don't know how the planning board decided to approve that particular project. Mr. Sturm – they didn't.

Mr. Hyman added so that the people don't have to sell their homes who live across the street.

Mr. Blais – I feel the planning board should have looked at it for the parking, the offsets, they didn't have to but in the future for traffic studies, everybody else does traffic study, trees, density for parking, we missed all that. It is a permitted use in the zone but I think in the future some people should look at.

Ms. Frangipane – I like Rob's idea that we look at all the forms we have and that they match up to the new zoning and that we see where there is that possible loophole that would at least require us to take a harder or closer look at, not necessarily the Planning Board, to take a harder look at it or we are alerted this is an anomaly, this is not the norm what you would do to replace an existing structure.

Mr. Hyman – it is not an anomaly, however, I like the notion that the building department should be engaged in that does not mean the conversation should stop with them when we have an anomaly. The building department ought to know that this is the kind of thing that is a red flag and it is a serious community issue from all the things that Mr. Biren, all the firemen in the room mentioned and that there has got to be a way to mediate and mitigate these kind of problems so that people don't have to sell their homes and live across the street. It is serious.

Ms. Frangipane – Jonathan, when I meant anomaly I mean this structure is unique in what it is. I don't believe it is anomaly for the procedure. The procedure hates to be looked at.

Local Law Comments

Mr. Hyman – the zoning law was a lot of hard work by a lot of people. The group I represent, Preserve Smallwood Country Life, want to thank the current board, the past board for all of your efforts in this process. We would also like to thank Dawn Ryder for all her tireless work, Legislator Dave Sager taken being an active participant, Mr. Blais who on early held the line on PUDS and conservation subdivision, Mrs. Simpson for all her work zoning committee, Mr. Sturm for your patient and thoughtful ways and willingness to listen to us when we thought you were wrong, Mr. Crumley for his hard and thoughtful work, Denise Frangipane who hard work on the zoning began long before she was a board member, your dedication and tireless effort will always be remembered, it would not be fair if I did not mention Dr. Jeffrey Cohen to whom I owe a personal debt Preserve Country Life and the Town who got involved in a very early stage and we would not be here tonight. I believe what you have done is correct; you followed the laws and thank Mr. McEwan. The law does not require the zoning to be perfect. Upstate Land is suing you and we predict they will probably will so you again, and we ask you vigorously defend any lawsuit against zoning and we think you can and will be successful and we lend you our resources from our group in any way we can to help defend that lawsuit.

Schultz Road Project Comment

David Sager, County Legislator, what recourse does the town have? It seems an innocent mistake was made by the building department or code enforcement officer. Regardless of the new or old zoning, we have a problem.

Business and Marketing Plan Grant for Kauneonga Lake

Ms. Frangipane announced that the Bethel Local Development Corporation has received a grant for a Business and Marketing Plan for Kauneonga Lake. Public meetings will be held soon.

Adjournment

Motion by Mr. Blais to adjourn, seconded by Mrs. Simpson, put to a vote and carried 4-0.

Respectfully submitted,

June 24, 2009

Public Comment

Rita J. Sheehan, Town Clerk