

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

The Town of Bethel Planning Board held a Work Session on January 8, 2013 at 7 PM at the Duggan School, 3460 State Route 55, White Lake. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda at this time was the following:

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, Susan Brown Otto, Michael Cassaro, Wilfred Hughson, Daniel Sturm, Supervisor, Victoria Vassmer-Simpson, Councilwoman, Jacqueline Ricianni, Attorney, Michael Weeks, Engineer, BJ Gettel, Code Enforcement Officer, and Jannetta MacArthur, Recording Secretary

Excused: David Biren, David Slater

At the last Town Board meeting the Town Board voted to appoint David Slater to the vacated position that was held by Bill Brey. In addition, Daniel Gettel was reappointed Chairman of the Planning Board, and Steve Simpson was appointed Vice Chairman.

Pledge to the flag

***Motion to approve minutes from the December 11, 2012 meeting by Mike Cassaro, second by Steve Simpson***

***All in favor – 5***

***Opposed - 0***

***Agreed and carried***

***1) Application for a Special Use and 2 lot subdivision located on State Route 17B, known as Bethel Tax Map #: 37.-1-15.1, proposed by 980 Route 17B, Inc. (Marshall)***

Lawrence Marshall: I am representing 980 Route 17B, Inc. We were at the December meeting. Since that time we addressed the comments of the town engineer. We still have a couple of items outstanding. We are currently proposing to subdivide 2 acres from a 34 acre parcel for the purpose of developing a Dollar General store off of Royce Road and Route 17B. The major comment that we addressed was the submission of a storm water pollution prevention plan. We did complete the deep soil testing on the site. Unfortunately we completed them a day after a torrential rain, and were not able to complete the percolation tests. Those will be done by tomorrow, so we will have the final sewer design for the site based upon the results of tomorrows test.

Daniel Gettel: Not to interrupt, but we are not talking about a large system anyway.

Lawrence Marshall: Really the system is only 250 gallons per day. We don't anticipate an issue. It is more of a formality to complete the work. The one issue we haven't resolved in addition to the soil

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

testing is the lighting plan. We originally submitted with our first submission shoebox design light fixtures and 25 foot pole heights. We went to another manufacturer to get another lighting plan. Unfortunately, the first lighting manufacturing that we contacted was unable to complete the work properly. The lighting plan, they didn't understand it with the property lines. It didn't work. We contacted another lighting company today. They are putting a lighting plan together for us to meet the specifications. One question that I would ask of the board is for some direction for your definition of a decorative fixture.

Jacqueline Ricciani: For what?

Susan Brown Otto: How about like Bethel Woods, the style they have?

Daniel Gettel: The problem is, I think when they wrote the code they were talking more of a decorative fixture like a coach light, but that isn't necessarily a light that would light down. It is hard for a parking lot. I don't know the answer to that question

Jacqueline Ricciani: I would say that it is something that is not standard, what you would see.

Daniel Gettel: A shoebox is very industrial. I wouldn't call that decorative lighting.

Lawrence Marshall: I was just wondering, the further that we get away from the shoe box light aesthetically, how unpleasing a shoe box light is it is the most efficient for providing light and stopping glare. The further we get away from that, the likelihood is that we will get some glare. I am looking for some direction from you, to see what you are looking for.

Daniel Gettel: What fixture did you use for the first lighting plan that you did?

Lawrence Marshall: Just the standard square shoebox.

Daniel Gettel: The one the lighting person laid out for you that you didn't use?

Lawrence Marshall: The original plan we submitted was standard.

Daniel Gettel: On a 15ft pole?

Lawrence Marshall: Yes. That fixture was decorative, it had huge spillover. It wasn't going to work. I have read the code since.

Michael Weeks: Do we have some latitude? Maybe we could do some decorative in the front, and standard in the back?

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

Daniel Gettel: That might be the solution. Where you want to cut the glare down along the front property line we could probably use the shoebox.

Lawrence Marshall: If that is something that the board would consider that would certainly help us out. We could have decorative towards the front, and we could do shoebox in the back.

Daniel Gettel: I honestly think that is a good solution if we can do that Michael. I do think the shoebox is probably the best light along the back.

Lawrence Marshall: The other question is it indicates that the lighting shall be decorative. Does that mean decorative on the building? I have never seen full decorative unless you are striving for that architecture.

Daniel Gettel: It is intended to be like a lamppost. That is more of what the intent is. If you go to Kauneonga Lake there are lamp posts that were just put up. They are more of a coach light. That is more of what the intent was.

Susan Brown Otto: Bethel Woods has decorative lights.

Daniel Gettel: But they light up everything, they are not directional.

Jacqueline Ricciani: Too much.

Daniel Gettel: You light up the whole neighborhood. If you drive by the bank tonight, you will notice that the Jeff Bank has conventional lighting on the building itself. The intent wasn't to cover the lighting of the building. It was more of an aesthetic nature.

Lawrence Marshall: That is what I figured but I wanted to check before we submitted a lighting plan.

Michael Weeks: The language isn't very giving.

Daniel Gettel: I think we will take the position that we do have some leeway. We do have leeway in other sections in the code, so I would say we probably could since it makes sense that you do a mix of shoe box lighting and another type of fixture inside the property if that would work for you.

Lawrence Marshall: Sure, if the board would allow us to do this.

Daniel Gettel: I see what your problem is. It just never has come up before.

Lawrence Marshall: We could provide some nice decorative fixtures up front, and as we move to the rear we could put in the standard shoeboxes style to make them blend in.

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

Daniel Gettel: You also addressed landscaping since the last submission?

*Bernie Cohen, Councilman arrived 7:41 pm*

Lawrence Marshall: Yes. I think the primary concern on the landscaping plan was the tree plantings along the property line. To address that we added three trees, red maple trees along Royce Road. We didn't add anything in the area to the north of it. Basically we are not touching that so that can stay as it is. In addition we added several trees along the easterly side. We stopped at the base of the steep bank.

Daniel Gettel: As I recall, that was going to be seeded with wild flowers, minimum maintenance along the back of that.

Lawrence Marshall: We do have a gap here (showing on map). We do have a red maple near the property line. We have a secondary red maple where the second parking area is. That opening is intended so we don't we have to cut a tree down where the cross easement is.

Daniel Gettel: Since we are talking about the cross easement, Jacy, this involves you. I did speak to Christine Klein from the NYSDOT today. Her concern is, and she did say she doesn't have an issue with the driveway location where you are showing it, is really with language. They want language from us on the subdivision map making it very apparent that the parcel to the east will not have access to Route 17B.

Jacqueline Ricciani: For Lot #2?

Daniel Gettel: For Lot #2 (remaining parent parcel). They are allowed to have frontage on 17B. They don't want the purchaser to come back and say there is going to be a second cut for that lot. They want the language put on the subdivision map so it is clear to whoever buys the parcel. They want the applicant to come up with wording for the restriction on that, and have Jacy go over it and approve it. Then we will send it on to them (NYSDOT).

Lawrence Marshall: I believe the issue they are talking about is basically if you look at the whole site, Lot # 1 is here, which we are developing...

Daniel Gettel: But the 150 ft wide remaining lot...

Lawrence Marshall: I am concerned for the potential development of Lot #2, which we don't put that restriction on the whole lot.

Daniel Gettel: That portion of the parent parcel is also 30 feet lower than the road. I told her I don't want to restrict it too much, but if you come up with the language that is acceptable we will forward it

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

on. However you want to word it so that lot in between, since we are creating that lot, it will be apparent that it doesn't have access to 17B. I don't want to restrict it if the gas station buys that lot. It just has to be clear they can't access a new driveway off of 17B.

Lawrence Marshall: This area of the site (showing on map) is 30 feet lower. Say they purchase a piece of property here. I just don't want the language to be too open.

Daniel Gettel: That is why we are putting the writing of the language in your hands. You know what the intent is. I don't want to imply that that lot can't gain access somewhere else. It doesn't have to be through the Dollar General lot. If they want to go to Royce Road and cut in a new access, I am okay with that.

Jacqueline Ricciani: But what they are saying for the 150 foot immediately to the east, there will be no further driveway cut.

Daniel Gettel: Since we are talking about the driveway my question to you has to do with the 150 foot wide strip. Going toward Monticello, driving east on 17B, you can't make a left. How do you access the 150 foot wide strip?

Lawrence Marshall: That access would have to be done off Royce Road.

Daniel Gettel: Do you see how awkward that is?

Lawrence Marshall: Yes.

Daniel Gettel: Can you look at getting another easement along the back of the Dollar General lot, along the toe of the bank, so that they could drive in from Royce Road? It's not feasible to access a 150 foot lot if you are going towards Monticello and can't make a left into the property.

Lawrence Marshall: Adam Sellner from Primax Properties is here.

Adam Sellner: We have given them rights to the rear portion of the property. The problem is, this is a difficult easement (along the toe of the slope) where the loading is, with the cars coming back here, possibly there could be an eating establishment. We have allowed them to have an easement from this property line down (showing on map). I understand your concern.

Daniel Gettel: If you could address it. I don't have an issue with it but I do think it is going to be awkward to try to get a second business through that driveway, and if you can't make a left turn.... I personally think you should be able to have a left turn. You may want to pose that to the State. I'm not here to solve the problem, but I do think it is going to be an issue.

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

Lawrence Marshall: When we went through the site with Christine Klein (NYSDOT), she had no issue as long as it was restricted right in and right out.

Adam Sellner: They are content with this easement to get to this portion of the property, and that it would be adequate.

Michael Weeks: That is where you have your septic expansion area.

Lawrence Marshall: We are moving that down.

Daniel Gettel: That is my only concern as far as the entrance goes. If you want to address it, it's not shown on any map, the second easement.

Lawrence Marshall: We haven't indicated it on there; we wanted to have the discussion with you.

Jacqueline Ricciani: The point is if you do include the easement to access the other lot, that wouldn't preclude someone from requesting access through the lower portion by the road that you had indicated as well, so you are leaving either option available.

Adam Sellner: They can use both.

Daniel Gettel: They may need that for deliveries anyway.

Lawrence Marshall: You had indicated that there may be some concerns over the grading that is necessary to access that back portion. This hill, the bank is imposing.

Daniel Gettel: I don't have an issue with the bank. I do think you can probably grade it through. The point is Royce Road is rising with the property, if you enter Royce Road through the back. For the record, we did speak to Pete from the Citgo Station. He is not interested in granting an easement through his property. We did look at that avenue also. I did want it on the record that as a board we did reach out to the adjoining owner. He is not willing to consider it.

Michael Weeks: The majority of my concerns were addressed. There are a few things outstanding. I am sure that Larry will address those.

Daniel Gettel: The M239's have been submitted to the County and the State, it hasn't been 30 days yet, so they haven't responded. We did declare our intent to be Lead Agency last time. The only ones we heard back from were the DEC and the DOT. They are not interested in being Lead Agency, but they do want to know what is going on. The interesting thing about the DEC letter that you should be aware of is that they mention the White Lake Brook quite a bit. The reason they are referencing that is because the parent parcel borders on the White Lake Brook. I don't think it is an issue because there will not be

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

any disturbance by the brook. I want you to be aware of it.

Lawrence Marshall: We felt the same, that it was more regarding the parent parcel.

Daniel Gettel: They didn't have any issues that I know of, specifically around the intersection. Everything seemed to be about the brook. Like I said, there isn't going to be any disturbance of the brook. The property doesn't pitch that way. Is there anything else from the board? If not, at the last meeting we couldn't give you a Public Hearing because we didn't have a complete application because of the landscaping. I don't have an issue now with scheduling a Public Hearing. The lighting issue has to be resolved, obviously, but I think by the next meeting that should be resolved.

Daniel Gettel: If by chance we grant you a hearing in February and we have snow and cannot have the meeting you would be responsible for readvertising the meeting and renotifying the immediate adjoiners for a public hearing at the March meeting.

Lawrence Marshall: Not a problem.

***Motion to schedule a Public Hearing for February 12<sup>th</sup> at 7:30 pm by Susan Brown Otto, second by Steve Simpson***

***All in favor – 5***

***Opposed - 0***

***Agreed and carried***

***2) Proposed Special Use Permit for a Temporary Campground Facilities for specific dates located on Yasgur Road, known as Bethel Tax Map #: 25-1-14.1 & 15, proposed by Yasgur Road Production, LLC. (Greenman-Pederman, Inc.)***

Jeryl Abramson: This is the same map as before. We have updated the EAF. What else can we go over? What were the other questions?

Daniel Gettel: At the last meeting, I know Glenn Smith's comments had come in at the last minute, we did provide you and your engineer with his comments. In order for us to move forward with the project, besides the EAF, we need to have a map that addresses the specific sections of our code that have to do with campgrounds. Glenn's letter does point out quite a few items that your map doesn't necessarily address. Until you address Glenn's comments, or at least tell us that we can...

Jeryl Abramson: We really need to discuss that because... That letter was sent to our engineer. Our engineer's response was that for a 3 day event these requests are basically not feasible. The engineering alone is \$61,000.00. That doesn't include the infrastructure, or even doing the event. I think we have to come to a more reasonable expectation of what we are going to do. The event has already been

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

approved. It was approved in 2004. It is the same plan now and you guys all know that we are meticulous in how we handle the crowd. The issue again, as always, is the sleeping outside. We are not asking for a full campground application for a three-day event. What we are looking for is the approval of the event and a temporary camping permit, which is not a problem to get.

Daniel Gettel: This is the first we are hearing that you have a problem with Glenn's letter.

Jeryl Abramson: We haven't been able to get back here.

Daniel Gettel: Right, but I'm just saying this is the first we are hearing about it too.

Jeryl Abramson: We are here to work this out.

Daniel Gettel: A lot of what Glenn asks for is just changes to the map. That isn't substantial. There are some things that I did speak to Glenn about that I do think he is wrong about, if you want to pass on to your engineer.

Jeryl Abramson: That is what I need to know.

Daniel Gettel: One comment that Glenn makes is that a two-foot contour topography is required for the entire site. I don't see that in our code. I don't know where he gets it from. He feels that in order to properly design this facility that it should be required. I told him 345-31 E, paragraph O, gives us the right to tell you what topography will be required. You have 20 foot contour interval topography. I feel, and I spoke to Glenn yesterday about it, that 10 foot contour interval topography is okay, with the understanding that if there is a critical area where there is a question of drainage or if there is a problem, that you go with 2 foot contour intervals for that limited area. That wouldn't be expensive. That might be where he is getting his \$61,000. I don't know.

Jeryl Abramson: I'm not sure either. But whatever can be whittled out of that then we will have something to work with from there and then we can come back and say okay, this is more reasonable. I am trying to comply.

Daniel Gettel: And I am trying to be cooperative. There is a Yasgur Rd comment in here that talks about rebuilding Yasgur Road. We are not going to ask you to rebuild a Town Road so you can have a 3-day event. My point is your engineer could have written to Glenn, and said, Glenn, we don't really feel that is feasible, and then we would have said as a board, okay it isn't feasible, we won't do it.

Jeryl Abramson: Let's just keep this between us then. I can go back to the engineer and report that.

Daniel Gettel: I'm not your engineer. I am not here to design your project. We have Glenn. If you want to work closely with Glenn, and contact Glenn, we are all for that, but we can't really work out

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

every item, item by item, at the meetings. We do need specific topography. That I mentioned. Glenn mentions the minimum width of the road. It shows on the plan that it is 12 feet wide. Yasgur Road is not 12 feet wide, but that is how it is shown on the plan. If the plan were corrected to show the proper width of Yasgur Road, then it wouldn't be an issue. That needs to be addressed. Under Section 120 Glenn has eight questions that should be addressed or resolved with this board before we can consider this a complete application and move forward.

Jeryl Abramson: As per the conversation with the board at the last meeting it was just to bring that EAF to a more logical whatever, and we thought that was all you needed. Then we were kind of shocked to get this letter. We had a whole different conversation the last time we were here.

Daniel Gettel: A lot of Glenn's comments are that the plan is correct. Not all of his comments are negative. Normally what happens is, as a courtesy, we give this to the client the day of the meeting. We had just received the letter that day, the day of the meeting, so we also didn't have a chance to review it. Glenn did have the opportunity to review it before the meeting because you submitted your plans 14 days in advance, and we were able to get the comments early. It is just a courtesy. We don't expect you to actually address them at the meeting but there should have been a conversation between your engineer and Glenn, or you and Glenn, about what you can do to resolve some of the issues. Some of these issues are just changes on the paper. I don't think a lot of it has to do with...

Jeryl Abramson: Why don't we move forward with that? Why don't we get the engineers to talk to each other?

Daniel Gettel: With regard to the water supply, where there is supposed to be water supply within 300 feet of the camping lots, it isn't shown that way on your plan. If you had a little more drinking water shown on your map, it would resolve the whole issue. It's not ...

Jeryl Abramson: I don't have a problem with that.

Daniel Gettel: Lets go with the assumption that the topography was the item he thought was so expensive, because that is a big item. If we take that out of the equation I think the rest of it is pretty much reasonable. I want you to understand that unless your engineer has a back and forth with our engineer we are not really going to be able to proceed.

Jeryl Abramson: That might have been the issue. Because of the conversation we had the last time, and then the letter, his reaction was it's just not going to be feasible. I'm not an engineer. I don't even understand what that is. I pay people to do that. I think that his position was... this isn't going to work for a 3-day event. If he is saying that you have the authority to take that out and we can go from there, and the rest of the changes are minor...

Daniel Gettel: I feel the rest of the changes are minor. There is another point that Glenn does bring up

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

that caught my eye. It appears that there is a wetland near the property and that there are campgrounds in the wetland. That we can't allow. That would have to be a plan change. If that is actually the case that would have to be corrected. Those were the only two things that stuck out, the topography and the wetland.

Jeryl Abramson: If these are only changes that have to be made on the map that is fine. That is a different conversation than what we were looking at, permanent lighting, roads going through, all of the rest of the stuff.

Daniel Gettel: Aren't a lot of these roads existing?

Jeryl Abramson: Yes.

Daniel Gettel: You see, I don't know if Glenn is aware of that because that never came out. Perhaps in a conversation that might come out. I am just saying there has to be a conversation, there has to be a back and forth with the engineers. They all can't be resolved at the meeting. We are going to turn to Glenn to answer a lot of these to make sure they are correct. We do have the corrected EAF. The only issue is if we submit the EAF for Lead Agency and there is a change in the site plan we may have a problem so we may want to hold off on that until we know that there aren't going to be any changes to the site plan. If you can speak to your engineer, or have Glenn reach out to your engineer, whichever you like. Let them talk through the specific questions of what we need before we call this a complete application. The engineers should get together. I don't think it is going to be \$61,000.00, it does seem like a lot of money for the minimal amount of changes I see on paper, from an engineering standpoint. If it is, I am in the wrong business.

Jeryl Abramson: You pointed out that one major issue is the topography.

Daniel Gettel: I think the topography is the big issue.

Jeryl Abramson: We will be back next month.

Daniel Gettel: Please get everything back to us two weeks in advance. It makes things much smoother. Speak to your engineer and see if there was a specific question.

Jeryl Abramson: I am going to have them get together.

Daniel Gettel: Have them get together. I think it would resolve a lot. I know there is snow on the ground...

Jeryl Abramson: You could probably get an idea. I don't know if we can get in there right now. Glenn hasn't been up there in a long time.

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

Daniel Gettel: That was probably the big-ticket item that threw him. If that is the case, I don't think the other items are unreasonable. Either way, they have to be addressed before we can proceed.

Russell Schindler: YRP was the owner of the land, it is now owned by Roy and Jeryl.

Jacqueline Ricciani: Owned by Roy and Jeryl personally?

Russell Schindler: Personally.

Daniel Gettel: Is it on the EAF that way?

Jeryl Abramson: It was corrected.

**3) Application for a Hotel/Spa, 1623 State Route 17B, White Lake, known as Bethel Tax Map #: 33-5-2.1, White Lake Mansion, LLC. (Sudol)**

Daniel Gettel: Before we move on, at the October Planning Board we had a Public Hearing and we agreed to accept written public comment for a two week period after that. That period has come and passed. The Public Hearing is closed right now. We will not be taking public comment tonight. We did receive 6 letters during that time period which we will receive and file.

***Motion to receive and file six (6) letters by, Jayne and Kenneth Steinglass, Karen London, John Conway, Carolyn and Harold Wachtel, Barry Kula, and Carlos Berger, by Susan Brown Otto, second by Wilfred Hughson***

***All in favor – 5***

***Opposed - 0***

***Agreed and carried***

Daniel Gettel: Also, Jess submitted a report entitled Analysis of Existing Structure for Reuse of the White Lake Mansion House, which we never received and filed.

***Motion to receive and file Analysis of Existing Structure for Reuse of the White Lake Mansion House report by Susan Brown Otto, second by Steve Simpson***

***All in favor – 5***

***Opposed - 0***

***Agreed and carried***

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

Daniel Gettel: Okay Jess, any presentation you want to provide, any changes since the last meeting?

Jess Sudol: As you recall we had a Public Hearing in October. One of the biggest things we heard at the Public Hearing was the architecture of the front building. We did provide an updated building elevation, which better matches the existing building. The public was concerned about us matching the architecture of the current facility. We changed some of the front appearance. This is the new design we will move forward with. It better emulates the existing building. Their other concern was they didn't want us to knock the building down, and then leave and in 3 years have a vacant site. That is by no means our intention. It isn't going to be a staged development where we demo it, take it all down at once. We can't secure the financing until we have the approvals. We aren't going to be out there tomorrow with an excavator and take the building down. It will be several months. The banks won't really talk to us until we have some approval in hand. We continue to work with Mr. Weeks, things like our storm water, our SWPPP. There are a couple of plan changes. I did want to point out this one here (pointing to map). This has to do with lighting, basically what we did was update the lighting to make sure they have the horizontal cutoff shields, which makes sense we need to meet the zoning code, while we have good coverage on the site, but that we don't have spillage. The other change that we made was something that was in the letter from Mr. Weeks that I want to address. It includes this element, this yellow line here (showing on map). We are going to put a fence in the back of the property. We are amicable to doing that. Those are the changes that we have made. The majority was the architecture of the building. The site plan has pretty much remained unchanged. The program of the project is the same as it has been in the past.

Daniel Gettel: We specifically asked you to put the fence on the map because we do feel it is something that is needed, because there is a drop. Even though it is in the middle of the woods and there really is no access to that area we just want to make sure that nobody comes down off of that hill. As far as the lighting goes, Michael, I don't want to make it a condition but I would like you to have an opportunity to look at the lighting since that was something addressed at the last minute. Jess, if you just agree to let Michael approve the lighting I don't need to make it a condition, but I don't want to fluff it off either. Michael is still involved in the review for the other items. If lighting comes up for his review, for the SWPPP.

Michael Weeks: The fence will be part of the plans.

Daniel Gettel: I did ask you to resolve the lighting. We did state that the County and the State 239's came back. The County comments were addressed by the applicant. That had mostly to do with landscaping. You did make some corrections to the entrance to meet the requirements of the State. You also have to submit to the State for the final driveway cuts. The driveway cut would address any concern that they have with the 239. They still have to sign off. Michael, as far as the items that were reviewed to date, the majority is the SWPPP plan, which is something you have to review and approve before it goes to the DEC, who in turn has to approve it. A couple of questions were about the water distribution, but the Health Department ultimately approves that, so that is also another review.

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

Obviously with a project like this a lot of the reviews overlap. Any review that Michael would give would also be covered by another review. Are there any real outstanding items besides that that you don't think would be covered by another review?

Michael Weeks: The retaining wall, the building permit for...

Daniel Gettel: I believe you have to pull a separate building permit for the retaining wall as per NYS code. We are going to treat it as any other structure on the property. It is a separate code item. You have to prepare a plan for it. You have to do whatever testing you need to do for the retaining wall, come up with a plan based on what you find and for what the manufacturer is going to want to do. You will have to submit for a building permit. That would go through the building department. We did speak about bonding that, which will come up later in the meeting.

Michael Weeks: My biggest worry, the final design is not done. There could be things that will change the site plan. Especially because the wall is not done.

Daniel Gettel: If we approve this tonight, we would be approving it as a Special Use and there is a section in our code that states if you make a change in a Site Plan with a Special Use, you have to come back to the Planning Board. Even a minor change, any change, it is covered in our code. If they come up with a different building plan and something changes with the building design that would be another change. Obviously the building plan hasn't been developed either. That is just another structure. That is my point. You will be dealing with Michael a little longer on the SWPPP plan. I don't think anything major is going to come up, but it has to be addressed.

Michael Weeks: The last revision addressed a lot of the issues, there are still some things hanging out there.

Daniel Gettel: Okay. If there aren't any questions from the board, I will go on to the SEQRA. Initially this project was classified as an Unlisted Action, but was later designated as a Type 1 Action, due primarily to the non-residential size of the buildings. It was corrected at a later meeting, but it wasn't in the minutes for some reason. It is a Type 1 action. We have a long EAF. I will read through it.

## ***Part 2***

### ***1) Will the Proposed Action result in a physical change to the project site?***

Yes, I checked three boxes. There will be construction on slopes of 15% or greater, there will be construction on land where bedrock is exposed or generally within 3 feet of the existing ground surface and the applicant has projected that construction will continue for more than 1 year. These are not conditions unique to this site, and I would consider these small to Moderate Impacts.

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

**2) Will there be an effect on any unique or unusual landforms?**

No, there are no unique landforms.

**3) Will Proposed Action affect any water body designated as protected?**

No, there are no bodies of water on-site and any discharge from the site will be covered under the SWPPP.

**4) Will Proposed Action affect any non-protected existing or new body of water?**

No, again, no bodies of water exist on the site, and all discharges from the site will be covered under the SWPPP.

**5) Will Proposed Action affect any surface or groundwater quality or quantity?**

No. The drinking water for this project will be from wells, but not wells with pumping capacities in the range of 45 GPM, nor will this project use water in excess of 20,000 gallons per day, as referenced in the examples.

**6) Will Proposed Action alter drainage flows or patterns, or surface water runoff?**

I checked yes, but feel that any development with any land disturbance would trigger a yes. Under "Other Impacts" I checked a small to moderate impact and stated that there would be a change in the drainage flow patterns due to construction and indicated that the Storm Water Pollution Prevention Plan and erosion control measures approved by the NYS DEC, shall be in place prior to construction, a Small to Moderate Impact.

**7) Will Proposed Action affect air quality?**

No. We are not talking about 1,000 vehicle trips per day or any garbage incineration.

**8) Will Proposed Action impact any threatened or endangered species?**

No. The applicant has indicated that none exist on this site.

**9) Will Proposed Action substantially affect non-threatened or non-endangered species?**

No. We are not talking about affecting migratory fish or wildlife, or mature forests.

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

***10) Will Proposed Action affect agricultural land resources?***

No. We are not talking about agricultural land.

***11) Will Proposed Action affect aesthetic resources?***

No. We are not talking about scenic views that will be affected by this project.

***12) Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?***

I checked yes. This site does contain a building that some may say has historical significance, but not a building that is listed on any historic registry. The question is not will there be an impact, but how would we classify the impact as the building is proposed to be removed? Small to Moderate, Potential Large, or Can Be Mitigated?

The applicant has indicated that the building does not meet the needs of the project and has provided this board with information supporting his contention that it would be more economically feasible to remove the existing building and construct a new building in its place. The building is in a state of disrepair, which is supported by the inspections completed by the applicant's engineer, an independent engineer hired by this board, inspections completed by the Town of Bethel Building Inspector and Code Enforcement Officer, as well as a walk-through completed by a number of members of this board. The applicant has demonstrated that the building does not work for this particular project; therefore, I do not feel the impact Can Be Mitigated by a project change.

The question about the building's removal comes down to it being considered either a Small to Moderate Impact, or a Potential Large Impact.

Three examples are given in the EAF that illustrate what would be considered a Potential Large Impact. The first is that the Proposed Action is occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Registry of Historic Places. This action is not. The second involves any impact to an archaeological site or fossil bed located within the project site, of which we have none. The third involves actions which occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory, which this project is not. If we base our determination only on the examples provided, this would not be a Potential Large Impact.

There are other aspects we can consider when we determine what degree of impact the removal of this building will have. I feel it is reasonable to consider what we have heard from the public. This application has been subject to three Public Hearings, one by this

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

board and two by the Zoning Board of Appeals. At all of these hearings it was apparent that the applicant intended to remove the existing building. Very few people attended either of the Zoning Board of Appeals meetings, of which I attended both, and I don't recall that anyone spoke against the removal of the building.

At our Public Hearing twelve people spoke, although there were many more people in the audience that heard the presentation. We also received written comments. Of all those comments, only a few spoke directly to the restoration of the existing building. Most people who mentioned the building seemed resigned to the fact that the building was going to be removed and they wanted to insure that any replacement be constructed in a style consistent with that of the existing building. The applicant had agreed to that in the past and revised the building plan to better show that the new building will be constructed to emulate the existing building in an attempt to address those public concerns.

Also, as a board we have been criticized for pushing this project through the approval process. In reality, this project has been kicking around for what seems like four years and the applicant has always proposed the removal of this building. If we are talking about degree of impact I should point out that to the best of my knowledge over the last four years only two people from the public have visited Town Hall to ask about this proposal, both of which I understand were pleased after they looked at it. No one has foiled this application or actually visited Town Hall to review any of the documentation that is on file for this application. I feel this speaks volumes as to the degree of impact the removal of this building will have.

I should also point out that as a board one of the first things we did under SEQR was reach out to all parties we thought may have an interest in acting as Lead Agent. We specifically reached out to the State Historic Preservation Office (SHPO), which is the State Agency that would have an interest in this building. We also reached out to them over the phone to discuss this building, as did the applicant's engineer on a number of occasions. They have not taken an active role in this SEQR process.

Again, I checked yes, there will be an impact. Under "Other Impacts" I stated that the site contains a building constructed circa 1848, which is not listed on a historic registry, that evidence has shown it is in a state of disrepair and that the client has indicated that it does not work for his project. I also feel some consideration must be given to the applicant as he has agreed to replace the building with a building honoring the character and style of the existing building. Based upon the examples provided in the EAF and the impression that I got from the public at the Public Hearings, as well as privately, there will be an impact, but it must be classified as a Small to Moderate Impact.

***13) Will Proposed Action affect the quantity or quality of existing or future open space***

Town of Bethel  
 Planning Board  
 PO Box 300, 3454 Route 55  
 White Lake, NY 12786

***or recreation opportunities?***

No. This site is neither presently open space or used for recreation.

***14) Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area established pursuant to subdivision 6NYCRR 617.14?***

No. The applicant has indicated that the site does not contain, nor is it contiguous to, a critical environmental area.

***15) Will there be an effect to the existing transportation system?***

No, based upon the traffic impact study provided by the applicant.

***16) Will Proposed Action affect the community's sources of fuel or energy supply?***

No, all projects impact power supply, but not to the extent of those listed as examples.

***17) Will there be objectionable odors, noise, or vibrations as a result of the Proposed Action?***

Not to the extent listed in the examples, but I did check yes and listed under "Other Impacts" that the project involves some blasting, but not within the vicinity of any hospital, school, or sensitive facility. I checked a Small to Moderate Impact.

***18) Will Proposed Action affect public health and safety?***

No. No disposal of hazardous wastes, storage of chemicals or explosive gases.

***19) Will Proposed Action affect the character of the existing community?***

No. Not the existing community. We are not increasing the Town population by 5%, nor are we increasing the municipal budget by 5% per year as referenced in the examples.

***20) Is there, or is there likely to be, public controversy related to the potential adverse environmental impacts?***

No. Not to potential adverse environmental impacts as long as the approved measures are in place prior to construction.

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

That is the end of Part 2. There are no actions that I have identified as being Potential Large Impacts, and we have set the magnitude of the other impacts we identified, so there is no need to move on to Part 3 of the EAF.

Daniel Gettel: Based upon my review of Part 1 and Part 2 of this Type I Action I would entertain a motion that we grant this application a Negative Declaration.

***Motion to grant this application a Negative Declaration by Steve Simpson, second by Wilfred Hughson***

***All in favor – 5***

***Opposed – 0***

***Agreed and carried***

Daniel Gettel: Are there any questions before I move on?

Daniel Gettel: Section 345-21 of the Zoning Code addresses General Commercial and Industrial Standards, but only two paragraphs are relevant to this application. I will read them and comment.

**Paragraph A**

***Where a commercial or manufacturing use is contiguous to an existing residential use in any district (including those situated on the opposite side of a highway) or any approved residential lot in an RS District, the Planning Board may require that the minimum front, side and rear yards be increased by up to 50%. The Board may also require, for purposes of separating incompatible activities or shielding the residence from negative impacts, that a buffer consisting of a solid fence of wood and/or a twenty foot wide dense evergreen planting not less than six feet high be maintained, unless the properties are in the same ownership or the full width of the yard is already wooded. See also 345-16.***

345.16 is the section which addresses landscaping. This application has a landscaping plan that conforms to zoning. As far as the setbacks are concerned the front and side yards already exceed those required by zoning, by almost an additional 50%. The rear yard conforms to zoning and is much greater than it had been proposed to be in the past. The site along the rear is already heavily wooded and wherever possible the applicant is to maintain the existing buffer zones. One of the original versions of this proposal had exterior recreation uses, which were eliminated due to their close proximity to the property lines.

**Paragraph F (1)**

***All lighting shall be designed so as to avoid unnecessary or unsafe spillover of light and glare***

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

***onto operators of motor vehicles, pedestrians and land uses in proximity to the light source. Light sources shall comply to the following standards. (The paragraph then goes on to set the lighting standards).***

This is a development in a Commercial District, where lighting standards are set by zoning. The lighting standards and fixture types are further set and restricted by the Route 17B Gateway Design standards. This application conforms to the required standards.

Daniel Gettel: The remaining paragraphs generally deal with manufacturing, hazardous materials, radioactivity, emissions, equipment sales and repair, kennels and light industry, which don't relate to this site.

Daniel Gettel: Section 345-30 of the Zoning Code addresses the Special Use Procedures, and paragraphs I & J list the actual Planning Board review procedure.

**Paragraph I**

***The Planning Board, in reviewing the site plan, shall consider its conformity to the Comprehensive Plan and the various other plans, laws and ordinances of the Town. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire Town shall be part of the Planning Board review. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The Planning Board shall further consider the following:***

***1. Building design, lighting, location and signs insofar as suitability for the use intended and impact on and compatibility with the natural and man-made surroundings.***

The appearance of the replacement of the White Lake Mansion House building is consistent with the existing buildings of the immediate area. The design of the rear buildings substantially complies with the Gateway guidelines. A lighting plan has been completed which conforms to Town Code with the lighting being designed to only illuminate the property. Signage has been designed to include natural materials, as requested by the Planning Board.

***2. Storm drainage, flooding and erosion and sedimentation control.***

Prior to any construction being completed at this site the SWPPP and the erosion control plans approved by the NYS DEC and the Planning Board Engineer shall be in place.

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

**3. *Adequacy of community services and utilities, including police protection, emergency services and the educational system.***

The project will be served by the Kauneonga Lake Sewer District, which has the capacity to accommodate the project. Police coverage is adequate to supplement that of the on-site security. Ambulance services shall be provided by the Bethel Ambulance Corp and Mobile Medic, both of which are adequate. Fire protection shall be provided by the White Lake Fire Department, with whom the applicant has met, has discussed the project, and has incorporated their suggestions into the plan early on, without question. The proposal may place a demand on the school system if the facility employs people presently outside the area, but we do have ample classroom space available in the immediate school district, as well as in the closest adjoining district.

**4. *Environmental impacts in any form.***

The application has been subjected to a Full Environmental review and a Negative Declaration has been granted to this application.

**5. *Impacts on housing availability.***

There will be no negative impact on housing although the project will create new jobs in the area, and may place a welcome demand on housing, as there is presently housing available in the area. The hotel-style units will provide short term or longer housing.

**6. *The potential for nuisance impacts such as noise, odors, vibrations or glare.***

There is a potential for a nuisance from a small amount of blasting that may be completed on the site. This will be limited in time to a small portion of the construction phase. There are no other nuisances anticipated from this site during the construction or operation of facility.

**7. *The adequacy of the trees, shrubs and other landscaping to buffer or soften a use in terms of visual or other impacts on adjoining property owners, Town residents and those visitors on whom the local economy often depends.***

A landscaping plan, which conforms to the present Town zoning, has been prepared and has been reviewed as part of this application. Natural screening shall be maintained, where possible, between the facility and adjoining homes. The landscaping along the front of the project will be welcoming and should complement the architecture of the Mansion House.

**8. *Impacts on nearby property values.***

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

The proposal is for the construction of a commercial building in a commercial zone. The proposal also calls for the removal of a hotel style building, which has stood in disrepair on the parcel for years, and its replacement with similar building of new construction. This proposal is anticipated to provide additional amenities to the community.

**9. *Traffic impacts.***

The applicant has provided a traffic impact study of the site and local intersections that show that the traffic generated by this project will not have a detrimental impact on the existing roads. This conclusion was supported by the NYS DOT in their review of the project.

**10. *Any other factors which reasonably relate to the health, safety and general welfare of present or future residents of the Town of Bethel.***

The project is anticipated to enhance the area, with no identified detrimental impacts.

**Paragraph J**

***The Planning Board, in acting upon the site plan, shall also be approving, approving with modifications or disapproving the special use permit application connected therewith taking into consideration not only the criteria contained above but also the following:***

**1. *Whether the proposed use will result in an over concentration of such uses in a particular area of the Town or is needed to address a deficiency of such uses. The Board shall, in this regard, consider the suitability of the site proposed for a particular use as compared to the suitability of other sites in the immediate area.***

There is a need for hotel space not only in the Town of Bethel, but also in Sullivan County. This site is in the proper zoning district, which permits the hotel and mixed uses. This site previously included a hotel style use.

**2. *Whether the proposed use will have a detrimental or positive impact on adjacent properties or the health, safety and welfare of the residents of the Town of Bethel.***

The proposed use should have a positive impact on adjoining properties. This is a Commercial area and this use should compliment the other commercial uses in the Town.

**3. *If the proposed use is one judged to present detrimental impacts, whether an approval could be conditioned in such a manner as to eliminate or substantially reduce those impacts.***

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

The use is permitted in the zoning district and is consistent with usage of site in the past. The application conforms to zoning and no additional conditions should be required to reduce the impact of the development.

**4. *Whether the use will have a positive or negative effect on the environment, job creation, the economy, housing availability or open space preservation.***

The application was subjected to a Full Environmental Assessment and a negative Declaration was granted. The proposal is not anticipated to have a negative impact on the environment. It is anticipated to have a positive impact on job creation both during and after construction, as well as a positive impact on the economy and housing. Open space preservation will not be impacted.

**5. *Whether the granting of an approval will cause an economic burden on community facilities or services, including but not limited to highways, sewage treatment facilities, water supplies and fire-fighting capabilities. The applicant shall be responsible for providing such improvements or additional services as may be required to adequately serve the proposed use, and any approval shall be so conditioned. The Town shall be authorized to demand fees in support of such services where they cannot be directly provided by the applicant. This shall specifically apply, but not be limited to, additional fees to support fire district expenses.***

There shall be no economic burden on community facilities as a result of the approval of this project. The applicant has demonstrated that the project will not have a negative impact on local roadways and has demonstrated that the sewage treatment plant is adequate to handle this facility. Any costs associated with the connection into the municipal sewer main shall be borne by the developer. Water shall be provided by wells on the site, to be operated and maintained by the owner, under the approval and supervision of the New York State Health Department. The applicant has approached the White Lake Fire Department and has incorporated their concerns into the Site Plan. New revenue will not only benefit the Fire District, but also the local Ambulance District.

**6. *Whether the site plan indicates the property will be developed and improved in a way which is consistent with that character which this chapter and the Comprehensive Plan are intended to produce or protect, including appropriate landscaping and attention to aesthetics and natural feature preservation.***

This is an area in the Town of Bethel, which was identified in the Comprehensive Plan as an area to be developed commercially. The zoning is very specific for developments in this Commercial Districts as it relates to the site lighting and landscaping. The lighting and landscaping plans submitted conform to this code. The replacement building will be constructed to not only honor the style and appearance of the existing Mansion House, but will be consistent with the general style of the adjoining buildings and neighborhood.

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

Daniel Gettel: Are there any questions from the board?

Daniel Gettel: This application conforms to the commercial standards and special use procedures listed in the zoning code as well as the gateway design standards and site plan requirements. This application has been granted a negative declaration under SEQR. At this time and the only remaining item would be to bring the proposal to a vote.

Daniel Gettel: Prior to bringing this to a vote, I would like to make a couple of statements. Jess, we did actually reach out to the people who you worked with in Rochester on the Kirstein Building. They had nothing but good things to say about the developer and the progress of the Kirstein Building. They say you are very accommodating to the cities request for changes. It is my understanding that even in these hard economic times that that project is actually going quite well.

Daniel Gettel: We also spoke privately about the existing building. I would like to have two things put on the record. In regards to the vinyl windows, they were installed by a past owner not too long ago. If you would consider donating the windows to a local charity of your choice. Habitat for Humanity has indicated that they may be interested in them, but it doesn't have to be Habitat of Humanity. It would be better instead of simply dumping them. They probably aren't more than 10 years old. Also, we spoke about the idea of incorporating specific portions of the existing building into the new building. I specifically mentioned the doors, the front doors, the doorframes, the door casements, and things of that nature. We are not going to require it, but it would probably be something nice if parts of the existing Mansion House building were actually incorporated in the new design. I do think it would be something the public would appreciate.

Daniel Gettel: In anticipation of the completion of this review Jacy, Michael and I prepared a list of conditions that will be made a part of any approval granted tonight. The Planning Board members have read these conditions. I think everybody is pretty much in agreement that this is how it should be. I'll read them in to the record. There are actually five, number four as quite a few additions to it.

Daniel Gettel: These conditions shall be:

1. All approvals by other agencies, including but not limited to the New York State Department of Health, both the Sullivan County and State of New York Departments of Transportation and the New York State Department of Environmental Conservation shall be obtained, as necessary, prior to construction.
2. The applicant shall furnish a bond to the Town of Bethel, in a form acceptable to the Town Engineer and Planning Board Attorney, in the amount of \$162,000 for site stabilization and restoration to preserve the safety of the site and community, including but not limited to; grading, filing and compaction of excavated pits, banks, or foundations, stabilization of banks

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

created as part of the site work, the redistribution and/or replacement of top soil removed during construction, the installation of a chain link fence along the rear property as shown on the site plan as required for safety, the installation and maintenance of the temporary erosion control measures, the seeding and mulching of all disturbed areas, and the replanting of a number of “street trees”.

3. The applicant shall furnish a bond to the Town of Bethel, in a form acceptable to the Town Engineer and Planning Board Attorney, in the amount of \$23,000 to ensure the installation of the landscaping shown on the Site Plan and to insure that any landscaping in and around the project that does not survive for the first year after the start of operations will be replaced and adequately maintained.

4. The applicant will enter into a developer’s agreement with the Town which shall include, but shall not be limited to; (a) that the existing Mansion House shall not be removed from the site until such time as the Town of Bethel Building Department issues a building permit for the construction of the building proposed to replace it, (b) that no Certificates of Occupancy be issued for any building at the project until there is substantial completion of the entire project, (c) that the “replacement” Mansion House building be the first building issued a Certificate of Occupancy whether or not it is the first building completed, (d) that a timetable be established, in consultation with the Town Engineer, to address the length of time the site may remain idle before the Town may move to redeem the above bonds, (e) shall set the requirement that prior to the completion of any site work that a pre-construction meeting be held with the Developer, Contractor, Building Department and Town Engineer.

5. That all fees be paid to the Town of Bethel.

***Motion to grant this application a Site Plan Approval with a Special Use Permit, which would include the five conditions as stated above by Steve Simpson, second by Susan Brown Otto***

***Roll call vote***

***Michael Cassaro – Y***  
***Susan Brown Otto – Y***  
***Steve Simpson – Y***  
***Wilfred Hughson – Y***  
***Daniel Gettel – Y***

***Agreed and carried***

Town of Bethel  
Planning Board

PO Box 300, 3454 Route 55  
White Lake, NY 12786

Daniel Gettel: Vicky, anything with regard to the Town Board meeting tomorrow.

Victoria Vassmer Simpson: We already had our reorganization meeting. We don't have another Town Board meeting for another 2 weeks.

BJ Gettel: It is 2013. You are mandated to have 4 hours of continuing education.

Susan Brown Otto: How many applicants for the Planning Board?

Daniel Gettel: I would like to have it readvertised.

BJ Gettel: I will have Rita post for another 2 weeks.

***Motion to adjourn by Steve Simpson, second by Wilfred Hughson***

***All in favor – 5***

***Opposed – 0***

***Agreed and carried***

8:50 pm

Respectively submitted,

*Jannetta MacArthur*

Recording Secretary