

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 14, 2014 at 7 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake NY. A regular meeting of the Planning Board followed on the same date at 7:30 PM.

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, David Biren, Michael Cassaro, Susan Brown Otto, David Slater, Wilfred Hughson, Walter Norris, Alternate, BJ Gettel Code Enforcement Officer, Vicky Vassmer Simpson, Councilwoman, Lillian Hendrickson, Councilwoman, Bernard Cohen, Councilman, Jacqueline Ricciani, Attorney.

Excused Jannetta MacArthur, Recording Secretary

Full board present

Pledge to the flag

Motion to approve the minutes from the December 3, 2013 Planning Board meeting by Steve Simpson, second by Mike Cassaro

All in favor - 7

Opposed - 0

Agreed and carried

- 1) Public Hearing for a renewal of a Special Use Permit and Site Plan Review for a Transient Campground Facilities for August 15 - 17, 2014 located on Yasgur Road, known as Bethel Tax Map # 25-1-14.1 & 15, proposed by Jeryl Abramson Howard.***

Daniel Gettel: We do not have a sign in sheet for this Public Hearing this evening. If anyone is interested in speaking at the Public Hearing just raise your hand and I will call you up. I will ask the applicant to make a brief presentation to the public, and then will open the meeting up to public comment. As soon as everyone has been heard we may close the Public Hearing and then go back to our regular meeting to discuss that specific project. This is not a public debate nor is it meant to be a question and answer session. It is simply an opportunity for this board to gain some input from the public for this specific proposal.

The return receipts will be delivered to BJ Gettel tomorrow morning.

Daniel Gettel: Jeryl, if you wouldn't mind addressing the audience to tell them what you are proposing please.

Jeryl Abramson Howard: Last year we had the festival. Everyone seemed to be happy with this. I hope they didn't bother anybody.

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

Daniel Gettel: Just so the public is aware, if Jeryl's application is approved tonight we will be approving with the same conditions as last year. Jeryl seemed to feel they did work for her, and last year we didn't have any complaints during the concert. We do need to open this meeting up for the Public Hearing.

Motion to open a Public Hearing for this application by David Biren, second by Steve Simpson

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: Would anyone like to speak on this application?

No one from the audience

Motion to close this public hearing by Steve Simpson, second by Susan Brown Otto

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: The project was sent to the County and State for 239 reviews, and out for an Ag Data statement. The County came back as local determination. The State came back with a minor comment about the outgoing traffic listed in the Management Plan. Like I said, if this board were to grant an approval tonight one of the conditions would be that the applicant would have to have to satisfy the State DOT. That will be addressed, that is a moot point. Jeryl, they had a question about three lanes going out, how you can accomplish that. I don't think they realize it is a Town road. They had the same concern before. It is a non-issue as far as I am concerned. We did not receive a response to the Ag Data statement, so that is a wash. At last months meeting we did discuss the renewal of this application and that we would do it similar to the Special Use Permit we issued last year. For the record, I would like to read the conditions into the record at this time.

1. The Special Use Permit shall be valid for a period of one year for one concert series with camping to be held on specific dates, August 15th, 16th and 17th. The Special Use Permit shall be renewed, subject to the provisions of the Town of Bethel Zoning Law, prior to any additional event taking place. Such renewal to be the responsibility of the applicant.
2. The applicant shall maintain liability insurance covering the event and camping. The applicant shall provide the Town of Bethel with a Certificate of Insurance naming the Town of

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

Bethel as a co-insured party. The amount of said insurance shall be no less than \$1,000,000, as referenced in the Management Plan.

3. The contract information regarding security services, trash disposal and collection, sanitary services, potable water, EMTs and other service providers listed in the Management Plan shall be provided to the Town of Bethel prior to July 15, 2014.
4. The applicant shall obtain, no later than July 15, 2014, all required Town, County, State and other Governmental Agency permits and approvals. This shall include, but may not be limited to, the New York State Department of Health, the New York State Department of Transportation, and the Town of Bethel Town Board.
5. The applicant shall, no later than July 15, 2014, provide the Town of Bethel with copies of, or e-mail links to, all ticket sales literature or sites which shall clearly indicate that fireworks, glass containers, illegal drugs, and pets shall not be permitted on the site.
6. The applicant shall otherwise comply with all other requirements previously imposed by the Town of Bethel and the courts.
7. The applicant shall, as necessary, act to insure that traffic movements on NYS Route 17B are not impaired by enacting the traffic control procedures outlined in the Management Plan.
8. The applicant shall permit the Town of Bethel Building Inspector and the Town of Bethel Constables to conduct site inspections, at their discretion, to insure the conditions set forth in the Management Plan, the Site Plan, and this Special Use Permit are being complied with and that all vendors possess appropriate licenses.
9. No open-air music events shall take place within 150 feet of any property line and shall be screened from adjoining dwelling uses. Any speakers shall face the east, away from immediately adjoining homes and agricultural buildings and shall be angled down towards the ground. Amplified music shall not be permitted earlier than 10:00 am, nor later than 2:00 am.
10. The applicant shall take affirmative steps to mitigate any impact on agricultural uses by:
 - A. Ensuring that there is no trespassing onto adjoining properties.
 - B. Monitoring the buffer zones along any adjoining farmland to ensure that they are unoccupied by persons, vehicles, or debris of any kind.
 - C. Prohibiting the use of fireworks or creation of other similar noises likely to disturb farm animals and enforcing these restrictions at all times.
 - D. Erecting temporary fencing, as required, to restrict entry to the site from adjoining properties and vice-versa. This shall be completed no later than August 5, 2014.

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

11. The site and surrounding properties shall be fully cleared of all event and camping related debris, equipment and temporary structures no later than August 26, 2014.
12. No temporary structures shall be constructed or installed within the bounds of the buffer zone for the wetland which exists on this property.
13. All fees shall be paid to the Town of Bethel prior to the issuance of this Special Use Permit.

Like I said, as a board we discussed this at the last meeting. Are there any comments from the board? If there are no comments from the board, I would entertain a motion that we grant this application a Special Use Permit with a Site Plan approval subject to the conditions that I previously read into the record.

Motion to approve the Site Plan and grant the Special Use Permit subject to the conditions listed above, by Steve Simpson, second by Susan Brown Otto

Roll Call Vote:

Michael Cassaro: Yes
Susan Brown Otto: Yes
Steve Simpson: Yes
David Biren: Yes
Wilfred Hughson: Yes
David Slater: Yes
Daniel Gettel: Yes

All in favor - 7

Opposed – 0

Agreed and Carried

Daniel Gettel: Good luck Jeryl.

- 2) ***Application for an additional antenna, equipment, and storage cabinet to an existing cell tower located at County Route 26 aka Crystal Lake Road, known as Bethel Tax Map #: 54A-1-1, proposed by Peg Bandwidth.***

Daniel Gettel: Just for the record, this is the Boy Scout Camp. We approved this cell tower a number of years ago and it is very similar to the expansion we just approved this past November at the Barber tower. Town code does encourage collocation of antennae's on existing towers, which is what they are proposing. As a board we need to treat this as a Special Use Permit. We specifically have to consider

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

Section 345-28 of the code, specifically subdivision B, subparagraph 11. Jacy that is what we talked about last time with the collocation.

Jacqueline Ricciani: This is a shared use collocation. Just for the public's information, the applicant has to show they have an agreement with the tower owner and that the existing tower is structurally sound to accommodate the new antenna.

Kevin John Alan: I work with Peg Bandwidth. This is an application for two antennae. Both are AT&T. There is no cabinet.

Daniel Gettel: Are you increasing the height of the tower?

Kevin John Alan: No. We are not changing the footprint or the height.

Daniel Gettel: The tower is located within 500 feet of the County Road, so we need to do a County 239. The tower isn't located within 500 feet of the Town line, but the property does straddle the Town of Tusten. I do think as a courtesy we should notify the Town of Tusten Clerk to let them know that we are entertaining a motion for a site that borders them. BJ if you would, see that we do that.

BJ Gettel: Yes, I will.

Daniel Gettel: Like I said we need to do a County 239. The only problem we have with that is between this meeting and our next meeting, there are only 28 days. The County has 30 days to respond. We can roll the dice and ask them to expedite their review, which is what we usually do and they usually come through. If that is okay with the board we can proceed. I don't see an issue with the 28 days as long as the County does respond.

Kevin John Allan: If on day 27 you don't get it let me know and I won't drive up. BJ has my contact information.

Daniel Gettel: That may not work. Our next meeting would have to be a Public Hearing and the public would have to be notified to come to our meeting so you would have to show up anyway.

BJ Gettel: I can contact the County and make sure this is done.

Daniel Gettel: BJ, we do have a Short Environmental Assessment Form on this application?

BJ Gettel: Yes we do.

Daniel Gettel: So we do have a full application. We are going to need the paperwork showing that you have an agreement with the owner of the tower.

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

Kevin John Allan: I will get you the lease.

Daniel Gettel: And a structural report to indicate that the tower can accommodate these two additions.

Kevin John Allan: I didn't bring it, but I will.

Daniel Gettel: Are there any questions from the board?

Susan Brown Otto: I would like to ask what you are exactly adding to this cell phone tower. I didn't quite understand.

Kevin John Allan: Two antennas, one south, one north (showing on drawing).

Susan Brown Otto: Is this for AT&T as well?

Kevin John Allan: The additional dishes are only for the use of AT&T.

Susan Brown Otto: Okay.

Jacqueline Ricciani: Mr. Allan. You represent Peg Bandwith. Who owns the tower?

Kevin John Allan: That I'm not sure of. I can find that out.

Jacqueline Ricciani: Because we are going to need, as the chairman was saying, we need some kind of documentation from the owner.

Daniel Gettel: Any other questions from the board? Our next step would be to schedule a Public Hearing. It would be February 11th, but let's not set a time. We will just say this will be the first Public Hearing.

Motion to schedule a Public Hearing for this application on February 11, 2014 by David Biren, second by Steve Simpson

All in favor – 7

Opposed – 0

Agreed and carried

- 3) Application for an additional antenna, equipment, and storage cabinet to an existing cell tower located at 6 George Stephenson Road, known as Bethel Tax Map #: 40-1-39.1, proposed by AT & T.***

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

Daniel Gettel: For the record, this is the Barber tower that we reviewed in November. At our November meeting we approved an addition to this tower. This is a separate addition.

Mr. Akbar: This is a dish for AT&T.

Daniel Gettel: The other one was for Sprint then. As with the last applicant, Section 345-28, subdivision B, subparagraph 11 states the applicant has to show that they have an agreement with the tower owner, and that the existing tower is structurally sound to accommodate the new antenna, in addition to the antenna we approved in November. In your paperwork you must show that this is in addition to the one we previously approved. Will you be increasing the tower height in any way?

Mr. Akbar: No.

Daniel Gettel: In the past we mentioned the owner of the tower, and when we asked the applicant to notify the adjoining we didn't realize the owner of the property was not notified because it was assumed they were part of the lease agreement. In this case you want to make sure that the Barber's are added to the list. The tower is located within 500 feet of a County Road, so we need to do a County 239 on this. We have the same problem as the last application. There are only 28 days between meetings, so BJ please see that the County expedites this review as well.

BJ Gettel: Yes, I will.

Daniel Gettel: We do have a complete application as I believe we have a short EAF on this application as well. This one I did review. The next step would be is to schedule a Public Hearing. We would be looking at February 11th. You would be the second Public Hearing. If it is okay with the board, I would rather not state times. There are a number of adjoining that have to be notified return receipt requested. BJ will hand you a list right now. They have to be notified 10 days prior to our meeting, so pretty much the end of the month the notifications have to go out to the neighbors. Did you provide a letter that goes with that?

BJ Gettel: Yes I did.

Daniel Gettel: If there is nothing else from the board, I would entertain a motion that we grant this application a Public Hearing on February 11th.

Motion to grant this application a Public Hearing on February 11, 2014 by Susan Brown Otto, second by Mike Cassaro

All in favor – 7

Opposed – 0

Agreed and carried

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

4) Application for a Home Based Business in the Agricultural District located at 141 Fairweather Road, Swan Lake, known as Bethel Tax Map #: 3-1-13.33, proposed by Patrick Rotundo.

Daniel Gettel: I did tell Pat I would walk him through this as he has chosen to represent himself. Mr. Rotundo is interested in selling firearms out of his former two-car garage, which is located on his property. The use is permitted in the Ag District as a Special Use. It is considered to be a Home Based Business. Before the meeting we discussed that in the past we had used some discretion in reviewing applications for Home Based Businesses, as far as the Special Use procedures are concerned. I would suggest we do the same as this is a relatively simple application. The applicant is representing himself. There are no real site changes with items like this. Pat, correct me if I'm wrong, but you presently have the State and Federal Permits that you need to operate the business?

Patrick Rotundo: Yes I do.

Daniel Gettel: With the exception, of course, of our Special Use Permit you have all the permits. It is my understanding that in order to get the State Permit you had to pretty much walk them through the existing store. What I told Pat is that since everything is pretty much existing we could accept photographs as opposed to plans. Pat, would you speak a little bit as to what the State put you through for the application and the permit?

Patrick Rotundo: I had an interview with the State. They wanted to know about security. They wanted to know where the paperwork would be kept. I got cameras that record 24/7.

Daniel Gettel: Existing parking is four (4) spaces. It is more than adequate for this type of business.

Patrick Rotundo: Everything is by appointment only anyway.

Daniel Gettel: Site lighting is more or less residential in nature.

Patrick Rotundo: I have 4 of them.

Daniel Gettel: Like you said it is by appointment only, so people won't just be showing up out of the blue anyway. I don't really have any questions. I have been aware of this application for about a year now.

Patrick Rotundo: Here is a copy of the Federal firearms license.

Daniel Gettel: Is that a copy we can have for the record?

Patrick Rotundo: No, it cannot leave my hands.

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

Jacqueline Ricciani: Is there a date of issuance on there?

Daniel Gettel: It expires January 1, 2017, so I assume it is a 3-year.

Jacqueline Ricciani: It doesn't say when it was issued?

Patrick Rotundo: It was issued December 10th, 2013. That is when I received it.

Daniel Gettel: You talked about a sign with me. Is it going to be mounted on the building, or is it a freestanding sign?

Patrick Rotundo: It will be mounted on the building.

Daniel Gettel: It is two foot (2') x three foot (3') as I recall.

Patrick Rotundo: I think so.

Daniel Gettel: We do have a plan. It is pretty much an enlargement of his business card. Are there any questions from the board? I think the pictures are worth more than the site plan. I don't know what more you would need as everything exists. Pat, if there are any concerns from this board, through BJ, we could contact you for a walk through?

Patrick Rotundo: Yes.

Jacqueline Ricciani: No more than three people at a time.

Daniel Gettel: The property is located in the Ag District, so we do have to do a County 239 review. Again, there are 28 days, so BJ if you would ask the County to expedite this submission. We do have to do an Ag Data Statement. That would also have to be expedited. We have a Short EAF for this application also, and our next step would be to schedule a Public Hearing. We can schedule it for February 11th. You will be the third Public Hearing.

Motion to schedule a Public Hearing for this application on February 11, 2014 by David Biren, second by Wilfred Hughson

All in favor – 7

Opposed – 0

Agreed and carried

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

5) *Application for a Special Use Permit for a Summer Camp to be located at 300 Segar Rosenberg Road, known as Bethel Tax Map #: 17-1-27.2, Proposed by United Talmudical Academy. (Adler)*

BJ Gettel: Before you gentlemen get started, we do have a couple of corrections on this. This afternoon we had a meeting with the applicant and the Department of Health. We are going to be changing the name to Mayin Tohar.

Daniel Gettel: The plan that was submitted from Adler's office is a beautiful looking plan. I know because I drew the base map over eight years ago. I have no interest in this proposal or whether or not this proposal gets approved, so I will not be recusing myself unless the attorneys feel that is necessary.

No indication from the attorney for the applicant, Mr. Kaplan.

Daniel Gettel: I don't have any issue with that. Also, for the record we did try to schedule a preapplication meeting for this application but after a great number of emails we weren't able to schedule anything earlier than today, so we thought it made more sense to just have them come to the meeting. A preliminary plan was submitted 14 days prior, so we are working off the preliminary plan. Preliminary submissions are permitted as part of our zoning. At this time I think they are looking for more of a direction from the board, what to follow, just getting a feel for the application. The property is located in the RD Zoning District. It has been operating for probably over 40 years as a bungalow colony. To the best of my knowledge it was operated last year as a bungalow colony. Bungalow colonies are not permitted in the RD Zoning District any longer, but the proposal is to convert the colony into a summer camp. Summer camps are permitted in the RD District as Special Uses. Jacy, before we do an applicant presentation, is there anything we should discuss about the lot area, or just acknowledge...

Jacqueline Ricciani: Lot areas are to be 25 Acres, which this seems to meet, except there is the utility easement that runs through it which really doesn't give it 25 Acres. This is something that the board is probably going to want to take into account.

Bill Sattler: It is still a work in progress. Most of the information it contains is accurate. Some of the proposed numbers on the bulk table will change but still it is in zoning compliance.

Daniel Gettel: There are some sections in our code that talk about buildable areas. If you are working on a subdivision and you are talking about a lot size, you have to subtract off easements and the road right of way. Originally, we took the position that based on our past practices that is what we would normally do. That subtraction is not referenced in any of the sections that this application falls under. It is not in the bulk requirements. It is not in the Special Use Permits. I believe we have to accept the fact that they have 25 acres, and practice has always been that we have subtracted off utility easements, but I don't believe we have the right to do that in this instance.

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

Jacqueline Ricciani: It is available acreage. It is something the board can take into account when evaluating other uses you are going to put in there.

Daniel Gettel: Like I said, this is a plan that was submitted for our preliminary review. It gives us an idea of what the property looks like at the present time, in addition to them adding a couple of dorms in the back, a synagogue/classroom and a kitchen. Bill I know you are working on a new plan, if you want to walk us through what you are proposing.

Mr. Kaplan: We have 19 structures, bungalows, on the premises. It is the intention of the soon to be owners of the property, they are under contract now, to use some of the 19 bungalows for staff and families, one for maintenance, and 9 for campers. In the first year, in 2014, we will use 9 of them. The intention is to have approximately 50 campers in the houses in those 9 units. At this point the intention is to build one of the proposed structures and that is what is indicated (on the plan) as a synagogue, which will serve as a synagogue/classroom and a dining room, the first year. We have no intention of doing any cooking on the premises during the first year. They will use frozen food, or will depend on another camp. There will be no actual cooking. We have existing wells and septic. We have already started meetings with the Board of Health to make sure we meet all of the appropriate minimum standards for the number of people that we will have.

Bill Sattler: These are the existing buildings, the pool, a curb cut, the parking, private road. The kitchen will come after the summer, dormitories also, after 2014. This will be an all-boy's camp. This year we are looking to have 50 to 55 campers. In 2015 that number might go up to 100. The septic system was permitted by the Department of Health last year. They are assumed to be good. They were good enough to run a camp last year. It should be a minimal effort to get up and running for 2014.

Daniel Gettel: I believe your SPDES permit for this camp is somewhere around 5,500 gallons a day. I would assume that would have to be increased. That is something you will have to look into.

BJ Gettel: It is 5,500 and according to DEC their SPDES is valid until 2017.

Daniel Gettel: If there is an increase....

BJ Gettel: If there is an increase, they will need to reapply.

Daniel Gettel: Do you feel you can treat it without a sewer plant? I am not a fan of package sewer plants. I would not give that my support as a board member. If you do go the route of a sewage plant the Town Board has to approve it so it is not a given that you can go the route of a package plant in the Town of Bethel, just so you are aware of that. Do you have any idea of what the existing population of the bungalow colony is now? It has probably dwindled over the years.

Bill Sattler: I have an idea of last year, but 5,500 gallons a day is a pretty significant number. At one

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

point there must have been a significant population out there

Daniel Gettel: If you can give us some kind of idea of what the existing bungalows have in them, number of bedrooms. Are they all single bedrooms?

Mr. Kaplan: We actually think the number will show us comparable to what the bungalows colony was. This was given to us by the Department of Health, 25 bedrooms in 19 units.

BJ Gettel: Can I get a copy of this? Thank you.

Jacqueline Ricciani: Do we have a count of how many beds per bedroom?

Bill Sattler: For 9 of the units, 2 bunk beds per bedroom.

Daniel Gettel: You can show that on the future plans. If you address the population on the Site Plans in the future, that would be than helpful. The units will still have kitchens?

Bill Sattler: No.

Daniel Gettel: That will decrease the sewer flows. I don't know if anyone on the board is familiar with the site. Are there any comments or questions from the board? They are here with a preliminary plan, and they are looking for direction, and what we will be looking for.

David Slater: What are the sizes of the proposed dorms?

Bill Sattler: 36 x 90.

David Slater: How many campers per dorm? Are they one story or two? There are going to be 25 campers per dorm?

Bill Sattler: 25 per house.

BJ Gettel: There will be 25 campers and 1 staff member. They have to have a staff member in each dorm.

Daniel Gettel: Can you talk a little about the shul? Is the shul open to the public or is it to just benefit the people at the camp?

Bill Sattler: It is a multipurpose building. It is a synagogue and school.

Daniel Gettel: I'm assuming there is going to be some kind of access to the shul, as far as a driveway or

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

roadway. It doesn't show on the plan we have. The parking lot, it is going to be closer to the shul? What we are thinking about is for fire truck access.

Susan Brown Otto: What about buses? Are you going to have any buses coming in and dropping kids off from other facilities?

Jacqueline Ricciani: Any day campers?

Daniel Gettel: BJ, what is your feeling on emergency access to the existing buildings? I know that has been an item in the past from other camps.

BJ Gettel: It is a problem there.

Daniel Gettel: I am talking primarily about the proposed dormitories.

BJ Gettel: They do have pathways to the existing buildings. They are not wide enough for emergency vehicles.

Daniel Gettel: We have been pretty consistent about emergency access to the dormitories, as far as ambulance, fire trucks go. The existing ones, if you improve the access to them they would be better off. Are there any other questions from the board?

Bill Sattler: Is the board interested in the aerials? They are on the map.

Jacqueline Ricciani: We are going to get revised site plans, right?

Daniel Gettel: Yes, after the preliminary phase. Obviously there are sections you have to follow in our code.

Steve Simpson: BJ, as far as the existing structures...

BJ Gettel: I have not been there. When I met with Mr. Friedman this afternoon the agreement was he was going to contact the broker and set up a time for myself, and the Department of Health. I have some concerns about some of the buildings. Until I actually get out there, I can't give you any speculation.

Daniel Gettel: BJ, am I right that this was operated last year?

BJ Gettel: Yes it was. Was it at 100% occupied? I would say no.

Daniel Gettel: With the Town code, they have to have permits to operate.

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

BJ Gettel: This was operated last year as a co-op. Because the buildings were individually owned I could not inspect them. It doesn't fall under the zoning. As a camp, I will have access.

Daniel Gettel: Any other concerns? Jacy.

Jacqueline Ricciani: Are you going to clear any trees in order to accommodate...

Bill Sattler: Yes.

Jacqueline Ricciani: You will. Approximately how much you will be clearing?

Bill Sattler: Three Acres.

Daniel Gettel: I think we should look at the property as a whole, not just at what you are doing this summer. You don't want to come back every time you put up a building. You should show the populations, the counselors. The Special Use procedure needs to be followed as in Section 345-30. The Site Plan requirements for this type of a project are outlined in Section 345-31. Those would be the two Sections we would be looking at. They are relatively clear and straightforward. At this time we have two things to address. We do need to speak about the topography for the project. You are going to be doing some grading, some drainage. We may be talking about storm water management.

Bill Sattler: The topography is almost level in the 25 Acres. It is very level.

Daniel Gettel: You may have an issue with your own engineering design as well as our engineer review of sewer flows and storm water management if the elevations are not there. What type of topography is available, what contour intervals would you be comfortable with or can you get your hands on? We have approved fives in the past, with the idea that if fives are not adequate twos would be needed. I don't know how the board feels about that. That is how we have treated other applications.

Bill Sattler: On the 25 Acres I will give you fives. Where we are doing the actual work I will probably give you twos.

Daniel Gettel: Especially in areas of storm water management and things like that. We have approved fives in the past and we ran into problems. Especially when you look at storm water management the topography has to be a little tighter there. Is that okay with the board? I think that is fair. Fives are relatively well accepted, twos would be a little much for 25 Acres.

Susan Brown Otto: What about signs?

Daniel Gettel: You will have to address what kind of signs you want to put up. It doesn't have to be addressed tonight, but as part of the application we do have to look at signage. Just be prepared for that.

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

Daniel Gettel: I'm assuming there will be a sign in the parking lot. There is one other thing we have to discuss. We have to choose a reviewing engineer for the project. We do have options for engineers. We can keep it local or we can go to McGoey Hauser & Edsall. What is the board's preference? I do think there is a lot involved, and your own engineers are going to dictate the time frame of when this project is approved and when you can start construction. There are certain sections you have to address in order to move forward. We will be setting up a review engineer for the Planning Board. BJ, we have an escrow account?

BJ Gettel: Yes I do.

Daniel Gettel: Does the board object to Glenn Smith reviewing this? I don't think we need to vote on it, but I see by the consensus of the board that Glenn Smith will be the engineer.

Steve Simpson: I think Glenn Smith would be a good choice.

Daniel Gettel: Bill, work closely with Glenn. I don't know what is going to trigger storm water management and things of that nature. That is really between you and Glenn. There is going to be a certain amount of site disturbance. I think that is going to be the trigger. I would rather look at the whole picture, the whole site disturbance. As far as the EAF goes I would rather you do the long form.

Jacqueline Ricciani: The Site Plan is going to be for what is going to happen this summer, and then Phase 2?

Daniel Gettel: We have to look at the whole picture.

Jacqueline Ricciani: I think a narrative would be helpful.

BJ Gettel: A County 239 is required.

Daniel Gettel: Do you have any questions for the board?

Bill Sattler: Just the timetable. They want to do construction for this summer. In terms of the Public Hearing, if we get the bulk of what we are looking for on a map next month....

Daniel Gettel: The submission for next month would have to be in by the end of this month, the 27th. It is up to your engineer. You are going to dictate the time frame. We do need a complete application in order to schedule a Public Hearing. That is in our code. That would include the EAF, the maps. Work closely with Glenn. Address the two code sections, to Glenn's satisfaction. Give us the dimensions of the buildings on the plan.

Jacqueline Ricciani: And number them.

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

Bill Sattler: When we go out tomorrow, we will get that.

Daniel Gettel: Keep in the back of your mind landscaping details too.

Bill Sattler: Talking about landscaping, this is pretty far off the road.

Daniel Gettel: You're going to want to maintain the buffer zones around the proposed buildings to shield the neighbors. You indicated that north is up on that map. Is that a 10-acre vacant lot to the west?

Bill Sattler: This is all woods, so there is a natural buffer there.

Daniel Gettel: We would want you to maintain the natural buffer zones around the perimeter, even though it is off the road, substantially. Make a minimum disturbance. I don't know if we have any landscaping on the road that is called for in the code. If it is, check into it.

David Slater: Aren't they going to need some landscaping for the parking lots?

Daniel Gettel: Yes, there are parking lot standards. That is a 10 Acre vacant parcel on the west side. Originally it was part of this, the parent parcel. Any other concerns? Do you have any questions? Just be in touch with Glenn, go by the code. Loud speakers will not be permitted. Someone just brought that up.

6) *Application for an expansion of a non-conforming use in the RS Zoning District, located at West Shore Road, known as Bethel Tax Map# 22-1-28, proposed Khal Divrie Chaim. (Wasson)*

Randy Wasson: This is also known as Kauneonga Park. It is on the north side of West Shore Road, just past the end of the lake. The proposal is to construct a new shul. The site is approximately 18 acres. They are going to consolidate, so the total is 18 acres. The main entrance will be coming off the existing driveway. (Showing on map) We would extend the driveway. It is not shown, this driveway. We will put in a gate, so we don't have people coming up behind the units, parking and blocking the road.

Daniel Gettel: This is something that BJ has requested, to put this driveway in.

Randy Wasson: That is basically it. It is pretty simple

Daniel Gettel: So the board is aware, unlike the past proposal, this project is to remain a bungalow colony. It is in the RS district, where bungalow colonies are considered preexisting nonconforming uses, which can be enlarged under Section 345-36. Section 345-36 basically tells the Planning Board

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

that we have to treat it as a Special Use. We have to address Section 345-30 and Section 345-31, which is pretty much what we had to address in the last application as well. You mentioned the size of the building. Do you have an actual floor area with the assembly space? I am assuming you have a coffee room?

Randy Wasson: Yes, they have a coffee room, they have a men's room, a staff room. The second floor is not a full second floor. It has an overlook into the lower level. There are a couple of classrooms on the second floor.

Daniel Gettel: I think you know where we are going, because we had this discussion before. If you take the square footage of the building, this building could accommodate up to 1200 people. That is one of the concerns that I have. What is the maximum population going to be at the shul, and is the shul going to be open to the public.

Samuel Tauber: The shul is going to be open basically on weekends. Some people will be coming on the weekends.

Daniel Gettel: The people that come on the weekend are occupants of this property; it is not open to other....

Samuel Tauber: No buses will be coming in, it is just for the use of the residents.

Daniel Gettel: Randy, I believe you have some numbers on the bottom of the drawing that references the population.

Randy Wasson: We indicated the type of building, the population of each building. I think we have a total number of people on the site 501.

Daniel Gettel: I know it was about 500.

Randy Wasson: We are going to be renumbering these.

Daniel Gettel: Can you get us an actual assembly area with a maximum population for the shul? I don't want to leave it hanging if it is up to 1200 people. I know you have to subtract the bathrooms, subtract the classrooms, and subtract the coffee room. What is going to become of the existing shul, which is relatively close to the road?

Randy Wasson: I think it might be a classroom.

Daniel Gettel: If that were to happen, we may have a restriction for day camp/casinos, let's call them that for lack of a better comparison. They can't be within a 150 feet of a property line. It is something

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

to look at if you change the use of the building. Jacy has a better question.

Jacqueline Ricciani: Section 345-16, paragraph b, this specifically addresses nonconforming uses. There is a section that there cannot be any enlargement that will increase the building coverage of what already exists, which kind of looks like what is going on here. I would suggest you take a look at that section. The intent for this part is that if there is going to be something preexisting, nonconforming. If it is in disrepair it can certainly be replaced, but the intent seems to be that the nonconformity cannot be increased. That is what it says.

Daniel Gettel: I wasn't aware of it until tonight. Randy, you are in the sewer district with the entire property?

Randy Wasson: Yes.

Daniel Gettel: Actually, I like the idea of giving up the shul closest to the road. But what if it can't be done? However, I do agree with BJ. I like the idea of a road that connects the two but I also agree with you that we don't want people going to the mikva and parking on the street.

Randy Wasson: It was a road originally.

BJ Gettel: New York State building code requires them to have emergency access.

Daniel Gettel: There is a loop in the back, which goes behind the shul. One of them would have to be adequate for fire protection. I think a break away gate would be a great idea. As far as the slopes, it is relatively steep, it is relatively consistent. Those are 2's?

Randy Wasson: Yes.

Daniel Gettel: Then they are not that bad then. BJ, any issues with the existing colony?

BJ Gettel: I have not been out to actually inspect. This one will be inspected this year. At the present time I did speak to the tax assessor this morning. We have combined tax lots 26.1, with 28 already. That is done, that note can come off the map. As a whole, they took a hit during Hurricane Sandy. They are working on repairing certain buildings still. Outside of that, I really don't have any problem with this colony.

Daniel Gettel: Is it relatively well maintained?

BJ Gettel: Yes.

Daniel Gettel: Any questions or concerns from the board? I think Jacy had the biggest concern.

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

Jacqueline Ricciani: Do you want to look at it (the code)?

Randy Wasson: We are adding 2 Acres of land. The percentage is actually increasing the building coverage.

Jacqueline Ricciani: But you are increasing the nonconformity.

Daniel Gettel: Does anyone have any issue sending this to Glenn Smith? I think they are both (applications) relatively similar. Is everyone okay with Glenn Smith?

The board is in consensus

Daniel Gettel: With the last application we required a long form EAF. I don't know if we need it. I think it is a lot for shul replacement. How does the board feel? Does anyone have any objection to the short EAF?

The board is okay with a short form

Daniel Gettel: We want you to look at Section 345-30 and Section 345-31, work with Glenn on those two sections and addressing that, come back and we will see if we can work towards a Public Hearing. The big thing is going to be addressing that code that Jacy brought up.

Randy Wasson: I would like a Public Hearing next month.

Daniel Gettel: I would rather hold off because as a board we are seeing it for the first time, and Glenn hasn't seen it yet. I don't know if Glenn is going to pick up on anything. Glenn isn't even aware he is going to review it yet, so I hate to do a Public Hearing. Lighting is going to be minimum residential for security I'm assuming. As far as our parking regulations go, how did you pick the number of spaces? There isn't that much parking at a shul. Let us know how you are making out.

Informational

Daniel Gettel: Jacy, before we adjourn to you want to speak a little about Boymelgreen?

Jacqueline Ricciani: This is strictly informational. There is nothing the board needs to take action on. Boymelgreen came with a 4-lot subdivision adjacent to Beechwoods. The Town Board and this board granted approval and some neighbors brought an Article 78 against this board for granting the approval of the subdivision and also to the Town Board because they needed sewer waivers. In addition to the traditional Article 78 challenging the board's action they also brought a separate action against the

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

Boymelgreen's themselves challenging their ability to access their subdivision. As you may recall the critical aspect was between the Beechwoods and the Boymelgreen land that they had a 5 foot reserve and they had some water pipe going through there. There was also some argument with what the deeds permitted when the land was conveyed. Did they go up Plum Drive, up Shore Drive? Or could they cut through another lot that Boymelgreen had purchased in Beechwoods that gave them access to their land. On your behalf I put in papers to their Article 78, and then it was decided by Judge Meddaugh initially to see if they have the right to access this property. That was the challenge of the homeowners. One of the homeowners, the Randazzo's, who brought to this board's attention their position that Boymelgreen was going to be driving over and using their driveway and some other things. So Judge Meddaugh found based upon the deeds and some other things that Boymelgreen could not access their subdivision using the Beechwoods Road and would have to go all the way around. Boymelgreen's were not happy with that decision so they took it up on appeal. While the appeal was pending, the actions against this board and the Town Board were put on hold. The appellate court affirmed and upheld what Judge Meddaugh had decided which is that they cannot access the road through Beechwoods. The attorneys that are representing the neighboring homeowners have promptly filed a motion for sanctions against Boymelgreen and their attorney for even bringing the appeal. Interestingly in one of the supporting affidavit, I have everything and I will provide to anyone who wants any of these thing, I do believe it was the president of the Beechwoods Homeowners Association, Mr. Cordovo, who said, not only is it the Boymelgreen's fault that we Beechwoods had to hire a lawyer and incur these legal fees, it is the Planning Board's fault. If they (the Planning Board) had just shut them down in the beginning, we wouldn't have had to incur these fees. So we had a conference with Judge Meddaugh, because initially the neighbors had said well that is great that Judge Meddaugh and the Appellate Court both agree that they don't have access, we also want a ruling about whether the Planning Board was proper, and whether or not the Town Board was proper. Even though it is all-moot, because the subdivision doesn't count anymore, we still want everybody to waste their time and energy and we still want a decision. So we had conference. I think Judge Meddaugh in a very diplomatic way explains to the attorney for the neighbors that it really wasn't to anyone's benefit to continue to litigate this where they essentially already had a victory because the subdivision couldn't happen anyway. I specifically wanted clarification although the neighbors are looking for sanctions or some kind of reimbursements from the Boymelgreen's, I wanted a statement in front of the judge on the record that they are not seeking anything from this board, not the Town, nothing monetary, no sanctions or anything from this board. Reluctantly their attorney did agree that yes they are not seeking anything from the Town, which I kind of reminded him on the side, it is your client's own tax dollars. That motion for sanctions and fees is still pending. The judge has to make a decision on that. I don't expect to have that decision for another 2 months. In the meantime anything against the board, it has not been technically dismissed; it has just been rendered moot. We will never know from a judicial standpoint whether this board acted properly or not. I think is important for you guys to know is that the decision Boymelgreen is left with is to redesign the access to their subdivision. They would have to go up and around, which would be difficult. The other option they have is not to deal with the subdivision at all, just build a lovely single family home on the land, and all they will need is a building permit. My recollection is they had some cutouts, I don't know if it actually had a dwelling. It is possible the Boymelgreen's could just build a

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

home. If they are going to try to subdivide it...

Daniel Gettel: The documents were circulated around. I don't know if everyone did see them.

Jacqueline Ricciani: I did skim through it; the access stuff did not pertain to you guys. If anyone wants to see it, I will scan and send to you, or you can come to my office. I believe as per this decision, the Boymelgreen's options are very limited.

Daniel Gettel: Vicky, any news from the Town Board.

Vicky Vassmer Simpson: We don't have a board meeting until next week. I don't have an agenda at this time.

Jacqueline Ricciani: There is a SEQRA seminar tomorrow. It is moved to the Sullivan. There are over 200 registered. Get there on time.

Motion to adjourn by David Slater, second by David Biren

All in favor – 7

Opposed-0

Agreed and carried

Respectively submitted,

Jannetta MacArthur
Recording Secretary