

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 April 9, 2013 at 7 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda at this time were the following:

In attendance: Daniel Gettel, Chairman, Steve Simpson, Vice Chairman, Michael Cassaro, David Biren, David Slater, Wilfred Hughson, Walter Norris, Alternate, Daniel Sturm, Supervisor, Victoria Vassmer-Simpson, Councilwoman, Lillian Hendrickson, Councilwoman, Bernie Cohen, Councilman, Jacqueline Ricianni, Attorney, BJ Gettel, Code Enforcement Officer, and Jannetta MacArthur, Recording Secretary.

Excused Susan Brown Otto, Michael Weeks, and Glenn Smith

Seating Walter Norris, Alternate

Pledge to the flag

Motion to approve minutes from the March 12, 2013 meeting by Steve Simpson, second by Wilfred Hughson

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: If anyone would like to speak with regard to the public hearing, please sign up. The sign-in sheets are up front. I will call the names in the order they appear and ask you to come up to the microphone and address the board. Before we have any comment, I am going to ask the applicant to give a brief presentation to the audience. I will probably make a couple of comments after that based on what we have determined at our last couple of meetings. Then I will open up the meeting to a public hearing.

1) Public Hearing for a Special Use Permit and Site Plan Review for a Transient Campground Facilities for specific dates located on Yasgur Road, known as Bethel Tax Map #: 25-1-14.1 & 15, proposed by Roy Howard and Jeryl Abramson.

Jeryl Abramson: The event is going to take place on August 16th, 17th, and 18th. It will be a two night, three day event. This will be in commemoration of the Woodstock anniversary and will also be a memorial tribute to my late husband Roy Howard. We have basically complied with everything with the town, and we have a traffic plan. We plan to have about 2, 000 to 3,000 people that weekend. People will be going in and out of our venue, to shop at the local places, to the market, etc. We are giving local vendors priority.

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Daniel Gettel: I'll give a little presentation, and then we will open the meeting up to the public. Thank you. First I would like to point out although this is primarily going to be a three day period, August 16th, 17th, and 18th; there will be some activity on the site prior to that. We do expect that some vendors are going to show up on Wednesday, and Thursday. There will probably be some out of town guests that will be staying in the camping area.

Jeryl Abramson: Mostly volunteers who help us set up.

Daniel Gettel: Prior to opening the Public Hearing, I would like to reiterate some points that have come up at past meetings.

Daniel Gettel: First, this event is slated to take place primarily over a three day period, Friday August 16th, Saturday August 17th and Sunday August 18th, although there will be some activity on the site immediately before and after. The vendors may arrive as early as the Wednesday of that week and a limited number of out-of-town guests will be allowed to camp on Thursday August 15th. The site will basically open on Friday August 16th and close on Sunday August 18th.

Daniel Gettel: Second, the maximum number of attendees for this weekend had been stated to be 5,000. That number was provided by the applicant as a maximum, but it is on the record that the actual number would most likely be closer to 2,500 to 3,000. It has also been stated that the number of vehicles on the site will be restricted to 935, as that is the number of cars that the applicant's engineer has projected the site can handle. That may further restrict the attendance.

Daniel Gettel: Third, Temporary Campgrounds and Outdoor Recreational Uses, being open air concert venues, are permitted in this zoning district as Special Uses. This application is for two different Special Use Permits, but we are treating them as one as we understand one will not happen without the other.

Daniel Gettel: Fourth, as far as any concert goes, I feel this is the item that has been misinterpreted the most. We specifically asked Jeryl to address this at our last meeting and she has indicated that she will not be hiring talent to perform over the weekend. There will be no stage; there is no formal concert schedule. It is basically an impromptu event, with people bringing their own talent. It will be open all weekend, with people coming and going all weekend, so the traffic will be coming and going. It's not going to be a concentration of people coming at once.

Daniel Gettel: Fifth, this is not the first event that has happened on this site. In the past the Planning Board did allow for an event, with conditions and restrictions. In the event that this board agrees to grant any approvals they would also be conditioned and restricted very similar to the last event, which I believe was 2004.

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Daniel Gettel: Sixth, in the event that an approval is granted the applicant will still have to obtain approvals from a number of other reviewing agencies, whose approvals may still be pending. The Health Department has to approve the camping portion of the application; they have done a preliminary review. There is still a minor concern that the State DOT rose regarding the initial submission that the applicants engineer has been asked to address. The County has mentioned the same concern from the DOT's review letter. The concern is about the number of trips generated, and that still has to be addressed by the applicant's engineer. The DOT has never acknowledged the fact that that was resolved, so therefore that still needs to be resolved. To the best of my knowledge this has not been completed.

Jeryl Abramson: Okay. I will speak to my engineer.

Motion to go into public hearing by Steve Simpson, second by David Slater

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: I have a list with 3 names on it.

Joanne Hague – Blakely, PA: I have a petition. I have hundred's of signatures. I vote to issue a permit.

Daniel Gettel: Thank you. We will receive and file the petition.

Barbara Rahm: I have had the pleasure in the past of being at a couple of the events that took place at Jeryl's property. Everything worked smoothly, the traffic flow, sanitation, security, and to the best of my knowledge, there have never been any real problems. Most towns seem to welcome tourists, and look forward to having people come there. For some reason I think a lot of people have felt unwanted in Bethel. I think it would be wonderful after all of these years to open our arms and say welcome.

Bob Barrett: Good evening to the board. Myself, being a resident of Bethel and being here quite a few years, past the 1969 festival, and including the 1969 festival, Bethel Woods, the development of the area, the local area, Yasgur Farms, and all of the other activities that have come and passed have to make a comment regarding the board itself. I have been to every meeting; whether it was this issue, or other issues, and most of the time I have listened very carefully to their presentations and their consideration of matters. I think they went with their due diligence to the point where they have examined all the possibilities, even though I know that there was some reservations about whether certain things should be granted or not. However, I think that they were fair enough to go through all of the items to be able to come up with a plan that people can be comfortable with, that the program can be done in a very responsible way. I have a personal interest because I knew Roy very well, and I really feel that this...to bad that he's not here, to see something like this come off, because he has been trying for a long time to do something, to have concerts planned there. Quite a long time ago, Jazz concerts, and things have developed in Bethel. Since then you have other venues that have taken up these areas. I

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really think it is time this place gets its due, gets the permit, and goes forward with the weekend, and let's see what happens. I believe from past experience, everybody will be pleased. I think that once again, most of the *t's* have been crossed, the *i's* have been dotted, a few minor details here and there. There always are. I don't care how wonderful you are. Even Bethel Woods has its problems with all of its majestic, all of its infrastructure. They also have traffic problems. They also have problems with people getting in and out and I speak from personal knowledge of that. So we know that even from the top down you can have some difficulties, but they can be resolved. I think this board has gone a long way in making sure that it is going to happen this time so that the entire area, in Bethel and Sullivan County, we can have something good to talk about instead of the things that we do see to often in the paper which are not very good, no matter what we try to do to cover up on. Let's get something good. Let's get it going. Thank you again for your work.

Daniel Gettel: Those are the only 3 names on the list. If anyone from the audience wants to come up, just come up and give your name.

Jeannette Barrett Wilson: I am speaking as a neighbor. My property adjoins Jeryl's property in the back. I think it is good for the town. I think it is good for the neighborhood. I am all in favor.

Gary Rupp: I have been at the farm with Roy and Jeryl since 1996. I have helped them out quite a bit with traffic control, security, and we have never had a problem. They always made sure the kids were safe. I spend hundreds of dollars when I come up. You let these kids come up, this town will flourish.

Daniel Gettel: We do have written comments that we received prior to this meeting that they did ask to be made part of the record. We will receive and file them as well as the petition in favor dated April 9, 2013. The letters were received from Ralph D. MacArthur, and Marc Mendelsohn.

Motion to receive and file the two letters, and the petition in favor dated April 9, 2013, by Steve Simpson, second by David Biren

All in favor – 7

Opposed - 0

Agreed and carried

Daniel Gettel: If there are no other comments from the public, I would like to entertain a motion that we go back to our regular meeting.

Motion to go out of the Public Hearing and back to our regular meeting by Mike Cassaro, second by Wilfred Hughson

All in favor – 7

Opposed - 0

Agreed and carried

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Daniel Gettel: As I mentioned previously, we reached out to a number of agencies which had to review certain aspects of this application. The primary agency is the Health Department as they review and approve campgrounds. They have completed a preliminary review of the proposal, and they have some outstanding conditions that need to be addressed prior to their signing off on the camping. That is out of our hands.

The State DOT raised some concerns about the trip generation numbers that the applicant's engineer provided as part of the initial application. They felt that these were not correct. I actually feel the numbers forwarded to the State were correct, but it is not my place to address the State's comments.

Jeryl Abramson: I will have to speak to Greg Sementz.

Daniel Gettel: He did speak to them, but I don't believe it has been addressed. The County, as part of their 239M review, raised some issues, most of which I believe have been addressed at past meetings. The first item is in regards to stream and drainage swales that show on the Site Plan. The County recommends that the campsites be re-laid out to better conform to the swales. What they may not realize is that the applicant has indicated that the pathways shown on the site plan already exist. Any relocation of paths and sites would lead to further site disturbances, which would be foolish. I do believe this has been resolved, but the County 239 comments have to be on the record. In regards to the stream that she mentions, I want to point out the DEC has already signed off on this, and they didn't raise an issue about it, why the County is raising an issue, I don't have an answer for you. The engineer that reviewed this for us was Glenn Smith, and Glenn does not have an issue with the stream. It is probably more of a wet weather swale, it probably isn't a stream that runs in August, but I don't believe the County is correct in making the requirement, but I don't believe that we have to override that part of the County's review letter.

Daniel Gettel: The second item requests information in regards to the placement of a stage. This was discussed at our March meeting. The applicant has indicated that there will be no formal stage. There was also a concern raised about noise. We have placed restrictions on amplified noise, having the speakers turned down towards the ground to prevent sound traveling and away from adjoining properties, but Jeryl is aware that there are some noise ordinances in the Town of Bethel. Specifically Section 120-7(B) of the zoning code does request that you get a noise permit from the Town of Bethel Town Board. It is a minor application, but it is in our zoning.

Daniel Gettel: Third and fourth, they mention the State DOT review and the Health Department reviews that are currently underway. We have indicated that both of these approvals would be required prior to our signing off on the Special Use Permits.

Daniel Gettel: For the most part I agree with the concerns raised by the County, and do not believe we need to act on their letter. The only item I question is the relocation of the pathways which would result in a potential for a site disturbance in an area the DEC has already indicated is acceptable for camping. I

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believe their request would result in an unwarranted disturbance.

Daniel Gettel: We also spoke to Glenn Smith, our Planning Board Engineer for this project, who reviewed this application. His comments have all been addressed, except for one. Over the past few months his list of review comments had gone from a few pages to one concern which has to do with potable water stations. For the record, this final concern will be addressed as part of the Health Department review, so I consider Glenn's comments addressed. I also spoke to him about it today.

Daniel Gettel: I do think we should discuss the timing of amplified music. In the past we discussed not permitting amplified music after 2:00 am, but we never gave you a time when you could start. I do think we should add timing when amplified music would again be permitted the following day, I would suggest 10:00 am.

Daniel Gettel: I mentioned that the Special Uses would be approved with conditions. These conditions are very similar to those imposed in the past, and were read into the record at last month's meeting. Because we do have the public here tonight, I think it would be prudent for me to read them again. There are a number of them.

- 1) *The Special Use Permit shall be valid for a period of one year for one concert series to be held on specific dates, August 15th, 16th, 17th, and 18th. The Special Use Permit shall be renewed, subject to the provisions of the Town of Bethel Zoning Law, prior to any additional concerts 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 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. This shall be provided within 30 days of the concert event. It will be required prior to the event.*

Jeryl Abramson: It has to be after July 15th.

Jacqueline Ricciani: So by July 31st?

Jeryl Abramson: It could be, after July 15th and before the event. The way they like to do it is right before the event. They want it as close to the event as possible.

Daniel Gettel: It is my understanding too that we can't put in a specific time requirement. We will require it before the event, obviously. It is controlled by the insurance company.

Jeryl Abramson: I can get a letter prior to the 30 days saying that there is insurance, a preliminary contract. They won't bind it then.

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- 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, 2013. (Some of these are already on file with the Building Department).*
- 4) *The applicant shall obtain, no later than July 15, 2013, 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, 2013, provide the Town of Bethel with copies of, or an e-mail link 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 his 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) *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, only as required, to restrict entry to the site from adjoining properties and vice-versa. This shall be completed no later than August 5, 2013.*
- 10) *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, 2013.*

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- 11) That all fees be paid to the Town of Bethel prior to the issuance of this Special Use Permit.*
- 12) No temporary structures shall be constructed or installed within the bounds of the buffer zone of the wetland which exists on the property. This has been requested by the DEC.*

Daniel Gettel: I can now read through the long EAF.

Daniel Gettel: A number of months ago we declared our intent to be Lead Agency. We were provided with a Long Form EAF for this Unlisted Action. The EAF has been on file with the Building Department so I do not feel we need to run through Part 1. Prior to this meeting I completed Part 2 of the EAF which I will read into the record.

Part 2

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

No, there are no permanent structures proposed. All roadways and paths exist.

2) Will there be an effect on any unique or unusual land forms?

No, there are no unique land forms.

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

No, there are no bodies of water on this site.

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

No, again, there are no bodies of water on the site.

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

No, not to the magnitude listed in the examples.

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

No. There will be no land disturbance required to accommodate this project.

7) Will Proposed Action affect air quality?

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

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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.

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

No. Although this land is presently located within an Agricultural District the site is not presently used, nor has it been used in the recent past, as agricultural land.

11) *Will Proposed Action affect aesthetic resources?*

No. We are not talking about scenic views.

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

No. There are no structures on this site which are listed on the historic registry.

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

No. This site is not used as open space nor is it 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?*

Yes. There is a potential that traffic may be impacted. Under “Other Impacts” I note that the applicant has proposed an event that may generate traffic above present levels, but entry shall be controlled by event staff and extended over a four day period, as outlined in the Management Plan. Based upon the information provided by the applicant and the examples listed in the EAF this would be a Small to Moderate Impact.

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

No. There will be lighting run off generators, but the project will not impact the power supply to the extent listed in the examples.

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

Yes. There is a potential for noise above present levels. Under "Other Impacts" I noted that the applicant has proposed an event that may generate noise, but the applicant has agreed to conditions to lessen the impact these potential noises may have on adjoining lands. This would include limiting the timing of amplified music and pointing any speakers towards the ground, away from adjoining.

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. We are talking about a temporary use. 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.

Daniel Gettel: That is the end of Part 2. There are no actions that I have identified a potential large impact, so we do not have to complete Part 3 of the EAF. Based on Part 1, which Jeryl provided, and our review of Part 2 of this Unlisted Action I would entertain a motion that we grant this application a Negative Declaration.

Motion to grant the application a Negative Declaration by David Slater, second by Steve Simpson

All in favor - 7

Opposed - 0

Agreed and carried

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Daniel Gettel: Are there any questions from the board before I go through the Special Use procedures?

(None)

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. Please keep in mind that we are speaking about two Special Uses, which go hand in hand, so we are not treating them as separate applications.

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.***

There are no buildings proposed. Lighting will be temporary, will be located well within the bounds of the project site and shall be directed away from Route 17B and adjoining residences or agricultural buildings.

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

The applicant has indicated that there shall be no site disturbance as all paths exist.

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

Community services are adequate to accommodate this proposal. Police coverage is provided at the State, County and Local levels, which will be supplemented by the on-site security. Ambulance services shall be provided by the Bethel Ambulance Corp, Mobile Medic, and EMS services provided on site. The proposal will not place a demand on the school system.

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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 impact on housing.

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

There is a potential for noise impacts. Any speakers for amplified music shall be turned away from adjoining residences and agricultural buildings and shall be angled towards the ground to limit sound traveling. No amplified music shall be permitted between the hours of 2:00 am and 10:00 am. It is not anticipated that there will be any odor, vibration, or glare nuisances.

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.*

This is a temporary use. Buffer zones around the perimeter of the parcel shall be maintained and unoccupied. The setbacks shown on the Site Plan are double what are required by code.

8. *Impacts on nearby property values.*

This is a temporary use which should not impact property values.

9. *Traffic impacts.*

The project will generate traffic above the present levels on Route 17B. The Management Plan provides for parking attendants to direct traffic off Route 17B onto the site. In the event that the entrance becomes congested an additional driveway exists which can be opened. There shall be no planned, scheduled music events which would trigger an increase in traffic at a certain time. Access to this site shall be spread over a four day period. Parking attendants will assign physical parking spaces which shall be utilized by wristband holders over the entire weekend. This is anticipated to reduce congestion and restrict the maximum number of attendees.

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

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This is a temporary use, which is not anticipated to have any long term 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.***

Transient campgrounds are permitted in the district and have existed in the area in the past. History has shown that there is a demand for camping in the area, and at this time, there are no other camping facilities which have been reviewed or approved by the Planning Board.

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 temporary campgrounds and outdoor concert venue are permitted in the district and are not anticipated to have a long term detrimental impact on the area.

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.***

The use is permitted in the zoning district and the applicant has agreed to conditions that may reduce any impacts on adjoining lands and uses.

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 temporary use is not anticipated to have a negative impact on the environment. 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***

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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.

It is not anticipated that the temporary use will place an economic burden on community facilities. Congestion on local highways should be short term, similar to other uses in the area. The applicant shall enter into contracts with an independent security firm, a company to provide portable sanitary facilities and potable water. There are roadways in the camping area to allow for emergency access.

- 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.***

Camping and Outdoor Recreation is permitted in the district.

Jacqueline Ricciani: The only thing I think you should add Mr. Chairman, and since the applicant has agreed that there isn't going to be a public address system, that will also limit the noise impact.

Daniel Gettel: That also helps Jeryl on the noise ordinance, so if you don't mind, we will add that as a condition, that there will be no public address system.

Jeryl Abramson: There will be a public address system.

Daniel Gettel: There won't be.

Jeryl Abramson: Why won't there be?

Daniel Gettel: That has to be covered under noise ordinance.

Jeryl Abramson: It will be covered under the noise ordinance.

Daniel Gettel: Okay. We hadn't discussed it before

Jacqueline Ricciani: I thought at the last meeting you indicated there was not, now there is?

Jeryl Abramson: There has to be.

Jacqueline Ricciani: That is what the minute's state from the last meeting.

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Daniel Gettel: It doesn't affect anything. It just has to be addressed as part of the noise ordinance. It definitely brings you into the noise ordinance. Are there any comments from the board? If there is nothing else from the board, I would entertain a motion that we grant this application the special use permits, one for camping and one for a concert event, with site plan review and approval, with the conditions and restrictions previously read into the record.

Motion to grant the two Special Use Permits, one for camping and one for a Concert Event, with Site Plan review and approval with the conditions previously read into the record by Mike Cassaro, second by Steve Simpson

Roll call vote

Mike Cassaro- Y
Walt Norris- Y
Steve Simpson -Y
David Biren – Y
David Slater- Y
Daniel Gettel – Y

All in favor – 7

Opposed – 0

Agreed and carried

2) Public Hearing for a modified Site Plan to relocate approved dormitories for Camp Divrei Yoel located on Divrei Yoel Drive, known as Bethel Tax Map #:13-1-4.2, proposed by Camp Divrei Yoel. (Wasson)

Motion to open public hearing by Mike Cassaro, second by David Biren

All in favor – 7

Opposed-0

Agreed and carried

(Return receipts for public hearing have been received)

Daniel Gettel: No one has signed up to speak. Is there is any one in the audience who would like to speak about this application?

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No one

Daniel Gettel: The applicant is a camp that was approved a number of years ago to have two dormitory buildings that were supposed to be two stories each. The applicant has learned that based on past experience they would be much better off having single story dormitories, so they have proposed four single story dormitories, basically in the same area as the original two were proposed. We have to treat this as a Special Use, and vote on it tonight. It is located on Cohen and Cohen Rd.

Motion to close public hearing and go back to our regular meeting by Mike Cassaro, second by David Biren

All in favor – 7

Opposed-0

Agreed and carried

Daniel Gettel: There was some discussion at the last meeting of how to handle the application as the site plan approval had run out and the applicant desired to make a few changes and the use was considered to be nonconforming. We did discuss this at the town level, and discussed it with Randy Wasson. Regardless of how we treat this, our process is pretty much the same. Section 345-36 B, discusses the expansion of nonconforming special uses, and that is the section we have to go under. We will treat it as a special use. Randy, would you please address the board?

Randy Wasson: There were originally four dormitories approved. There were two 2 story buildings that were constructed. Two more were approved, but were not constructed. Instead, the owners request is that we provide four 1 story dormitories instead of two 2 story dormitories. They are showing the proposed septic system right here (showing on map), that has been approved and permitted by DEC. We have a SPDES permit for that. We provided a Storm Water Pollution Prevention Plan. They reviewed that and had one minor comment, and they approved the SWPPP. We are pretty much set from outside agencies. The Department of Health will obviously have some input, but not at this point. That is really it.

Daniel Gettel: We didn't have an outside engineer review it, we wanted to treat it as more of a change to the site plan, but I did speak to Glenn Smith about it a number of times, and Randy and I had discussed it. It is pretty straightforward. What you see is what you get. It is relatively far off the road. I don't know exactly what the side yards are, but it is not like they are up against another neighbor. None of the neighbors showed up. It is in the RS district. Is that a 50 scale enlargement?

Randy Wasson: Yes.

Daniel Gettel: For the record you are at 100 foot side yards, more than double that required by code. BJ, is Pat Rotundo putting in a better fire access road?

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BJ Gettel: Yes they are doing this now.

Daniel Gettel: We told them to do this while the ground was still frozen. Now there is an existing access road, which has road frontage. It is going to be gated access for fire trucks.

David Biren: How wide is that road?

Randy Wasson: 12 feet.

Daniel Gettel: Any other questions from the board? It is pretty straightforward. We did give this application a negative declaration at the last meeting. We do have to go forward with the special use 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 buildings proposed are located well within the property and will be designed to conform, in style, to the buildings which were recently built in the area. Lighting will for security and safety purposes only. There will be no new signage.

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

Sediment control measures shall be in place prior to the commencement of construction that should be addressed under the SWPPP.

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

Community services are adequate to accommodate this proposal. These buildings are located within a camp, which is pretty much self-contained. The proposal will not place a demand on the school system.

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4. *Environmental impacts in any form.*

The application has been subjected to an environmental review and a Negative Declaration has been granted.

5. *Impacts on housing availability.*

Housing within the Camp will be improved, but will not have any impact outside the camp.

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

The buildings are located well within the bounds of the property and there are no noise, odor, vibration, or glare nuisances anticipated.

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.*

This is a seasonal use, when there will be leaves on the trees. Where possible, the existing natural buffer zones shall be maintained.

8. *Impacts on nearby property values.*

This expansion should not impact nearby property values.

9. *Traffic impacts.*

The project will not impact traffic.

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

This is a seasonal use, which is not anticipated to have any long term 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:

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1. *Whether the proposed use will result in an overconcentration 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.*

In the past, these buildings were permitted by zoning and the application had been granted a Special Use with a Site Plan approval. Had these buildings been constructed in a timely manner the applicant would not be here.

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 use is not anticipated to have a detrimental impact on the area.

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.*

The use is not anticipated to have a detrimental impact.

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 an environmental assessment and a Negative Declaration was granted. The temporary use is anticipated to have a positive impact on job creation, with no negative impact on the environment or open space.

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.*

It is not anticipated that the use will place an economic burden on community facilities. There may be as slight impact on neighboring roads, but we are not talking about kids with cars coming to the site. Buses presently frequent this site. The applicant has stated that counselors are located in each building, and that the proposed floor plan is easier to manage than that which was approved in the past. The applicant has already taken steps to improve the emergency access to the proposed buildings via a gated access drive. Sewage disposal systems shall be of new

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construction, as being reviewed by the NYS DEC and the NYS DOH. The water supply is monitored by the New York State Health Department.

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.*

These buildings are proposed to be located within the bounds of an existing camp.

Daniel Gettel: Are there any questions from the board?

David Biren: Are they going to be similar to the buildings that are up? As far as style?

Randy Wasson: They will not be brick faced. Those two buildings that are there now are brick faced. These will not be. They will have vinyl siding. It is pretty standard. They are similar to other buildings on the site. It will have a concrete foundation. It is a bunk house. It is like 7 bunk rooms and bathrooms.

Motion to grant this application a Special Use Permit with a Site Plan approval for the construction of the dormitories as outlined on the revised site plan by David Biren, second by Wilfred Hughson

Roll call vote

Mike Cassaro -Y

Walt Norris- Y

Steve Simpson -Y

David Biren – Y

David Slater -Y

Wilfred Hughson - Y

Dan Gettel – Y

All in favor – 7

Opposed – 0

Agree and carried

3) Application for a modified site plan on a conservation subdivision located on NYS Route 17B, known as Bethel Tax Map #: 40-1-6 and 40-1-7, proposed by Redwood Estates. (Wasson)

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Daniel Gettel: Randy, before you give a presentation, just so the audience is aware of it, this is a project that we approved as a Conservation Subdivision on, I believe, February 16th, 2011. We have renewed the approval a number of times over the years as it has moved through the approval process. At the time the project was approved the applicant was able to demonstrate that if the property were developed as a conventional subdivision he would be able to subdivide the parcel into thirteen individual lots. We have a Conservation Subdivision section in our code that allows a developer to cluster the proposed units. This allows the developer to save some costs, while requiring them to set aside land that will not be developed, in this case, the entire frontage along Route 17B. I have been asked a number of times over the years to allow for the construction of a fourteenth unit and I have always denied that request. They recently purchased an adjoining buildable lot and now wish to annex that into the project, allowing us to consider the fourteenth building. For the record this is a condominium ownership, so each home is individually assessed and will have its own tax lot number. A Homeowners Association will be created to maintain the balance of the open space and common buildings. At present the applicant has thirteen valid building permits and those units are under construction.

Daniel Gettel: Randy, for the board, would you please give us an idea of what you are proposing?

Randy Wasson: The original project, nothing has changed since the approval of 2011. This project, which is this "T" shape here, (showing on map) is approximately 9 acres. It will share the existing driveway, or common driveway, with the neighbor, which is a separate corporation but the same ownership, Sunflower Bungalows. The driveway, loop road, storm drainage, everything is unchanged. The utilities, water, sewer, are all unchanged. The approved plan shows these 13 units (showing on map), a pool inside a building, and a Community Building where the 14th building is now proposed. The Community Building is proposed to be moved to this location (showing on map). This is the .33 acre lot that was purchased that is now proposed to be incorporated into this site plan to achieve essentially the same density as the original approval. That is really it. Everything is unchanged in size. I did not bring the landscape plans. It was designed to be extensively landscaped in the front. There are existing large pine trees across the front.

Daniel Gettel: Would it be fair to say that the change in this proposal won't drastically change the landscaping plan? I realize the driveway now cuts through the front of the property. I don't know if that will substantially change the landscaping.

Randy Wasson: This was the final approved driveway location. The landscaping was essentially in this area (showing on map). It doesn't change anything really.

Daniel Gettel: Jacy, there is some correspondence kicking around that you have never been presented with. It is a maintenance agreement for the driveway, the common shared portion of the driveway.

Jacqueline Ricciani: I don't believe that has ever been provided to me.

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Daniel Gettel: That is something still kicking around. Glenn Smith was asked to review this, and I know you have been speaking to him about a few minor concerns with the original proposal. At this time you are trying to set up the Transportation Corporation for the water supply, and the town has been a little bit in the loop with that. That is really something between you and the Health Department and your attorney, but our attorney is involved in the Transportation Corporation.

Jacqueline Ricciani: HOA?

Randy Wasson: The project attorney is Jay Zieger. Did Jay send you some preliminary documentation on the HOA?

BJ Gettel: Jay said it is almost ready for presentation to the Town Board.

Daniel Gettel: The HOA is developed pretty much when the units are finished, and when the improvements go in, they are not quite to that point yet. I know that Jay has provided the offering plan, and has gone through the Attorney General for their approval, and is pretty close to being approved by the Attorney General. Of course, if we did add a 14th unit that would have to be amended. He would have to go back to the Attorney General, and that would possibly affect the Transportation Corporation. There would be some revisions that you would have to make to your other approvals, which really don't have much to do with us. Are there any questions from the board?

Daniel Gettel: We can look at this application two ways.

Daniel Gettel: First, the developer has an existing lot which is undersized for the district. If he could meet the minimum setbacks for the district he could get a building permit to build on the lot tomorrow, based on what I was told by the Building Department, by Greg Sementz. It is a buildable lot, it just happens to be in what we know it as Black Lake Estates. This property borders Black Lake Estates. If we approve this we are eliminating an undersized lot, permitting a building to be constructed elsewhere, where it will be on a community water source and municipal sewer. This project does have town sewer. If they were to build on the lot in Black Lake Estates it would be on its own septic on an undersized lot. It would kind of be a questionable proposal.

Daniel Gettel: Second, we can also consider that originally the applicant's engineer was able to demonstrate to this board that the property could be subdivided into thirteen conventional lots, with the average lots being approximately 0.65 acres in size. If this 0.33 Acre parcel is annexed to the 8.90 Acre parcel being developed, the total area would be 9.23 Acres, which would equal fourteen 0.66 Acre lots. Pretty much the same per lot size.

Daniel Gettel: I do have a few minor concerns about this proposal, and some of the members on this board have a couple of concerns. This parcel is in what I know as Black Lake Estates, but it does not appear to have been part of that subdivision. It appears that the parcel existed prior to that subdivision.

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Daniel Gettel: If we consider this request I would recommend that we require the developer to state on the plan that this parcel shall remain forever wild and that no improvements shall be constructed on it without the permission of the Town of Bethel Planning Board. As part of the approval the Amended Condominium Offering Plan would have to state that this parcel would have to be annexed to the existing main parcel, and that would make it very difficult to resubdivide off again, where again, it would be an undersized lot.

Randy Wasson: We do have a note to that effect, that it needs to be consolidated with the other lots.

Daniel Gettel: I would also like to request that a statement be placed on the plan that states that the parcel shall not be used to gain access of any kind, including pedestrian, to the adjoining private Black Lake Estate's roadways, development, or amenities. I don't know if Black Lake Estates would have an issue with that, but I don't believe they would want you to use this property to gain access to their development. This would work both ways. We would not allow the Black Lake Estates Development to gain access to the Redwood Development. I do think you should discuss that there will be no cross easements or improvements made on that parcel if we do approve that. I don't know if there are any requirements on this lot as far as Black Lake Estates goes. If there are any maintenance fees, or any kind of dues, or things of that nature. I don't know how it would affect Black Lake Estates is what I am getting at. I'm sure when we have a public hearing someone from Black Lake Estates will show up. I know Greg Sementz did reach out to someone in Black Lake Estates. I believe they are in favor of it, but we would like to get some input from them. I would imagine they have a HOA. I don't think there would be a negative backlash, but I am curious to know if there are any obligations to Black Lake Estates that go with the parcel. Again, I don't really think it was part of Black Lake Estates. There is another parcel immediately adjoining that is exactly the same, never part of Black Lake Estates, but I do think if we were to annex this to the existing parcel, we would be eliminating a buildable parcel that is undersized. I don't specifically have a problem with it. I know some people on this board have some reservations. I think a lot of concerns have to do with the fact that originally we didn't want the Community Building built on the parcel that fronts on 17B, but if you were to estimate, how far off of Route 17B is it actually?

Randy Wasson: 250 to 300 feet.

Daniel Gettel: If you drive by the area, there are 13 units being built now. You really can't see it being built. I do think it is pretty isolated. Granted the buildings being constructed now are more tucked in behind the existing Sunflower Estates, but you can see the other buildings going up, and they are quite a distance off the road. I think the reason why we wanted to keep the Community Building in as part of the loop of houses is because we didn't want it to be visible from the roadway, and we did want to maintain the intent of the Conservation subdivision which would be to have that forever wild frontage. I don't have an issue as long as you are still 300 ft off of the road. Not to knock any of your neighbors, but some of your neighbors are 20 feet off of the road. We could perhaps add additional landscaping to soften the appearance of the Community Building, between the Community Building and the roadway.

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I don't believe it is a two story building, but I do believe it has a full foundation. If it is anything like the houses, they were pretty much tucked into the ground. The height is pretty much restricted as far as this development goes. It is one of the first projects that I worked on and I was pretty restrictive when I wrote up some of the conditions.

Jacqueline Ricciani: Is there a height restriction on the Community Building?

Daniel Gettel: There is a size restriction; it is restricted to be 32 feet x 60 feet. It will never be a huge building. It has a finished basement. I don't recall if it has a restriction on the height. BJ, do you have any idea why there was such a concern about the existing buildings the units themselves, why there was such a restriction that pushed them into the ground?

BJ Gettel: It has to do with fire code.

Daniel Gettel: I don't think there is a specific height, but if you are proposing 25 feet, that isn't a huge building and it is restricted to be used only by the people in this development. It will only be 14 families. It is not open to the adjoining bungalow colony. It would be for rainy day activities. It is approximately 60 ft from the sideyard. I don't have an issue with it, but if we talk about more screening of the Community Building from the roadway, I think you would have a better reception from the board as a whole.

David Biren: What is the definition of open space? I thought that open space would be one open area.

Daniel Gettel: The intent of the section is to give them the opportunity to cluster certain buildings. I think they still maintain the intent of it because it allows them to cluster 14 buildings in a group. If they came to the Planning Board and not asked for a Conservation Subdivision, they could have put 2 units right on Route 17B, with 6 other units going in. We could have asked them to make them more congested, and not have the open space between the buildings. I don't think open space is only intended to benefit the town. It enables them to make more of a community for themselves.

David Biren: I think we are changing the concept of what open space was meant to be, by buying a little piece of property in the corner, and saying, okay, this is open space.

Daniel Gettel: This property has 4 or 5 sections of open space. It is not all one section.

Jacqueline Ricciani: It is not open to the public. A lot of times you hear about open space for recreation. This will presumably be utilized by a number of people.

Daniel Gettel: We are now talking that there are 5 sections of open space. I do think a comprise would be to provide more landscaping.

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David Biren: Are there trees on the property.

Randy Wasson: Yes.

David Biren: Will they be removed.

Randy Wasson: No.

Daniel Gettel: Like I said, it would have to be forever wild. Is there any kind of maintenance they have to have inside Black Lake Estates?

Randy Wasson: I would have to find that out.

Daniel Gettel: If there is garbage, or trees that fall down on this parcel and it is no longer part of Black Lake Estates, what do they do with it?

Randy Wasson: Not on this plan, but shown on some of the other drawings, we do have a fence which would be between this piece.... (showing on map)

Daniel Gettel: We did require a stockade fence in the back. It runs the entire back of the property. There would be no way there would ever be a gate or any kind of access put in that fence. That would have to be a stipulation.

Randy Wasson: We are not proposing any changes.

David Biren: Technically there isn't any open space with a fence.

Randy Wasson: That was the board's preference.

David Biren: But that lot didn't exist when we originally approved it.

Daniel Gettel: We can look up the definition of open space.

Randy Wasson: It's just blocking it off.

David Biren: It's not open space with a fence, I don't care what you call it. It's not open space when you put a fence around it.

Jacqueline Ricciani: It is in our code. It is very broad. It doesn't apply to this situation.

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David Biren: Once you put a fence around it, you won't be able to go into it. It's not really part of the concept.

Jacqueline Ricciani: I'm getting that this is a pretty heavily wooded area. Do you want to send your kids to play in the forest? I don't think that is what this is intended for.

Daniel Gettel: We are not 100% on board with his proposal, but I do think there are certain conditions we can put on the application. I don't specifically have an issue about isolating a piece from the colony, as long as it will be forever wild.

David Biren: You are going to need a gate.

Daniel Gettel: Let's move it to a public hearing, and see what Black Lake Estates people have to say.

David Biren: What about parking around the Community Building?

Randy Wasson: We debated about this. They walk on Saturday's. We thought there would be ample parking, but we can provide some if needed. Originally we thought the same parking.

Daniel Gettel: Was it originally on your approval?

Randy Wasson: We may need to add 2 parking spaces.

Steve Simpson: Looking at the drawing, the lower right hand side is showing a chain link fence, what is that area?

Randy Wasson: The caretaker had chickens.

Daniel Gettel: They had a caretaker in the back with a trailer. He had chickens. The trailer has since been removed. The most logical thing would be to go to public hearing. You will be responsible for the mailings.

Jacqueline Ricciani: Redwood needs a 239M.

Motion to go to public hearing for May 14, 2013 by Steve Simpson, second by David Slater

All in favor – 7

Opposed - 0

Agreed and carried

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Daniel Gettel: The fees are \$125.00 for the application fee, and for minor subdivision, \$50.00 per lot. You still have an escrow account setup.

Anything from the Town Board?

Vicky Vassmer- Simpson: The Town Board meeting is tomorrow night. There will be a Public Hearing on the proposed Local Law #2. We will be reading your recommendation. The meeting is at 7:45 pm.

Motion to adjourn by David Biren, second by Steve Simpson

All in favor – 7

Opposed - 0

Agreed and carried

Adjourn 8:52 pm

Respectively submitted,

Gannetta MacArthur
Recording Secretary