

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 June 10, 2014 at 7 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake. The regular meeting of the Planning Board followed on the same date at 7:30 PM.

In attendance: Daniel Gettel Chairman, Steve Simpson, Vice Chairman, Susan Brown Otto, David Biren, Michael Cassaro, Wilfred Hughson, David Slater, Walter Norris, Alternate, BJ Gettel, Code Enforcement Officer, Jacqueline Ricianni, Attorney, Jannetta MacArthur, Recording Secretary, Glenn Smith, Engineer, Vicky Vassmer-Simpson, Councilwoman and Lillian Hendrickson, Councilwoman

Pledge to the flag.

Full board in attendance, alternate not seated.

Motion to approve the minutes from the May 13, 2014 Planning Board meeting by David Slater, second by Steve Simpson

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel: The first item on the agenda tonight is a Public Hearing for the addition of a shul building at a bungalow colony known as Khal Divrei Chaim. This bungalow colony is located at 86 Horseshoe Lake Road. In a minute I will open this meeting up for a public hearing, at which time I will ask Mr. Wasson, the engineer for the applicant, to give a brief presentation to the audience. If anyone would like to comment on the application I would ask that you raise your hand after the presentation. I will ask you to approach the microphone at the front of the room, state your name for the record, and make your comments. Please direct all of your comments to this board. This is not a public debate, nor is it intended to be a question and answer period. We are simply asking for public comment on this application. After the public comment period we may close the Public Hearing and will go back to our regular meeting, at which time we will discuss this application as a board. Hopefully some of your concerns will be addressed during the applicant's presentation or during our regular meeting.

1) Public Hearing for a Special Use Permit to construct a Shul on 86 West Shore Road, known as Bethel Tax Map #: 22-1-28, proposed by Khal Divrei Chaim. (Wasson)

Randy Wasson: Khal Divrei Chaim is a bungalow colony located on 86 West Shore Road. They have an 18 Acre site on which they are proposing to put up about a 6,000 square foot shul. Right here is parking, or access to parking off their existing driveway/parking lot on this end, and also off the existing driveway here. That is really it. The sewer and water system are on site.

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Jacqueline Ricciani: What did you say the square footage was?

Randy Wasson: Just under 6,000.

Jacqueline Ricciani: Is that for the footprint or the interior?

Randy Wasson: That is the outside dimension of the building. It is 5,939. That is it.

Return receipts have been received

Motion to open this meeting for a public hearing by Steve Simpson, second by David Biren

All in favor – 7

Opposed – 0

Agreed and carried

Daniel Gettel: If anyone from the audience has a comment on the first item, which is a shul at Khal Divrei Chaim, just raise your hand. Would you please come forward?

Barry Kula: The proposed shul is adjacent to my road. The question that I have is if the shul is only for the use of the people in the colony? As a Jew myself I can generally go to any shul or temple and not be turned away. My question is, the people from the area, if they go to pray there, will they be turned away?

Daniel Gettel: Thank you Mr. Kula. Is that your only question?

Barry Kula: Yes.

Daniel Gettel: Thank you Mr. Kula. Is there anyone else from the audience?

No one.

Daniel Gettel: We did receive one piece of written comment. They did not ask that it be read into the record, but at this time I would entertain a motion to receive and file a letter dated June 10, 2014 by Michael Schleiser, 73 West Shore Road. I believe everyone on the board has had a chance to review it.

Motion to receive and file the letter received from Mr. Schleiser dated June 10th by Steve Simpson, second by Mike Cassaro

All in favor – 7

Opposed - 0

Agreed and carried

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Daniel Gettel: Since there are no other comments I would entertain a motion to close this public hearing.

Motion to close this 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: Glenn, you reviewed and completed the Short EAF for this project. I did redo it, not that it changed anything, but at the time I didn't realize you had completed it. No offense. Part 1 has been on file for quite a while, so I will only read through Part 2.

Daniel Gettel: Reading Part 2.

1. *Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?*

No, for the record, the Zoning Board of Appeals did indicate that this shul should be reviewed. It doesn't conform to zoning, it is expansion of a bungalow colony, but the Zoning Board has already ruled that it could proceed to the Planning Board.

2. *Will the proposed action result in a change in the use or intensity of use of land?*

No, additional lands were added to this parcel to lessen any impact.

3. *Will the proposed action impair the character or quality of the existing community?*

No, there should be no change in character.

4. *Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?*

No.

5. *Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?*

No, there should be no change as the applicant has indicated that the proposed shul is to be utilized by the colony and is not open to the general public.

6. *Will the proposed action cause an increase in the use of energy and it fails to incorporate*

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reasonably available energy conservation or renewable energy opportunities?

No. Just for the record, this is a replacement of two other buildings, so it is a consolidation.

7. Will the proposed action impact existing:
 a. *public/private water supplies?*

No, this is a relocation of private water services.

- b. *public/private wastewater treatment utilities?*

No, this is a relocation of municipal sewer services

8. *Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?*

No.

9. *Will the proposed action result in an adverse change to natural resources (e.g., wetlands, Water bodies, groundwater, air quality, flora and fauna)?*

No.

10. *Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?*

No, we do have information of what will be in place prior to construction as far as erosion control.

11. *Will the proposed action create a hazard to environmental resources or human health?*

No.

Daniel Gettel: I have answered no on all of the impacts. At this time I would entertain a motion that we grant this application a negative declaration.

Motion to grant this application a negative declaration by Susan Brown Otto, second by David Slater

All in favor – 7

Opposed – 0

Agreed and carried

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Daniel Gettel: Section 345-36 Paragraph “B” of our code states “when an owner or tenant of a nonconforming use or structure proposes to expand or enlarge a nonconforming use, such application shall be processed as a special use” Section 345-30 of our code addresses special uses, and Paragraphs I and J outline our Special Use requirements.

Jacqueline Ricciani: Mr. Chairman, this is not really being considered as an expansion of a nonconforming use, it is just being considered separately as a shul.

Daniel Gettel: You want to waive the special use?

Jacqueline Ricciani: No, no, houses of worship need a special use.

Daniel Gettel: So you want to go under the

Jacqueline Ricciani: House of worship, based upon the ruling of the ZBA.

Daniel Gettel: Please let the record show that Jacob Billig is nodding his head yes. I still have to read through the section.

Daniel Gettel: Paragraph I of Section 345-36 states that *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 Building plans for the shul have been submitted and the Shul has subsequently been made substantially smaller, from 9,000 square feet to approximately 6,000 square feet, since the original proposal was made. The building will not be visible from the road. All lighting will be residential in nature and only proved for safety and security purposes. There are no new signs.

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

The plans as submitted include appropriate measures that are to be in place prior to and during construction to address sediment control and drainage.

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

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The applicant has indicated that two dead end roads within the site are to be connected to improve emergency access to the proposed shul and bungalows in the area. This driveway shall be gated and is not intended to be used for day-to-day traffic, or direct access to the shul.

(4) Environmental impacts in any form.

This application was reviewed and a negative declaration was granted.

(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.

The building has been proposed to replace two small Shuls on the site and has been proposed well within the bounds of the existing parcel. There should be no nuisance.

(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.

The Shul is to be constructed well off the roadway and the natural screening is to be maintained to soften this use from view.

(8) Impacts on nearby property values.

There will be no impacts.

(9) Traffic impacts (see § 345-22H).

There will be no impact on traffic as the applicant has indicated that this Shul has been proposed to serve the needs of the existing colony population and over night guests and is not open to the general public.

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

There are no other factors.

Daniel Gettel: Paragraph J reads that *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

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regard, consider the suitability of the site proposed for a particular use as compared to the suitability of other sites in the immediate area.

The Shul has been proposed to replace two smaller Shuls on the same parcel. The proposed location of the Shul has been found to be acceptable.

(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.

Again, this is a replacement of existing building and no impacts are anticipated.

(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.

There are no anticipated detrimental impacts.

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

There shall be no long-term effects on the environment, jobs, the economy or housing once the construction is completed.

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

There shall be no economic burdens placed on community facilities or services. Emergency access to the site shall be improved as part of the approval of this application.

(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.

The existing site is a pre-existing non-conforming bungalow colony, but the Town of Bethel Zoning Board of Appeals has found the proposed Shul should be considered for approval. All natural buffer zones shall be maintained as part of the application.

Daniel Gettel: As stated a special use may be conditioned, and I do believe if we approve this application tonight we will be approving the special use with conditions. Glenn, before I get too far, you also reviewed this application. Are there any outstanding issues that you are aware of?

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Glenn Smith: There was a question on the pump station. As Randy indicated he will give me something on that to verify that it is adequate for the additional shul.

Daniel Gettel: Do you feel it needs a condition, or...

Glenn Smith: No, I don't think so. We talked about the size of the pump and there aren't really very many homes going into it. I just want something in the file to verify it meets capacity.

Daniel Gettel: Any comments Mr. Billig?

Jacob Billig: No, the board has been very thorough.

Daniel Gettel: As I stated, if we were to approve this application it would be with conditions. These conditions would be as follows:

1. The Shul is to be constructed for the use of the colony population only and their overnight guests, and is not intended to be open to the public. Any expansion of the Shul building footprint or change in use shall be subject to the approval of the Town of Bethel Planning Board.
2. The occupancy or use of the proposed Shul, once built, shall not be changed or abandoned in favor of another occupancy or use unless approved by the Town of Bethel Planning Board.
3. The two existing Shuls shall not be renovated in such a way that would increase the population of the colony. The existing Shuls shall not be renovated into dwelling units.
4. The laundry and rest room buildings referenced by the applicant as not being used shall be demolished and removed from the site prior to any certificate of occupancy being issued for the Shul. Demolition permits are to be obtained from the Town of Bethel Building Department.
5. The existing driveway which enters into the site in the vicinity of the Mikvah building, I believe it is called Mikvah Road (Z'bloie Road according to BJ) shall be extended to connect with the proposed driveway which services the Shul, as indicated on the Site Plan. This driveway shall be gated in a way, which would permit emergency access, but not traffic above what existed prior to its extension.
6. That all fees be paid to the Town of Bethel.

Daniel Gettel: Jacy, did I touch on everything?

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Jacqueline Ricciani: I believe that was everything.

Daniel Gettel: Any comments from the board?

David Biren: Yes. Randy, where are you gating it?

Randy Wasson: We are going to gate it right here (showing on map).

Daniel Gettel: For the record it will be gated after the fourth unit, north of the fourth unit. Are there any other comments from the board? Mr. Billig?

Jacob Billig: The documents are extremely thorough.

David Biren: Any megaphones on that building?

Randy Wasson: No.

Motion to grant this application a special use permit with a site plan approval to construct a shul with the previously reference six conditions by Mike Cassaro, second by David Slater

Roll call vote:

Mike Cassaro: Yes

Susan Brown Otto: Yes

Steve Simpson: Yes

David Biren: Yes

Wilfred Hughson: Yes

David Slater: Yes

Daniel Gettel: Yes

Motion approved, 7 – 0.

2) 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 Camp Mayin Tohar. (Wasson)

Daniel Gettel: Since we closed the public hearing are there any changes to this application?

Randy Wasson: No, other than what we submitted in reports to the Health Department for water and sewer. I just gave you a copy of each one of the cover letters and gave Glenn the same. That is really where we are. I think that was all that was out there. We need to do SEQRA.

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Daniel Gettel: I beg to differ. Between the last meeting and this meeting, a letter did come out from the NYS DEC. Have you resolved any of the DEC issues?

Randy Wasson: We really can't submit until we have approval or conditional approval from the board. The only issue with their letter was their classification of the stream which conflicts with some earlier information we got from their department. It really isn't going to affect the project. It will take longer to fight the battle, which it isn't worth, so we will have to get a stream disturbance permit.

Daniel Gettel: My concern about the DEC stream crossings is there is more than one and it affects pretty much the entire layout of how you are developing the property. If the DEC doesn't go along we will have an issue where you will have to redesign the project and come back to the board.

Randy Wasson: I think that is highly unlikely. I have never had them say no. We always have the option.....

Daniel Gettel: They also write in their letter that the crossing should be reasonable and necessary and I think you are hard pressed by saying the four crossings of the stream are reasonable.

Randy Wasson: Well, let me explain. (Showing on map). This is a culvert crossing. This one is a culvert crossing for emergency access to this building. If they didn't approve that we could always provide emergency access up through this clearing which is where the sewer lines are running down through. We didn't want to do that because we didn't want another road cutting through the center of the site. It is possible to do. The two (it's only one now) this bridge crossing, that probably won't require a permit because that is going to be a pressure treated structure. It is going to be set from bank to bank so we wouldn't be disturbing the bed or the banks of the stream for that. The other one definitely would. It would be to just to run water and sewer lines under the stream. Again, they wouldn't deny a permit for that because the stream is restored to its preexisting condition once those utilities are in. We are not going to redesign the site for that. If they were to deny either one of these road crossings, which I don't think they will, but if they were we could always bridge them in the same location, and the stream is not large, it is very small.

Daniel Gettel: At the last meeting we also asked for some kind of indication from the Health Department that they would go along with this proposal as they have indicated in the past they are not to happy with the idea of putting children in the dormitories, in the bungalows, or the fact that you don't have an onsite kitchen able to feed these children. The other facilities associated with this applicant are already over taxed. I understand they do not believe you can provide food to these children.

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Randy Wasson: I'll only say Dan last meeting, as you recall, that was a surprise to me. I hadn't heard that and we had been in touch with the Health Department periodically as we were going through this. I did check with Carol Marino, who is the inspector for the Health Department who is involved with this, and she did not indicate she had a problem at this stage.

Daniel Gettel: As of 4:30 today she seemed to have a problem with that. Let the record show that BJ is nodding her head yes.

Randy Wasson: I don't want to argue with you, but I spoke to her twice about this since the last meeting, the most recent time was Monday morning.

Daniel Gettel: I hope you see my point. We are talking about DEC issues that are hanging, and it's not just the stream crossings, there are other issues in the DEC letter. Glenn, correct me if I'm wrong but I believe there are other items that need to be addressed.

Glenn Smith: They brought up a possible Army Corp of Engineers permit requirement.

Daniel Gettel: When you take the Health Department concerns, and we are getting concerns from the Health Department, and you take the DEC concerns that are in their letter dated May 16th, Glenn what are your thoughts on not submitting to the DEC to try to resolve some of these issues, without an approval.

Glenn Smith: They should be contacted for the requirements for the stream disturbance permit. That has to be applied for at some point and time.

Randy Wasson: We don't apply for those until we have some kind of preliminary or conditional approval from the Planning Board. Typically the board does SEQRA, and then we submit that with our application to the DEC.

Glenn Smith: The DEC often asks for evidence of the SEQRA determination by the board, but I have submitted to the DEC early on in a process just to get their initial response. I'm not sure what prompted this, was it the SEQRA notification?

Daniel Gettel: It was the SEQRA Lead Agency notification.

Glenn Smith: So nothing went to the DEC?

Daniel Gettel: This is a comment result from the submission for Lead Agency status. We are lead agency.

Randy Wasson: All these things though, they have an existing SPDES permit. It was renewed.

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You have a copy of that. They talk about that. They are asking for verification that we are not going to increase the flow to that. That is part of the report we submitted to the Department of Health for review and something we can submit to the DEC. As long as we don't exceed that permit we are okay with the DEC on their sewer permit. The storm water permit we prepared a couple of months ago and submitted to the board. We would have to file the appropriate NOI subject to SEQRA determination by the board. We supplied the notice of intent to the DEC in Albany to get coverage under the storm water permit. This is all procedural. I don't have any problems with any of this frankly, but to make us get the permits first, that usually isn't the case.

Daniel Gettel: Do you see my hesitation when you want me to give you a negative declaration when we don't have these items resolved? How do I give you a negative declaration if you can't address the stream crossings?

Randy Wasson: Your question is whether we would get the permits?

Daniel Gettel: I think it is a legitimate question especially since the way it was written to us. Is it reasonable and necessary? I don't think so.

Randy Wasson: That is their criteria. I can tell you I have never had one rejected. If they did, we can bridge that. They never have had a problem.

Daniel Gettel: Jacy, do you have any comments? I know when we go through the special use conditions that I read through for the last applicant it is going to trigger a lot of questions that I don't know that we are going to pass.

Jeff Kaplan: I understand the concern. I don't understand why we can't just simply say we make the approval conditioned upon us getting these items satisfied from your engineer, Mr. Smith. That isn't an unreasonable position to take and obviously if we don't get Mr. Smith's approval then we don't get the approval.

Jacqueline Ricciani: Then that puts this board in the difficult position of having to review the environmental impact, assuming that everything in the DEC letter is going to be resolved, and it's not going to be a problem.

Jeff Kaplan: If it isn't resolved, we have to come back anyway.

Randy Wasson: The DEC does its own review too, Jacy.

Jacqueline Ricciani: I can appreciate that, but this board has an obligation to evaluate the environmental impact, and from what I'm seeing this board, I think, could find based on the DEC letter and some of the other things that have been talked about that perhaps there is going to be a moderate or severe impact, and you know what that means to you Jeff. You know you are

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going to be doing an impact statement.

Jeff Kaplan: And if it is, we will be back, but it is not unusual or unreasonable to say conditioned upon an approval that your engineer finds acceptable and if we don't have it we will be back.

Jacqueline Ricciani: And the DEC... This board frequently conditions a special use permit on receiving all Department of Health permits, DEC permits, but in those prior cases it's usually been more of a formality because there were no issues that were addressed or identified by either of those agencies. This application is different. Because those other agencies have actually identified what could be very significant issues for this project. We have talked about what is going to happen with those bungalows, providing meals from an off site kitchen, what the DEC has identified, plus a lot of what we have heard from the public at the last meeting with all of the issues around the septic system. There are a lot of open issues that are much more significant than what this board normally sees. This board doesn't feel comfortable. You may be putting yourself in a difficult position as opposed to just trying to get additional information from these agencies to satisfy the board.

Jeff Kaplan: It doesn't appear from what Mr. Wasson says that we will have an issue from the DEC. They will consent to the stream crossings or we will give an alternative option that won't require the crossings.

Jacqueline Ricciani: Interestingly, the DEC didn't even suggest that there should be alternates, and I can appreciate it is a form letter. However, it isn't just the stream crossing. It is the Army Corp of Engineers.

Randy Wasson: Did you read the rest of that Jacy?

Jacqueline Ricciani: Yes I did.

Randy Wasson: New York State issues the permits.

Jacqueline Ricciani: It is still an issue that needs to be addressed. You haven't done anything with this yet. That is part of the problem.

Randy Wasson: And I'm saying we typically do it when we have a SEQRA that we can present to them, as reviewed by the Town. Typically we say conditional approval subject to and then we submit for all of our permits.

Jacqueline Ricciani: In order to give you the SEQRA that you want this board is going to have to assume that all of the DEC issues and other issues will be resolved in your favor. That is a lot of assumptions to have to adopt to get where you want to be.

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Daniel Gettel: Mr. Kaplan, with all due respects to you and Mr. Wasson, early on in this application neither one of you were present at the meetings where these streams were discussed. At the time we were told there was no issue, that they are unnamed, unclassified streams. The way I read this DEC letter, these aren't unnamed, unprotected streams. They are unclassified tributaries, but they are protected. That goes against everything we were told until we got this letter. It doesn't bear anything on you two gentlemen. I know it happened when it was presented to us early on. We are finding this out now. Randy is saying it may not be true now.

Randy Wasson: What I am saying, my initial contact with the DEC I was told it was an unclassified, unprotected stream. Following up with the writer of this letter, someone else, another section in their office had gone and when they renewed the SPDES permit a few years ago, they classified the stream. What I said initially was that I don't think it meets their definition, my personal opinion it's not worth fighting that battle. I don't anticipate any problem getting these stream permits. That's really what I'm saying. As I said, we don't need anything except the utilities permit if they were to deny the stream crossings for the two driveways we can bridge those. We don't need a permit for that. So that doesn't affect our layout. Jacy, they reference the Army Corp of Engineers, but they say right in their letter, which is true, they administer the stream permit for the Corp.

Daniel Gettel: Mr. Kaplan, if we can get off that subject for a minute, we can always come back to it. If you go through the minutes of our meetings, I think numerous times whether you were here, or Mr. Zieger was here, or Mr. Forman, this board consistently asked questions about building designs, what is going to happen with the existing buildings, we were told there is too much snow on the ground, we can't measure the buildings, we can't do this, we can't that. Now we find out the night before this meeting that building plans exist for those buildings and they were completed in February.

Randy Wasson: For the new building.

Daniel Gettel: For the existing building to be converted to dormitories. We found out about this last night. I don't even know if you are aware of it Mr. Wasson.

Randy Wasson: I'm not aware of that. I saw preliminary sketches.

Daniel Gettel: You realize our special use requirements specifically address buildings and appearance of buildings. Now we are finding out last night, and I imagine most of the people on this board have not even seen them. Are you aware that there are plans that exist for the shul that were never presented to the board?

Randy Wasson: For the new shul?

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Daniel Gettel: For the new shul.

Randy Wasson: Yes, I have them. In fact I had them on the board at the last meeting. Nobody requested to see them. I thought we had submitted at least one set of those. I have had them for a couple of months. I have them with me tonight. I can put them on the board.

Daniel Gettel: I saw them last night.

Randy Wasson: The question wasn't raised, so I never presented them.

Daniel Gettel: I don't think you are implying that we should ask you every time....

Randy Wasson: No, but as far as the existing buildings, I don't....

Daniel Gettel: I have no problem running through the special use conditions. I'm sure you have looked at them yourself. They specifically address building designs and landscaping. How do you intend to soften the appearance of the proposed buildings and the existing colony from the public view? There is nothing on the plan that addresses that. There is absolutely no landscaping on this plan outside what is specifically required by code. That speaks volumes to what is being proposed at the site. Everything is at the bare minimum.

Randy Wasson: I would say that there is a lot of mature vegetation on that site.

Daniel Gettel: If you drive by that site and you look at the existing buildings, there is nothing that is going to shield them from view from the road.

Randy Wasson: Does that mean that every project has to be shielded from the road?

Daniel Gettel: According to what I read in the special use permit procedure.

Randy Wasson: I just want to know for future reference. I'll make sure we screen everything.

Daniel Gettel: Glenn, feel free to chime in too.

Glenn Smith: You're doing pretty good.

Daniel Gettel: In the special use conditions it talks about when you change the use of a property, how are you going to lessen the impacts on the adjoiningers. There is nothing on there that shows you are going to do anything for the existing buildings, except add more kids to the buildings. There was one question that came up about the parking, Steve, if you want to talk about parking?

Steve Simpson: To back up a little of what Dan is saying, in this letter from the DEC they

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mention the flow. It is 5,500 gallons per day. That is what the existing SPDES is approved for. They recommend recalculating the use for each building. They are not sure if the total number of occupants will exceed that number or not. To be honest with you we have met several times on this project. I couldn't tell you today how many people will be using that facility. The numbers come and go. My problem is the use of the bungalows. I mentioned that last time. It is a camp that is a bungalow colony. It can't be both. We do have rules in the Town of Bethel, other towns may not, but we do. I am going to strictly uphold those rules.

Jeff Kaplan: We understand. We would like to work with you on that. Quite frankly to give you a comfort level there are a couple of things we can recommend. We will put a sign out front that there are no rentals. We will put it on the map that none of the units can be rented. We will give you an annual certification indicating who is in each of the units and what their relationship is to the camp.

Daniel Gettel: What if we don't like your yearly certification? Do we withdraw the permit?

Jeff Kaplan: The certification will have to be a condition as to what you are specifically looking for in that certification that we will have to meet. It is not unreasonable to have people who are living at a camp, such as the Rabbi's or as the teachers or as the counselors, not living in the dorms with the students. That is not an unreasonable situation in any camp. I understand the bungalows are there and so we will do what we can so we can resolve your concern that this is sort of a fake camp and really continue to be a bungalow colony so we will allow for inspections, and again we will certify on an annual basis who is in each bungalow, the occupants, and what their relationship is to the camp.

Jacqueline Ricciani: You had occupancies on the site plan there for future years. For half of the bungalows it looks like they are going to be occupied by two people only, and the others that are going to be remaining they are going to be occupied by three people only.

Jeff Kaplan: Why, is that a problem?

Jacqueline Ricciani: It's not a problem, but it just doesn't seem to support what we have been told that the Rabbi's and the teachers who teach these students during the school year are going to come up here and continue to act as counselors and bring their families. Bringing their families I think very easily exceeds these occupancies limits.

Randy Wasson: We discussed at the least meeting, and I thought it kept coming back at that meeting the concern about the impact on the sewer, because so much of the public was talking about, so forth, and what I said was the occupancy figures and limitations are based on doing the math, working backwards from the SPDES permit to what the Health Department says is the maximum usage per person. I thought what we understood from the last meeting was we have 138 people, maybe its 140 or 142, as long as we are not exceeding the sewer flows. A few more

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people...

Daniel Gettel: I'm not saying we didn't have that discussion, but apparently not everyone is comfortable with it.

Randy Wasson: But the reverse would also be true however, we can't exceed 5,500 gallons per day, and if 130 people are too much, then it is too much. Then we are in violation of the SPDES permit.

Daniel Gettel: Randy, if you would please, we talked about monitoring a sewer system. Could you explain how that works? Who monitors, who is responsible for what, who reports to whom.

Randy Wasson: Basically, the system they have has monitoring requirements, testing requirements.

Daniel Gettel: Based on a meter on the water system?

Randy Wasson: They are going to have a meter on the water system, we are also going to put a dose counter on the siphon tank so that it registers every time it sends an amount of water out into their sand filter, and basically that is how they check their flow. They have to check their chlorine levels, ph levels daily. Then they will probably have monthly or seasonal testing for other parameters, but basically that is it. It is pretty simple actually.

Daniel Gettel: Glenn, do you see our dilemma?

Glenn Smith: Knowing the flow of the system, like Randy said, between the water meter readings and the counter, someone has to report on that monitor, and report on that and monitor it, that is part of the DEC permit.

Daniel Gettel: The Health Department also checks the numbers, it's not like someone can submit fictitious numbers. I don't specifically have an issue with the occupancy, and I did say that at the last meeting. I know it is going to fluctuate. I believe there are maximum and minimum numbers. 137, I believe, was the minimum number, or 138.

Randy Wasson: 138 was the calculated number.

Steve Simpson: The occupancy isn't my problem. From the very beginning of this project, on the onset of the project, there was going to be a counselor, one in each of the dorms. One counselor for 25 boys and they were going to stay in the dorm. Now the counselor's family will be at the site. Honestly, I knew what the camp counselor's job was. They came to the camp in the summer and then they leave, they didn't bring the whole family to the camp. That to me is still... you have a direct conflict.

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Jeff Kaplan: The nature of this camp is a little different than the nature of the camp of what you are used to dealing with. This is an educational facility in which the teachers are coming with the kids for the summer to be up here in the same manner they were in school in Brooklyn. I don't think that is really the nature of camps the way they were when you have the kids they came up you had counselors, the counselors were a little older than the kids. It's a little bit different than that.

Steve Simpson: I am going to generalize, because I have to generalize. It's not the type of camp, it is a camp with bungalows. If it's a camp, great. If it's bungalows, it is preexisting nonconforming, no expansion allowed. That is the rule. Here you have a mixture of the two. We have all the occupancy and we have 5,500 gallons per day that is fine. You have two different developments here trying to be combined into one.

Jeff Kaplan: I understand your position, but again, based upon the nature of the use of the educational type camp that this is, you are going to have housing for adult people, not just counselors who are 18-22, so they are going to need houses. So if the bungalows serve as that, the housing, what's the difference if they are existing bungalows already as long as the use is appropriate for the principle of what they are doing?

David Biren: You are changing the use. Knock down the bungalows and replace them with the proper buildings to accommodate the counselors. That is all the gentleman is saying.

Jeff Kaplan: I understand that, but if you have a structure already there why not use it? It is unreasonable...

David Biren: But it is a bungalow. You must knock down the bungalow and build whatever you need to accommodate those counselors that are teaching the gentleman that are going to be there.

Jeff Kaplan: That is unreasonable. If we have house structures there already.

David Biren: It is a bungalow, not a house.

Jeff Kaplan: It's going to be used for summer use, in any case, whatever you are going to call it. It doesn't have to be built as a permanent structure when you are going to be using it for July and August. It can be used now for the same purpose.

David Biren: But a bungalow has a certain type of usage and you can't add on other structures to a bungalow colony. You are being unreasonable, that is what you want to do. It's not allowed in the town.

Jeff Kaplan: So if I knock down a bungalow and put a house there, why is that different? Why is that going to make any difference between your concerns that these units are going to end up

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being rented? The way for use to resolve the concerns is to certify who is in the bungalows and what their relationship is to the camp.

David Biren: To me it is a bungalow colony, and you can't add onto it. That is only one of the issues. The other one is the DEC issue, which is a major issue. To me it is really troubling, the septic problem, a lot of issues. I am just one of the members.

Daniel Gettel: The interesting thing about the septic issue is that we were provided with information that in the past the septic system hasn't worked. But if we actually decided to approve this application, then someone would actually have to monitor this, and it would probably be repaired. The septic system might actually improve. There were problems in the past with inspections of this property, I don't think many of the neighbors are here, but in the past when it was Pleasure Island the town was not permitted access to inspect this facility which is their code, which I don't really understand why, but it probably should have been inspected all those years. You find broken pipes, sewage leaching into the stream, all kinds of issues. It probably was the intent why the Town Board gave BJ the authority to do inspections. My point is the sewer question, actually if we approve it, will probably be improved. At least it will be monitored as someone will be held accountable.

Randy Wasson: Our report, you have the cover letter, calls for improvements to the system. The sand filters are overgrown. They don't work if they are overgrown. They have to be cleaned and maintained.

Daniel Gettel: You also submitted information on the wells, which you haven't discussed in a public meeting. You did testing on the wells. One is 10 gallons a minute, the other is 25 gallons a minute, I believe I read.

Randy Wasson: That is correct. The water quality tests came back.

Daniel Gettel: So you need to do a few revisions to storage, I'm assuming.

Randy Wasson: They have to put in some storage tanks, chlorinator, and pressure tank.

Daniel Gettel: So, we are not looking at new wells.

Randy Wasson: No.

Glenn Smith: Mr. Chairman, at some point in time you are going to have to get Health Department approval on the water and sewer that Randy recently submitted, you realize that, don't you?

Daniel Gettel: I'm just curious. One of the questions in the EAF has to do with additional water

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sources. I just wanted to know how to address that. Are these any questions or comments from the board?

David Slater: I have a question. These houses they are being rented by the teachers/counselors?

Jeff Kaplan: No.

David Slater: But your word was they are being rented. You used the word rented. If they are being rented that tells me they are a bungalow...

Jeff Kaplan: I think you misunderstood what I said. If we put up the units and if the issue was that we are renting them or not renting, it really doesn't matter if it is a bungalow or a different housing unit. We are not renting them. We are willing to put up both in our final site plans and map that no unit will be rented. There will be no monies received for housing at the facility, and we are willing to put that on a sign, no leases allowed. However you would like us to structure that. There will be no rent. These are all going to be people associated with the camp.

David Slater: I am a teacher, and I do a little bit of summer school. I don't have a family, but I don't know of anybody that brings their whole family when we go teach at summer school. It kind of threw me a little bit. I can see people coming up to teach, I've gone up to college and taught for four weeks. Nobody brings their whole family to teach so when you say you have to bring your teacher, that is what threw me, and when you used the word rented. So they will get free housing to come teach, and they are allowed to bring their whole family no matter if it's two or twenty, but you said two to three per house. If they have four children, you are going to make provisions, five or six or eight, there is no limitation?

Randy Wasson: We do have limitations.

David Slater: But the family that comes with them, there is no limitation on that. If there is a family of 12, they will bring all of them?

Randy Wasson: I can't say that. Some of the counselors, some of the teachers are single. Some are young, married, have a few children. Some of the Rabbi's have a bigger family. Whether the Rabbi brings all of his family, I can't tell you. We have limitations, it's not like there isn't enough space. There is plenty of space for the family.

David Slater: But the numbers were two or three on these.

Daniel Gettel: Two or three per unit I believe.

David Slater: Some of us are confused by the numbers. It's a shell game sometimes. We are just trying to find where the pea is hiding here. It is a comfort level, I will speak for myself, you

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made a comment that no one asked about the shul. You didn't present the shul either. There is a give and take here. There is a lot going on here that we are assuming that it is all there...

Randy Wasson: I thought I had at least submitted those plans.

David Slater: No, because we haven't seen any of the plans. I think those are some of things we are kind of leery about. Every time we pull a little bit more out, I hate to use the word full disclosure here, but sometimes I feel like we need to put everything on the table to see where we are. I think that is where our frustrations come in, at least mine.

Susan Brown Otto: No, it wasn't presented. It's not in the minutes.

Jeff Kaplan: Let me just say this. Randy and I have worked on a lot of projects together. We don't get involved in shell games. We apologize if there are questions that haven't been answered. We are going to try to answer them today as best we can. The nature of this camp, maybe unusual in Bethel, but I am the attorney for the Village of Woodridge, there are at least two camps, Camp Morris is one, which there are families who come who serve as the teachers to the kids in that camp. There are some in the Town of Fallsburg. There is one in Ulster County.

David Slater: We are new at this, and part of it doesn't fall in our zoning.

Steve Simpson: Section 345-36 b, they may not have that in their town. We have rules in our town, and we have to go by those rules. I hate to keep harping on it, but the fact remains.

Daniel Gettel: We have a section in our code that addresses nonconforming uses. Recently people have realized that bungalow colonies are considered nonconforming uses. It is not a new law, it's been on the books forever, but it is being enforced. A lot of members of this Planning Board have been taking a lot of heat lately from a lot of bungalow colonies about this specific item that they are not allowed to expand. They ask why are other places expanding? We have to be fair too. I have gotten 11 messages on my answering machine at home this week about expansions of bungalow colonies. I can't permit it. I don't know what the people think that I can personally will do for them, but all of sudden I am everybody's buddy and everybody wants me to give an extension to their bungalow colony. I can't do it, you have to realize this board is getting it from all sides, not just this specific issue, but the fact that we have that section in our code, is unique to Bethel. Woodridge permits bungalow colonies as far as I remember, unless they changed it the couple of years I haven't been there. Fallsburg may allow bungalow colonies, Bethel does not. Jacy, your suggestion please, do we run through SEQRA with the hope and prayer that they meet the Health Department approval and make the assumption that they are going to meet DEC requirements?

Jacqueline Ricciani: Well, you know, like Mr. Wasson said he is going to take this neg dec if it comes out that way and he is going to give to the Health Department. If you want to run through

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it, it is going to have to be very clear on Part 3, and I will take care of that, that this was reviewed with the assumption that every issued identified in this letter is going to be resolved in the applicants favor with no changes at all.

Daniel Gettel: How do we address the Health Department's concerns when nobody seems to agree on exactly what the Health Department's concerns are? We are getting mixed signals, clearly. Randy may be totally right, but I'm not getting that same signal.

Jacqueline Ricciani: From what I am understanding there are really two issues with the Health Department. One is the use of the bungalows after the kitchens are removed to house the students or the campers for the first year. The second issue is the delivery of food for off site preparation. This is what we have been talking about all along.

Daniel Gettel: Mr. Kaplan, have you determined where the food is going to be brought from to these 50 odd students, and staff, and their families?

Applicant, attorney and engineer discussing amongst themselves.

Randy Wasson: To answer the question, the summer usage is not going to happen, given the timing. The question about the outside food service is now a moot point.

Daniel Gettel: So now you are not going to have any occupancy in the bungalows at this time?

Randy Wasson: It can't happen.

Jacqueline Ricciani: So, phase 1, phase 2 are both going to be for next year?

Randy Wasson: There is no phase 1 for next year. There is only build the new buildings, use the bungalows just for the teachers.

Jacqueline Ricciani: So the answer to the question is the food is going to be prepared on the premises because the kitchen is going to be built.

Randy Wasson: That's correct.

Jacqueline Ricciani: Okay. Has an inspection been scheduled with the Department of Health to come out there?

Randy Wasson: Yes, June 17th. A week from today.

Daniel Gettel: Has any maintenance been done on the property since your last meeting with us?

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Randy Wasson: Any maintenance been done?

Daniel Gettel: Anything, to improve the appearance of the property. Do you currently own the property?

Randy Wasson: They closed on it about three weeks ago.

Daniel Gettel: From a single owner I believe, not a group?

Randy Wasson: Yes.

Daniel Gettel: I was told it was owned by a co-op that is why we were not permitted access to the property to do inspections.

Jacqueline Ricciani: Now it is a single individual?

Randy Wasson: Now it is a camp organization.

Jacqueline Ricciani: Do you know the name of the new owner? Is it the camp name? So the woman Ara who was identified as the owner sold it to someone?

Randy Wasson: Yes. I think it is Tohar. I don't know if it is Camp Tohar.

Daniel Gettel: How does the board feel about running through the environmental and see where it goes? That is our next step.

Jeff Kaplan: Our problem is we really aren't going to get some of the information we need on a timely basis without a SEQRA review. We understand the conditions that will be on Part 3. We are willing to abide by those conditions that will make it clear what assumptions you are taking in giving a SEQRA. I don't see the harm going through that so that it at least expedites our process through the DEC.

Steve Simpson: One thing in this letter, the DEC letter, one sentence, it says the proposed *must* meet the current issuing standards. Hopefully, I understand your points, I am respectful of that. I think it would be premature to go through the negative declaration, just based on that line.

Jacqueline Ricciani: If you have the Health Department coming next week that may answer a lot of questions.

Daniel Gettel: The Health Department is concerned about the food issue.

BJ Gettel: We haven't done any water samples. That is something the Health Department looks

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for. The grass hasn't been mowed.

Randy Wasson: The water sampling is part of the well testing.

Daniel Gettel: There is no evidence that they have made any preparations.

David Biren: Don't they have to mow the grass just for the neighbors around the area, to make it look good?

Daniel Gettel: There are property maintenance issues that may come up.

BJ Gettel: Mowing the lawns I don't enforce it, could I enforce it, yes, but you would never see me. I don't have time.

Susan Brown Otto: One issue we haven't discussed yet, and it is a concern of mine, that is the character of the neighborhood. I just wanted to go on record, so that with regard to that, last month we had the public hearing, we heard comments from individuals that either came in person that spoke, or we had people that had written letters, a number of concerned neighbors. I have never gone down this road before. I have lived in Bethel my whole life, and last night I drove down the road, I drove down from the western side, and I was just taken aback by the beauty of the road, the character of the road, the neighborhood had very special characteristics, I took pictures, and I have them here, of what the current state is, of Pleasure Island. It supports the concerns of the neighbors.

Jeff Kaplan: One of the advantages of having an application like this is you are going to take a property that is beat up, it is vacant hasn't been used, it won't be used this summer, and you are going to get it cleaned up. The conditions will include being screened from the road, reasonable conditions will be put on this project, and it will be a benefit.

Daniel Gettel: Anyone else?

No one

Daniel Gettel: I don't have an issue reading through the EAF, we have done a preliminary Part 2. If there are no objections, I will read through the EAF.

Susan Brown Otto: Is this kind of like a draft?

Daniel Gettel: We have to prepare it, if we don't agree with it; we don't have to vote affirmatively. It is in draft format until it is approved. Part 1 was submitted by the applicant that has been on file with the town so I do not see a need to read that into the record. We do have to read Part 2 into the record, and we do need to produce Part 3, which Jacy has said she is going to

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help with. If it is okay with the board, I am going to touch on the ones that pertain to this property. We are not going to talk about slopes 15% or greater, I'm not going to read that into the record. Mr. Wasson, this is now not going to be a multiple phase project, it is no longer going to be an issue with

Randy Wasson: My understanding of the phasing, which was originally presented to the board when I was kind of following up with, was that Phase 1 was this summer, Phase 2 was next summer. If they don't build all 5 buildings, maybe they get 4 of them built; it is not a multi phase.

Daniel Gettel: Reading through Part 2 of the Long EAF.

1. Impact on Land - Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site.

e. The proposed action may involve construction that continues for more than one year or in multiple phases.

This is no longer a phased project, so this does not apply. No.

2. Impact on Geological Features - The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).

No, none exist on the site.

3. Impacts on Surface Water - The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes).

d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.

Yes, as the stream is to be disturbed. If we are to review this as if the DEC letter were addressed I feel we could consider this a Small Impact. We would have to determine what kind of impact that would be. Jacy, we are taking the position that the DEC permit would be in line, prior to....

Jacqueline Ricciani: The DEC permit would mitigate. If they get the permit...

l. Other impacts – I wrote applicant had indicated that a stream proposed to be disturbed three to five times is unclassified. Correspondence from NYS DEC appears to contradict this.

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Yes, again this stream crossing is to be resolved and addressed in Part 3, Small Impact. It will be 3 to 5 times.

4. *Impact on groundwater - The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.*

a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.

No, the applicant submitted information this evening that shows that the wells are adequate and no new wells need to be drilled.

5. *Impact on Flooding - The proposed action may result in development on lands subject to flooding.*

No, this is not a flood zone.

6. *Impacts on Air - The proposed action may include a state regulated air emission source.*

No.

7. *Impact on Plants and Animals - The proposed action may result in a loss of flora or fauna.*

No, there are no threatened or endangered.

8. *Impact on Agricultural Resources - The proposed action may impact agricultural resources.*

No, this is not agricultural area; it is an existing bungalow colony.

9. *Impact on Aesthetic Resources - The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.*

No, no scenic resources exist.

10. *Impact on Historic and Archeological Resources - The proposed action may occur in or adjacent to a historic or archaeological resource.*

No, unless anyone feels the bungalows are historic.

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11. *Impact on Open Space and Recreation - The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.*

No, not on recreational or open space.

12. *Impact on Critical Environmental Areas - The proposed action may be located within or adjacent to a critical environmental area.*

No, none exist in Sullivan County. Glenn, I believe that is correct?

Glenn Smith: That is correct.

13. *Impact on Transportation - The proposed action may result in a change to existing transportation systems.*

No, we are not talking five hundred cars or bicycle accommodations.

14. *Impact on Energy - The proposed action may cause an increase in the use of any form of energy.*

No, any new use may see an energy increase, but we are not talking about a need for new transmission lines or substations.

15. *Impact on Noise, Odor, and Light - The proposed action may result in an increase in noise, odors, or outdoor lighting.*

No. We will require lighting just for security, residential in nature.

16. *Impact on Human Health - The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.*

No, no contaminants.

17. *Consistency with Community Plans - The proposed action is not consistent with adopted land use plans.*

a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).

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Yes, the sheer size of the buildings contrast with adjoining uses, but this is a bungalow colony. Camps are permitted by zoning and we are not talking about dropping a Wal-Mart size building on the lot. Small Impact.

Jacqueline Ricciani: Summer camps are, but you can also take into account what Susan pointed out, you know the impact on the surrounding community.

Daniel Gettel: I think the fact that it is permitted zoning, though it is a small impact as they are not going to be built right on the road. We are not talking about a Wal-Mart going in the middle of Segar Road. We have to be realistic about the moderate to large impact, I think it is small.

Jacqueline Ricciani: Right, but you indicated that it is consistent, you checked yes for that, because it is permitted.

Daniel Gettel: Because, it says it's not consistent with land use, and I checked yes.

Jacqueline Ricciani: It is a double negative, so that is where it is confusing.

Daniel Gettel: But I do feel again, it is a small to moderate impact, because we are not talking about a mega store going up on a side street in the Town of Bethel. It is a camp that is permitted, and the sizes of the buildings are consistent with camps in the area.

18. Consistency with Community Character - The proposed project is inconsistent with the existing community character.

e. The proposed action is inconsistent with the predominant architectural scale and character.

Yes, but we need to decide on the magnitude.

f. Proposed action is inconsistent with the character of the existing natural landscape.

Yes, but to what magnitude. This is a concern.

g. Other impacts – I wrote building plans have not been presented, but scale of proposed buildings and usage are inconsistent with those within miles of proposed facility.

I feel these are all Small Impacts. The sizes of the buildings exceed what exists in the immediate area, but not those of other Summer Camps in Town. Summer Camps are permitted in this Zoning District as Special Uses.

Daniel Gettel: I believe those are the 18 questions. I'm not comfortable with the Health

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Department issue. It is pretty much off the table as far as their concerns, as far as the use. You would have to get the Health Department approvals for the sewer and the water. I don't identify anything as moderate to large to impact. Some on the board may disagree. I see them as what is considered consistent with camps in the area. Are there any comments from the board?

Susan Brown Otto: I wonder to what degree do we judge camps in the Town of Bethel versus the fact that there aren't other camps in that particular neighborhood, you know the character of the neighborhood, is it large, or too large, or too small?

Daniel Gettel: Mr. Wasson, let's talk about the buildings since you put them up there. We can talk about scale of buildings? Let's get it on the record what you are proposing, and what the buildings look like.

Randy Wasson: This is a single story building, as you can see. It is 68' x 104', it is the shul.

Daniel Gettel: What is the maximum occupancy? Not all of the building is shul, correct?

Randy Wasson: Not all of the building is shul. Probably the Rabbi's office is in there, some restrooms, a coat rooms. I don't have a floor plan with me.

Daniel Gettel: We do have one in the file.

Randy Wasson: Your maximum occupancy is really basically limited to the camp population, so for a building of that size it's not....

Daniel Gettel: One of the reasons the building is so large, as opposed to other camps, is that the classrooms are located in this building. They are centrally located as opposed to a lot of camps where we have dozens of classrooms spread out. I don't know how the board feels about that, but that is the way I read this plan

Susan Brown Otto: Can you see the shul from the road?

Randy Wasson: No, it is the farthest building in the back.

David Biren: Mr. Wasson, you are talking 6,936 square feet?

David Slater: The map says 7,072.

Randy Wasson: It's about 7,000.

David Slater: Randy, remember, I am a math guy here, your numbers here, you tell us that the existing numbers total 10,985 square ft, down here you tell us future occupancy schedule, and

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you tell us total is 23,368, your math is off. You're adding 23,368 too. My math is right, with the new mikva, the new kitchen, the new bunks, new shul, so your total occupancy would be well over 34,000 square feet. It is misleading. You are saying that you are only adding around 13,000 square foot to the building. You are adding 23,000 square feet of building.

Randy Wasson: You are correct. It should be this number. The math should include that number. We can revise that. That is a correction.

David Slater: You are almost tripling your property, you're square footage. That is tripling the numbers of the new buildings alone.

Daniel Gettel: Could you run through what is in the shul, for the record, please.

Randy Wasson: In the shul, they have the main study hall, 62' x 42', you have 3 - 20' x 24' classrooms, 1 smaller classroom, 1 bathroom, a couple of offices, and utility room. There is a counter top here, it says water cooler. It is single story.

Daniel Gettel: Describe the bunks for us, please?

Randy Wasson: The bunks are 36' x 124', going from memory, there are 3 sections, and each section has toilets, showers and sinks.

Daniel Gettel: Is it the same bunks as Camp Kasho? I think it is the same design. It was presented to us recently.

Randy Wasson: I don't know, I am unfamiliar with that.

Daniel Gettel: The mikva building is also one story. What is the approximate size on that?

Randy Wasson: It is 36' x 38'.

Daniel Gettel: It is relatively straightforward. What I thought was odd on this, obviously the mikva is a solid structure building on the ground, but the building itself is on piers. I don't know how common that is. Glenn?

Glenn Smith: The piers are below frost line.

Daniel Gettel: It seems odd to me that the mikva building...

Jeff Kaplan: The mikva itself is on a foundation.

Daniel Gettel: We ran through the environmental assessment form. Jacy, do you have any

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comment on it?

Jacqueline Ricciani: This whole exercise was the framework for some of the things for this board to determine in the environmental impact. So when you look at those areas where you found that there could be a small impact, some additional things you need to consider are the duration, is it something that is going to be permanent, the severity, and one more thing, the likelihood that it will actually take place, and the magnitude goes along with whether it is small, medium or large, the different categories. If it is a small impact, moderate, or large impact, but the permanence of it, the duration of it, the likelihood that it will actually happen, are other factors that you need to consider.

Daniel Gettel: At this point the motion would be to grant this a negative declaration with the understanding that you are going to prepare Part 3 which addresses how they are going to mitigate the concerns that we raised.

Jacqueline Ricciani: I think it should address two things. #1, the assumption that the concerns raised in the DEC letter are going to be satisfactorily addressed, and #2 that when they are satisfactorily addressed that would mitigate some of the impact. Of course that isn't going to have anything to do with some of the aesthetic issues around it, and the impact on the neighborhood and streams, and those kinds of things, but the DEC permit could definitely help to mitigate some of the other concerns.

Daniel Gettel: I would like to entertain a motion to grant this application a negative declaration with the understanding that Part 3 is going to indicate how they are going to mitigate the items that we discussed as to the small to moderate impact.

Jacqueline Ricciani: Right, it would explain how.

Daniel Gettel: I'm trying to put it in a motion form...

Jacqueline Ricciani: Okay.

Daniel Gettel: I think that is how it would be mitigated would be....

Jacqueline Ricciani: That there will be no adverse impact due to the mitigation from complying with all of the DEC requirements.

Daniel Gettel: That is the motion on the floor, do I have a motion.

Steve Simpson: One thing, if they don't satisfy the DEC....

Jacqueline Ricciani: I don't think that they would....If they don't get their permits, they will

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have to redesign their project, and then they have to come back to the Planning Board with a new or revised plan.

Daniel Gettel: Most likely a new application, new public hearing...

Jeff Kaplan: It appears SEQRA is subject to getting those mitigations in place to small or medium, so if we don't get them in place then.....

David Biren: If we address what Mr. Simpson asked about town code...

Jacqueline Ricciani: What about the town code?

Daniel Gettel: That would come up under the special use permit conditions. That isn't an environmental.

Jacqueline Ricciani: No, and this applicant has said they are not going to be operating as a bungalow colony, but only as a summer camp. If I am misstating, please let me know.

David Biren: But the bungalows are staying, though.

Jacqueline Ricciani: Along with the other structures, there will be bungalows on the property of the summer camp.

David Biren: That is okay under our code?

Jacqueline Ricciani: That is what the applicant is stating, I'm not saying that it is okay or not, I am just stating to you the applicant's position.

Jeff Kaplan: I don't believe we are asking you to vote on that now. We understand we are going to have to come back another day for this issue.

David Biren: So this issue can be brought up later, that is what I am asking?

David Slater: Jacy, what are we voting on?

Jacqueline Ricciani: So, Mr. Kaplan, you plan on coming back next month to receive a special use permit? Why do you say that you are coming back?

Jeff Kaplan: Unless I missed something, I apologize if I did. I didn't think you were going to put up a motion to give us site plan approval, I thought....

Daniel Gettel: I could, I don't know where it is going to go. I would have to redo the special use

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conditions.

Jeff Kaplan: We are looking right now to go to DEC.....

Daniel Gettel: If we were to grant this application a negative declaration with the understanding that you are going to have to address all the DEC concerns, I believe what you are saying is that will get you to be able to move ahead with the process and enable you to go to the DEC, resolve those issues, and then come back, because there is no urgency on approval for the season.

Jeff Kaplan: Right.

David Biren: And then come back to the other issues that we have.

Jeff Kaplan: We heard what Mr. Simpson had to say; we are going to have to...

Daniel Gettel: I trust that would give you an opportunity to run through the special use section as far as additional landscaping, and addressing some of the other issues.

David Biren: I just don't want you to think the door is closed on the other issues. Thank you.

Daniel Gettel: And you would be willing to waive your 62 day approval deadline?

Jeff Kaplan: As opposed to a denial, yes.

David Biren: Is there going to be a new plan in any way shape or form?

Jeff Kaplan: We have heard some of your comments, and I am presuming we don't want to keep coming back; we want to come back with as much of a complete plan meeting your requirements, landscaping, screening, etc. that you raised tonight.

Jacqueline Ricciani: Substantial changes will require a new public hearing.

Daniel Gettel: If you can't meet the DEC requirements, and you have to redesign the roadways and access, I believe that would be a substantial change. I don't think screening would be substantial because it is going to benefit the neighborhood. I don't think anyone is going to come to a public hearing and say we don't want the screening, it's too much, take it back, but I don't speak for the neighbors.

Jacqueline Ricciani: You guys determine if they come back with a new site plan the board will determine whether it is a substantial change or not.

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Motion to grant this application a negative declaration with the conditions that there will be no adverse impact once the DEC concerns are addressed by David Biren, second by Mike Cassaro

Roll Call vote:

Mike Cassaro: Yes

Susan Brown Otto: No

Steve Simpson: No

David Biren: Yes

Wilfred Hughson: Yes

David Slater: Yes

Daniel Gettel: Yes

All in Favor – 5

Opposed - 2

Motion passed

Daniel Gettel: Jacy, you will circulate the Part 3, so the board is aware?

Jacqueline Ricciani: I will circulate it to the board for comment.

Daniel Gettel: Either that or submit it to BJ or I, but I do think it is somethingwe might not necessarily be familiar with Part 3, especially one that has conditions.

Jacqueline Ricciani: I will submit it to BJ. It's just a narrative.

Daniel Gettel: Anything else from the board?

Jeff Kaplan: On behalf of the applicant, we appreciate you taking the time on this. We didn't mean to be contentious if we seemed that way. We understand this is a challenge especially taking into account the fact that it was a bungalow colony, and is going to be converted to a camp.

Daniel Gettel: The first meeting I had with your partner, Mr. Zieger, who is not here tonight, I told him that it would be easier to find a raw piece of property and start fresh. I think that probably still holds true.

David Biren: We still have to figure out the other things.

Daniel Gettel: Like I said, pay attention to the special use, because the special use section paragraphs I & J contain the information for the Special Use.

David Biren: May I ask who the owner is down the road. Are we going to be told, so we have a

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name?

Daniel Gettel: Put the owner's name on the site plan.

David Biren: That would be appropriate.

Randy Wasson: I'm not sure that it isn't right. If it is a corporate name, we will put that on there.

Daniel Gettel: Anything else from the applicant or the board?

5-minute recess

3) *Application for a Special Use Permit for expansion of a Summer Camp located on 85 Silver Lake Road, known as Bethel Tax Map #: 11-1-14, proposed by Camp Chipinaw. (Baer)*

Michael Baer: Owner and director. I brought my business assistant, Glenn Brown. I have met some of you, not all of you. Thank you for spending some time with me this evening. I did not bring along my attorneys and my engineers, but I will try to answer as many questions about our new dining room and kitchen facilities that I can.

Jacqueline Ricciani: What is Silver Lake?

Daniel Gettel: Silver Lake is an actual lake, but there is a Camp Silver Lake, correct?

Michael Baer: Silver Lake is the former Camp Hillel. We purchased it 10 years ago. Back in 1940, they built a summer camp right next to Camp Chipinaw. There was a tree line that separated the two camps. I was fortunate to buy that camp just over 10 years ago. We decided to make it our Silver Lake Campus. Camp Chipinaw is home to our full time summer campers, Silver Lake campers come either 4 weeks in the beginning of the summer, or 3 weeks at the end of the summer, or they can come for the full summer as well.

Daniel Gettel: We established at the last meeting that this dining room is independent of Camp Mogen Avram, but does it also serve Camp Silver Lake?

Michael Baer: Yes, the plan is for it to, yes. Right now we have two separate dining rooms and kitchen facilities. Both are antiquated. The Department of Health has actually given me full approval, and the town has not.

Daniel Gettel: We do have correspondence on file that the Health Department has already

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approved a lot of this, which is very unusual.

Michael Baer: You should have a letter from Carol Marino. I was fortunate enough to have Code Enforcement Officer, BJ Gettel, and also Carol Marino out at camp last week. At that point Carol indicated that she would be sending a letter giving us full approval on this project.

Daniel Gettel: We do have a letter on file dated February 27th, with an approval of the picnic pavilion. They are part of the application.

Michael Baer: They are, but they are completely separate. They have nothing to do with the dining room project. It is just another building that we wanted to build. My ultimate goal is to have a lot of facilities so we can operate rain or shine. An open pavilion is a great building to have at camp because the kids can be under cover from the sun and also from the rain and still have a lot of activities, to keep them busy and out of trouble.

Jacqueline Ricciani: This project has nothing to do with Silver Lake?

Michael Baer: Well it does. Our plan is to build a new kitchen and dining room facilities that will handle both Chipinaw and Silver Lake.

Jacqueline Ricciani: What is happening with the one at Silver Lake?

Michael Baer: We can't wait to blow it up!

Jacqueline Ricciani: It is going to be gone?

Michael Baer: It is going to be gone.

Jacqueline Ricciani: Is something going in its place?

Michael Baer: Right now, no. Our plan is just to get rid of it, it is an eyesore.

David Biren: When is this project planned for?

Michael Baer: It really comes down to, it is a big project, and so time and money, our hope would be to start a year from this August. I want to have all my ducks in a row, and have everything in place so that we can move forward. I have been working on this for 3 years. I have done a lot of planning and I have visited a lot of camps around the country to design a dining facility so that it will be state of the art.

Jacqueline Ricciani: These pavilions you mentioned are part of your plan also?

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Michael Baer: They are. It's on a separate site plan.

David Biren: That is two years down the road.

Michael Baer: No, actually before we leave tonight I would like to get approval on one of them. I would like to start tomorrow if I could.

Daniel Gettel: Jacy, am I right this is a special use?

Jacqueline Ricciani: Well, it's a summer camp. The applicant is coming here essentially revising and expanding what he already has now, summer camps are permitted in this district, and so he can do it as long as he meets the other bulk requirements. As you point out summer camps are special use, and the real question is, it sounds like these pavilions are permanent structures. It's not like you can separate from the overall project. The question is could he build the pavilions without coming here? Probably not.

Daniel Gettel: I believe part of the special use would be to have to be a public hearing.

Jacqueline Ricciani: Absolutely, you cannot waive that.

Daniel Gettel: At our April meeting we talked about a long environmental form because of the substantial size of the kitchen. We also asked Glenn to review the application. I know he had a chance to look at it. We also asked the applicant to look at section 345-30, which is the special use procedures, 345-31 which is the site plan requirement, section 345-22 which is the parking and loading, 345-16 which is the landscaping standard, and I believe we also asked them to look at lighting. Glenn, you had a chance to look at the plan that was submitted. Do you have any comments? I know you submitted a letter today, if you want to touch on some of the primary parts of your letter.

Glenn Smith: A couple of months ago at the meeting, I had gotten a copy of the one plan showing the pavilion. I wasn't sure what they were looking for at this point, whether it was just the pavilion or the dining hall, or whatever. My letter to you was basically on the dining hall plans that I had received. To summarize my letter, I received the site landscape plans, and the site plans from Laura Sachs, and the site plans from Camp Chipinaw, which I think is the one on the board. That one had the dining hall outlined in yellow. I had a note, the drawing should be clarified, apparently a portion of the existing dining hall is being saved, and a portion is new construction. I wasn't really sure what exists and what was new. The drawing should be clarified to indicate which portion of the dining hall is being retained, and which is to be the proposed construction. The project is in the RD Zoning district which permits summer camps subject to special permit and site plan review. I mentioned the zoning sections as you did Dan, 345-30 for special use, and 345-31 for site plan. Additional comment was the proposed building footprint on the site landscape plan done by Laura Sachs. That dimension is about 355 feet long,

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by about 125 ft wide and the building is about 35 ft off Silver Lake Road. On the site plan that Will Illing did there, the building is about 385 ft long scaled, and about 150 ft wide and situated about 75 feet off Silver Lake Road. So the size and location of the building needs to be clarified. How close is it from the road, that type of thing. The RD Zoning requires a front yard setback for summer camps of 200 feet, versus either 35 feet or 75 feet, depending on which plan you are looking at. The existing dining hall is scaled about 130 feet set back from the town road. I indicated an area variance from the Town's ZBA should be required for a front yard setback. For storm water, again the building size disturbance area exceeds one acre on both site plans, although again I wasn't clear which portions are existing to remain and which is new construction. Once that is defined, if the site disturbance exceeds one acre a storm water pollution prevention plan is required along with an erosion sediment control plan that type of thing. Considering a large roof, the impervious area being created with a large building along with additional pavement and unloading and parking areas, some type of infiltration or bioretention storm water should be considered as part of the State DEC reg's. On the plan the proposed building appears to be covering an existing water pressure tank, a grease trap, a couple of sections where buried water piping, a future plan should indicate the proposed utility connections to the existing facilities on site including a grease trap for the kitchen, with sizing and computations. There is a landscape plan, but there should be a planting schedule for the proposed trees and shrubs, per zoning section 345-16. Due to the close proximity of the rear loading dock, on the one plan, the landscape plan shows the whole building, that is where the back of the building is, actually the section fronting on Silver Lake Road is about 30 feet from the side of the road, and that is where the loading docks are, the compressors, the dumpster. There is a vinyl fence on the plan. The board may want to have some plants to supplement the screening due to the industrial look of the loading dock area in the back of the building on the Town Road. If any staff or maintenance personnel parking spaces are required close to the building, it should be shown on the plan. The Planning Board may request elevation renderings of the proposed buildings under special permit provisions if you deem that as helpful. Lastly, the short EAF that was provided to me is unsigned, I mentioned a couple of revisions, on part 1, item 3 of the short EAF indicates the size in the physically disturbed area is .25 acre, I put plus one acre, it seemed more appropriate, but then again if a portion of that building is being salvaged and not rebuilt, the disturbed area should come down. If it is less than an acre, you don't need a SWPPP. Part 1, item 13b, wetlands should be checked no. Item 17 on the short EAF on storm water should be checked yes for creating storm water runoff. I didn't make any suggestions to go to a long form EAF, but this application is including other buildings on the property, maybe a long EAF should be done.

Daniel Gettel: I don't have an issue with the short form. The short form has been expanded, and the DEC does recommend that you do use the short form. We originally talked about the long form because we were talking about the substantial building, but if some of it is going to be saved, and if you are comfortable with the short form, that's fine.

Glenn Smith: I don't see where this would require a long form.

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Daniel Gettel: My only question is originally the kitchen that was presented to us was that the new kitchen would be built in the general area of the existing kitchen. Is it going to be any closer to the road than the existing kitchen?

Michael Baer: The kitchen itself is. It's almost like a T. The kitchen is coming a little bit closer to the road.

Daniel Gettel: You realize that doesn't conform to zoning.

Michael Baer: From what I understood, Laura Sachs the architect, did some research and found that it was measured from the centerline from the road that she felt it was far enough away.

Daniel Gettel: I don't believe the measurements are from the centerline of the road.

Michael Baer: It is still 200 feet. It's less than 200 ft, whether it is from the center.

Glenn Smith: Normally you go from the road right of way bounds, which is 25 feet from the centerline.

Daniel Gettel: We are talking about substantially disagreeing on 35 feet as opposed to 200 feet. If you want to move ahead with the pavilion, perhaps you may want to split the application.

Jacqueline Ricciani: You can't segment the review.

Daniel Gettel: But if we don't approve the kitchen for a year, you're saying the pavilions are going to be held up. I'm saying down the road we approve just the pavilion.

Jacqueline Ricciani: You still have to do the SEQRA. You can't segment that unless you think you have enough information that you can take in the impact of this building but you don't even know...

Daniel Gettel: I'm not saying tonight. I'm saying down the road could we approve the pavilion in a separate public hearing.

Jacqueline Ricciani: If it is going to be a phased project, that is fine, but you still need to have all of the information up front. Just because the applicant says I want to build a pavilion for the first phase, then the kitchen in the second phase that is fine. You still need all of the information up front when you decide you are going to grant it.

Michael Baer: They were presented as two, really three separate projects, but it was presented at that point to me that it would be best to just bundle it all together to bring to you.

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Daniel Gettel: Yes, since you are aware that there three different projects running at the same time we have to review them together. I get that.

Jacqueline Ricciani: The DEC frowns upon....

David Biren: Can you not change the way the buildings are structured, just convert.....?

Michael Baer: I can't unfortunately. You would have trucks coming through the camp. It would be unsafe to the campers.

David Biren: I understand what you are saying, but you can't restructure a little differently where the trucks could still enter from the back portion and the deliveries are made inside the building?

Michael Baer: I don't believe so. It is sort of flat. I was able to save part of the old dining room, and I do have that to present to you guys tonight.

Daniel Gettel: If you want to present what you have, and address Glenn's comments, maybe that would relieve some of the other issues.

Michael Baer: If we could just talk about the kitchen and dining room to start, and address those concerns now. In addressing this, I was fortunate to get this from Mr. Smith this afternoon at about 3 pm today. I went through as quickly as I could to answer some of the questions that I could immediately answer. To begin with, the original site plan you received, it was based off of a site plan that was done by George Fulton, Livingston Manor. Mr. Fulton came to camp two years ago and did a survey. We took that survey, just generally the main area of where this kitchen/dining area was going to be. He actually put together an entire survey, I gave it to my architect and she used that to develop the initial site plan. When I got word that, at the last town meeting, you guys wanted to see it in the bigger picture. We simply took and added to an older site plan and we put on the general area of where it was. I don't believe it was ever done to scale, so the reality is if you follow the original site plan that Laura Sachs submitted, that is correct, as far as I understand. That sort of addresses' the first part of the letter I received today. The next part, and I didn't have time to blow this up to full size, but I did take the initial plans. What had happened was, when my architect gave me the plans, and initially had the old plans still in there, from the old part of the dining room and kitchen, it was really confusing. I asked her to take those lines out, so I could just see the new building, and work at that point. I went back and found an older copy, an electronic copy printed it and what I did on here, you will see the whole new building, and I outlined in yellow the part that is the current building right now, and in blue is what is to be remaining, after we tear down all the old part. What they did initially is that they built a dining room, it was a beautiful building, timber structure, they continually added on through the years, from 1926 on. Every time they needed a little more room, in true

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bungalow colony fashion, they just added on another addition. Those additions at this point are really showing their age.

Jacqueline Ricciani: So only the blue on the end is the remaining section. The bulk of what's there now, not the bulk of what is going to be there when you're done.

Michael Baer: That is correct.

Jacqueline Ricciani: Which way is Silver Lake Road?

Michael Baer: Actually Silver Lake Road is at the bottom of the map. There are two loading docks areas. This is the current building right here. There are two areas of loading docks. We are not changing anything. This is a secondary area that will have the garbage, the propane tanks. We want to enclose with fences. It is a nice courtyard area here. From the road you will see a nice fence from the road. We have fencing in that area now, keeping the current garbage area hidden.

Steve Simpson: How high is the new fence?

Michael Baer: As high as you want it to be. Probably at least 10 feet high. That gives you a little bit more of an indication of what we are knocking down. About 50% of the building is being knocked down, and then we are keeping that other 50% and obviously expanding. It looks like I can go on through Mr. Smith's notes. #1 is correct in his notes which is the footprint is correct, 355 feet long by 125 feet wide. At the closest point it is 35 feet off the road. If you have had a chance to visit, there are a number of buildings that are much closer than that. We take a great deal of pride. About 2 months ago there was a survey done of the top 50 camps in the country. Camp Chipinaw and Silver Lake were both listed in the top 50 camps. We are very proud of that. There are some really nice camps that we go up against, up in Maine and New Hampshire. So we take a deal of pride. We have sort of a park like atmosphere. We will need an area variance, if we are to close the road. I don't know what a SWPPP is.

Glenn Smith: It is a storm water prevention pollution plan.

Michael Baer: The other question, #5 states that there are some existing pressure tanks, grease traps. The beauty of this whole design in an effort to not to disturb the environment, is that I can use a lot of the existing sewer lines, and easily tie into all of them. I am literally going right on top of what was already there, so it makes it ideal. And hopefully save some money. The grease traps we already have are in great shape, we have them emptied on a regular basis, and can suffice for this project. From that point of view we are in good shape. The landscape plan, since the last meeting I thought you wanted a landscape plan, we have the landscape plan done. The only reason we don't have a schedule of actual trees because my caretaker who happens to love planting flowers and trees tries to go out and find great deals on trees for me. That is really what

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it comes down too. We are going to find what we can. We have the most gorgeous Japanese maples in front of our administration building. I would like to plant more of those. He keeps telling me I'm not going to live long enough to see it big enough to really enjoy it. The hope is to put some nice trees around the building and have it blend in. We talked about the fencing area for the two loading docks, I plan on having that put in, and make sure those areas are completely closed. I spoke to an expert in propane, who told me that I am actually able to bury them, and I plan to do that. Staff, maintenance, personnel parking spaces, and things like that, I don't allow any cars on my campus. We have parking lots on either end of both Chipinaw and Silver Lake; cars are not allowed to come onto the campus, and this is including my staff to drive cars onto Silver Lake Road. If they come into Silver Lake, they have to go around to the back. If they come into Chipinaw they come into the front way, but they do not drive on Silver Lake Road. When my staff wants time off, they take taxi's to get out of camp. I don't allow the taxi's to come through camp. The taxi's have to park out in the parking lot, and they can pick up my staff from there. I don't believe that is going to be an issue. I believe you have elevations already. The plans that were submitted, the last page of those plans show elevations for the entire project. I will tell you when I first started planning this, the biggest concern was to have this building flow with nature, and to flow with the look that we have at Camp Chipinaw. It was one of my biggest concerns to put in a kitchen in the back, that's on that road and so the initial plan was much bigger, and I thought it was much more obtrusive, so we actually knocked down the size, brought the roof level down, and the plan is to have it designed so it looks like the other buildings in camp. Although it is a big building we want to have it a little lower, and use the same style shingles that we have used on all of our cabins and have it blend in as much as possible. The final topic of the concerns from Mr. Smith had to do with the EAF form. Glenn Brown and I spent quite a bit of time when you said you wanted the long form. I just don't have that much education. It was completely overwhelming to us so we then tried to do the short form. After we received this, this afternoon, we did make the changes, I brought copies, I'm not sure if I'm supposed to sign. I am willing to do it right here and now if that is what you would like me to do.

BJ Gettel: I will show you where you sign.

Michael Baer: I have more copies if you need.

Daniel Gettel: Moving forward, I think Mr. Illing should address zoning, at least put the zoning requirements on the map. I think that would be helpful. As far as the front yard goes, maybe mistakenly, I was led you to believe you weren't building any closer to the road. If you don't build closer to the road, we can approve it. If you build closer to the road, it doesn't conform to the present zoning, we can't approve it. It has to go to the Zoning Board of Appeals first, which is a separate entity. BJ would have to take you through that process. We don't have any options without you obtaining a zoning variance. I think you have enough reasons, perhaps, to get them to go along with the variance, but I can't speak for that board. The fact that you are saving part of the existing building, I think would help you. Is there anything else from the board?

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Michael Baer: Another thing I would like to mention, I know there was some discussion from the last meeting whether this was going to be phased or not. My intention is not to phase it, however, knowing the winters that we have, and the short building season we have in this area, I think realistically it is going to take several years to complete this building.

Daniel Gettel: How are you going to accommodate Camp Chipinaw campers if half of the building is missing?

Michael Baer: That is a good question. Luckily we have the Silver Lake dining room, and so we are able to eat in shifts there. My intention is to still use part of the dining room that we are currently keeping to be able to feed the campers in there.

Daniel Gettel: But that will be a construction zone though too.

Michael Baer: The nice thing about this is that we can close off the construction zone, and I will have temporarily fencing put up, and still be able to do it. Obviously it's not ideal, but most of my clientele will look at it the other way so we can get this done. If we have another winter like this past winter...luckily we didn't start it because that would have put us way behind schedule.

Daniel Gettel: Glenn, any other comments? I think your next step is to go the Zoning Board of Appeals. Make sure where you are building the kitchen is going to be permitted. Have Will Illing work directly with Glenn with resolving some of the issues as far as disturbance goes. How much land area we are talking about, and what is required for the area, if it is an acre it is a SWPPP plan.

Glenn Smith: The bulk table is required on the plan, and the disturbance should be shown on the plan.

Daniel Gettel: And the way I read the front yard it is off of the lot line which would be the street line which would be 25 feet off the center.

Michael Baer: I have spoken to Mr. Illing; I have him on retainer at this point. I know he is backlogged over the next month or so. I don't think anything is going to happen to quickly on his end.

Daniel Gettel: He has relatives in the business too. Wes is very good at SWPPP plans I believe, from what I've heard. We haven't seen Will Illing at this board at all. Is there anything from the board? I do think the Zoning Board is the next step.

Jacqueline Ricciani: With the timing you missed the June meeting, so you are looking at July.

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Daniel Gettel: We really can't review, they can't run concurrently.

Jacqueline Ricciani: It depends on what you are reviewing; it would probably be a waste of time to look at a plan for a kitchen if you don't know if the ZBA is going to approve the variance.

Daniel Gettel: And it isn't fair to the ZBA to do a review for a project and moving it along to give the assumption that they are going to go along with it.

Jacqueline Ricciani: They still have to act. Just so you understand going for the area variance that is a minimum of two meetings.

Daniel Gettel: Is it an area or a setback?

Jacqueline Ricciani: It is one form of an area variance. They can schedule for a public hearing in August, you could have a decision that night that would be the quickest.

Michael Baer: I am pretty busy the next few months, I will have to hold back, I just don't have time.

Glenn Smith: Mr. Chairman, do they need a denial from this board to go to ZBA?

Daniel Gettel: BJ can deny it for setback and refer them.

Jacqueline Ricciani: Individual setback or lot line variances do not require an EAF. They are not subject to review. You still need a good site plan.

BJ Gettel: I have to send it to the ZBA for a front yard setback. If any of the board would like a tour, please give me a call.

Jacqueline Ricciani: No more than three at a time.

Daniel Gettel: That goes with every application.

Michael Baer: Can we discuss the pavilions.

Daniel Gettel: Absolutely.

Michael Baer: You have received blue prints, and site plans that show the two locations of the two pavilions. They were presented two months ago. I didn't know if you had any further questions.

Daniel Gettel: How do they relate to this kitchen?

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Michael Baer: They don't. They have nothing to do with it. They are just two pavilions. One is a replacement of an old rec hall. We took that down. It will replace in that exact footprint. The other is another indoor/ outdoor facility.

BJ Gettel: Technically the one they tore down, they can replace. It is going to be treated as a replacement. Since they were coming in front of this board with the other project, I thought they should bring this information to the board.

Daniel Gettel: I appreciate being aware of it, but in the past we have treated them as a replacement. You are entitled to a building permit to replace it. It is the same type of building.

Jacqueline Ricciani: Which is the replacement?

Michael Baer: Pavilion #1.

Daniel Gettel: Pavilion #2 is very close to the property line, but I assume you own that.

Michael Baer: Yes that is Camp Chipinaw.

Jacqueline Ricciani: Are they 2 separate camps?

David Biren: Are they separate properties?

BJ Gettel: Yes, they are.

Daniel Gettel: If he can put in pavilion #1, and then at the end of the season put in pavilion #2. That would help you. My concern is the setback for pavilion #2. It's a different entity.

Jacqueline Ricciani: Are you creating more of a problem?

Daniel Gettel: Side and rear yard is 10 feet. Mr. Illing should look at that. These are more for recreation, not dining. I'm assuming a pole building?

BJ Gettel: Dan, pavilion #2 is the replacement. Pavilion #1 is the one that they need a variance.

David Biren: Are you going to start when the campers are there?

Jacqueline Ricciani: If you are going to need a variance for the kitchen, you should get one for pavilion #1.

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Daniel Gettel: Vicky, is there anything from the town board?

Vicky Vassmer-Simpson: Not much at the town board.

Motion to adjourn by David Biren, second by Steve Simpson

All in favor – 7

Opposed - 0

Agreed and carried.

10:05 pm

Respectively submitted,

Jannetta MacArthur
Recording Secretary