

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 September 9, 2014 at 7 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. 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, Board Members, Jacqueline Ricciani, Attorney, Jannetta MacArthur, Recording Secretary, Glenn Smith, Engineer, Daniel Sturm, Supervisor, Vicky Vassmer-Simpson, Councilwoman, Lillian Hendrickson, Councilwoman, and Bernard Cohen, Councilman.

Walter Norris and BJ Gettel excused.

Pledge to the flag.

***Motion to approve the minutes from the August 12, 2014 meeting by Steve Simpson, second by David Slater***

***All in favor – 7  
 carried***

***Opposed - 0***

***Agreed and***

Daniel Gettel: (addressing audience) I don't know if there is anyone here tonight for item #2 on the agenda. It is my understanding that has been taken off the agenda by the applicant.

***1) Application for a modification to a site plan/special use permit for Khal Divrie Chaim located at 86 West Shore Road, known as Bethel Tax Map#: 22-1-28. (Wasson)***

Randy Wasson: This building was approved by this board at the June meeting, being a 77 foot square shul, single story building in this location. There is no change in location, no change in building size, no change in building use, etc. After we received Planning Board approval, we had given you some preliminary drawings just so that you would have an idea of what the building would look like before you had approved it, Joe Irace got into the final design. We realized that with the building, it is on a slight slope here. We have got 8 or 10 feet from the front of the building to the back on the existing grade. We had shown some fill around the building which is still going to remain, but it was determined it would be more cost effective to build a basement under the down hill half of the building rather than trying to put a slab up in the air on 6 to 8 feet of compacted fill. Basically, that is why we are here tonight. There is no use for the basement. We are putting the bathrooms down there, and a coatroom, it provides space for utilities. Other than that it is empty space. There will be one regular passage door, a 3 foot door in this corner (showing on map) just for egress. The other egress will be up the stairs on the

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

main floor. That's really it. There are no changes in the footprint or use. Joe can give you more of the particulars on the building itself.

Daniel Gettel: Egress doors from the basement or from the upstairs?

Randy Wasson: One egress door from the basement on the lower corner.

Jacqueline Ricciani: Did you say all the bathrooms were going to be in the basement?

Joseph Irace: Not all of them.

Randy Wasson: I believe there are some still on the main floor.

Daniel Gettel: What looks like three garage doors on the plan, are not actually garage doors?

Randy Wasson: No, not at all. Just one door, for emergency use.

Daniel Gettel: Glenn, I know you reviewed this project early on. I know you are being a little caught off guard tonight.

Glenn Smith: I haven't seen these plans yet.

Daniel Gettel: They are changing to a full basement.

Joseph Irace: It is two-thirds a basement by the way.

Glenn Smith: There is nothing proposed for bedrooms. It is a fairly common layout for this type of building, community buildings.

Daniel Gettel: My concern is how do you control it down the road, as far as occupancy goes when they propose a storage room and 9 foot ceilings and what look to me to be garage doors off the basement that aren't garage doors but just aesthetically pleasing siding or something, I don't know exactly what that is. It looks to me like there are 3 garage doors.

Glenn Smith: On the elevation view? This is the egress door Randy is talking about, right?

Daniel Gettel: Correct.

Glenn Smith: If they are framed in openings, restricted occupancy with something like this is always an issue. It depends on how much the building department does on following up. Obviously if there are no egress windows, there are all kinds of regulations for access, if there is no access there, legally they can't occupy it.

David Biren: The building department is so busy now in the summer time doing a lot of other work. I don't think they need more work at this point.

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

Glenn Smith: You're right. It is a question of enforcement on something like that.

David Biren: I know Randy is very capable of doing the job he does. This should have been taken care of and he should have known that he couldn't do it in the beginning with the slopes, or that he needed fill.

Jacqueline Ricciani: I see classrooms in the basement also, on the last page?

Joseph Irace: Originally that was the case, but not now. I was thinking that we could develop this whole thing... as a useful building, but then we realized none of this was approved, so we are proposing nothing down there. It is unfinished.

David Biren: We approved something with the slab, that is what the public saw. I am a little leery of it.

Daniel Gettel: Jacy could you address the Zoning Board issue on this? We are not the only reviewing agency that reviewed this. The Zoning Board also reviewed it and made the finding that they could build a shul.

Jacqueline Ricciani: The Zoning Board found that the shul was not part of the nonconforming use because the shul could exist independent of the bungalow colony. Once we start talking about things like classrooms, and other uses within that building, the Zoning Board may find the classrooms are part of the bungalow colony, and it could not exist outside of it separately because in this district houses of worship can exist independently with a special use permit. That is how this application was processed. Now you are talking about other uses that were not part of the original application.

Jacob Billig: When the board voted and indicated that the shul conforms in all districts, they did so because you are allowed to have houses of worship in all districts. I can't think of a church, a synagogue, or a mosque, the majority of which or all that don't have some type of basement structure. The basement issue came up when they started to look into doing the construction. When they started doing the construction it sloped down, so it was a natural thing to say we are putting in a basement. The code doesn't regulate for religious buildings, the code doesn't say you can only do X Y and Z in religious buildings, it just says religious buildings can exist in all districts. You have no limitations in your code limiting what happens in a house of worship. Right now the plan is that they have to grade, so they just want to dig out the area, and have an unfinished basement. To answer your first question, Dan, you can put whatever special use conditions you want on it. That is your prerogative as a board. I would respectfully disagree with you sir, if the law allows for religious buildings to be in the zone, which the ZBA found, there shouldn't be an issue. I am the town attorney in Fallsburg; our Building Department is swamped in the summer also. I would say that is irrelevant. The ZBA, after three meetings, finally made a decision. There was only one vote against it that this is a religious building, it is allowed in all districts and it was not an expansion of the nonconforming use. Therefore, whatever is happening in that footprint, below the ground, above the ground, is not by definition

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

an expansion of a nonconforming use. It can't be above the ground, a shul, therefore it cannot be an expansion, but below the ground it is something else. It is either a shul or not a shul.

Jacqueline Ricciani: When you put bedrooms and classrooms in the basement it is no longer a shul.

Jacob Billig: Why not? Have you defined what a shul is in your code?

Jacqueline Ricciani: No, but we defined a house of worship.

Jacob Billig: And what is a house of worship?

Jacqueline Ricciani: A building for religious assembly.

Jacob Billig: Okay, so where does your code say religious assembly is with or without classrooms.

Jacqueline Ricciani: It doesn't say that.

Jacob Billig: That is exactly my point. I think the ZBA, after 3 meetings, in their wisdom realized they were trying to regulate a religious institution, which is allowed in all of your zones as it is in all the towns. When we rolled up our sleeves to do the construction work we realized it makes economic sense to put in a basement because of the grade. There is no plan for a mikva here, there is no plumbing. I know that was one of the things raised with some of my discussions with Jacy and BJ. I think BJ was originally okay with this structure, and then deferred to send to this board so that you could look at it.

Susan Brown Otto: Randy first said there were bathrooms and coatrooms, and nothing else downstairs. Then we got the plans. Someone said there are there classrooms, and then someone said there not classrooms. Now you are saying there are classrooms. Are there classrooms, or aren't there classrooms? I understood that there was to be bathrooms and coatrooms.

Randy Wasson: In the basement, bathroom, coatroom, and utility room.

Jacqueline Ricciani: What is the utility room used for?

Joseph Irace: Sprinkler system, heating system, mechanical room. The balance of the basement is unfinished concrete floors, metal ceiling, and concrete walls. There will be no insulation; there is nothing down there in terms of plumbing or anything.

Steve Simpson: Where were the bathrooms going to be built?

Joseph Irace: They were on the main floor. The big issues with these shuls are the toilets flushing, it is a silent building and it is a disturbance for the bathrooms to be on the main floor.

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

So we did a minimal amount of toilets for handicap accessibility, and put the majority of toilets in the basement.

Daniel Gettel: And the room you gained by moving them downstairs?

Joseph Irace: The ladies for instance stay in one of these rooms. They have a separate worship area so we call it the Ladies Room, or we call it a classroom. The classroom is actually a mini shul. A shul is a school. We call it a worship building, but it is really a place where kids go to learn about religion. They have books, they have tables, and they have instruction. Although the town doesn't recognize this as a school, it is really a school, it really shouldn't be considered a worship building but by definition the state wants to consider these buildings to be multipurpose buildings. So they want them to be sprinklered and they want them to be available for worship or for learning, so it is basically a multipurpose assembly building. We tried to get it defined as a school.

Daniel Gettel: Jacob, I believe what we are doing is that we are misreading the plan as submitted. If you could would you touch on where it says classrooms. Are they on the main floor or the basement floor?

Jacob Billig: On the main floor.

Daniel Gettel: It is deceiving on the plans. They look like they are in the basement.

David Biren: So now it is a school, not a shul.

Joseph Irace: No, it's a house of worship.

Jacqueline Ricciani: What is the date of the plan that you are looking at there?

Daniel Gettel: August 18<sup>th</sup>.

Jacqueline Ricciani: Does it show a library and a women's sitting room on the main floor? The smaller one that was just handed out says classroom, library, women's sitting room.

Joseph Irace: It is all a shul.

Jacqueline Ricciani: You are giving it different stuff.

Joseph Irace: It is all the same use though. It is all a shul.

Jacqueline Ricciani: Why does one say women's sitting room, and the other says classroom, and it is supposedly the same plan.

Daniel Gettel: You need to understand, you came to the Planning Board three months ago,

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

presented a plan, said this is what you want to do, and we gave you everything you asked for, with a couple of stipulations. Now you are coming back, you want to change that, and that's okay, but you are contradicting yourself on the plans. We are not making the contradiction. Your architect submitted a plan that differs from the smaller version to the larger version. We are not creating the discrepancy.

Jacob Billig: Honestly, Dan, I don't know what the details are on that because I know it is a shul. I don't know how many seats there are. I don't know how many bathrooms. I don't know where the bathrooms are located. I know there are rooms that could be used for sitting areas or for classrooms. All of these are functions that occur within religious buildings. That is why your code properly doesn't restrict or define these types of functions. They occur in all religious buildings where they have in some churches, synagogues and mosques, they will have community gathering where the members of that institution will gather to not particularly worship but they are discussing something relevant to the institution or whatever. There are a variety of functions that occur in a religious building. I agree with you we should be consistent, and this board should have one set of plans, and if we haven't given you that, we should do that. Whether there is a room that you sit, if you want to say it is a classroom, or 100 seats, or 50 seats or individual seats or they are pews, it is irrelevant. It is all a shul.

Daniel Gettel: What I would ask is what are your thoughts on our restricting the building usage?

Jacob Billig: Obviously, it's unfinished now, so my client has no plans. Theoretically the board has the authority to put whatever restrictions you want to put on in the special use permit. That is going back to your enforcement question. I can't help you in terms of extra hands or hours to do enforcement. I have trouble with you and special use permits saying they shouldn't have any classes down there. I have difficulty with that from a first amendment standpoint. I wouldn't have difficulty if you said they couldn't have a mikva down there.

Daniel Gettel: You have to agree we approved a set square footage of the building. Now you are adding a third to the square footage.

Jacob Billig: You mean when you approved it in June? Like I said, we are clearly coming back and we are looking to make more space because of the grade. That is why I think you have the hammer. You have the authority to put whatever restrictions you need relative to being a special use permit. Whatever you are uncomfortable with. Like I said, it is a basement. I can't think of... most other churches synagogues, mosques all have a basement, and it is just part of how they are built. I want to hear from the board what your problem is, and then whatever restrictions you want to put on it. It is your prerogative.

Daniel Gettel: My issue is not with the fact that it says classrooms. Obviously we were misinterpreting the plan to begin with where it looks like classrooms in the basement. They are actually not in the basement. That is actually a front elevation, or an upper elevation I believe. Mr. Irace has cleared that up. I don't have an issue whether it is a library or a classroom. I know all of these buildings are public buildings or dual use. Jacy, I don't know if you have any

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

thoughts. My thoughts are if we let them go with a basement how do we control, two years, three years, four years down the road, that it is not a mikva?

Jacob Billig: The permit doesn't allow for a mikva. What are your two or three issues?

David Slater: Dan, when we first saw this plan, wasn't it a two story building going up?

Daniel Gettel: It had a mezzanine; it is the same square footage probably...

David Slater: Why did they take away the second floor? Was it because of zoning? Was it because... it's funny, they reduce to one floor, and now all of sudden we are just moving down a floor. They are getting two floors; we are just going down instead of up. Tell me I'm wrong.

Randy Wasson: I think the reason we removed the floor is because we were going month to month to month with the ZBA, and then with you, and we were trying, I don't remember if it was the ZBA or this board, they were saying how many people are going to be in this building, and how many, and how many, then we said lets try to make them feel more comfortable, so we will eliminate the second floor. That is how that happened, simply that way.

David Slater: So it was done to regulate the numbers. It was done basically so that we can say it is one floor, so many people, now by putting the second floor down below you have now added more capacity to add eventually, I'm just saying, it could add more people.

Jacob Billig: It was, Mr. Slater, the discussions with the ZBA, when they were first wrestling with this issue, was this an expansion of a nonconforming use? They were looking at the number of bodies in the square footage. Are we expanding a nonconforming use? So we tried to, with the ZBA, say all right look, we are going to put the women's area upstairs. So we said okay, we will kind of eliminate that. It turned out the ZBA didn't make the decision that it was an expansion, that it was a nonconforming use. They actually said it is allowed because it is a shul. Did we negotiate against ourselves by eliminating the second story because openly they made a decision that had nothing to do with square footage and the number of people? It was within code to be two stories. When they said you are allowed to have this religious building in all jurisdictions, all districts, therefore it is not an expansion of a nonconforming use. We could have had the second floor. We stuck to our word in a sense. Then I left, and when these gentleman started to roll up their sleeves and I understand Randy went to this board and showed certain drawings, it comes down to the grade, and initially BJ said fine, then she said lets bring it back to the Planning Board. That is the long-winded version of how we lost the second story, we didn't have to lose the second story. Now we are back here because it makes perfect sense to just dig out the basement.

Daniel Gettel: Randy, are you confident that is the spot where it is going to be built? The location also keeps moving, depending on who you speak to.

Randy Wasson: Yes. That is where it has to be built. Actually they started moving forward on the road.

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

Daniel Gettel: Mr. Billig you would agree with that too?

Jacob Billig: I think if that is in the special use permit and that is what the board approves.

Daniel Gettel: Not 100 ft north?

Randy Wasson: No that is where it is going to be built.

Daniel Gettel: There were some rumors. It's a small town.

Jacob Billig: You should have a map that shows the location, which should confirm that.

Susan Brown Otto: When were these plans submitted to us? Glenn didn't have a chance to look at them?

Daniel Gettel: It's not Glenn's fault, he was away. BJ was also away. It was in town hall more than 14 days that much I know.

Jacob Billig: So you are putting in something about no mikva, and it has to be built where it says it should be built on the plans. I don't know what other issues you may have that should be in the special use permit. I think that could address your concerns.

Jacqueline Ricciani: Mr. Billig, to be clear you are seeking an amendment or a modification of the special use permit that was previously issued by this board, I believe in June?

Jacob Billig: We aren't particularly seeking it, because we believe the basement belongs. The Building Inspector wasn't comfortable, so we are before you, you are raising some issues, so I think it is this board that wants to amend the special use permit and we recognize your authority to do that.

Jacqueline Ricciani: I would just point out the special use permit repeatedly describes the project as a one-story shul. Now it was pointed out...

Jacob Billig: Now it is a one-story shul with a basement.

Jacqueline Ricciani: Which is why you are here? You are here because you are seeking to build something that I think you agree is not what had been proposed and approved.

Jacob Billig: We could modify that to add the basement and to put whatever restrictions the board deems appropriate.

Jacqueline Ricciani: If the board determines that this modification is a substantial change from what was previously submitted, it could trigger a public hearing.

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

Jacob Billig: I wouldn't agree with that. The public was already given the opportunity to comment on the shul building. If you want to give the public the opportunity to comment because of the basement...

Jacqueline Ricciani: If the board determines it is a substantial change. That is the rule, you know that.

Steve Simpson: As far as I am concerned you are talking about a 51 x 77 foot space that is a pretty good size facility. It is a lot more of a disturbance in the ground than a slab would be, obviously. Yes, I definitely want to see the document amended to accommodate the new space.

Jacob Billig: With respect to another public hearing none of the issues that the public had an opportunity to comment on has changed. There is no traffic impact, there is no additional water impact, and there is no additional impact on bird's, bees, and fauna. So all of the issues this board calls a public hearing for remain exactly the same. We have a construction issue. I agree the special use permit should reflect that this is a one story building with a basement, and it should also reflect the two or three conditions that you want to add to that, whatever those conditions are.

Michael Cassaro: I can understand Mr. Billig's point. I could understand that maybe this plan isn't detailed enough. I am in favor of amending it with conditions.

Daniel Gettel: My point with the public hearing is that the public was brought in and they saw a shul, and it had a certain appearance. But this shul, if you look at the front elevation it doesn't have a different appearance than it had at the public hearing. Mr. Wasson, am I right?

Randy Wasson: You are correct.

Daniel Gettel: It is still at the grade level; it is still a one-story building.

Michael Cassaro: I don't think he needs a public hearing. I believe it should be amended with conditions.

David Biren: How much taller is the building now?

Randy Wasson: It's not any taller. All we are doing is we are keeping it at the same elevation.

Daniel Gettel: Randy, I think you measure from the average, it may be a little taller, but it still meets zoning. The lower end would be two stories, the upper one. There is an average in the middle. It could be taller, depending on how you grade it.

Glenn Smith: Mr. Chairman, is there a day camp at this facility now that the kids use in addition to this as classrooms?

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

Randy Wasson: I don't know. I know we have classrooms in some of these other buildings here.

Jacob Billig: I think it is a reasonable assumption Glenn, there are young kids.

Glenn Smith: The board would supplement whatever is on the site now.

Randy Wasson: Right. We are not taking down any classrooms or day camp if there is one.

Jacob Billig: That is my point. It is a shul. The activities that go on inside the shul, it is part of the shul.

Glenn Smith: The building should be subject to annual fire inspections by the Town Building Department.

Randy Wasson: The Health Department also has to do an annual inspection.

David Slater: Do we have a copy of the original plan from June? I am just wondering, point brought up, how does it move forward to help incorporate this hill into this plan?

Daniel Gettel: This actually fits better on the site than the original plan. The original plan had a lot more grading in order to accept the slab on grade.

Randy Wasson: That is correct.

Daniel Gettel: This is actually a much better type of construction.

Jacob Billig: Possibly less disturbance.

Joseph Irace: It is less of a disturbance. Randy was cutting out the front of the building with about 5 feet of dirt and creating a berm on the upper part of it. He was trying to cut and fill. He has three topo lines here which represent 6 feet. He was trying to level, cut and fill all this material to put a slab on grade. When we got into it with our contractors, we were all saying it just makes sense to just keep it flush on the front and flush on the back. It is less of a disturbance. It is like building a house that has a walkout basement. We are not changing anything except we are adding a basement because of construction. The whole thing is a construction issue, not a use issue. I agree. If you need to put restrictions on what they could do down there, fine. They will come back to you if they want to do something, if they deem it necessary to put something down there is useful. There are no windows, no utilities, no heat, no cooling, and no finishes. There are concrete floors and walls, and a metal ceiling.

David Slater: You just called it a walkout basement.

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

Joseph Irace: It is a walkout basement. There is one door. God forbid there are people down in these toilet rooms. God forbid an alarm goes off. They don't have to go back upstairs to a fire zone. They can just run right out. There are also utilities down here, the sprinkler companies have to come and maintain it. I agree you should restrict it so they don't just build something down there, they have to come back to the Planning Board. They are in the public eye and they don't want to have issues.

Jacob Billig: If they were doing something that violated the special use...

David Biren: I don't think you need a 9 foot ceiling in there.

Joseph Irace: No, we don't but we have about a 10 to 12 foot between floors, so that is the natural grade for walkout and the natural grade for the entrance.

David Biren: Lower the ceiling, you deter the desire to finish downstairs. There is no need to have a 9 foot ceiling if you have an 8 foot grade.

Joseph Irace: The beams are 12 inches.

Randy Wasson: Then you can't put the bathrooms in.

Joseph Irace: There will be 12 inches of ductwork too.

David Biren: They are just going to be using the bathrooms.

Jacob Billig: Why don't you put as one of the restrictions that the basement can't be finished in any way shape or form without Planning Board approval? Then it doesn't matter if it is a 20 foot basement. It can't be finished in any way shape or form without Planning Board approval.

David Biren: Then put the condition that if it is finished, and it is found out, then that whole building can't be used. How's that?

Jacob Billig: I think you have that power now if someone isn't complying with your code. We don't have a problem with that.

Joseph Irace: The owner agrees with it too. He wishes he could be here tonight.

David Biren: I would feel more comfortable with an 8 foot ceiling. Then I know they aren't going to use it because they can't finish it with an 8 foot ceiling.

Joseph Irace: In the future they may want to use it for storage or something.

David Biren: No, we are agreeing to nothing at this point.

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

Daniel Gettel: We can't say down the road a Planning Board cannot give them approvals to convert the unfinished section of the building.

Jacob Billig: Whatever they wanted to have done would have to come back to the board. I am happy to add the gentleman's language to say that if anything was finished the building will be closed until it is rectified.

Steve Simpson: On page A8, egress notes, does a shul typically have sleeping rooms?

Joseph Irace: There are no sleeping places, these are standard notes. This is a preliminary set of plans. We started a set of plans, then we heard from BJ saying don't do any more drawing until we approve this. I basically shut the job down, it is preliminary, and it is as far as we got with the plan. There are no sleeping places. Those are generic notes.

Jacob Billig: Obviously he is putting on the record there are no sleeping places.

Joseph Irace: This is not a finished set of plans; we are not looking for a building permit. We are showing where we are with it.

Steve Simpson: I feel I don't know what happened, because I don't know when the General Contractor was coming to the town to notify us of the change.

Joseph Irace: We were to propose that we needed thicker foundation walls.

Steve Simpson: If I had a change and I had a permit and a change were to be made, that would be something that would have to be brought up. Like I said we are talking about an additional 3,927 square feet, you have to understand our surprise.

Joseph Irace: That is why I went to BJ, and I said I want you to know we are sitting down with the contractor and his recommendations are to do a full basement. It would work better for the site. I forwarded her the preliminary drawings a month ago, and said, what do you think about this? At first she said I am worried they will make that basement what they want. I said fine. Why don't you just tell them they can't do it? She said I can say whatever I want, but I fear that they will do whatever they want, so basically we wanted to have it come to the board. That is fine, that is within her power. So that is where we kind of left it off. I felt if you said tonight, no basement, slab on grade, I didn't want to waste my time, time is precious.

Jacqueline Ricciani: It is totally not going to be unfinished. There is going to be restrooms and a coatroom.

Joseph Irace: Part of it. There is a big space that will be open, unfinished and no windows, just a door.

Daniel Gettel: Jacy, if we amend the special use permit to allow them to put in a basement with the idea that as per the plan that section of basement is never to be finished, can we also put in a

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

stipulation in there that if we find in the future that that basement is finished without the approval of the Planning Board, that the special use permit is no longer valid and that the building cannot be occupied until the applicant comes before the Planning Board?

Jacqueline Ricciani: That the applicant comes to the Planning Board?

Jacob Billig: They are not going to do that.

Jacqueline Ricciani: Is the applicant also going to permit...

Michael Cassaro: I'm wondering, why there is a bathroom and coatroom in the basement anyway. Susan said there would be a lot of noise down there.

Joseph Irace: Yes, there is heat and cooling down there.

David Biren: You said there was no cooling down there.

Joseph Irace: In the bathroom there will be air. This part of the basement will not have any ductwork, just have a sprinkler.

David Biren: Does this add more seating upstairs?

Joseph Irace: No, we did not change the floor plan upstairs. We did gain space from moving the bathrooms. We got two classrooms out of the space. The bathrooms were here, now they are just handicap accessible bathrooms. It is still the 77 x 77 foot footprint.

Jacob Billig: The language you are proposing I feel comfortable with putting on the special use permit.

Daniel Gettel: How does the board feel about a motion that we amend the special use permit to allow the applicant to construct a building with a full basement with the understanding that the unfinished... Are we looking at a motion to amend the special use permit to allow the applicant to build a building with a partial basement with bathrooms, a coatroom and utility room downstairs with the understanding that the unfinished portion of the basement will never be occupied or finished unless it is approved by the Planning Board, and also a stipulation on the special use that in the event that an inspection of the building determines that the unfinished portion of the basement was in fact renovated and is being occupied or used for a use that wasn't permitted by the Planning Board that they cannot occupy any portion of the building until such time as they reappear before the Planning Board to get approval for the use of downstairs? That is where I think we are going with this. If anybody has any issues.

David Biren: I have a question before we make the motion? That building was moved 100 feet?

Randy Wasson: No, same location.

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

David Biren: This is the exact same location?

Daniel Gettel: That is the original spot on the map. I don't know how else to resolve this issue. I do think construction wise this makes sense. I am neither for nor against it, but that is the motion on the table if someone would like to make the motion.

Jacqueline Ricciani: I would say there are two conditions. One being basically that the unfinished portion of the building as indicated on the plan, the unfinished portion shall not be finished, renovated, or used for any purpose, and the second condition would be in the event that it is renovated or used for any purpose, unauthorized, without prior permission of the Planning Board, the entire building shall not be occupied until the applicant has received the required permission from the Planning Board.

Daniel Gettel: And Jacob, I would like someone that is authorized by the camp to sign off on the special use. In the past I am the only one that ever signs off on these, and it is supposed to be signed by the applicant and the Planning Board Chairman. That is another condition that someone authorized by the camp would have to sign the special use permit for the record, unless Jacob would like to sign off on it.

Jacob Billig: I am just their lawyer, but I think it is a reasonable request. So we should have them sign as well, I agree.

Jaqueline Ricciani: So a representative?

Daniel Gettel: Someone with authority.

Jacob Billig: The only modification to the extent it is finished on the plan, the bathrooms...

Daniel Gettel: We are only talking about the unfinished portion on the plan.

Jacob Billig: Because there is some finishing, the bathrooms, coatrooms, whatever is showing.

Susan Brown Otto: And also can we state for the record here that even though the plans state there are sleeping rooms we are to ignore this. There are no sleeping rooms, even though the plans say there are sleeping rooms.

Joseph Irace: The plans don't say sleeping rooms that is just a window, egress windows if there were sleeping rooms. It is a generic.

Jacob Billig: The answer to your question is yes.

Susan Brown Otto: You understand our position.

Daniel Gettel: We are acting on the special use with the understanding there are no sleeping

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

rooms. That is just something Susan wants on the record, not part of the motion.

David Slater: Can we also stipulate, or put in, we see it is an unfinished room, what is unfinished and what is that use for? Hey I have a basement that I call unfinished, but I can go down there and put 40 people in there and have a recreation room. I don't, but if I did and it still can be used even though it is unfinished, a paint job starts to finish something up, lighting and carpet, and now you have a recreation room, no personal occupancy, can we stipulate that?

Jacqueline Ricciani: So the first condition in addition to saying that that portion of the basement shall remain unfinished, and in addition that portion of the basement shall not be used for any purpose without prior approval from the Planning Board. It shall remain unoccupied.

David Biren: Mr. Billig has the occupancy changed? If you have the same occupancy in the shul, now you have two classrooms, it has to have changed. How could it not?

Jacob Billig: I don't necessarily agree with that. Why would you say there are going to be more people? In one section they are sitting, another section there is a classroom table.

David Biren: Now you have two classrooms where there are going to be 20 students in each, so the occupancy has changed.

Jacob Billig: From my standpoint it is a shul, so they are able to pray there, however they exhibit their religion...

David Biren: But the occupancy has changed. You gave us the occupancy.

Jacob Billig: In terms of what? The number of people?

David Biren: Yes sir.

Jacob Billig: I don't know that the number.

Jacqueline Ricciani: I think that was based on the square footage.

Jacob Billig: Correct.

Jacqueline Ricciani: The number of people.

Jacob Billig: By population of the camp and the fire code.

Daniel Gettel: David, you are assuming they are using all three uses at the same time. That may not necessarily be the case.

David Biren: During the holidays, they will be.

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

Daniel Gettel: That doesn't mean the kids are in the classroom while the parents are in the shul.

David Biren: I can tell you they will be.

Jacqueline Ricciani: Isn't it seasonal?

David Biren: Yes, but there are Jewish holidays, I'm Jewish I know.

Jacqueline Ricciani: In September mostly right?

Jacob Billig: Like I said, from my standpoint it is a religious building. All the functions that occur...

David Biren: All right. You are right. I am wrong.

Jacob Billig: It is not a question of being right or wrong, it is a question of I don't know if the number of people has increased. There are certain regulations...

David Biren: If you are taking away bathrooms?

Jacob Billig: There is no question there is more space because now there is a basement and some of the bathrooms have moved into the basement. That is correct.

David Biren: So obviously there are going to be more people using the space upstairs. That is all I'm saying.

Jacob Billig: I know that it is only for the camp. I don't know how many people are using the space. Is there more ability for people to stand and/or sit? It appears that way, yes.

David Biren: Thank you, sir.

Daniel Gettel: Jacy, there is kind of a motion on the floor. If you wouldn't mind repeating the two conditions that we happened to have written down. The motion is to amend the Special Use Permit to permit an unfinished basement.

***Motion to amend the Special Use Permit to permit an unfinished basement, with a coatroom, bathrooms, and a mechanical room as shown on the plan dated August 18, 2014, subject to all of the conditions that are already in place plus:***

- 1. The unfinished portion shall remain unfinished and unoccupied unless the applicant receives prior approval from the Planning Board.***
- 2. In the event that the building is occupied, (the unfinished basement portion), without***

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

*the permission from the Planning Board, the entire building will not be able to be used until the applicant receives approval from the Planning Board.*

**3. Someone authorized by the camp is to sign off on the Special Use Permit**

*Motion by Mike Cassaro, second by Wilfred Hughson*

**Roll Call Vote:**

*Mike Cassaro – Yes*

*Susan Brown Otto – Yes*

*Steve Simpson – Yes*

*David Biren – No – I think there are significant changes, and the public will not see it.*

*Wilfred Hughson – Yes*

*David Slater – Yes*

*Daniel Gettel – Yes*

**Motion passed 6 to 1.**

Daniel Gettel: Thank you Mr. Billig, thank you Mr. Wasson, thank you Mr. Irace.

**2) Application for a Sign Permit to be located on State Route 17B across from John Payne's property, known as Bethel Tax Map #:33-5-8. (Rhulen)**

No applicant present.

**3) Application for a conceptual review for a commercial project located at 1459 SR 17B, known as Bethel Tax Map #: 34-3-1, proposed by Maser Consulting, P.A.**

Daniel Gettel: I guess just update us on where you are, what has changed, etc.

Justin Dates: We were here a few months ago. The project is still the same. It is a Dunkin Donuts on the corner of Schultz Road, and NYS Route 17B. There are a few more things we investigated. We were contracted to do a full survey for the project, including along 17B where we are looking to tie into the town sewer. Upon that survey investigation we found that the 17B right of way is actually substantially wider than the previous survey had depicted. We initially thought Schultz Road was closer to the building. In fact, the right of way for 17B is closer to the building and the right of way for Schultz Road is a little further separated from that. The existing building still has nonconforming setbacks. It was just a switch.

Daniel Gettel: But the proposal will not make those nonconforming setbacks any worse than they are now?

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

Justin Dates: Correct. We are still looking to maintain those nonconforming setbacks and not make them any greater. Also the lot area is also an existing nonconforming factor. It is 0.47 Acres. The code asks for 0.5 Acres with sewer.

Daniel Gettel: This we discussed at the past Planning Board meeting too. We don't have an issue with that. You did reach out to some of the adjoining property owners and there is no other property available. It is an existing building on an existing lot. We are not going to tell you that you can't build on it.

Justin Dates: Following the right of way issue we reached out to the NYSDOT, Christine Klein, to talk about the existing access road. It is within the right of way. We are also proposing the sewer connection in the 17B right of way so we wanted to touch base with them before advancing any further. Christine got back to us and said it would require a Use and Occupancy permit from the DOT. That is something we would need to gain in moving ahead.

Daniel Gettel: For occupying the driveway in the right of way?

Justin Dates: That is correct. The small portion of the driveway in the right of way is the portion which would have to be worked out with the DOT. It didn't appear to be anything out of the normal. The current site is serviced by a well and septic. We were hoping to still utilize the existing well on site. Upon a discussion with the Health Department, where it is located it is actually below grade. It falls below our proposed drive thru. There is concern about contamination obviously. We worked out a new well location with the Health Department. We will have to get a permit through that agency as well. These were the three items that came up since our last meeting, and we wanted to bring the board up to date. I did receive a copy of Mr. Weeks' letter.

Daniel Gettel: I'll touch on that if you give me a second. As the board may recall Michael Weeks is actually the engineer on this project. He did review it, and I did speak to Michael, I believe yesterday, about this. In Michael's letter he does point out there are issues with the nonconforming setbacks, but it appears that it is not increasing the degree of nonconformity. Michael also mentions that the Town Board needs to approve the sewer connection as an outside user. Do you have a time frame on when you are going to the Town?

Justin Dates: I spoke to the supervisor last week and we are putting together our initial submission to get that to the board.

Daniel Gettel: There is a question of the location of the dumpster?

Justin Dates: Yes, I did see that. Is a dumpster considered as an accessory use? I didn't see anything like that.

Daniel Gettel: He (Michael) didn't say specifically restricted.

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

Jacqueline Ricciani: It should be 10 feet.

Daniel Gettel: And he also asked for a detail on the enclosure.

Justin Dates: As we develop the plans...

Daniel Gettel: Obviously we want it screened from the road.

Justin Dates: We are proposing the back corner of the property. Is the dumpster enclosure considered an accessory use?

Daniel Gettel: I don't know that answer. It is not necessarily a structure, Glenn help me if I'm wrong. I don't believe it is an established setback.

Glenn Smith: I never heard of a setback for a dumpster, you usually put them as far away as you can.

Daniel Gettel: Michael just asked what the number was, not for a specific setback. Clearly we talked about all of the other sections of the code you are going to have to address. As far as the lighting, the landscaping, some kind of architectural plans for what the building is going to look like. Natural materials we spoke about last time. I don't remember the gentleman's name I know his name was Duncan. We will need plans like that in order to move forward. Michael will need landscaping, lighting, and some kind of signage. In order for us to declare that it is a complete application we will need that kind of information before we can schedule a public hearing, before we can move forward with the project.

Justin Dates: Understood. We would need to develop those site plans as well as an architectural floor plan and elevations, a pretty standard submission package.

Daniel Gettel: I appreciate you coming in and updating us. Do you have a timetable? Hopefully you will be open by next May. Those guys (referring to the pending Mysteryland application) are going to clean you out.

Justin Dates: Is it possible we could do lead agency?

Daniel Gettel: I don't think we have to do lead agency on a short form. I am comfortable with a short form, and so is Michael. The new short form is more detailed than the older short form. It is a renovation of an existing building.

Jacqueline Ricciani: It is going to need a 239 M submission though.

Daniel Gettel: Correct. We need a complete application with landscaping in order to get it to them. Keep in mind no lollipop signs are permitted in the Town of Bethel, monument style signs are. We don't require them, but like stone bases. Be consistent.

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

Justin Dates: We have been looking at cultured stones for around the building.

Susan Brown Otto: Across the street, at the Jeff Bank building, there is a triangle to control from which direction traffic you can enter or leave the building. Also, the Dollar General has a triangle as well.

Daniel Gettel: Their entrance is off Schultz Road, not Route 17B.

Justin Dates: Right now it is an open curb cut. We are actually channelizing traffic in and out of the site.

Susan Brown Otto: From Schultz Road? No one is going to be entering from 17B? Somebody can't say well I'm going to enter before exiting?

Daniel Gettel: No. You enter Schultz Road the way you do right now, as you do today. The bank lot is actually paved on the west side of the property. That is going to be cut up and channelized. They limit access to three places, one for the drive thru, one for the parking, and one for the exit. That doesn't require any approvals from the State DOT.

Susan Brown Otto: Okay. And to point out as a follow up regarding the signs as we try to request applicants to use original stone, cultured stone is okay, but there a number of signs in the Town of Bethel on 17B, which is our gateway, which has the nice stone foundation. So, if you look at the Bethel Woods sign, on the corner of Hurd and 17B, the McKean Real Estate sign, on the corner of Rt 55 and 17B, both of them have stone foundations.

Justin Dates: I believe the bank across the street does too.

Susan Brown Otto: They have a nice sign.

Daniel Gettel: Our code is on our website. There are several sections you have to address, the lighting, landscaping. Jacy this is a special use, I believe.

Jacqueline Ricciani: Eating and drinking, I'm sure.

Daniel Gettel: You have to meet the special use criteria also. It is in the H-17B District so you have to follow the special use and site plan requirements. I think you are taking the right steps. Let's just get the zoning addressed. Do you have a timetable?

Justin Dates: We are actually looking to get plans for the next Planning Board deadline, September 30<sup>th</sup>.

Daniel Gettel: Approximately two weeks. Work closely with Michael Weeks too. Whatever you send to us send to him. Thank you.

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

Daniel Gettel: At this time we would like to take a short recess to allow the next applicant to set up.

*Go into recess 8:40 pm*

*Return from recess 8:50 pm*

- 4) *Application for a Transient Campground and Outdoor Recreation to be located on Best Road for specific dates, known as Bethel Tax Map #: 16-1-39, 22-1-1, 22-1-4, 22-1-21, and 22-1-22, proposed by Bethel Woods Center for the Arts and ID&T/SFX Mysteryland, LLC.***

Brian Tamke: My name is Brian Tamke. I am the project manager for ID&T. We hosted Mysteryland this year at Bethel Woods. This is an introduction, to host again next year, for a special use permit for the campgrounds on Best Road, east of Best Road, and north of West Shore Road. To open up, we had a very successful event this year. We learned a lot. We are planning on growing and implementing changes to make the event a little bit more manageable and this is what will be explained going forward here. First and foremost the project team this year will be similar to last. It will be ID &T, who is the host company for the event, Bethel Center for the Arts will be hosting the event, CHA Consulting Engineering for the site plan. Mysteryland last year was hosted over the Memorial Day weekend. We hosted roughly 16,000 patrons over the course of the weekend. Broken down this would be 7,500 campers and roughly 500 day users each day on Saturday and Sunday. The breakdown of those attendee's vehicles was roughly 2,850 camping vehicles and 1,600 day use vehicles. The event for 2015 will be proposed for the same weekend, the Memorial Day weekend, May 22<sup>nd</sup> through May 25<sup>th</sup>. A couple of things we learned last year, and we plan on working on this year, are first within the campsites to increase showers and facilities for the campgrounds for the use and comfort of the attendees, but also for the standing campground size. You will see increased number of facilities in the site plans shortly. The use of the property needs some attention, to look at some drainage areas along Best Road as well the camping area which is south of West Shore Road by the Gabriel farm on the Bethel Woods property. A number of operational things, but most importantly bringing people in to the event, out of the event, and then once inside manage the attendees easier as well as for staff to manage emergency and medical services within the site. Mysteryland last year, as you saw in the numbers, did have roughly 16,000 people. We are proposing to increase the capacity to a total of 30,000 potential attendees. Of these 20,000 would be campers on an expanded campsite, 10,000 would be day attendees, either coming up from mobile areas for a single day, or staying at local hotels, bed and breakfasts, campgrounds for the weekend and coming in and attending back and forth but not staying directly at the site.

Daniel Gettel: It is an increase in campers, but a decrease in day campers, in the day attendees.

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

Brian Tamke: Correct.

Daniel Gettel: It is not a substantial increase in numbers, just a shifting in numbers.

Brian Tamke: Correct. What we found last year, and we will touch on the mobility later on in the presentation, is with the campers coming in on Friday and departing on Monday it gives us the ability to limit the impact traffic will have on the surrounding area. So if we bring in a number of our campers on Friday they will stay through the weekend. Campers will not have the ability to go back and forth to their vehicles. They will stay put. Having 10,000 attendees on Saturday and Sunday, it is the equivalent of a lower scale Bethel Woods concert. We found great success in our mobility plan last year along these lines, and we plan on sticking with a similar plan this year. I would like to introduce Nick Schwartz of CHA Consulting. He will go over some of the site plans.

Nick Schwartz: As you know last year we were camping in this area (showing on map) right along Best Road, and also had some parking in this portion. Right now what we are looking to do is to maximize both of those two areas in terms of including camping within all of the parcels along Best Road, and increasing the parking capacity in the existing fields on the northerly side of Best Road. We are also looking to camp up in the old Woodlands campsite. There are a lot of good spots that are up there. It looks like a different but nice place to continue to expand camping opportunities for the patrons that are here. It is a different style. Here you are in open-air campgrounds, over here you will be in more cover, in the old Woodlands Campground.

Daniel Gettel: While we are talking about campgrounds, you will not be going back and forth from campground to campground. They are two separate campgrounds.

Nick Schwarz: No, you are ticketed for a certain campground. I will go through that in terms of where you get your tickets, how you get your tickets. I just wanted to give everyone an overview. This is kind of the overall site plan. It looks really muddy. It will get a little clearer. When you see the larger radius circles here, those are the 500 foot rings for all of the shower and sanitary facilities. You will see the smaller rings; those are for drinking water fountains, and water spiket fill ups. We are in compliance with all of the applicable codes for DOH. You kind of increase the amount of shower facilities, and in here we went from one this past year, and now we are at five. For this lower area we will be at one facility up on top for the Woodland facilities. You notice we have parking here. We have parking for approximately 6,500 vehicles. There are approximately 5,700 parking spaces down here and approximately 888 spaces up in there. Those are some opportunities to make sure we have appropriate parking and appropriate spaces. This is for all of the campers. This satisfies the demand load of campers of about 15,000, with upwards of 19,400 if this entire area is sold and realized. That gives everyone some semblance, using last year's numbers, and also making sure we meet your code in terms of the number of spaces per Acre. We will be able to satisfy that. If you look at the overall yield, right now we would need approximately 89 Acres plus or minus based on your current code for campsites, a maximum of 6 per Acre. So when you do the numbers there are 438 campsites that are in this area right here, in the main holy grounds area, there are 38 crew camping areas, and

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

there are 62 Woodlands sites, that gives you a total of 520, plus or minus. This gives you a better idea of what the holy ground site looks like. It looks similar to what we say last year in terms of the camping facility. Right now we have added more shower facilities, and bathrooms in the appropriate locations. The other thing is in these darker areas here, they look a little bit grayer, and those are proposed to be improved roadways, 20 foot wide. That is going to allow haul trucks and maintenance vehicles to get back there to maintain the bathrooms at appropriate times. To really make sure you have a serviceable road. One thing to note is that we have laid it out in a grid, and the reason we have done that is to make sure we can have 20 foot wide clear to maintain for all emergency access. That is a big item for the DOH. It is also a big item for fire safety and our own internal security. We want to make sure we meet that. The way you enter into the campground currently is that everyone parks on the northern end of Best Road. We have a cattle gate system with fences that kind of direct and funnel people down along Best, but off of Best Road. We want to keep Best Road open so that it is a clear emergency access. They are going to stack and stand back through here. This is your ticketing area, and your badging and wristing area. Once you get through here, then you are able to get to the different campsites. Generally what happens they (the campsites) are staged for a while, and we end up filling from the south end to the north end.

Jacqueline Ricciani: How many campsites are in this location?

Nick Schwartz: 438. That includes not only this large area but also the two small subsidiary campsites.

Jacqueline Ricciani: Only tents, correct?

Nick Schwartz: Yes. Transient camping for just that period of time specified. Friday through Monday.

David Biren: Those roads you are putting in, they stay there?

Nick Schwartz: Yes, they are there year round. They are an improvement plan, not only for this, but also for the future.

David Biren: Thank you. Do they get fixed and upgraded after the Mysteryland?

Nick Schwartz: Yes. Every year as the festival goes on the serviceability of those roads will need to be analyzed to make sure that it functions for those vehicles that are going to go over it. So if gravel needs to be added the following year before the festival, absolutely. I don't think an investment of this type that we are planning... I don't think we want to not maintain that important investment in making sure that... it doesn't make any sense. We are going to maintain them as long as the festival is in town. Again this is kind of an overview of the parking area. Each of the parking spaces that are here is 10 x 20, which meets your code. There is also a 20 foot isle between each of the spaces, each of the rows of spaces. I think the maximum we got for a space length is about 30 spaces. You are looking at a maximum about 300 feet length. I think

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

that is fair. That is what we used last year and that seemed to work really well. Parking was one of those things that went really well for the festival.

Daniel Gettel: You had parking attendants, but were the spaces delineated?

Brian Tamke: They were drawn with flags. So the lanes were delineated with flags and string.

David Biren: Were there markers or anything so people would know? ABCD or anything?

Jacqueline Ricciani: Like you are parked in section A-4.

Brian Tamke: No, last year we didn't have the necessity to do so. This year we will have to do this, with more lighting.

David Biren: For safety. Thank you.

Nick Schwartz: Again, this is the Woodlands area. This is the proposed anticipated campground layout where we have approximately 62 campsites down along the lakeside. There is emergency access on the lower part of Darling. You have emergency access all around the campsites. There will be a gating area in here as well as a shower system in this area. Again, this is 888 spaces. This is a concept. We welcome feedback from the board to ensure we are putting camping in the right locations.

Susan Brown Otto: Last year I seemed to recall that the ponds along West Shore Road were going to be fenced off during the festival. Did they end up getting fenced off so the individuals could not access the pond? So, the Filipino Pond, are you going to fence that off?

Brian Tamke: Yes they were.

Nick Schwartz: We want to make sure we keep the campers where they are supposed to be.

Susan Brown Otto: Going back, I remember, this is focused on Best Road, and this is West Shore Road. I remember there was an emergency exit going down these hills.

Jacqueline Ricciani: Susan, this is only parking.

Susan Brown Otto: But where the campers are, are there are emergency exits?

Daniel Gettel: They pulled everything off of the steep hill along West Shore Road. That was eliminated.

Nick Schwartz: We are only on the flat part of Best, on the very top. The other camping we have, transient camping, so we have another 38 tent sites in here. It looks a little bit different than the others because in between the tent sites here, we actually keep them off the ground

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

there. One item we had last time was a tremendous amount rain the night before and part of the day of, and when you are in Bethel Woods everything comes this way. It comes down the road this way, and along the base of the hill. To assist us in making sure that we have adequate drainage the anticipation is providing a swale along the base of the hill, and discharging that into wetlands area that is there. That I think will solve the problem it will probably be 9 feet wide at the top, and 3 feet wide at the bottom. This way it has adequate conveyance to move the amount of water that we may or may not need.

Daniel Gettel: Glenn, are we talking about a DEC permit for the swales, discharging to wetlands?

Glenn Smith: That is probably Army Core up there. If you are not disturbing anything up there...

Nick Schwartz: We are outside of the Wetland boundary. We still want to convey the water. We are just channalizing a little bit but we realize once you channalize it is going to get a little bit harder so at the end of that you are going to want a level spreader or to have that water to spread out, that is part of the improvement for this area down here.

Susan Brown Otto: I was just wondering, with regard to this new camping facility, I was in the facility a long time ago, friends were camping there. I was just wondering in terms of the road access, if we could tour the facility to see how the roads are setup. I remember the Best Road field.

Daniel Gettel: I believe it is controlled by Bethel Woods, but it is an option. If you want to speak with BJ, she can arrange that. Just don't go up in groups of more than three at one time. I'm not familiar with that. I know the location of the original campsite, and I haven't been up there. There will be no trees removed, or anything like that. It is just a matter of cleaning up the old campsite.

Nick Schwartz: If nobody has any questions or discussion on the site plan elements or the special use permit I would like to have Brian talk a little more about the mobility and traffic. Some of the things that went well and some things we can provide improvements for.

Daniel Gettel: I think we should let Brian continue the presentation and then we will take questions from the board.

Brian Tamke: As I mentioned earlier, we had great success with the mobility plan last year. The campers coming in on Friday, departing on Monday, and the number of vehicles coming in and out of the site on Saturday and Sunday really gave us the ability to control the traffic coming in, not impact the local township too much, and gave us control of the traffic, and control of the parking areas. With that said, and which you mentioned earlier we are just kind of moving the numbers around, we are going to stick to a very similar plan this year. Our first day visitors coming into the site, coming east or west on 17B, you would go past Hurd Road coming from the

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

east and proceed to Perry, and continue north to West Shore Road, right onto Hurd and that would bring you to the day parking, the pre-existing parking lots of Bethel Woods. In the instance we have a large back up of traffic or that Perry Road has to be closed for any reason we would divert to Hurd, and utilize in the normal traffic patterns for Bethel Woods events. We would normally utilize Hurd Road in the instance that Perry Road was unencumbered and able to be utilized in this fashion during the course of the weekend. It would be primarily for shuttle buses coming to and from both from cities and local campgrounds, hotels as well as kiss and ride, taxis, artist entry, and emergency vehicles. Limited use and more controlled use until the situation presents that we have to use Plan B essentially. For the campgrounds, it will be almost the same plan as last year. What we did last year was to bring campers from either east or west from 17B up to Happy Avenue to Laymon, continue to Laymon to Best, and then down to the parking lot that we showed earlier. This is what we are entertaining now, this is a preliminary plan, and we are looking at toward the future, what additional parking lots, what additional sites we could use for parking. One would be coming from Happy to West Shore, and utilizing a potential lot there or in the instance if we grow further continuing up Hurd Road, because it would be prior to the event on Friday, or Thursday depending, and utilizing some of the parking north on West Shore. Last year we had a road closure strictly for the event dates. We closed West Shore Road, from Happy to Hurd, and Best Road from just north of the dogleg going down into West Shore Road. While that was efficient, and worked for our needs for the campers and foot traffic going up and down West Shore and keeping it safe, we encountered a couple of issues last year with the use of the site and having local pedestrian foot traffic and car traffic going to the site during the period which in reality becomes a problem for safety, both for our employees and for local pedestrians going to the site. What we would propose this year is a longer closure period which would give us the ability to close from Monday, May 18<sup>th</sup> thru through Monday, May 25<sup>th</sup>, for West Shore Road. And Best Road would be from Saturday, May 16<sup>th</sup> through Wednesday, May 27<sup>th</sup>, being that would be the primary work site. Going forward we would like to take questions and comments from the board

Daniel Gettel: The road closures are a Town Board issue. We may not be looking at road closures, but I do think that perhaps limiting the access to local traffic only might be a good idea. I know there were a lot of people going up and down the road, 12, 13 times a day to see what was going on. I do think we should try to limit that a little bit. Everyone was curious. It was a novelty. It was the first year. We also have to realize that there are locals and farmers that use these roads. I don't know that we are going to recommend to the town board that road closures schedule be extended, but we may want to look at another option. Again, this is all preliminary. I know it was an issue before.

Brian Tamke: The motive is safety.

Daniel Gettel: There is no question there were a lot of people involved in pulling off this event. We may not have been prepared for that as a town, what it would take. Actually being on the site was phenomenal, to see what was actually going on. But driving up and down the roads, it was an issue with the ATV's, and all of the equipment etc. It is something we have to look at. We can make recommendations to the town board but we wouldn't do the road closures.

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

Brian Tamke: What we would like to do from here is to take questions and concerns from the board. We would like to put together a full submission for the Planning Board for the October meeting, and move forward from there and hopefully have a public hearing in November, and seek potential action at that point.

Daniel Gettel: I wrote a couple of notes down. I was actually able to visit the campsite last time. I was at the previous Mysteryland event. The camping, the isles between the camping they were adequate for traffic, there was an issue of mud. I don't think it was a major issue, but I do appreciate the fact you putting an investment in the area, a permanent investment into the site, with the idea you will be coming back in other years. I do think it is a good idea to put in some permanent roads in that area now that we all have had a little bit of a learning experience about what to expect from the site itself. I was able to go up on Thursday the day before the event with a representative from the New York State Dept of Labor. They inspected the stages. We were given a tour of the site. There was nothing that was hidden from us. We were given full access to everything. This included the camping area where they were setting up the tents for the festival itself. There were a lot of people there and we heard nothing but good things from the Department of Labor on the Mysteryland event. On Friday, I witnessed what the kiss and ride was like. There was no problem with Hurd Road as far as the kiss and ride. I think it went off the way it was supposed to go. Saturday I was able to get up there as a ticket holder, and was able to go through the security screening, the checking of id's, and checking of wristbands. It was very professional and well done. It was a rainy day, but the lines weren't as bad as I imagine they were on Sunday, but it still was very well done. Everyone was searched, everything was searched. I think they did the best they could to keep paraphernalia out of the property. The last day of the festival I went up with a number of representatives from the NYS DOH. They did an inspection of food service and the camping area. I saw a minor security issue on Sunday. Two people jumping fences. Brian and I had that discussion, I saw a few people jumping the fence by the monument. Just for the record I believe you are going to petition the DOH to waive the 60-hour camping rule.

Brian Tamke: Correct.

Daniel Gettel: We need to be aware of that as far our code goes at this time, I believe we are following the existing special use permit procedure as per our current zoning with the idea that if the camping code changes in the midst of our review the applicant can request to be reviewed under the new section. We will work it out, assuming it will be approved in October, which may be a possibility with the Town Board. You mentioned parking in the field. Can you tell us how many parking spaces you had available last year and how many you actually used?

Brian Tamke: We had the ability to park much more in the space then we used. We could have gone to 3,500 parking spaces, we used roughly 2,850. That was the entire campsite. It was more than enough space.

Daniel Gettel: You are looking at possibly more busing this year?

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

Brian Tamke: Absolutely. It is the type of program that grows with the event itself.

Jacqueline Ricciani: You are anticipating campers coming by bus as opposed by private vehicles?

Brian Tamke: We will have some campers come by bus as well, but primarily campers come by vehicles. The buses are more for day users. They are coming from New York, or Boston.

Daniel Gettel: What I found amazing last year was the level of review by the different agencies involved. We were invited to several meetings to talk with the State Police, the Sheriff Department, and every department in the State I think was probably there. If you think we approve something at this level, it goes through a whole other level after it leaves here. We are the first step. The only complaints I heard about were that the State workers had to work the holiday weekend. I can't really help with that. By Sunday, I know the Sheriff and the State Police were generally pleased with the way things went off. There were very few problems with drugs or arrests that I know of. The overall vibe of the festival was great. I personally know quite a few people that attended. There were quite a few locals that did go. Like Brian said, there were a few problems with the showers in the camping area. People were taking too long in the shower, so they did away with the token system. On Sunday morning everyone wanted to take a shower, which is understandable but...

Brian Tamke: As you saw on the site plan.

Daniel Gettel: I believe you are trying to address the shower issue. There was one minor problem with food service but that is more with the DOH concern.

Brian Tamke: We are addressing that as well.

Daniel Gettel: Like I said, we had access to the site. There was one vendor that ran out of propane, and was still serving food. There were a number of noise complaints last year, specifically directed at the Town Board meeting. I think we pretty much agreed that there was a bass coming from the butterfly/ship stage, whatever you want to call it. We don't review the noise permit. That is part of the festival. I want the board to remember that. We don't review the festival, we review the camping. As a courtesy I did ask them to address the complaint about the bass on that particular stage. You have agreed to hire an acoustical engineer to look into that specific stage, and how we can better address that moving forward. There were a lot of people that complained, where one person could hear the festival four miles away, and a neighbor couldn't, a person a mile away the other direction didn't hear it. I do think it is that one particular stage. And to your credit we did ask you to turn it down on Sunday, and you did. You may not have noticed it in Town, but it was turned down on Sunday. There were complaints about the fireworks at 2 am in the morning. You had the valid permit in line for that time. It should have been public knowledge. You addressed the security for the camping. You had it separate from everything else. We didn't anticipate the number of crew that was needed to pull off this event.

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

The Health Department had a handle on it before any approvals were granted. The setup and cleanup was amazing, how quick it went up and went down. I also understand there was a lot of positive impact for local businesses'. There were a lot of complaints that the campers are not allowed to leave the site, but I do think it is a very good security item that once you check in the campsite you stay out the campsite, you are not wandering around town. I know the Monday after a lot of people left town and left their last dollar. When you go through your report with Glenn, there is a statement in there about removing the fracking trucks with the black water. I do believe that a 21,000 gallon truck full of waste water shouldn't be on the Bethel Streets. That is something you should look at. I never heard it called black water. The reports that were submitted for this meeting needed to be updated. I assume they have been updated. The operational plan?

Brian Tamke: Yes, absolutely. You have those in your hand.

Daniel Gettel: That is all I have. I do think the event was well handled last year. I appreciate you coming back and making an investment in the area.

Brian Tamke: Thank you. We were very happy how the event ran last year. We were very happy with the Town, and the process leading up to it. Thank you for the kind words. They are very much appreciated.

Daniel Gettel: The site was not a muddy mess. It was obvious it had rained on Saturday, and the Friday before, probably the Thursday before that. They had a lot of rain.

Brian Tamke: The proposed site updates give us a number of good changes. It gives us the ability to operate the site better, and it also provides a better experience for the campers, and gives a better overall feel to the event.

Daniel Gettel: If anyone wants to get a good feel for the camping at the previous event, you can go on You Tube. It is almost a documentary on the camping. It pretty much walks you through the camping at the event last year, how it was laid out. We happened to be there with the Health Department at the same time. The guy did a very good job of putting together that little display of how the event went and how the camping went. Are there any questions from the board?

Susan Brown Otto: I believe from my perspective it went well last year. I live on Pucky Huddle Road, which is right across from Perry Road. I was around the entire weekend, and from my perspective, not that I was there 24 hours a day at the corner of Pucky Huddle and 17B, but I didn't witness any jam-ups there at that checkpoint. I also happened to ride through on Monday during the exit. There was a lot of traffic, I went down West Shore, the people were respectful, traffic was moving down along Happy Avenue and West Shore, and traffic was a little bit backed up on 17B. It was manageable nevertheless. I would like to say that I know for a fact the corn that is growing on the corner of West Shore and Happy Avenue, was planted a few days before Memorial Day Weekend. So Willy, you can back me up on this, that is the key week for farmers to plant and that needs to be considered if in fact roads are going to be closed off and the farmers

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

can't plant their corn.

Brian Tamke: I think a limited access approach is the way to go.

Daniel Gettel: There were a lot of people that were driving up and down the road. I personally went by every day after work.

Susan Brown Otto: As far as the security aspect, we need to remain vigilant, I feel very passionate about this.

Brian Tamke: It is very very important to us.

Daniel Gettel: You have to consider the way they routed people through by fencing off the ponds, and fencing off some of the neighborhoods. It was almost a corralled effect, getting people down West Shore Road. There is no question that West Shore had to be closed off. Actually, Best Road was opened more than West Shore. Is the Yoga section is coming back? That is part of the festival section. That is where the security problems were, where the teepees were.

Brian Tamke: We have a number of different plans in place. We are looking to better secure those areas. It is a point of focus. We were concerned about a few security points.

Daniel Gettel: People would just come up and see there was a line and why not just jump the fence and go through the Yoga section first. It was a way to bypass the lines.

Brian Tamke: We were concerned about a few different areas, and we were worried about different security points. That was one of the few different areas that we had issues with.

Daniel Gettel: How was it at night when people were supposed to be camping or sleeping? Did you have security on parole?

Brian Tamke: There were mobile security units. There were station mobile security units, mobile medics, and medics at the medical tent.

Daniel Gettel: I didn't hear of anyone roaming off of the site.

Brian Tamke: The campers are there for the event.

Daniel Gettel: I know there were some complaints about you having fireworks at 2:00 in the morning. I think the Town Board should consider this. I think if you had it at 11:00 and then told everybody to go to bed I think that would be more of a problem. People are told that it is 2:00 so they should expect it at 2:00. Two days out of their life isn't really going to affect them. As far as the timing goes, like I said, I don't want to tell you how to run your event, but I do appreciate that you did have a well-run event.

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

Brian Tamke: Thank you.

David Slater: A couple of comments that I have. Looking at your expansion, it is a big expansion. You are going from 7,500 campers, to 20,000 you are expecting. Two thirds is camping which means we do have a big part in this. This festival will not go on if we say no camping or we regulate it. We do have a lot to invest in this. A couple of things, we inconvenienced the farmers by shutting down the roads, and as a taxpayer and talking to taxpayers just wondering, how you compensate the locals for the inconvenience of noise, no use of roads, although it helped Sullivan County and some of the local stores, how did this help local taxpayers? What did Dave Slater see out of this? My taxes didn't go down and yet Bethel Woods probably did well, you did well. Your festival is going to do very well this year probably. What does the average taxpayer get out of this?

Brian Tamke: The people who did well were the attendees. That is what this is for. It's to create an environment in an atmosphere that people can come to enjoy. Doing well is a relative term. It is an extremely large undertaking to put something like this on.

David Slater: The inconvenience of the taxpayers that we represent.

Daniel Gettel: As with every other Bethel Woods event. We see the sales tax and the benefits of the sales tax. That is what we get at a local level. The answer to your question is that it is the same as a Bethel Woods event.

David Slater: Bethel Woods doesn't close down roads for 5 days, or 8 days.

Daniel Gettel: That's what I'm saying, that's what I'm telling Brian, that is kind of a stickler. It always has been. Even when Bethel Woods was originally proposed, closing down roads was a big issue. I also think we have to recognize the fact that Bethel Woods controls pretty much all of the property on West Shore, from Happy to Hurd, I would say. I don't want to step on anyone's toes. I know there are a number of neighbors, but I do think that we also have to consider the fact that we are not talking about shutting down a road that is leading to a major housing development. We are shutting down a road where they have another way to get there, and also the developer, one of the main people proposing it, controls those properties. We should also recognize that. Is there anything else from the board?

David Biren: Are you going to be changing where some of the stages are?

Brian Tamke: The site is beautiful and there are lots of different ways to move them, different things we can do, but only to keep it new and fresh. If you had the opportunity to come this year and next year, you will see limited changes, but really just more aesthetics, better flowing lines. It will be similar to last year.

Nicholas Schwartz: The blue tent will be relocated. All of the vendor space will be adjacent.

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

We are going to make some changes with drainage. It was wet on the lower end, the preservation on this end and for the neighbors.

Daniel Gettel: They pretty much had to build platforms all throughout that section. Home Depot sold all of the plywood they had. \$30,000.00 is the number I heard. We appreciate the tax dollars.

Susan Brown Otto: Dan, one thing, even though we had rain several days before the event, as I recall there was really fantastic weather.

Daniel Gettel: Only one day, Sunday. Saturday it rained.

Susan Brown Otto: There have been years that there have been days of rain. I'm just saying to keep that in mind. I recall that it was a fairly nice weekend.

Brian Tamke: It could have been worse. Some of these plans are put in place in the event that happens.

Daniel Gettel: Susan I was there on Saturday, it was miserable. It wasn't so windy that they had to take the stages down, but it was windy. Jannetta, Brian is telling Glenn that he will provide him with the specs on the stages, Glenn was provided with that information last year, and you also represented the town for that last year, to do inspections. That is the Thursday event we went up there for last year. Brian will be providing that information again even though it has to do with the festival we will be getting that information. Is there anything else from the board? I do think there is an increase in the camping, but if you think about the camping at Best Road, it is doubling what was there last year. He doubled the facilities, he doubled security, and I think it has the potential to be run just as well as last year. The other campsite is going to be removed from this, so it is not an intermingling, it is two separate campsites. I think that makes a lot of sense from security and production standpoint. Different people ticked at different areas. I do think it is wise to split the camping if you are trying to increase it.

David Biren: Brian, I would like to recommend that you have some personnel that know how to handle roads, traffic before the concert starts. Last year the guys on the ATV's were not capable of handling those ATV's. I'm not giving you a hard time.

Daniel Gettel: They made a lot of improvements to the road between Gabriel and the festival site so they don't all have to be on the road this year. I don't know how the road was before the event, but it is much improved. The staging areas for the ATV's are down at the Gabriel Farm.

David Biren: They all came out at one time.

Daniel Gettel: On this plan you can see there is now a road from Gabriel Farm to the festival site. That is on the lower right hand side of the picture. That has been improved. Hopefully there will be less traffic on West Shore.

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

David Biren: Maybe utilize one or two flagmen when using ATV's and controlling it that way would help.

Daniel Gettel: They were not respectful to the locals.

Brian Tamke: Thank you for your comments and positive reaction.

Daniel Gettel: Work closely with Glenn (Smith). I do think it is a good idea to get the public involved earlier, the earliest we could vote on it would be at our October meeting for a November public hearing.

We would need a complete submission by then. Glenn if you would handle that for the town. You (Mysteryland) set your own timetable with the timing of your submissions.

Glenn Smith: Did you met with the Health Department already?

Brian Tamke: We met with them today.

Daniel Gettel: In the past, I don't know if you are required to go to the Health Department after you meet with us. That is how it worked out the last time. Instead of going to the Health Department while working with us, they got our approval and then went to the Health Department. That tied your hands a little bit.

Brian Tamke: A longer process. We are trying to do everything at the same time.

Daniel Gettel: Vicky is there anything with the Town Board?

Vicky Simpson: You know we had the public hearing for the zoning and camping. Tomorrow night we will not be voting. We are still deliberating.

***Motion to adjourn by Steve Simpson, second by David Biren***

***All in favor – 7  
carried***

***Opposed - 0***

***Agreed and***

9:45 pm

Respectively submitted,

*Gannetta MacArthur*  
Recording Secretary