

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 December 11, 2012 at 7 PM at the Duggan School, 3460 State Route 55, White Lake. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda at this time was the following:

In attendance: Daniel Gettel, Chairman, Susan Brown Otto, Steve Simpson, David Biren, Michael Cassaro, Bernie Cohen, Councilman, Michael Weeks, Engineer, Jacqueline Ricianni, Attorney, and Jannetta MacArthur, Recording Secretary

Excused: Wilfred Hughson, David Slater, and Vicky Vassmer-Simpson

Pledge to the flag

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

***All in favor-5***

***Opposed-0***

***Agreed and carried***

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

Daniel Gettel: This is the first we've seen this, you can just present it to the board.

Lawrence Marshall, PE: We are proposing a 2 lot subdivision of an existing approximately 33.8 Acre parcel. We are proposing to subdivide off a little more than 2 Acres of land on the corner of Royce Road and Route 17B for the purpose of constructing a 8,988 sq ft Dollar General Store to go along with the proposed subdivision. There is a reservation of right proposed for joint entry or access off of Route 17B, which I will discuss further as we go through the site plan, as well as a temporary graded easement that is necessary for the proposed grading on site. This is in the C-17B zoning district, which requires a minimum of 2 acres of land. As mentioned it is a Dollar General Store. What we propose to have is limited access from Route 17B, being right in and right out. That has been discussed with the NYS DOT and they are in agreement with that access, provided that we provide an easement for the remaining lands to also utilize that access. We had originally looked at obtaining access from the neighboring gas station, and it was my understanding there was a reservation of an easement from that parcel to benefit the parent parcel of what we are looking to subdivide off of. That reservation was very restrictive. It only permitted that easement to be executed in the event of there being a strip mall, or a couple of other different uses. Unfortunately this use does not fall into that category so we will not be able to execute that agreement of that easement. We are proposing limited access off of Route 17B, then a full access off of Royce Road. We do propose 33 parking spaces. The town code requires a minimum of 36 spaces to be constructed, based upon the size of the store. Based upon General Dollar's national averages, they have stores in over 40 states and the number of stores exceeds 10,000. Based upon their numbers, they require a minimum of 30 spaces to be provided for each of their stores of this size, in this case 33. Your requirement exceeds that by 3. We propose an onsite well and septic system. The septic system has been tested. We performed a deep test and percolation tests. We did not perform

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them with the town engineer. Typically we do the testing first to make sure that everything is going to work all right. We will be contacting them to do the joint testing. As you can see, if you are aware of the site there, it is a very steep bank that has been recently excavated. A large portion of that bank will have to be removed as part of the site plan to accommodate the store and parking area. We have shown the grading here. We have tried to keep it... We have tried to elevate the site as much as we could to minimize the amount of excess fill that we would have on the site. Even with the two constraints of Royce Road and Route 17B, and providing access for the vehicles, entry and exit, there is still a great deal of grading that will still have to occur in the rear portion of the site. We have a number of excess materials. I'm not sure where I have that.

Michael Weeks: It is somewhere in your notes in the plan.

Lawrence Marshall: Regarding the subdivision, 2 acres is the minimum for this site. We really don't need that much land. There is a large portion of land in the rear that is really unnecessary, but we have provided the two acres to meet the zoning. I just want to flip back real quickly. The configuration of this lot has been set up so that lot #2 maintains a 150 foot lot width, which is required by your zoning in this area. There is a slight angle here, you can correspond to here, that is why we have some of the spaces in close proximity to the property line. To accommodate storm water treatment and retention we are going to be providing a retention area in the southwest corner of the site, at the corner of Royce Road and Route 17B. The area will be depressed, not steep along the sides but fairly flat, as flat as we can. This facility will collect the water, treat it, and then convey it through the existing culvert that crosses Royce Road. We have done some preliminary designs on that. We haven't finalized that because we didn't want to take the site plan too far without coming this evening to see you. As I mentioned the access off of Route 17B will be restricted. It is going to be limited to a right hand in, right hand out. What we propose as a limit is a mountable concrete curb island, basically in the shape of a triangle, to limit those movements. The reason we propose that is to facilitate truck movement into and out of the site. This will be paved, it will be drivable. The average car isn't going to drive over it, but in order to allow the large delivery vehicles into and out of the site they are going to have to drive over it. We have also provided the profile to show where the existing grade is and where we are bringing the site to. Along the two center lines, the access off of Royce Road, as well as Route 17B.

Daniel Gettel: Just for the record, this entrance is the same configuration that was approved for the First National Bank of Jeffersonville. It is the same in, out, right in, right out.

Lawrence Marshall: That is what they did there as well?

Jacqueline Ricciani: With the same kind of access in the back.

Lawrence Marshall: For this we have a little bit of an obstacle with the size of the delivery vehicle which is going to come into and out of the site. It is a WB67, which is a 53 foot trailer. It is basically the largest trailer you see on the roads. That delivery comes once a week from Dollar General themselves. They do receive many deliveries from local vendors also, like potato chips, soda, etc., but the largest vehicle you will see will be from them, once a week.

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Daniel Gettel: Do they come off hours?

Lawrence Marshall: Generally they come off hours. I can't say for certain that they will in this instance.

Daniel Gettel: Even if the parking lot is full, they will still be able to access the store?

Lawrence Marshall: Absolutely. We have run the truck turning diagrams through the site to make sure they can get into and out of the site safely and efficiently. They aren't going to block any traffic or anything. We have provided preliminary landscaping and lighting plans. The lighting that we proposed on the site plan is shoe box lighting. I preliminary read through Mike's comments. I understand that is not permitted. There are also some issues with the landscaping plan. If the board doesn't mind I would like to reserve those until they get a little more polished.

Daniel Gettel: We had the opportunity to forward your plan to Michael, so we took advantage of that. I think he has some things he has to address. I don't think there will be huge site plan changes, but some minor items.

Lawrence Marsh: The only other item I wanted to mention is that we did supply a proposed rendering of the building, which it is my understanding it is somewhat consistent with what was previously approved by this board for the Dollar General that was going to be somewhere in the vicinity. Just to clarify the site, this is a corner entry Dollar General. The building itself is shaped like that, but there is an overhang that squares it off.

Daniel Gettel: You are not the applicant, 980 Route 17B Inc. is actually the builder of the building. Is that correct?

Lawrence Marsh: No. 980 Route 17B Inc. is the current owner of the parcel. The applicant for this, the subdivision and site plan, is Primax properties. That was Jonathan Green who was with me when we sat down at the informal meeting. The proposer of the subdivision is 980 Route 17B Inc. and then the one proposing the site plan is Primax Properties. Primax Properties would be the developer and the general contractor.

Daniel Gettel: They aren't just going to get it approved and walk away. That is what I'm getting at. They do have an interest.

Lawrence Marsh: Primax Properties, there are two entities there. There is Primax Properties, and Primax Construction. They have a development group that looks for sites. They look at the soft numbers on paper of what it would cost to develop a site in a certain area, given the constraints of the town. The big number on this site is the grading that is required here. They look at that and they decide if they are going to be able to afford to build the building. They then set the rent accordingly. As long as Dollar General approves it, they will be building it. There are very few instances that Primax

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properties have not gone through with construction of a building. That happens when problems arise with flood plains, wetlands, access and signage. None of those things seem to be an issue here.

Daniel Gettel: You touched on signage. Signage is not part of this application.

Lawrence Marshall: Correct.

Daniel Gettel: As with the other one they want to do that separately. I don't understand it. I guess that is how Dollar General does it.

Lawrence Marshall: I don't understand it either, but my understanding is that as long as Dollar General can get a building sign, and some sort of sign near their entrance, they find an area okay. Unfortunately there are municipalities that don't permit signage, monument signs, directional signs or building signs. They are very restrictive with signs. As long as your code permits two signs of whatever size is permitted by the code, Dollar General will be looking to build on this site.

Daniel Gettel: There is an existing stone base sign at the corner. Is that staying?

Lawrence Marshall: It is going. It's not gone yet, but it is going. It is partially in the right of way, partially out, but that sign will be removed as part of the construction, as well as the existing driveway that was used off of Royce Road. That will be closed off based on the construction through here (showing on map).

Daniel Gettel: At the preapplication meeting I had concerns about the grading. There has been work going on at the site previously. Obviously the sewer system has to go some where. We were kind of wondering where you were going to reserve an area for the sewer if you were going to take all of the natural soils out. You seem to have addressed that. Is the bank going to be graded to a 3 on 1 slope?

Lawrence Marshall: I believe it is 3 on 1. I will have to check on that.

Daniel Gettel: It would therefore just have to be seeded.

Lawrence Marshall: The soils are such that a 3 on 1 slope is more than flat enough to accommodate, and to be properly stabilized. What we plan to plant in there, along that back bank is a wildflower mix that requires very little maintenance. You know a self seeding mix that maybe requires weed whacking once a year or so. There is a large portion of the east side of the site that we won't own.

Daniel Gettel: You mentioned the curb cut onto Route 17B. For months and months BJ and I were getting State review letters back and forth. I know you went through a lengthy review process for that. The State does look like they are going to approve that location. I don't know if it is an issue for us, because they really did jump through a lot of hoops. I don't know if they have approved it or not, but to get them to give the nod. They looked at the existing gas station entrance too. Unfortunately, that didn't work out. The way I read the parking regulations Section 345-22A (4) seems to address how we

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would handle the number of spaces required. Can you touch on storage? That was another issue that I have always had with Dollar General. Everything is delivered to the parking lot, but there isn't going to be any storage in the parking lot.

Lawrence Marshall: No there isn't. There is no proposed storage here (indicating delivery area of parking lot). If there is ever any storage here, it should not be there. I know you guys have mentioned some other Dollar General stores in other locations, there is no proposed outside storage of anything other than obviously a dumpster location, which is screened. It is in the rear of the property. All of the product comes in on carry-able totes. The totes from the previous delivery get put back on the same truck and taken away.

David Biren: How many parking spots will the employees be using?

Lawrence Marshall: This store will employ a total of 8 – 10 employees. The likelihood is you are going to have 3 to 4 employees here at a time, unless stocking days.

David Biren: So you are doing 33 spaces?

Lawrence Marshall: So that would be 28 for the customers.

David Biren: Your Company feels that is enough?

Lawrence Marshall: Yes. As I mentioned before, they go as low as 30. They are comfortable with 30 including employees. The loading area is separate from that.

Michael Weeks: Larry, do you think you get something from Dollar General to spell out something, with more detail, regards to their parking.

Lawrence Marshall: I can reach out to Dollar General directly and see if they will issue a letter stating how many parking spaces they are looking for in a store this size.

Jacqueline Ricciani: Based upon their experience with other similar size stores.

Daniel Gettel: That is how we are reading it out of our code. Section 345-22 A (4) basically says that if you provide us with information based on experience from an appropriate agency that we can accept those numbers. It wouldn't be a variance. I think that is how we would address it. It does sound reasonable.

David Biren: The only reason I ask is because in the summer time with the population increase we get, it may not be enough. That is the only reason I bring it up.

Daniel Gettel: We are only talking 3 spaces.

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David Biren: I'm just saying they may be surprised to know what the population becomes like in the summer.

Susan Brown Otto: On a camp weekend.

David Biren: The camps, the bungalow colonies.

Jacqueline Ricciani: Keep in mind, I think one of the similar projects we have had here also told us the average shopper is in the store like 8 minutes.

Lawrence Marshall: They base it on their national averages, a store this size in similar communities. I can certainly provide it. I don't see any issue in providing a letter of that nature.

Jacqueline Ricciani: You need to provide them with the summer population.

David Biren: That is what I am getting at. Are they taking the population now, they really have to double it for the summer.

Jacqueline Ricciani: The summer is much greater.

Daniel Gettel: They are basing it on their experience with that size store, what they generate, number of people, not necessarily the population.

Jacqueline Ricciani: But I guess then the size of the store must be suited to the piece of land. It is not that they are determining what size store they need in this market, in this community.

Lawrence Marshall: It is both. They do have a 12,000 sq ft store. This is just under 9,000 sq ft. I am sure they run demographics on the areas. I can find out from them.

David Biren: I just don't want to run into a problem later on.

Daniel Gettel: You are very close to our parking requirements anyway. We would only require 3 more spaces.

Lawrence Marshall: There are opportunities on the site.

David Biren: If you need it, you could grow.

Lawrence Marshall: There would be grading in this area (showing on map), perhaps putting in a retaining wall. It's not like we are maxed out at 33. We do have other opportunities.

David Biren: Just want to make a note population wise in the summer.

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Daniel Gettel: Michael, as far as the sign goes I think we should at least have an idea where they plan on putting it. It's not shown on the plan at all. We don't have details on the sign. I am assuming it will be right near the entrance on their property, outside the state right of way on their property.

Lawrence Marshall: Basically as you come in just on the left before the parking spots.

Daniel Gettel: Are you leery about putting it on the plan?

Lawrence Marshall: I do not have a problem showing the location of it.

Daniel Gettel: If something changes we can approve it at a later date.

Lawrence Marshall: I have never quite understood why they don't ask us to get the signage approved.

Susan Brown Otto: We request that they put a stone base around it. There are several signs around you can get ideas from. The Bethel Woods sign, McKean Real-Estate sign.

Daniel Gettel: We did have a recommendation for a sign for the other Dollar General Store location. We can probably bring that back.

Jacqueline Ricciani: There was some discussion of the brightness of the yellow, as I recall.

Daniel Gettel: It is a chain store. This is a newer version of sign though. It has a different font than the older one. If there are any questions from the board, if not I will turn it over to Michael. Michael has a couple of questions. Susan?

Susan Brown Otto: I would like to make a comment about the entrance way, the little triangle. I was involved with the Jeff Bank when they had their entrance way and concerns with people trying to get out on Route 17B, someone blocks the middle of the entrance. In some respect it is good that you have the little triangle there. The Jeff Bank however has a speed limit of 40 mph (on Route 17B). There is a lot of radar activity there and people frequently respect the speed limit there. Here it is 55 mph zone.

Daniel Gettel: There is a traffic light there too.

Susan Brown Otto: Right, but keep it in mind, my concern isn't the traffic heading west from Monticello. My concern is traffic coming east. They are going to come down Route 17B, and they are going to get out of the 40 mph speed limit. They are going to be accelerating to 55 mph and then, if they are not familiar with the entrance and the fact that they really need to go to Royce Road to enter the place, someone unfamiliar with it is going to try to cut in. They just redid Route 17B. They didn't repaint the zebra stripes. There used to be zebra stripes in front of the gas station. The fact that the county looked at this, my concern is with the entrance.

Daniel Gettel: You may need two signs.

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Lawrence Marshall: I am sure there is going to be all kinds of sign requirements from the DOT. No left hand turns, a lot of recommendations from the State DOT.

Daniel Gettel: Westbound traffic would want to be pointed toward Royce Road where eastbound traffic would want to get off before Royce Road. It might just be the sign placement.

Michael Weeks: Your concern is if someone is going eastbound, they pass Royce Road, and now they try to make the left into the entrance.

Susan Brown Otto: They are traveling along at 55mph. You have the Flea Market across the road, the sun in their eyes when driving east. There are just a lot of things that could be happening there.

Daniel Gettel: I think when people get used to it it will be like the Jeff Bank.

David Biren: You have the Citgo in front of them.

Michael Weeks: It isn't much different from Jeff Bank .

BJ Gettel: And they still do the left going into Jeff Bank.

Daniel Gettel: It is something to look at though. It may come up as a concern.

Lawrence Marshall: That was a concern from DOT as well. They wanted to see how we were going to restrict that entrance. This is something we have used in the past and it has worked fairly well. Is it going to guarantee people not making the left? There is nothing that can prevent it. With the truck flow it really is important that we get access on Route 17B so that our truck movements aren't fully internal, moving that trailer around.

Susan Brown Otto: One other item. It has to do with sidewalks.

Daniel Gettel: We are not going to require them.

Susan Brown Otto: Okay, but I am going to go on the record stating you are going to have people from the Flea market that are going to jog across Route 17B.

Daniel Gettel: They have a cross walk with a working traffic light, keep that in mind. They are encouraged to cross the street.

Susan Brown Otto: There is going to be bungalow traffic, people walking down along through there. There are 3 bungalows there.

David Biren: They walk there now.

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Daniel Gettel: We don't enforce the sidewalks, because they are sidewalks to nowhere. We may ask you to reserve a spot if your neighbor puts a sidewalk in, you put in a sidewalk. The Jeff Bank reserved a spot for a walkway. It was part of their agreement.

Lawrence Marshall: In New York State on commercial sites, they require sidewalks be located within the State right of way. The sidewalks would be located in the right of way, which is very wide along Route 17B. We certainly have plenty of room that we can accommodate the connection of those sidewalks into the site, as it is.

Daniel Gettel: It is in our code, but there are very few sidewalks on Route 17B.

Bernie Cohen: I wouldn't think that the state should have too much of a problem with this, seeing that they approved that ridiculous striping by the Coopers Corners turnoff. How they did that is beyond me.

Mike Cassaro: I ride it every day.

Daniel Gettel: You know our concerns. Michael if you have a couple of comments, obviously the grading, drainage, and landscaping might be a little premature.

Michael Weeks: They didn't submit a SWPPP plan, he knows that. One of the things, it looks like a majority of the parking lot looks like it is graded off your site.

Lawrence Marshall: What we did is put in a low point down the center of the Route 17B access. If that isn't clear we will add more spot elevations and show you that. Just with the grading that is here, it is relatively flat. We are trying to keep a grading to a minimum but I will add whatever is necessary. There is a small portion of the entrance road (showing on map) that is not a tributary, but pretty much everything from here is.

Michael Weeks: I will look at that again.

Daniel Gettel: If I could just interrupt for a minute. Is there going to be a curb in front of the building? Is that what it is, shown as TC and BC? The parking lot isn't all curb, but just in front of the building along the walkway?

Lawrence Marshall: There is curbing along the front. It is generally along the red dash line.

Daniel Gettel: The islands are curbed too.

Lawrence Marshall: These two islands and the sidewalk.

Michael Weeks: You have a note on your plan that talks about some cross easements. If you could just clarify what that exactly means.

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Lawrence Marshall: There is an existing easement that is on the parcel that is in favor of the gas station. It is a ways away.

BJ Gettel: It is on the parent parcel.

Jacqueline Ricciani: For sewer?

Daniel Gettel: It is on the parent parcel but doesn't affect this application.

Lawrence Marshall: It's not within 200 feet.

Daniel Gettel: We won't require sewer testing on the parent parcel because it so large.

Michael Weeks: Landscaping. The board has a little bit of discretion in the language on this section. It does require deciduous trees around the perimeter of the property, every 35 feet.

Daniel Gettel: That comes up on every project.

Lawrence Marshall: We don't show that. I think the guy that prepares our landscaping plans just missed that requirement in the code. Deciduous shade trees, that isn't an issue. In the areas where we are not proposing any disturbance are there still requirements of planting trees every 35 feet?

Michael Weeks: I say they do have some discretion. You may want to propose something that makes more sense, than trees every 35 ft around the perimeter.

Daniel Gettel: During the work session we did discuss this. Are there existing trees that would not be disturbed along the frontage where there are trees?

Lawrence Marshall: There isn't a great deal of good vegetation there.

Daniel Gettel: When they put in the gas station, they kept trees along the frontage, and when the wind blew the trees they all came down anyway. I am just curious because they are not shown on the map. If you are saving some trees please show them on the map. If you are not that is fine. I do think some deciduous trees should be provided on Royce Road, and along the parking area. I wouldn't go outside the disturbed area though.

Lawrence Marshall: Along this perimeter here? (showing on map)

Daniel Gettel: That is the way the code reads. I wouldn't go up on the hill.

Lawrence Marshall: Are you concerned with this area by Royce Road.

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Daniel Gettel: Is it disturbed?

Lawrence Marshall: We are disturbing it to help the drainage.

Daniel Gettel: We would want something, it is residential back there.

Lawrence Marshall: There are some trees that vary in size from 6 to 8 ft tall pines in the area. The sewer system is here (showing on map). If you are looking for deciduous trees we can do something here.

Daniel Gettel: It is up to your landscaper. I don't want to tell you how to do it but the screening from the neighbors. That would be nice on Royce Road.

David Biren: At the public hearing they are going to ask for this.

Lawrence Marshall: If you drive up Royce Road now, the site off of Royce Road, especially when you get to the top of the hill.

Daniel Gettel: We don't want you to limit your own site distance either.

Lawrence Marshall: We would step them back. We are doing some grading within that roadside ditch. There is little to no ditch there. It is a steep bank. We are peeling that bank back to help our site distance a little bit and to improve the drainage to allow a storm water pipe through there. We can certainly accommodate the deciduous trees along Royce Road as well the easterly exit.

Daniel Gettel: I can't see any reason to plant deciduous tree against the back bank. That doesn't seem to make a lot of sense. I would focus on the Royce Road side and up against the other 2 acre piece. Don't ruin your site distance, obviously.

Michael Weeks: They need to check the code on lighting. Also we have some lights on the right side of the property. Typically we make sure nothing is spilling over the property line, especially residential. Maybe we don't care there. We are more concerned with the back property line.

Daniel Gettel: The banks are higher than the lights anyway.

Lawrence Marshall: The lighting does expand beyond here (showing on map). The main spillover is on the right side.

Michael Weeks: I don't know if that is an issue or not. If that piece is developed, it will be commercial.

Daniel Gettel: As long as the fixture meets the code.

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Lawrence Marshall: You want to see a decorative lamp?

Daniel Gettel: Yes.

Lawrence Marshall: With 15 foot height?

Michael Weeks: I don't think that had a lot of leeway. In reference to the parking, if you get something from Dollar General, some language that supports where their standard came from, a little bit of language of their experience to utilize your number or add 3 spots. Once we get the SWPPP.

Lawrence Marshall: Can we schedule the soil and sewer testing with you.

Michael Weeks: Yes.

Daniel Gettel: What we discussed at the work session is for you to schedule the soil testing with Michael. Between now and the next meeting if you could address some of Michael's comments, especially the sewer, maybe we could move onto public hearing in February.

Lawrence Marshall: And if the board is okay we will approach the DOT for final signoffs, see what kind of signage they want on Route 17B.

Daniel Gettel: Since you are on Route 17B, we do need M239 reviews from the State and the County. We do have enough information from your past submission if you want us to submit that. We could do that.

Lawrence Marshall: If you could, that would be good.

Daniel Gettel: I don't think there will be any significant changes that would address their basic concerns.

Lawrence Marshall: I think the two items that are going to be the biggest change from what is being proposed is the lighting plan and landscape plan.

Daniel Gettel: The State usually comes back with a comment that the entrance has to be approved by the State and the County usually comes back with comments on the landscaping. We can take a chance and submit it.

Michael Weeks: The only thing I can see changing is the storm water.

Lawrence Marshall: I am fairly confident that will meet the requirements. We preliminary ran through all of the calculations.

Daniel Gettel: We will go ahead with the M239 reviews. When it comes time for the public hearing we

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will have the landscaping.

BJ Gettel: I also think the board should name themselves as lead agent.

Daniel Gettel: As far as lead agency, we do have some other agencies that might be interested. They are listed in the EAF. They would be the Bethel Highway Department, the NYS DOT, and the NYS DEC for the SWPPP plan. We did talk about the Health Department possibly being involved. I'm not sure about your thoughts on that. I don't know if they want to take lead agency on a site plan.

Lawrence Marshall: There is no preparation of food. It is prepackaged food. They don't do a deli.

Daniel Gettel: We are looking at the Bethel Highway Department, the NYS DEC, and the NYS DOT as possible lead agents.

***Motion to declare the Planning Board's intent to be lead agent by Susan Brown Otto, second by David Biren***

***All in favor – 5***

***Opposed – 0***

***Agreed and carried***

Daniel Gettel: I think if you address some of Michael's comments we can proceed.

Jacqueline Ricciani: What is the distance between the lot you are proposing to sub divide, and the existing lot? Is it 150 feet?

Lawrence Marshall: The width between our proposed line and the existing line that adjoins the gas station? It is 151 feet.

Daniel Gettel: That is what dictated why this lot is so deep, in order to make up the two acres.

Lawrence Marshall: If they were to subdivide, it would still be 151 feet. If you like I can add that to the plan. I can extend this out, show you the other corner.

Jacqueline Ricciani: I am thinking in a totally different direction. Being a small town, we don't have the luxury of having a Planning Department, this board kind of takes on more of those types of roles. One of the things mentioned at a seminar recently was that sometimes they don't want to just look at this project but the impact of what it is going to have on its surroundings. I'm just wondering if the size and location of this lot might then leave vacant land forever and ever. It is not going to be marketable in the future.

Daniel Gettel: If you show us the minimum lot size, it shows we did address it, and it meets the town zoning.

Jacqueline Ricciani: It should be on the map.

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Lawrence Marshall: You also have another frontage here, and you have the entire frontage off of Royce Road. Even if this is inadequate, it would still meet the zoning.

Jacqueline Ricciani: It is an issue of part of the town's Comprehensive Plan to try to develop that as a commercial kind of corridor. Is that going to be a potential site, another company coming in?

Daniel Gettel: If there are going to be 2 businesses in this area, this will probably be the best configuration for them.

Lawrence Marshall: As Mike said, we didn't take up to much more room than what we needed. The zoning setback line off of Royce Road, we are only a foot off of that. To provide the 10 ft parking space buffer, the drive aisle, the secondary parking spaces, we are basically right at that. We wanted to make sure this was a potential viable future lot, as a stand alone. Not including the entire Royce Road frontage this would be potentially developable. We looked into that, and made sure that it is 150 feet.

Daniel Gettel: You are never going to be able to drive from front to the back, it is just too steep. Whatever is going to be there will be a stand-alone store.

Susan Brown Otto: To what degree is there standardization of the colors of Dollar General with all their stores as opposed to a more natural type? These are earth tones. Are there communities that you go to where the community requires a little bit more, let's say less darkness in terms of the building?

Lawrence Marshall: As far as the Dollar General standard branding, that really comes from their sign. They have flexibility in the colors that they use. Generally, when we go to different municipalities, nobody disagrees with the use of earth tones. This is the most enhanced Dollar General that I have seen, as far as architectural enhancement and making the building look a little more fitting to the community. Just to give you an idea, there standard building is a split face block, standing metal façade about 15 feet up, to a height of 20 feet, sides and rear are just a metal siding. That's it. It is bland, very industrial looking. What we added here was the stonework on the bottom, the clapboard siding, the vertical wood, and then that darker brown façade.

Jacqueline Ricciani: Is that metal, that dark brown across the top?

Lawrence Marshall: It is not a peaked roof. It is fairly flat. That is a vertical façade to be clear.

Susan Brown Otto: It is along the corridor, our gateway.

Lawrence Marshall: What Primax did was they obtained a copy of the previous rendering for the Dollar General, that was previously approved, and they basically mimicked it. This is consistent with what the board has seen in the past. It is greatly enhanced over Dollar General standards.

Daniel Gettel: We will move on with the M239 reviews. When you make a submission, please send

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one to Michael and one directly to BJ. Thank you.

**2) *Request for an Extension on a Final Conditional Approval for Redwood Estates. (Wasson)***

Daniel Gettel: Randy Wasson was told he did not have to attend the meeting tonight. The approval of this was extended last December 13<sup>th</sup> for one year. Their approvals are running out. Jacy has been in contact with Randy Wasson and Jay Zieger. They are going before the Attorney General. The project is proceeding.

Jacqueline Ricciani: They did submit the condominium articles and declarations, and all of the other documentation that goes with that, some 40 odd pages.

Daniel Gettel: This is one of the final applications that they make.

Jacqueline Ricciani: They had a problem with the DOH, with wells or something.

Daniel Gettel: There has to be is a transportation corporation because they are selling water to the individual owners. They are progressing, and the zoning does give us the right to extend their approvals. If no one as any objection, I would like to entertain a motion to extend their approval with the same conditions, and BJ, please make sure the conditions include that the park fees be paid.

Jacqueline Ricciani: With respect to the conditions, it was pointed out to me by somebody that some of the language that I used in one of the conditions wasn't very good. It seems to imply that Michael gives the final approval. I don't have it in front of me, that the final plan has to be approved by the town engineer.

Daniel Gettel: The final plan has to be approved by Glenn Smith, who is the reviewing engineer. That was one of the conditions. Randy did submit to Glenn as part of the final application.

Jacqueline Ricciani: I'm sorry, Michael. The point is, the way it was worded makes it sound the engineer was in the role of the Planning Board. It is the board that actually approves, not the engineer. When I do the resolution extending the approval I will clean up the language that the board is making the final determination.

***Motion to extend the preliminary approval for Redwood Estates for a period of one year with the same conditions, but with the addition of park fees to be paid by Susan Brown Otto, second by Steve Simpson***

***All in favor - 5***

***Opposed - 0***

***Agreed and carried***

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3) *Administrative*

*a. Request review of Past Subdivision 7-1-36*

Daniel Gettel: This was the Neuhaus residence. I don't know if it is still their residence, but they own the property. In the past we had approved a subdivision of the land. One of the lots has a natural subdivision where the road cuts through. What they want to do is retain the house which is on a 5 plus Acre lot and sell off the property across the road. This is something that BJ can approve through the building department, based on our zoning, but the past subdivision has a note that they couldn't resubdivide a lot without our approval. I did ask them to bring it to the Planning Board just for our nod. We did look at it during the work session. I don't think there is an issue with the note being on the map. The zoning has changed since then.

Jacqueline Ricciani: My understanding is the note that exists on the map was in compliance with the zoning as it required at that time.

Daniel Gettel: The zoning has since changed and has given BJ the authority to approve it. When a road splits a lot it is a natural subdivision. I don't know if we need to take a vote or a motion to let BJ approve it or just for the record show we did discuss it and we don't have an issue with BJ approving it.

Jacqueline Ricciani: And it doesn't have to come before this body. You can determine that it's not a proper application.

*b. Reappointment of a Member and an Alternate Member*

*d. Vacancy of a Board Member*

*Motion to regretfully receive and file the resignation letter of William Brey by Susan Brown Otto, second by Mike Cassaro*

*All in favor – 5*

*Opposed - 0*

*Agreed and carried*

Daniel Gettel: We have two terms running out, Steve Simpson and David Slater. Their terms expire on December 31, 2012. Bernie at your next meeting we would ask that you reappoint them each to another 7 year term.

*Motion to recommend to the Town Board that they reappoint Steve Simpson to another 7 year term on the Planning Board by Susan Brown Otto, second by David Biren*

*All in favor – 4*

*Abstain - 1*

*Agreed and carried*

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***Motion to recommend to the Town Board that David Slater be appointed to fill the vacancy left by Bill Brey and to serve out the remainder of his term by Susan Brown Otto, second by Steve Simpson***

*All in favor – 5*

*Opposed – 0*

*Agreed and carried*

***c. Reappointment of a Chairman and Vice Chairman***

***Motion to recommend to the Town Board that Daniel Gettel be reappointed as Chairman of the Planning Board by Susan Brown Otto, second by Steve Simpson***

*All in favor – 4*

*Abstain – 1*

*Agreed and carried*

Daniel Gettel: As far as the Vice Chairman position is concerned I do want to point out that I did reach out to Steve Simpson after Bill Brey resigned at the last meeting. In the past we have always appointed Bill Brey as no one else has shown an interest in the position. I now understand that both Steve Simpson and David Biren are interested in the position. Either person will have to get four votes, their own vote plus three others, the majority of the board.

***Motion to go into executive session for the purpose of a discussion of personnel by Susan Brown Otto, second by Mike Cassaro (8:35 pm)***

*All in favor – 5*

*Opposed - 0*

*Agreed and carried*

***Motion to go back into the regular meeting by Susan Brown Otto, second by Mike Cassaro (return 8:45 pm)***

*All in favor – 5*

*Opposed - 0*

*Agreed and carried*

***Motion to recommend to the Town Board that Steve Simpson be appointed to the position of Vice Chairman of the Planning Board by Daniel Gettel, second by Mike Cassaro***

*All in favor - 4*

*Opposed - 1*

*Agreed and carried*

BJ Gettel: I will ask the Town Board to advertise for the alternate position vacancy. We usually give a two week deadline.

Daniel Gettel: Bernie, the vacancy for this board could be addressed at your meeting tomorrow night, as well as David Slater being appointed as a fulltime position. We can advertise his spot now and possibly

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recommend someone to the Town Board at our January meeting. We discussed, as a board, the possibility that we could come in early the day of our regular January meeting to do the interviews.

Daniel Gettel: The Town board meets tomorrow night. January 2<sup>nd</sup> is their reorganization meeting.

*Motion to adjourn by Mike Cassaro, second by Steve Simpson*

*All in favor – 5*

*Opposed-0*

*Agreed and carried*

**8:50 PM**

Respectively submitted,

*Jannetta MacArthur*

Recording Secretary