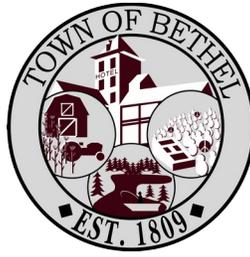


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Town of Bethel Planning Board

PO Box 300, 3454 Route 55
White Lake, NY 12786

The Town of Bethel Planning Board held a Work Session on Monday, February 3, 2020 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. A regular meeting of the Planning Board followed on the same date at 7:30 PM. On the agenda at this time was the following;

In attendance: Jim Crowley, Chairman, David Slater, Vice Chairman, Mike Cassaro, Susan Brown Otto, David Biren, Steve Simpson, Wilfred Hughson, Lillian Hendrickson, Liaison, Dan Sturm, Supervisor, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricciani, Attorney, Jannetta MacArthur, Recording Secretary, and Glenn Smith, Engineer.

Excused: Robert Yakin, Alternate

Pledge to the flag.

Jim Crowley: Good evening everyone. The minutes for the January meeting aren't ready yet, we will get those next meeting. We have four items on the agenda tonight.

Bette Jean Gettel: Can we do item #2 first, and then come back to item #1, the first applicant got detained a little bit. Thank you.

Going to item #2

1) Application for a License Renewal with a Site Plan review to operate a transient campground with an occasional commercial outdoor recreation facility May 28, 2020 to May 31, 2020 located on Yasgur Road, known as Bethel Tax Map #: 25-1-14.1 & 15, proposed by YRP.

Jeryl Abramson: We are back. We are basically doing the same thing that we have been doing. We have been successful, we have done well. We are going to switch the permit that we normally get for Woodstock weekend, to the Mountain Jam weekend so we can accommodate the tent camping. May 28th – May 31, 2020.

Jacqueline Ricciani: What time are you opening on the 28th?

Jeryl Abramson: Probably 7pm for camping. People will be coming in during the day.

Zach Howard: We can find out, wait for the announcement from Mountain Jam on their schedule.

Jacqueline Ricciani: But you are here now applying for the license.

Jeryl Abramson: So it will be 60 hours that will work with whatever Mountain Jam hours are.

Zach Howard: We are not doing entertainment, we are not doing music. We are simply just having camping. So whatever accommodates their time if their campers aren't going to be ready to unload until the following day, or if they have early arrivals, we will need to accommodate them. We are going to need to find out what time their gates are opening.

Jacqueline Ricciani: Right but in the past you said that you are not going to exceed the 60 hours. Now you are talking about starting on Thursday, Mountain Jam doesn't start until Friday.

Jeryl Abramson: We are also counting on having the campground license by then.

Jacqueline Ricciani: Then this is all moot.

Zach Howard: No it's not, the 60 hours applies to us going above the camping capacity, so we can sell day pass tickets that we discussed in the past.

Jacqueline Ricciani: Do you mean the special use permit for the year round campground?

Zach Howard: So the special use permit for the year round campground grants us 152 campsites at present capacity which is approximately 4 people per campsite, about 600 people. As has been established in the past once we have that 60 hour waiver we can go above the 600 person capacity. So we are doing the same thing as years prior. Since there would be no Mountain Jam Sunday night, most of the campers would be leaving; we wouldn't be under those 60 hours for Sunday night. So I would say 8pm Thursday, until 8 am Sunday.

Jacqueline Ricciani: Sunday is May 31st.

Jim Crowley: Anymore questions? My question is you do this now in May....

Zach Howard: For August we would be within the capacity.

Jim Crowley: Does the board of any questions?

Jacqueline Ricciani: What is the total occupancy you are anticipating? Did you say 600?

Zach Howard: That is our occupancy for the campground.

Jacqueline Ricciani: For this application? For this weekend, for the license?

Jeryl Abramson: This will give us up to a mass gathering.

Jacqueline Ricciani: So what is the maximum then?

Jeryl Abramson: We are looking at about 1300 realistically.

Jacqueline Ricciani: If you are satisfied, you can waive the public hearing and grant the license.

Jim Crowley: BJ do you have any questions?

Bette Jean Gettel: No.

Susan Brown Otto: We can waive the public hearing now?

Jacqueline Ricciani: If you are satisfied. There were certain conditions that were placed in the past with respect to providing the Building Department with agreements, Certificates of Insurance, and other types of things, and they have just been carried over from year to year. I didn't bring my last one with all of the different requirements in terms of vendors getting their permits from town hall. Mostly when the site would be cleaned up, usually a week or ten days after the last day is, and those types of things.

Bette Jean Gettel: They have always complied with their conditions in the past.

Susan Brown Otto: In the past few years this has gone rather smoothly in terms of people speaking at the public hearing. So I would be willing to make a motion that we waive the public hearing.

Jacqueline Ricciani: But with respect to the conditions that were generally required I think about two weeks before the event they had to provide the certificates of insurance, and the agreements, and the other kind of things, I think that worked okay for the applicant.

Zach Howard: We are under the assumption those conditions are not changing.

Jacqueline Ricciani: So same conditions.

Motion to waive public hearing by Susan Brown Otto, second by Steve Simpson.

All in favor – 7

Opposed-0

Agreed and carried

Motion to grant license renewal with the previous approved conditions by Mike Cassaro, second by Susan Brown Otto.

Roll call vote:

Mike Cassaro – Yes

Wilfred Hughson - Yes

Susan Brown Otto – Yes

David Slater - Yes

Steve Simpson – Yes

Jim Crowley - Yes

David Biren – Yes

Motion passed

2) Application for a Transient Campground of BPAC Music Festival from May 28, 2020 to May 31, 2020 to be located on Hurd and West Shore Roads, known as a portion of Bethel Tax Map #'s: 21.-1-1.1, 21-1-1.3, 21.-1-1.4, 21-1-1.5, 21-1-8, 21-1-10, 21.-1-1.12, 21.-1-1.20, 21.-1-1.31, 21.-1-4.1, 21.-1-11 & 22-1-4, proposed by Bethel Performing Arts Center & Live Nation.

Wayne Goldberg: Mr. Chairman, board, my name is Wayne Goldberg; I am senior vice president of operations for Live Nation. This is my associate, who is my associate director of operations Edison Hunter, and Eric Francis, and Frank from Bethel Woods. Basically what we are looking to do is have in smaller footprint. Last year we did Mountain Jam, we had a relatively successful event. We decided to come back to Bethel Woods again. We are going to shorten the time frame from four days of camping, to three days of camping. The patrons loved it. The other thing we are doing that we did last year not doing this year is more regular tent and car side camping which we are not doing. The scope of the event this year is solely for RV camping and we are going to set up for approximately 450 RV campsites. We met with the Dept of Health on several occasions, and they advised us because of the number of campsites that we have, and the permits are already in place for Bethel Woods for mass gathering in order to accommodate this number of people. We did submit a full background on the festival as well as the timing for this year. If anyone has any questions about the festival itself, please ask, and then I think it is just the timing of what we are going to have. Just a background on Live Nation, we have been working with Bethel Woods since Day 1 on programming. We are one of the largest entertainment company, 30,000 plus events a year, tons of festivals; we do everyday during the year, concentrated in the summer not only in the United States, but around the world as well. We have a footprint of US events in the package. The same format as formally with Mountain Jam, similar age category, probably 40 – 60, age 65, so a very similar profile as last year. Based on the configuration, we have a shorter load in, a shorter load out, less impact on the community. Although I don't think there was any significant impact on the community last year. If there was, this year will be less than that. The timeline starting on the 26th of May through the 2nd of June, the entire scope of the event, the 26th we will start to put out the infrastructure for the campground areas, and then the rest of the production is isolated to the normal footprint of Bethel Woods. For the most part what we are doing are three individual shows at Bethel Woods. The RV campers will be allowed to come in on Friday morning, early in the morning, about 8 am, and then the festival starts at 1pm and goes into midnight. Another change from last year we went to 2 or 3 am on the weekend last year. We are going to cut it off at midnight this year. In order to accommodate campers for people that still want to camp that don't have an RV, they can go to whatever campground they chose. We are going to give them some options, for glamping, which is a fancy camping, they can go to Forestburgh, and we also working with Landers, they will do shuttle buses for people in and out. We also have arrangements now with many of the local hotels including the Kartrite, the Villa Roma; people can get a shuttle bus as well. We are trying to accommodate as many people as possible. Anticipated attendance probably on Friday, somewhere between 10 and 12,000 people, Saturday between 9 and 11,000 and Sunday between 9 and 11,000. So similar to last year, less impact than a normal Bethel Woods show would do, but still a pretty good crowd coming in. As far as traffic, the normal standard plan for Bethel Woods. If we have any backups we will bring people up and around, up Perry to West Shore. We hope to bring everyone in through Hurd as normal. A shuttle bus as well.

Susan Brown Otto: Will there be signs on 17B by Perry, because I live on the opposite side of Perry Road, sometimes people aren't familiar with turnoffs. The State Police aren't always there.

Wayne Goldberg: We will either have static signage or something.

Susan Brown Otto: That sign still falls down on Pucky Huddle. I think some people have issues with the sign, not me but....

Wayne Goldberg: Last years footprint was much larger, this year will be much smaller, the hours are shorter. The attendance overall might be similar. We did find success with RV camping last year. With the Department of Health the requirement for campsite size is 1250 ft. ours will be a little bit larger than that. We have a pretty good setback between them, so there should be enough room for everybody in and out. There will be a check in lane to check people in. We will do a search. State

Police, DOT, both of them are on board with our plan. Any questions, comments?

Jim Crowley: Any road closures?

Wayne Goldberg: No road closures, only what you would normally have on Hurd Road. Last year we had the closing of West Shore.

Susan Brown Otto: This is an issue I raise each year, this will be less of an impact because you are not on Best Road and its not like Mystery Land, it is the time of the year when the turtles are mating and the turtles cross the road, so the guys are zipping around on side by sides or ATV's, if they could just be mindful of that especially on West Shore Road. They are crossing the road, and there is a lot of activity. I know where you can get turtle crossing signs.

Jacqueline Ricciani: There are some discrepancies about the time the campground opens and the time that it closes. You said you are opening Friday at 8:00 am, what time is everyone out by?

Wayne Goldberg: They should be out by noon on Monday, June 1st.

Jacqueline Ricciani: Did you request a waiver from the Department of Health for the 60 hour requirement?

Wayne Goldberg: That's not necessary. We are going for a license that allows us.... we are not applying for a regular 60 hour license; we are applying for a license that lets us go..... as long as we are under 5,000 people camping they approved the hours.

Jacqueline Ricciani: Under this code it is cumulative hours unless you get a waiver from the Department of Health. That is their rule. You haven't made that request?

Wayne Goldberg: We did all the paperwork exactly the way they asked for it so they could have given us a waiver for it.

Jacqueline Ricciani: So what is the waiver for that you are requesting?

Wayne Goldberg: I'll get back to you with more information on that. We sat with the Department of Health and asked exactly what we needed to do and they said we were getting a license for the entire time period.

Jacqueline Ricciani: From who?

Wayne Goldberg: The Department of Health. Our camping permit is going from Friday morning until Monday afternoon. That is what we submitted on all of our paperwork.

Jacqueline Ricciani: Do you have any documentation on that, emails or anything?

Bette Jean Gettel: I know Chris Coddington, Director of DOH; he has been in communication with me that is how I found out they were coming back. Because they had already met with the Department of Health and applied. That is why they are here tonight.

Jacqueline Ricciani: That doesn't really answer my question.

Bette Jean Gettel: They have applied.

Jacqueline Ricciani: They have applied, okay.

Wayne Goldberg: I will ask for a specific waiver on that.

Jacqueline Ricciani: Complying with the Department of Health is something that is required but we also have our own requirements for the Town that is why you are here to comply with this code.

Jim Crowley: Does the board have any more questions?

None

Jim Crowley: You will need to get the waiver that Jacy mentioned.

Jacqueline Ricciani: Code of the Town of Bethel. Chapter 120, camping.

Jim Crowley: If you get the waiver you are okay.

Motion to schedule a public hearing for March 2, 2020 by David Slater, second Susan Brown Otto

All in favor – 7

Opposed-0

Agreed and carried

Glenn Smith: We have to go through the SEQRA process. This will be a type one action so we need the board to have a comment period.

Jacqueline Ricciani: Did we do it as a type one last year?

Glenn Smith: We did a long form EAF, and did a circulation to all interested agencies last year. We had to wait 30 days, along with a 239 review too.

Jacqueline Ricciani: You're right 239, from my notes it looked like a type one because they were having parking for over 1,000 vehicles. Are they still having parking with respect to the camping? I think they are only doing 450. I didn't bring my SEQRA book.

Glenn Smith: That's a good question; they have the regular parking for Bethel Woods.

Jacqueline Ricciani: But that isn't part of this application.

Glenn Smith: The parking applies for 400 and some units; it would be less than 1,000 so it would be unlisted then.

Jacqueline Ricciani: We still need to do the environmental; review, the applicant has submitted a short EAF I believe. I know I've looked at it.

Glenn Smith: Designate yourself as lead agency.

Motion to be lead agent by David Biren, second by Susan Brown Otto

All in favor – 7

Opposed-0

Agreed and carried

Jacqueline Ricciani: You still have to do the 239.

Jim Crowley: Will that be enough time by the 2nd?

Bette Jean Gettel: The 239 will be fine.

Jim Crowley: Okay now we will go back to the first applicant.

3) Application for an amendment/modification of the Site Plan approval dated June 1, 2015, located at 4446 Route 55, known as Bethel Tax Map # 8.-1-48, proposed by YGS Torah Center. (Gottlieb)

Tim Gottlieb: For the applicant. We were asked to submit a revised site plan. We came up with a table on the title page. It was required that three of the buildings they are going to have will have different numbers than previously proposed. So we came up with a table on the title page, so the total number of occupants is 495. 371 students, 124 support staff, faculty and families.

Jacqueline Ricciani: I only count 120 staff and families. What did I miss?

Glenn Smith: There is a caretaker's house also Jacy.

Jacqueline Ricciani: Offices, says 4. They are not living there, but you counted them as part of the occupancy? Okay. Your last approval was for 400 students. That was without all the staff.

Tim Gottlieb: The dormitory on the hill originally had 94. It was revised to 78. There are three separate plans.

Jacqueline Ricciani: You submitted those to the Building Department?

Jacqueline Ricciani: There was w 2.5 acre parcel that was purchased? Can you point out where that is? Is that the tiny little map? Has that been combined yet?

Tim Gottlieb: No, not yet. The intent is to combine it.

Jacqueline Ricciani: It is Section 8 -1- 66 is the location of the additional parcel. Do you intend to combine it?

Tim Gottlieb: That is the intent.

Jim Crowley: What is on that lot 66 right now?

Tim Gottlieb: Bungalows, they will be torn down.

Jim Crowley: What are you planning to build on that lot? You want to put on more structures, right?

Tim Gottlieb: Duplexes.

Jim Crowley: You are going to combine that lot.

Tim Gottlieb: There are small buildings they are taking down with the intent to build five duplexes.

Jim Crowley: Glenn, do you have any questions?

Glenn Smith: My question was basically on the occupancy. Tim's last letter addressed that part. With 200 some people, that resolved the sewer plant capacity, because with less people there is less waste water, and they will be well within the 40,000 gallon per day limit in the sewer plant. The last letter pretty much addressed that part. The five additional duplexes being proposed, if the board is willing to go along with that we need more detail on grading, utilities, stuff like that. Right now we are addressing the overall application.

Jim Crowley: Jacy do you have any comments or questions?

Jacqueline Ricciani: My only question would be if the board wants the applicant to move forward and provide the additional detail that your engineer has requested.

Jim Crowley: Marvin (Newberg) do you have anything to add?

Marvin Newberg: I sent a letter out, I don't have anything particular to address, and again we are here we are going to meet all of the site plan requirements and more detail plans for the site plan. My letter totally speaks for itself.

Jim Crowley: I know there has been a lot of discussion by the board on this previously. I want to make it clear I don't want these problems going forward. I think I speak for the board, unless they have things to mention to you because they were here when all this was done originally and I was not. I don't want it done like it was done previously again.

David Biren: Why do we have these issues from before? We were told the pool wasn't going to be used, am I correct? Why did they open the pool?

Marvin Newberg: We were here last year with an amended site plan, now we are here again. That's when the site plan was approved. The town issued building permits.

David Biren: Were they in there last year?

Marvin Newberg: I don't know.

Bette Jean Gettel: Yes they lived there last summer.

David Biren: Are you using the pool?

Marvin Newberg: Yes, we are using the pool. There is nothing else there but a pool. There are no ball fields or any other recreation.

David Biren: We didn't discuss a ball field.

Marvin Newberg: There is a swimming pool and it can be used. They have it there available to them. .

David Biren: The units....

Marvin Newberg: They have building permits from the Town. They built them pursuant to the

building permits.

David Biren: I understand that. I am just asking things that are going on there. Now you are moving going to the north side of the facility across the street now. I'm talking about the buildings you are talking about using again.

Tim Gottlieb: I'm not sure what buildings you are referring to.

David Biren: They said they weren't going to use the dormitory across the street, because they didn't want the kids to cross the street. Are they using them now?

Tim Gottlieb: I don't know.

Jacqueline Ricciani: Are they on the plan for future use?

Tim Gottlieb: There was a dormitory they are using. They are on the plan to use both sides of the road.

Bette Jean Gettel: There are dormitories going from here to Swan Lake on the left side. They created a pathway on that side to go up and are serviced for their meals, they have their lessons up there, and they have their schooling up there. It is serviced and maintained, it's blacktopped. On the right hand side everything is on the right, it goes up to the old administrative building, as we all know it for Daytop. It is a two story building. They are not crossing the road.

David Biren: But they are using both sides of the road.

Bette Jean Gettel: They can, they are a school.

David Biren: Originally the plan was they weren't going to use the one side of road.

Jacqueline Ricciani: That wasn't the case.

Bette Jean Gettel: It is only the one building.

David Biren: I am just asking about the mechanism of operation, I am not arguing with them. I think we need a review of what is actually going on in that facility. We have no idea of what is actually going on. Which building is being used, and which isn't. It would be nice to be told what is going on.

David Slater: I agree. I think we were misled a little bit. I looked back at the minutes. We are under the assumption that there would be no construction, if there was you were coming back. As different points were brought up.... the pool was not going to be used, right now it's not going to be used, they may be going in a different location. These are leading up to where we approve this. I think you have to come to us; we did this in good faith. These are things you had brought to us, so we were offering a good faith act, you were going to come back or construct, even though you had the permits, even though you had the buildings and come back to us and get it okayed if any further construction was being done. We did approve it with other conditions of the plan, I do understand that one building was changed over to a dormitory, that construction changes, we were kind of misled as a board, As we go forward of what is being told and what is going to be.... kind of smoke screened around a little bit. I would like to know exactly, we approved 400 students, or 400 people, with no staff on premises, now the new plan is 100 plus staff members. I am glad you are moving

forward and expanding. Me as a board member sitting here, why are we sitting here as a board, trying to work with you and it gets done anyway. I guess that is where some of my frustration comes out.

Marvin Newberg: I can appreciate that, and again when the building permits were issued, I don't know if the owner knew or felt they had to come back to get approval to get building permits. I wasn't involved with it, if the board felt they should have come back here, and got the building permits, they were converting a building. I understand that, but I think that might have been a misapprehension. I know the board granted, and if you read from the minutes, that the swimming pool might be used later on, that was in there, and they used it. I understand if you felt there was any change from the original site plan that they should be back here. I know we came back here I think we started in 18 up to 19, now we are here again, showing what the site plan is. Every building, I think Tim put in a plan for everything that is going to be used, and it is there. All the conditions when you issued in 2015 there were four certain conditions. One of them was to obtain State agency permit approvals. They upgraded the sewer plant, they got their other approvals. The maximum number was 400, they never reached that. I think last summer there were 200 plus there. Those were the four conditions. I appreciate what you are saying, and we want to work with the board as I put in my letter, it is a site plan application, and whatever reasonable requirements there are to the building or any conversion, we have to meet them. If we don't we wouldn't get the amended site plan. But we will do that. They got building permits; no one built anything without permits. I can't apologize for the building permits, they were issued.

Steve Simpson: When you built your home, you got a permit from the Town and moved forward after a thorough review of your plans. You got your permit so you could start constructions. Before you had your home to live there to live with your family, did you receive your CO before you moved in the home?

Marvin Newberg: I am sure we did, although I probably didn't see it, but I am sure the builder did.

Steve Simpson: I heard what Dave Biren had to say, and I agree with that I am always concerned when there is a lot of change all the time. My biggest concern is the liability that we as a board when people live in say a maintenance building, there are a few others here, but the maintenance building is a big thorn in my side, people actually live in there. There is no CO.

Marvin Newberg: I don't know what the status was of whether..... that would be with the Building Department to give a CO. I don't know if it has been denied.

Steve Simpson: There is a process of 11 steps, leading up to. I'll ask the question to BJ, if you know, were those 11 inspections completed?

Bette Jean Gettel: Yes. Mr. Sementz went in and inspected the whole thing.

Steve Simpson: Were they issued the Occupancy Certificate?

Bette Jean Gettel: No, because according to your conditions they needed to come back to the board and that is why they are here.

Steve Simpson: So... at this point...

Bette Jean Gettel: They could be issued, yes.

Steve Simpson: I would not recommend moving in again until you get these.

Marvin Newberg: What I believe I just heard, they are ready to issue them.

Bette Jean Gettel: We are just waiting on you folks.

Marvin Newberg: So if everything has been done and built, and as you said 11 steps, and they are ready then the Building Department can issue the Certificates.

Steve Simpson: I don't have any proof of any inspections.

Jacqueline Ricciani: That is above the purview of this board.

Steve Simpson: When were these Certificate of Occupancies issued?

Bette Jean Gettel: The Certificate of Occupancies has not been issued. The permits, you have copies in front of you of when the permits were issued.

Steve Simpson: So 4/23/18, for this particular one.

Bette Jean Gettel: They should all be the same.

Steve Simpson: So here is one 4/23/18 administration building....

Jacqueline Ricciani: Not to cut you off, I don't think they are disputing that. I think the applicant recognizes they built differently than what the site plan called for, which is why they are here.

Steve Simpson: For two years I have driven by there, seen people living there. Everything I am hearing now is that it is contingent on this board for two years that they didn't get their CO's because we are holding them up.

Marvin Newberg: I believe they were issued in April 2019, and then there were people. There may have been some miscommunication. We have building permits, the CO's weren't issued perhaps miscommunication between the Building Department and the Planning Board, and the Planning Board had to okay it. Really it is the Building Department.

Bette Jean Gettel: I can issue them tomorrow.

Steve Simpson: That is the whole purpose of this discussion. Honestly this has been sitting here, gnawing at me, and I'm sure others, people are in there without CO's, for the summer of 2020 lets get it taken care of.

Jim Crowley: Let's clean up the past, get these things issued, whatever else, the pool they decided they want to use it. People change their minds. I'm not going to rip a building down; I am going to fix a building that happens..... going forward, these buildings were maintenance buildings, garages, now they are lived in..... get a complete new site plan.

Jacqueline Ricciani: You have it.

Bette Jean Gettel: That is what the hold up was. You wanted that.

Jacqueline Ricciani: There are three packets.

Jim Crowley: So can I get a motion from the board to have the Building Department

Jacqueline Ricciani: You can't direct the Building Department what to do.

Jim Crowley: She said she was waiting for us.

Jacqueline Ricciani: For the approval of the site plan. The buildings conform to the site plan.

Jim Crowley: Because it didn't conform to the last one?

Jacqueline Ricciani: Correct. Currently they don't conform. So what your Coding Enforcement Officer was explaining is right now they have buildings that don't comply with the site plan. So the applicant is here to make the site plan comply assuming they go through the process, they still have more work they need to do with respect to the site plan for what they want to do, but if this amended site plan is approved by this board, then the site plan will match the buildings, and the CO's can be issued. It's not really this board's purview to direct the Building Department.

Jim Crowley: I understand. I was confused. I thought this was from the past, and now they want to move forward to build these other five buildings.

Jacqueline Ricciani: They need to get approval of the amended site plan first.

Marvin Newberg: Glenn needs a few things, more detail.

Susan Brown Otto: Is this a summer school or is it a year round school?

Marvin Newberg: Right now it's a summer school. Eventually it will be year round. That was the plan.

Jim Crowley: Going forward on your new plan, I think the board will feel the same way, they wouldwe want to have the lots combined.

Tim Gottlieb: That is the intent.

Marvin Newberg: That would certainly be a condition to knock down those buildings, and combine the 2.5 acre lot, we have to go to the assessor and combine that.

Glenn Smith: You may want to request two set of plans. One as built site plan, forget the five duplexes for now, that is going to take a while, get one showing the maintenance building.....

Jim Crowley: That's what I was working toward. We will get to that other part. But I wanted to mention that they combine the lots when it comes back. Does the board have any other questions or comments on this?

Jacqueline Ricciani: Glenn, you have reviewed the as builds?

Glenn Smith: The as built site plan is accurate. I went to the buildings last year.

Jacqueline Ricciani: You are satisfied?

Steve Simpson: We are working towards getting them the final Certificate of Occupancy pending approval of that site plan.

Jacqueline Ricciani: If you want to...Marvin are you okay... what I think the board wants to do is approve dormitory #4 and staff/family housing #2, right? Those are the ones? Hold on, or staff family #3, so this board could approve a motion to grant partial approval to amend the site plan with respect to those buildings....

Jim Crowley: I would like to get the old part of what we are doing cleaned up, the as built part, get that approved, They can go back home then, give us a whole new site plan showing everything on it now...

Jacqueline Ricciani: I think you already have that. Glenn just wants a little more detail on grading, utilities, and what not.

Jim Crowley: I don't want this to get convoluted. I want the old taken care of. Then we will start with the new.

Jacqueline Ricciani: So when they come back next time we will just be focused on the five duplexes. That's fine.

Jim Crowley: And to combine the lot.

Jacqueline Ricciani: That will be a condition for the duplexes.

Susan Brown Otto: Jacy, are you in agreement with this letter from Marvin Newberg?

Jacqueline Ricciani: I'm not sure I got the letter, I received the attachments. There is a lot of stuff covered in that letter. I can't answer that right now. Can I see it, just to refresh? With respect to the ability of the staff members is that what you are asking?

Susan Brown Otto: I just want to make sure that....

Jacqueline Ricciani: There is a lot of stuff covered in that letter. I'm not sure what you are referring to.

Susan Brown Otto: I was just wondering if you were in agreement with the letter.

Jacqueline Ricciani: I can't answer that right now.

David Biren: The landscaping, lighting?

Tim Gottlieb: There is some landscaping, on the east side.

Glenn Smith: To go back to the landscaping the board couldn't pose a landscaping bond to cover that. That didn't happen last time.

David Biren: We will have to propose some kind of bond.

David Slater: If we approve the old part as Jim said. With the new amendments, are we then also approving more than 400 students, more staff then they originally said, we are approving all of that, so that everything we discussed, do we have numbers, what is the final number total then?

Jacqueline Ricciani: We have the final numbers however; you are talking about 50 people from these duplexes, correct? Because there is going to be ten units, five people per unit, so you are talking about fifty people there. The occupancies that you had previously approved were 400 students, and without those extra 50 that we are talking about now, they are under that. 400 students, without those 150, we were under that.

Marvin Newberg: We were talking about maximums. Now the numbers Tim put in there ...

Jacqueline Ricciani: Is 371.

David Slater: With all of the adults, we are way above that number.

Marvin Newberg: No, no.

Tim Gottlieb: 495 is maximum

Jacqueline Ricciani: Only because of the duplexes.

David Slater: With the ten apartments, and everything else we are still under the number with beds?

Jacqueline Ricciani: What you are approving is the.....

Tim Gottlieb: 495 with duplexes.

David Slater: If we approve this, what are we approving?

Jacqueline Ricciani: What you are approving is amending the site plan, so that the prior office and classrooms will now be dormitory #4, the previously approved maintenance building will now be staff , family housing #2, and the previously approved storage building will be staff family # 3, and you have as builds for all of those buildings. Which although it is the prior approval was 400 max on the students. The students are under that, but David correctly points out you are now adding members but Glenn says there is enough capacity for those buildings. And then the applicant is just going to have to prove to your satisfaction that with these duplexes that is also not going to overburden the water or the septic, but that will part of the second review.

Marvin Newberg: Right, you are not approving anything with the duplexes.

Jacqueline Ricciani: And I don't know what the applicant has in mind for water and sewer there but that is something that has to be developed.

Tim Gottlieb: We are still under.

Jacqueline Ricciani: And if you are still under, that is fine.

Glenn Smith: The Health Department has to review the sewer and water, just so you know.

David Slater: Do we have to make a decision tonight? Or can we think about this. We have some letters to read. I myself would like to ponder a little bit.

Tim Gottlieb: I can revise the plans to show exactly what you would be approving for amendments.

Marvin Newberg: The duplexes are staying separate. What I understood if we do it this way then the CO's can be issued and we are all cleaned up but we can't do anything, we have to add the other piece, with the conditions to knock the buildings add that and then submit the plans for the duplex so as the chairman said we cleaned up what was here before and then move forward. Then we get a CO and deal with the other stuff later. No one is rushing, that is why we are here, and that is why Tim gave those as built plans. Glenn doesn't have any issue with them with the plans or the sewage. I would ask that we do it, I don't want to rush anybody, but then we can move forward, I would like to get the CO.

Jim Crowley: What is the opinion of the rest of the board?

Mike Cassaro: My opinion is that we should vote on this tonight. And get those CO's issued. The past is the past; I understand exactly what happened in the past. It was an internal problem; it wasn't his problem. I would have done the same thing they did if I had permits in my hand.

Motion to approve the amended site plan with respect to the three buildings with the condition of a revised plan, to show the actual as built by Steve Simpson, second Mike Cassaro.

Roll call vote:

Mike Cassaro: Yes

David Biren – No

Wilfred Hughson- Yes

Susan Brown – Otto - Yes

David Slater – No

David Slater - No

Jim Crowley - Yes

Motion passed 5-2

Bette Jean Gettel: Tim when you get that drawn up, please bring in a couple copies, and Jim can sign one.

Tim Gottlieb: Will do.

Marvin Newberg: Thank you.

4) Application for a Special Use Permit to allow for a Multi-Unit Development to be located on Frances Street, known as Bethel Tax Map #: 34.-2-3, 4.1, 4.2, 24, & 25, proposed by White Lake Wood, LLC. (Harte/Kask)

Susan Harte: The site plan hasn't really changed much. A couple of things that we didn't include was the model # of our sewer grinder pump. Some of these things we just don't know right now. I think they will be made by the contractor and the architect; they will meet the building code and building inspection requirements. I think everything else we have met. We

had White Lake Fire Department review the plan. I think I sent BJ a copy of the email.

Bette Jean Gettel: I won't accept an email, because it is not on official letterhead. I spoke to the chief he will get the letter to me.

Susan Brown Otto: White Lake or Kauneonga?

Bette Jean Gettel: White Lake. Let me explain.

Susan Harte: Half of Phase 1 is in White Lake Fire Department; Phase 2 is in Kauneonga Lake.

Bette Jean Gettel: The road divides it.

Susan Harte: So there is an official requirement that needs to be on letterhead.

Bette Jean Gettel: He knows.

Jacqueline Ricciani: Hold on. So you are waiting for letters from both Fire Departments?

Bette Jean Gettel: Just the one.

Jacqueline Ricciani: Which one?

Bette Jean Gettel: White Lake.

Jacqueline Ricciani: You have Kauneonga?

Bette Jean Gettel: Don't need Kauneonga unless you think I need to. Phase 1 is in White Lake District, Kauneonga would be Phase 2.

Susan Harte: The issue Steve raised last time, an easement on the Phase 2 of the property or the sewer lines.... I spoke with the County and we really can't do that at this point because we need a specific location of where the lines are. So, if you want to make that a condition fine, but once... you know..... we generally know where the sewer line will be. We really can't do that until we actually have the sewer line in place.

Jacqueline Ricciani: So, you don't know the location until what? I missed the last thing you said.

Susan Harte: To record a utility easement on Phase 2 property, because it is another lot. The sewer line is going to go across the road over here and then gravity fed. The board had requested that we file an easement, grant myself an easement on this property in the event that this lot is sold or whatever, that we have that right to access that line. I can't really do that until I have the exact location of the sewer line. 70 degrees, whatever, so once we have the sewer line in place, and have the exact location, I can file an easement.

Jim Crowley: You are going to need a survey sooner or later regardless.

Susan Harte: To mark the specific degrees. It is not recommended by the County, until we

actually go and lay the line and get it in and have precise measurements.

Jacqueline Ricciani: Why does the County care what this board is asking?

Susan Harte: Because when recording something on a deed you need to have precise location of where the line is.

Jacqueline Ricciani: You need a meets and bounds description. Correct.

Susan Harte: Right now, it is possible when we go to put the sewer line in, we might have to move it two feet, because there is a big stump or a root or something else.

Jacqueline Ricciani: So, you can amend the easement.

Susan Harte: I know, why record an easement, and then possibly amend it when I can just do it afterwards. What is the risk of not having this on until after?

Jim Crowley: Do you want to make it a condition?

Susan Harte: If you insist on making it.

Jim Crowley: You are going to have to.

Susan Harte: What is the interest and purpose of having it done prior? Like who are you trying to protect, I own both parcels. I am just granting myself my own easement. I would like to wait until the sewer line is in and then I will do the easement.

Jacqueline Ricciani: These are two separate parcels, and we know they cannot be combined. It is theoretically possible that this gets approved, lot 1 gets sold to developer A, Phase 2 gets sold to developer B, there is no easement in place for lot 1, and they don't have any access for their septic. Just to be clear it would be a condition of approval before you get the building permit for Phase 1.

Susan Harte: I can't put it in without a building permit, and if I don't have it in.....

Jacqueline Ricciani: For construction.

Susan Harte: How about a condition prior to the CO?

Jacqueline Ricciani: BJ, you can get a separate building permit for sewer verses a building?

Bette Jean Gettel: Yes.

Jacqueline Ricciani: I am going to assume the utilities will be installed prior to the actual apartment townhouse unit, so you can certainly get the building permit and put in the sewer line and then as a condition of getting the building permit for the townhouses you would need to have the easement recorded.

Susan Harte: That's fine.

Jacqueline Ricciani: That is up to the board if they will agree with that.

Susan Brown Otto: That sounds reasonably.

Mike Cassaro: Glenn, did you say that when you do an easement, they are like 20 ft wide? Is there enough play in there?

Glenn Smith: Typically, utilities are 20 ft wide, so a backhoe can get in there and fix something, or dig something up if it has to. If the easement is shown on the plan with meets and bounds description and that is the plan that is ultimately signed by the chairman. If something changes a little bit later on, as Jacy said you amend the easement. That's how it is usually done.

Jacqueline Ricciani: If this board is comfortable with no building permit for the four unit's townhouse on Phase 1 until after the easement has been recorded, that is kind of meeting your purpose, because the line will have to be in before this developer or anyone else could get their permit to put up the townhouse structure. Glenn does that make sense? I think that should achieve your goal.

Glenn Smith: Yes, but that is up to the board.

Susan Brown Otto: That makes sense.

Jacqueline Ricciani: The applicant would have to give something to the Building Department that there is an easement before the permit would be issued. The recording sheet and the actual easement.

Susan Harte: I don't have anything else.

Jim Crowley: Glenn is there more?

Glenn Smith: I just had comments from my January 24th letter. Some were addressed, some were not.

Jacqueline Ricciani: There was also that issue with the road maintenance.

Susan Harte: It is on the plan that I am solely responsible for the road. Construction and maintenance.

Jacqueline Ricciani: That's not really what it says. You may want to put in some commas, or punctuation, it's not really clear and it talks about snow removal,, landscape and driveway repair, which could be interpreted as you are only responsible for snow removal, landscape, and driveway repair on the driveway and presumably the parking area that the driveway leads to but that doesn't mention anything about the road.

Susan Harte: That is for Frances Drive.

Jacqueline Ricciani: It doesn't say that.

Susan Brown Otto: What date is on that?

Jacqueline Ricciani: Do you have different plan than I have? I have a plan dated February 2nd.

Susan Harte: There are two sets of plans from the last meeting. I printed out one plan, and submitted a second. A second set of plans dated March 2, 2020.

Glenn Smith: Here is a plan dated March 2nd.

Jacqueline Ricciani: Snow removal, sewer removal equipment, landscape. It's the same thing I just read.

Susan Brown Otto: It's this one here. It is the condensed.

Jacqueline Ricciani: Even the one that Glenn has with this March date doesn't have that language. It's different language. The language is a little awkward, if you could make it clearer.

Susan Harte: We just printed that out, and added another thing. I will make sure; I will send you a copy that is a little bit clearer.

Jacqueline Ricciani: Thank you.

Susan Harte: The latest one I submitted I handwritten on some of them that the survey was prepared by Decker and Chase in 2004.

Jim Crowley: Is it accurate?

Jacqueline Ricciani: We have never seen a survey.

Susan Harte: It's in the file.

Glenn Smith: My comment on the survey was that all the adjoiners are all wrong since 2004. Several parcels changed hands since then, so I made a comment.

Susan Harte: We have corrected all the surrounding properties.

Jim Crowley: We should have a survey. You have a survey, right Susan?

Susan Harte: I have one. The survey was used to prepare this.

Jim Crowley: This Board needs a survey.

Bette Jean Gettel: There is no survey in the file, Susan.

Jim Crowley: It is a fairly large project; usually everything is done with a survey. So someone has a survey.

Susan Harte: No, we have a survey. It is what we used to take care of this.

Jim Crowley: But that is 2004.

David Biren: Don't you have an updated survey? It was 2004 now it is 2020.

Susan Harte: No.

Glenn Smith: It wasn't the survey; it was a copy of the site plan for 2005 for a prior project.

Victor Kask: We have the survey.

Glenn Smith": I have never seen the survey either.

Susan Harte: We have the survey.

Victor Kask: What I do I take the meets and bounds and type them into the computer, then I do a field observation, and take the old surveys overlay them, subtract things that aren't there anymore.

Glenn Smith: The adjoiners are different because a lot of the parcels changed.

Susan Harte: So we went back and changed all of the adjoining lots, so they have the current owners, so it matches.

Jim Crowley: Any other comments?

David Biren: Glenn, can you go over the comments that you had.

Glenn Smith: If you want I'll go down the list. #2 I had a comment the corner parcel next to the NYSEG parcel I think that Susan owns, she should probably put an identifier tax lot number, or name of all the property owners something on there, which she doesn't want to do. #3

Jim Crowley: Wait a minute here.....

Susan Harte: I don't understand

Glenn Smith: You said I don't see the relevance here the site plan shows nothing on that lot so why do we have to say it. Additionally I explained the lot is being sold. It's an adjoinder; usually you put an SBL or the property owner name.

Jim Crowley: You are going to have to.

Susan Harte: It's my lot.

Jacqueline Ricciani: If it was noted on the plan, we would know that.

Glenn Smith: A letter from NYSEG that the double pole in Frances Drive is going to be relocated. I know the board will ask, it should show the location of the pole where it will be relocated to. It says new pole, I couldn't find it. I was talking about the double pole by the NYSEG substation. Two of them side by side. That's the one I was referring to.

Victor Kask: I moved it; I just didn't call it out.

Glenn Smith: I mentioned there should be an SBL #'s and current owner names for adjoining parcels. Some of the adjoining names were wrong because they are old.

Susan Brown Otto: So that has been taken care of now on this new map.

Glenn Smith: Fire Department review letter we discussed. I have the road section detail to be modified slightly to show a ditch line that was done. So it shows two 10 ft travel lanes. I think the intent is to make it a 20ft road.

David Biren: It's not right now, right?

Jacqueline Ricciani: Not all the way down, just to where her property ends.

David Biren: What is it going to be on the road?

Susan Harte: It's all on the plan.

Glenn Smith: Compacted gravel. It is sufficient. I recommended some deciduous trees to be planted along the front.

Susan Harte: It shows flowering quints they are a bush – 8 ft wide.

Susan Brown Otto: It is pink and it comes out in May.

Glenn Smith: It shows four or five trees, maple or something at the back of the building. The handicap parking space should be noted as paved, they took care of that. The maintenance plan for the road, that is how we ended up discussing that, I'll leave that up to Jacy. The parcel that the drive is needs to be involved with some type of.....

Jacqueline Ricciani: The applicant said she won't go into an agreement with him. So this is like the best thing I could think of.

Susan Brown Otto: So in effect this has been taken care of then.

Glenn Smith: It is still on the plan.....

Jacqueline Ricciani: I don't think that is particularly enforceable, but that is the most she wants to do.

Susan Brown Otto: Okay.

Susan Harte: I spoke to Igor; he is okay with that, he is supportive of the project.

Jacqueline Ricciani: So why won't he enter into an agreement with you, you are helping him.

Jim Crowley: I'm the one who has to sign this plan; something should be done with a road maintenance agreement.

Susan Harte: I have a right to use, normally when a right of way agreement is granted, I don't

want to... I want to be solely responsible for the maintenance I don't want to have to depend on anybody else, if I am going to have tenants. I am going to have total responsibility am going to ask the other two homeowners if they want to contribute to the cost of the maintenance, I don't know if they will or not, but it doesn't matter because I am going to have to anyway. I spoke to NYSEG, NYSEG plows..... NYSEG doesn't enter into any maintenance agreement, they do their own thing.

Jim Crowley: Jacy I have a question for you. What is the maintenance of this road going forward, say 50 years from now? What happens then, how does that work?

Jacqueline Ricciani: In the absence of a written agreement what the applicant said is correct. Those who use the easement or right a way are responsible for maintaining it. How they go about doing that is when one user kind of sues the other, but legally when there is no written agreement it is whoever is using is responsible. The problem is the only people that can enforce that are the users. It's not like..... I guess the town could probably take some kind of action.

Jim Crowley: Is there ever going to be an issue that the town will have to maintain it?

Jacqueline Ricciani: No. It is privately owned, but from a safety perspective if this board is concerned about how are these people who are going to be living in this complex going to be able to get in and out of this road, I am hearing it is going to be compacted gravel, so if there are potholes, or areas that are washed area, aside from just snow removal, there is routine maintenance on the surface.

Susan Harte: Just like any other private road, like Chapin Estate, It's a private road, so it has to be enforced by the users.

Jacqueline Ricciani: Most of them have HOA's that maintain it. There is no HOA here. You are a commercial development with other people who are going to be living there and even though they are renters using that road, if they are users of that road they could be financially responsible for the maintenance.

Susan Harte: There is going to be an entity when I am long gone, so somebody is going to own that development so that party will be responsible for maintaining the road.

Jacqueline Ricciani: How do we know that?

Susan Harte: Because the law enforces, the laws says people that use the road have to contribute to its maintenance.

Jacqueline Ricciani: The tenants are users.

Jim Crowley: Time out. Let's ask BJ. We can put this aside. Property maintenance, the Building Department can enforce. If the grass is over 10 inches, she can tell ...

Jacqueline Ricciani: If this private road falls into disrepair and falls into jurisdiction for property maintenance that ticket is getting issued to Igor because he is the owner. It is not getting issued to the applicant.

Jim Crowley: Then Igor would have to sue. But it is really not our concern.

Jacqueline Ricciani: It is your concern to the extent that it impacts the special use permit that this applicant is seeking because some of the different criteria that you why are you looking at me like that?

Susan Brown Otto: Because I am trying to understand what you are saying.

Jacqueline Ricciani: This applicant is going to need a special use permit. There are lots and lots of criteria that need to be considered as that special use permit, traffic, maintenance of other things to the extent that this issue factors into the criteria for the special use permit. It pertains to your review.

Jim Crowley: Why wouldn't Igor want this? Wouldn't it benefit him Jacy?

Jacqueline Ricciani: I can't speak for Igor; I don't know who he is.

Susan Brown Otto: It's his problem, right?

Susan Harte: What are you asking him to do?

Jim Crowley: He owns the right of way; you are just going to use it.

Susan Harte: I have a deeded right to use it. Even if he didn't want me to use it, I would still have the right to use it.

Jim Crowley: Do we have a copy of the deed?

Susan Harte: I gave a copy of the deed that shows the road is a deeded right of way. It is a 30 ft right of way. It's on the survey.

Glenn Smith: The sewer line for the four apartments, I recommended a manhole at the end of it, which Susan objects to.

Jim Crowley: Why is that Susan?

Glenn Smith: A sewage pump station it is basically fiberglass a 3 ft diameter pump which is usually used outside for multifamily housing, I suggested a normal precast concrete manhole which she objected to that to.

Victor Kask: We changed it. It is still showing a fiber glass pit..

Jacqueline Ricciani: So what is on the plan now?

Victor Kask: Technically still shown as a fiber glass pit, which Glenn is correct. We will go back to the concrete.

Glenn Smith: My suggestion was maybe a few floodlights on the building facing out to the parking lot.

Susan Harte: We added some lights, we did the light shining plan, and I think we have sufficient coverage.

Victor Kask: We were looking for .2 ft candles, and we didn't quite cover the whole parking lot with that.

Glenn Smith: I know we talked about it at the last meeting. The lights show the same on the plan.

Jacqueline Ricciani: I have seen some light poles at the entrance and exit to the parking lot. That is something new. I don't recall seeing that in the past. I don't know if there is a detail about what the light is going to look like. It is really important to give us these 2 weeks ahead of time so we can be prepared coming into the meeting.

Victor Kask: We submitted 6 weeks ago. It's on the landscaping plan. They are 20 ft poles facing toward the building and down. Facing out seems harsh. I don't think it is that far off. That is sheet #4.

Glenn Smith: The only new sheet is number 1. The other two comments I had were the sewer and the updated survey.

Jim Crowley: Any more comments on this right of way?

Jacqueline Ricciani: Right of way no. Maintenance, yes you are going to have to hope that the applicant and any successors maintain it. Make sure it is good and passable. If there isn't any written document.....

Bette Jean Gettel: To me that is a problem. Because if I have to come out and violate... Igor is getting violated.

Susan Brown Otto: Susan, Igor just won't do it?

Susan Harte: He agreed that I would be responsible for it. The town pushes the snow back to the second house.

Jim Crowley: Does the board have any questions?

David Slater: The maintenance agreement is a problem. There has to be some protection for the person who owns the road. It is a concern to protect the person that owns the road and protect those who use the road.

Susan Harte: People who have a right of way, they have to agree among themselves how to maintain the road.

David Biren: You are going to be taking the bulk of the road.

Susan Harte: That is my right.

David Biren: We are going to need some verbiage on that map.

Susan Harte: We can make it clearer on the map.

David Biren: I would like to see clearer verbiage on that map. We should see it first before the public.

Susan Harte: We can have that done tomorrow.

David Biren: We are not going to be here tomorrow. Jacy what do you think?

Jacqueline Ricciani: It's not up to me. The applicant has agreed to change it and make it clearer. Unless you trust the applicant, the revised isn't due for another two weeks before the next meeting. If you are satisfied with everything else, you can schedule a hearing, and if still not addressed to your liking, then it can actually be a condition.

Susan Brown Otto: I would be in agreement to get this to a public hearing and also that we have this particular language strengthened as we just discussed.

Jacqueline Ricciani: Is that part of your motion, do you want both things in your motion? The applicant already agreed to provide the additional language.

Susan Brown Otto: Then I make the motion to move this project ahead for a public hearing next month.

Jacqueline Ricciani: Mr. Chairman, we need a second.

Jim Crowley: On this site plan as it sits right now, there are enough infrastructures as far as the sewer and all that for the environmental?

Glenn Smith: Yes the infrastructure is pretty much there for Phase 1 and Phase 2.

Jacqueline Ricciani: First we need to declare agency on this. You need to do that before you make your motion for public hearing. Go ahead David, sorry to interrupt.

David Biren: Is there a playground?

Susan Harte: A recreational space, not a playground, it is on the map.

David Biren: I don't know if that is considered a playground.

Susan Harte: It doesn't have to be a playground. It is a recreational space.

Jacqueline Ricciani: Are you talking about parkland fees for subdivisions? This isn't a subdivision.

David Biren: Okay.

Jacqueline Ricciani: We have the long EAF, unlisted.

David Biren: Is it for the entire project?

Jacqueline Ricciani: Absolutely.

Motion that the Planning Board be lead agency by David Biren, second by Susan Brown Otto.

All in favor – 7

Opposed-0

Agreed and carried

Jacqueline Ricciani: You have to send out notices.

Bette Jean Gettel: It is unlisted, so I don't need to.

Motion to schedule public hearing for March 2nd by Susan Brown Otto, second by David Slater.

Roll call

Mike Cassaro – Yes

Wilfred Hughson – Yes

David Slater – Yes

Steve Simpson - Yes

Jim Crowley – Yes

David Biren - Yes

Susan Brown Otto – Yes

Jim Crowley – Yes

Motion passed.

Bette Jean Gettel: I need an updated site plan, electronic.

Susan Harte: It should be pretty quick right. This is the second time.

Bette Jean Gettel: That was zoning, you added additional information.

Jim Crowley: Local training February 24th 4:30 to 8:30 pm at the Government Center.

Motion to adjourn by David Slater second by Mike Cassaro.

All in favor – 7

Opposed-0

Agreed and carried

Respectively,

Jannetta MacArthur

Recording Secretary

