

**LUMBERLAND PLANNING BOARD**

1054 Proctor Road  
Glen Spey, NY 12737  
(845) 856-8600, x424

Jess Gluckler, Chairman  
Richard Plunz, Vice Chairman  
Pamela Bucksbee, Secretary  
Martin S. Miller, Attorney  
Timothy E. Gottlieb, Engineer  
Susan Wade, Clerk

Greg Bodnaruik, Member  
Ed Gavalla, Member  
Karel Konrad, Member  
Susan B. Morley, Member  
Caroline Akt, Alternate  
Martha Tully, Alternate

**MEETING MINUTES**

**510th meeting**

**MAY 1, 2012**

**OPENING:** Jess Gluckler, Chairman, called the meeting to order at 7:30 PM with the Pledge of Allegiance.

**ROLL CALL:** Present were: Pamela Bucksbee, Ed Gavalla, Jess Gluckler, Karel Konrad, Sue Morley, Caroline Akt, Martha Tully, Tim Gottlieb, Marty Miller, Susan Wade.

**OTHERS PRESENT:** Terresa Bakner, Steve Dubrovsky, Glen Smith, Dave Sparling, Jay Shafer, Don Hunt Jr., Mr. & Mrs. Eugene Szwazka

**REVIEW/ACCEPTANCE OF APRIL 3 MEETING MINUTES:** The minutes were accepted as presented (5 affirmative, 1 negative, 1 abstention). Martha stated that the minutes did not accurately record her concerns on several issues regarding the Chapin Estates project.

**CORRESPONDENCE:** none

**CONTINUING BUSINESS:**

**#343--Glenview Subdivision.** Ed Gavalla, member of the Board, recused himself from the proceedings. He then presented a sketch plan as well as a letter from Ward Engineering including SEQR and correspondence dated April 19, 2012 received from the DEC and information regarding the National Bald Eagle Management Guidelines (2007). Tim noted that the DEC letter was appropriate, and that no additional Protection of Waters or Wetlands permitting is needed. It was noted that there are three tree nests within ½ mile of the project, and one 575 feet north of the project. Mr. Gavalla was directed to provide documentation as to how to avoid disturbing these nests, or documentation from the DEC or an environmental expert, if it can be obtained, stating that no permit would be required.

Note 12 on the sketch, regarding erosion control and stormwater pollution prevention (SWPPP) plans need to be prepared. Tim stated that this requirement must be met prior to the Planning Board being able to grant approval, and that the final plan must needs to include enough topography to satisfy the stormwater permit. Documentation of acceptance of driveway placement by both the DOT and Highway Department must be obtained. Tim noted that the plan needs also to show the proposed location of houses on the subdivided lots as well as the nest locations. Escrow was set at \$2000.

**#346--Chapin Estates.** Terresa Bakner, Attorney for Chapin Estates, Glen Smith, Project Engineer and Steve Dubrovsky, Project Manager, represented the project.

- ✓ Ms. Bakner reviewed all of the documentation received by the Board since the April meeting. Martha restated her concern about the effect of traffic in the area and questioned why Chapin Estates had not submitted an updated study to the Town of Bethel. Ms. Bakner replied that a response is due by the end of 2012, but to date no earlier request has been made by the Town.
- ✓ Martha stated that she wanted the Project to make available the conservation easements on adjoining properties. Ms. Bakner responded that these are filed with the County.
- ✓ Martha noted that Chapin will seek a waiver to not pave the roads, and questioned the impact on the Town if the roads are not properly maintained. Ms. Bakner replied that the Homeowners Agreement (HOA) is filed with the Attorney General's office and will be filed with the Town. The homeowners can NOT turn over the roads to the Town, and if they did, the Town is under no obligation to approve the taking of the roads.
- ✓ Ms. Bakner introduced and read a letter from the Bethel Highway Department regarding the state of the upkeep of the roads within the Chapin Project to date.
- ✓ Ms. Bakner reviewed a written response to correspondence received by Richard Plunz, who submitted the letter dated May 1 because he was unable to attend this meeting. Richard's letter and Ms. Bakner's response were entered into the public record. After some discussion, it was assumed that Richard's main concern is that this project be viewed not separately but in conjunction with the entire Chapin Estates. Ms. Bakner avers that this has been done; Jess stated that Richard obviously disagrees.
- ✓ Martha reiterated her concern about the precedent being set if a waiver on the road paving is granted, stating that hardship has not been proven.
- ✓ Martha commented that swales are a part of the stormwater management plan, and that the County had in the past expressed concerns about pulloffs on the roads. Ms. Bakner stated that in August 2010 the County changed the stormwater design manual to allow for swales to be a part of a management plan.
- ✓ Martha again questioned the effect of private roads going into disrepair. Ms. Bakner stated that the HOA is active; some houses are already there for 10 years and that the roads are all well maintained.
- ✓ The extent of delinquency in HOA dues was questioned, to help gauge the likelihood of insufficiency of funds for road maintenance. Mr. Dubrovsky stated that fees have not been raised in six years for the 105 houses and 155 lots (a portion of which are still owned by the Corporation) and that less than 10 accounts are currently overdue.
- ✓ Martha questioned whether a private ambulance service is needed or utilized. Bethel contracts with Mobile Medical for such services.
- ✓ Martha questioned whether the impact on law enforcement has been addressed. Mr. Dubrovsky stated that there is private security on site, and that the sheriff's department and state police respond to home security issues. He also stated that there have been no home invasion issues to date.
- ✓ Martha stated again her concern about the lack of proving hardship regarding the paving of roads. Ms. Bakner responded that they have nothing else to provide to the Board.
- ✓ Karel questioned the location of any existing wetlands and the proposed location of houses around them.
- ✓ Tim stated that with the applicant's permission (which was given) he would file the necessary documents with the County.
- ✓ Jess polled the members regarding any remaining questions, not including any issues that may arise as a result of public input.

- Pam – no open questions
  - Karel – no open questions
  - Jess – no open questions
  - Ed – no open questions
  - Sue – no open questions
  - Martha – need to study more
  - Caroline – need to study more
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- ✓ The resolution and vote on the negative declaration is appended to these minutes.
  - ✓ Martha questioned whether Bethel residents have to be individually notified of a Public Hearing. The Town Clerks of the neighboring towns will be notified, as well as Bethel residents within 500 feet of the Town Line.
  - ✓ The Public Hearing was set for June 5 at 8:00 PM. The voting results are appended to these minutes.

**OTHER:**

**Eugene Szwazka** inquired about his property on High Road, which he purchased at auction. He was seeking guidance about whether a home (real estate) office could be established at that location, and whether that was an allowable use under the new zoning laws. He was also seeking a map that would indicate his boundary lines, as he wants to erect a fence. He was advised that he needs to have his property professionally surveyed. He also had some questions regarding the effect on his taxes for certain proposed improvements. He was advised that none of these questions are Planning Board issues, and that he should visit the various Municipal offices to obtain guidance.

Dave Sparling presented to the Board a proposed change in a building site (changing the angle of the building) from how it appears on the **Camp Simcha** site plan. The Planning Board determined that a representative from the Camp needs to address the Board on this issue.

**ADJOURN: 10:25 PM**

Respectfully submitted,



Pamela Bucksbee, Secretary