

Town of Bethel
Zoning Board of Appeals
PO Box 300, 3454 Route 55
White Lake, NY 12786

The Town of Bethel Zoning Board of Appeals held its monthly meeting on January 25, 2016. The meeting was held at the Duggan School, 3460 State Route 55, Kauneonga Lake, at 7:30 PM. On the agenda at this time was the following:

In attendance Steve Morey, Chairman, Jim Crowley, Vice Chairman, Jesse Komatz, Cirino Bruno, Dan Brey, Victor Kask, Bette Jean Gettel, Code Enforcement Officer, and Jacqueline Ricciani, Attorney. Also in attendance, Daniel Sturm, Supervisor, Dawn Ryder, Liaison, Lillian Hendrickson, Board member, Daniel Gettel, Planning Board Chairman, and David Biren, and Susan Brown Otto, Planning Board members.

Excused: Richard Conroy and Jannetta MacArthur

Pledge to the flag

Motion to accept minutes from the December 21, 2015 meeting by Jim Crowley, second by Jesse Komatz

All in favor – 6

Opposed-0

Agreed and carried

- 1) Public Hearing for a Use Variance to build a garage on a vacant lot to be located on Major Marie Rossi Dr, known as Bethel Tax Map #: 15-1-19.13, proposed by Steven Hafner.***

Return receipts received

Steve Morey: Mr. Hafner would you like to give a brief presentation?

Bette Jean Gettel: I have the County 239. It was faxed this evening at 5 pm.

Steve Morey: Mr. Hafner, could you just review what it is you are proposing to do?

Steven Hafner: Yes, I just want to put a storage shed, garage, what ever you want to have it, on a five acre piece of property. I would like to put equipment in there so I can use my property in a farming kind of way.

Steve Morey: The size of the structure?

Steven Hafner: I have it down as 24 x 24.

Steve Morey: And that is on a pad?

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Steven Hafner: On gravel.

Steve Morey: We had spoken previously something in the effect you are anticipating of installing a wood stove?

Steven Hafner: No, I just inquired to the company if there buildings are able to handle that. Everyone would like a heated garage. It was only something that I asked. They just happen to put it in there saying that it could.

Steve Morey: Do the board members have any other questions before I entertain a motion for a public hearing?

Victor Kask: Is there electric to it?

Steven Hafner: No.

Motion to enter public hearing by Jim Crowley, second by Dan Brey

All in favor – 6

Opposed-0

Agreed and carried

Steve Morey: I don't know who is in our audience that would like to speak on this public hearing but I prefer that anyone in the audience direct their questions to the board and then we will relay that to you to answer those questions. Is anyone here?

Susan Brown Otto: My name is Susan Brown Otto, and I am speaking as a resident of the Town of Bethel. I would like to say on principal I am against granting a variance.

Jacqueline Ricciani: In the interest of disclosure we need to put on the record that you are also a member of the Town Planning Board.

Susan Brown Otto: For the record I am a member of the Town Planning Board, but I am not speaking in my capacity of a Planning Board member, I am speaking in capacity of a resident of the Town of Bethel. It is my understanding the reason why the zoning rule is on the books is that we don't want individuals to be able to put up a building and then migrate into occupying the property and not building a residence. And so as such, individuals are not permitted to have a building on their property without having an abode where they can reside in. I think even though I am very familiar with Major Rossi Road, it is not a road that people generally drive by, nevertheless I think granting the variance would set a precedence for future requests. For that particular reason I am against the Zoning Board of Appeals granting a variance. Thank you.

Steve Morey: Is there anyone else from the public?

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Mark McEwan – 236 Royce Road, White Lake: As a builder, I don't know about this project, I can't speak aye or nay about this specific project, but I know BJ is very exacting about her job. If you were going to try to migrate into some sort of living quarters, I think she would be at his throat in a heartbeat. So I sort of look at that as a non issue. If I had property here, and I am paying my taxes I would want to be able to put a garage up if I could. Again, I don't know about the zoning and know what it is he is looking for a variance for, but in general terms, I think she is very good at her job and that is part of what we do here. If he is looking for just a garage and that is all he wants to use it for, then why not. Why else do we have land? Just to watch the trees grow.....

Steve Morey: Briefly, our zoning requires a residence....this structure would be considered an assessor structure to a residential structure.

Mark McEwan: On the same parcel?

Steve Morey: Yes.

Mark McEwan: Is it to close to boundaries?

Steve Morey: The issue is the structure he is proposing is an assessor structure to a primary structure.

Cirino Bruno: To a non-existing primary structure.

Bette Jean Gettel: There is no primary structure on the property.

Mark McEwan: Oh.

Steve Morey: Is there anyone else? Anything from the board members?

No one

Motion to return to regular session by Jim Crowley, second by Dan Brey

All in favor – 6

Opposed-0

Agreed and carried

Steve Morey: At this point, I will leave it up to the board; we have another public hearing scheduled. We can either elect to go into public hearing and then go back to regular session and deliberate on Mr. Hafner's proposal first, or we can deliberate now on Mr. Hafner's proposal.

Cirino Bruno: Do you have proof that he made the certified mailings?

Bette Jean Gettel: Yes

Cirino Bruno: So people were notified, and we only had one person speaking against it.

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Bette Jean Gettel: Yes

Cirino Bruno: I move that we proceed to a determination, if we all agree.

Board is in agreement to continue with item #1

Bette Jean Gettel: You need to do SEQRA before you do the check list.

Steve Morey: Okay. The portion required has been filled out by the applicant?

Bette Jean Gettel: Yes, you are up to Part 2. Reading

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

Yes, moderate to large.

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

No, not applicable.

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

Cirino Bruno: Yes. Because it is missing a house. It is a freestanding garage.

Steve Morey: And how does that make it affirmative?

Cirino Bruno: Because it would be the only free standing garage in sight. Because the zoning law says it shouldn't be there unless it is ancillary to an existing house. That is what I say.

Steve Morey: We need some sort of an agreement as a board. I would say no. There are other freestanding garages in the neighborhood.

Dan Brey: I would say no also.

Jesse Komatz: I say yes.

Jim Crowley: No

Victor Kask: No

4. Will the proposed action have an impact on the environmental characteristics that

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caused the establishment of a Critical Environmental Area (CEA)?

No, there are none in the Town of Bethel, nor are there any in the County of Sullivan.

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

No.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

No.

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

No.

b. public / private wastewater treatment utilities?

No.

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

No.

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

No.

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

No.

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

No.

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For every question in Part 2 that was answered moderate to large impact or if there is a need to explain why a particular element of the proposed action may or will not result in significant adverse environmental impact, please complete Part 3.

What you answered to moderate to large impact was will the *proposed action create a material conflict with an adopted land use plan or zoning regulation.*

So, we need an explanation.

Cirino Bruno: The explanation is it is an ancillary building, which requires a primary structure, which is non-existing.

Steve Morey: Is everyone in agreement with that?

Board – everyone in agreement

Bette Jean Gettel: At this time do you wish to give it a negative declaration?

Steve Morey: I would say yes, that we grant a negative declaration. If anyone on the board thinks otherwise?

Cirino Bruno: Environmentally is not the problem.

Jim Crowley: I agree with you Steve.

Steve Morey: BJ, would you please repeat that.

Bette Jean Gettel: At this time, I need a motion for a neg dec....

Steve Morey: Repeat the question that requires the explanation.

Bette Jean Gettel: You answered to question #1, moderate to large impact may occur;

will the proposed action create a material conflict with an adopted land use plan or zoning regulation?

You said yes, moderate to large. Cirino gave the explanation. Now you need to determine based on the information and analysis above any supporting documentation that the proposed action may result in one or more potentially large or significant adverse impact. On an environmental impact statement it is required. In other words you would have to do a full-blown EAF. If not, based on the information and analysis above, and any supporting documentation the proposed action will not result in any significant adverse environmental impacts.

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Steve Morey: That is correct.

Bette Jean Gettel: So we need a motion.

Motion to grant negative declaration by Jim Crowley, second by Cirino Bruno

All in favor – 6

Opposed-0

Agreed and carried

Steve Morey: Now we need go on to our criteria for a use variance. Reading test for use variance:

1. *They cannot realize a reasonable return, provided such lack of return is substantial as demonstrated by competent financial evidence:*

Cirino Bruno: There is no financial evidence.

2. *The hardship is unique, it does not apply to a substantial portion of the district or neighborhood.*

Cirino Bruno: False. Everyone is subject to the same zoning regulation.

3. *The requested use variance, if granted, will not alter the essential character of the neighborhood.*

Steve Morey: I believe that is correct, but I don't know what the proper response is, yes or no. It will not.

Jacqueline Ricciani: Right. It's not as if there is, you know, two yes' and three no's, that is how you do it. You need to take into account even if there are a few things that are in the applicants favor and a few things that are not in the applicant's favor. You need to look at it overall.

Steve Morey: *The requested use variance, if granted, will not alter the essential character of the neighborhood?*

Jim Crowley: No, it won't.

Jacqueline Ricciani: Because.....

Steve Morey: Because it blends in with the character.

Cirino Bruno: For the record I say it does, because there is a statute that it is running a foul of, and will give other people reference to suggest that they also be permitted a variance and we run the risk of taking the comprehensive plan and zoning and having multiple lots eventually with an ancillary structure and no primary structure. That is what I say. It will and can potentially alter.

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Steve Morey: It has potential, but will this one structure alter the character?

Cirino Bruno: It can be pointed to as a precedent, I suggest it does. You may not agree with me.

Steve Morey: Anyone else?

Jesse Komatz: I don't think it does either.

Dan Brey: I don't think so either.

Steve Morey: So our answer is no.

4. *The hardship has not been self-created.*

Jim Crowley: It has been. If he had built a primary structure, he wouldn't have to be here.

Steve Hafner: Excuse me, may I speak?

Jim Crowley: When we are done.

Steve Morey: I want to make sure we are all in agreement with this; the hardship has been self created.

Consensus of board, yes

Steve Morey: Now you may speak.

Steve Hafner: You asked some pretty important questions there. We are going to take into account, #1; we don't all have to be afraid of garages. I am not going to use this....we have two houses there. I have one house right next door. Another one a mile away. I don't need to live in a garage. All I need is a garage for my equipment, so I can use the property that I have been paying taxes on for the last 20 years. I am not asking for something outlandish. I did not make this problem on my own. I don't live up here. I live in New Jersey. Every time I want to come up and use my property that I pay taxes on, I have to load up my car with lawn mowers and everything else, I want to do something better with it. I am planting apple trees, I'm doing something. I feel it is in my right to be able, yes, okay, I can always put the two properties together, and then you know what, put the garage up and call it a day. No, I'm not going to do that, I can't. Because one, it is in my deceased father's name.

Steve Morey: That is a relevant issue, can you can elaborate on that.

Steven Hafner: Because one is in my deceased father's name, and the other is in my name. I'm not going to get into that at this point in my life. I have a place to stay when I am up here. What I don't have is a place to put the things that I want in order to use my property the way I see fit. Not

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illegally, okay, just because a few people may have put up garages okay, and lived in them, not everybody is trying to do this. Okay, I want to be able to use my property. I happen to love it. I should have done this years ago before the ordinances changed, but I didn't. I am at the age right now where I can do that, I don't have to work so hard, and I want to be able to do this. It is just simple. Some of you people think that maybe somebody may want to try it, well guess what; they are going to be standing here also. Rules are made to be changed. Laws are made to be changed. All I am trying to do... let me use my property the way I would like to. Thank you.

Steve Morey: There are three parcels all together, aren't there? They are not combined, but...

Steven Hafner: There is 2.5 acres with a house on it next door, there is another piece of property two doors down, and there is 38 acres on Hunter Pond, with a house over there, which is a half a mile away.

Steve Morey: But the parcel you are proposing this building for, is adjacent to one of those, adjacent being across the street?

Steven Hafner: No adjacent being butting up against.

Jacqueline Ricciani: Sharing a property line?

Steven Hafner: Yes.

Steve Morey: Now you are saying there are actually three other parcels of property?

Steven Hafner: There is my 5 acres, the 2.5 right next door with the house on it, there is 2 acres, a house over from there, there is a 100 x 200 lot that goes onto Hunter Pond and then there is 38 acres on Hunter Pond with a house.

Steve Morey: Only one parcel is in your ownership, is that what you are saying?

Steven Hafner: Yes, at this point.

Steve Morey: Is there anything else from the board, any other deliberations you would like to deal with?

Dan Brey: This parcel is on Rossi Drive?

Steven Hafner: It is on Marie Rossi Drive, and Buck Road. It is at the end of Marie Rossi Drive. And where this garage will be there won't be even one person that will be able to see it.

Jesse Komatz: Why aren't you building a garage on the property that is adjacent to this?

Steven Hafner: Because that house is on a hill. The back yard goes up like that, and we have already had to take a bulldozer and remove some of the dirt because the soil is full of clay there, and it slides

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down. There is no way I would put a garage on it. The septic system is on one side, the driveway would be on the other, and there wouldn't be room for it. It is a long piece of property, and the backyard just goes up like that.

Jesse Komatz: And you don't own the 2.5 acres next to it.

Steven Hafner: It's in my father's name. My mother has possession of it.

Jacqueline Ricciani: How long ago did your father pass away?

Steven Hafner: 1997.

Steve Morey: If there is nothing else, I would entertain a motion to approve or not to approve this application.

Motion to approve the application by Dan Brey.....

No second

Motion to deny application by Cirino Bruno, second by Jesse Komatz

Roll call vote:

Dan Brey: No

Jesse Komatz: Yes

Cirino Bruno: Yes

Victor Kask: No

Jim Crowley: No

Steve Morey: No

Motion does not carry

Steve Morey: That motion does not carry, but it is my understanding that to approve an application we need an affirmative motion to approve an application. If the board doesn't want to make a decision, we do have 62 days to make a decision.

Bette Jean Gettel: The option is to table it gentleman, or do another vote.

Motion to table the application by Jim Crowley, second by Cirino Bruno

Roll call vote:

Dan Brey: Yes

Jesse Komatz: Yes

Cirino Bruno: Abstain

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Victor Kask: Yes
Jim Crowley: Yes
Steve Morey: No

The majority voted to table to next month.

Steve Morey: Sorry to put you through this. It is tabled until next month.

Steven Hafner: What is the date?

Bette Jean Gettel: I will get back to you tomorrow with the date.

2) *Public Hearing for an Area Variance to convert a Hotel/Motel to a Summer Camp located at 347 Old White Lake Turnpike, known as Bethel Tax Map #: 13-1-12.1, proposed by Rabbi Efraim Glassman. (Zieger)*

Jacqueline Ricciani: I have the applicant as New Castle Springs LLC?

Jay Zieger: That is the contract vendee.

Steve Morey: How does Rabbi Glassman fit in?

Jay Zieger: He is a principle. Are we ready?

Steve Morey: Is that the revision from December 31, 2015?

Jay Zieger: Yes, this is a survey that was recently done by Grant Decker. You have two sides here. Old White Lake Turnpike dissects the property. It is one parcel, both sides. Everything you see on this map already exists, and by the way we were here last month, so we kind of went through a lot of it. All the buildings over here now exist, and the property has been operating as a hotel for an excess of 50 years. It operated as a hotel last summer. The current owners and the hotel operators have been looking to sell this property and my client has a contract to purchase it. The plan is to convert the use of the property to a summer camp. The proposal is, there will be no new buildings built, and none of the existing buildings will be demolished, so we want to leave the property as it is, and do what ever renovations and a lot of the renovations are not material but to be able to use as a summer camp. The unique part about this property is that the buildings that do exist are virtually, everyone of them in the perimeters in one way or another violates the setback requirements for a hotel, as it is currently being used, and for a summer camp, if you do an analysis of your zoning chart of what is allowed in the RD District. Virtually any use in this district, the existing buildings would violate the setback requirements. The hotel can continue to operate as it operates because it is a preexisting nonconforming use, but any other use that someone would want to make to this property would require a variance because as it is now configured, many of the buildings violates the setback requirements. On this chart here, which is on the vacant parcel of land, it lists the variances that are required. Unfortunately there are many variances that

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are required. Except for a use of a hotel, anything that would be presented to do with this property would be the same number because most of the pieces other than the one family homes have setback requirements which are already violated. I have gone through in a letter that I had sent to the board dated January 11th, I went through the requirements you would need to go through as to whether the requirements that you need for a variance whether they are satisfied or not satisfied. I hope each of you has seen that letter. The issues are of course, will there be an undesirable change in the character of the neighborhood? I am submitting that there is no undesirable change in the character of the neighborhood because we are not proposing any new buildings, we are not tearing down any buildings, we are not building anything new, whatever is there is there. Again, anything that anybody would want to do other than tear down the buildings would require variances identical really to what we are asking for today. So the next question is can the benefit be achieved in some other manner, and again, all of the existing buildings are existing buildings. We are not proposing change, or adding to them. It is what it is. We can't do it in any other manner, other than not do this use. It is the use we want to do. Unfortunately the buildings are where they are. The next question is whether the variance is substantial? That one is actually the hardest one I had to address. Firstly, and your attorney can.....if I take editorial content, in what the law is, the question it is substantial, is it 200 ft, you only have 5 ft, is it not a mathematical formula as to what is substantial. Does it have a substantial impact, is it something that is significant and has substantiality to it, not by mathematics, but on the impact on the neighborhood, and in fact on the community. The leading case on substantial is a flag pole, a height variance in a town has 35 ft, somebody wanted to put a flag pole up, up to 200 ft, and the Zoning Board said it was substantial because it was 165 ft higher, the court said it is substantial mathematically, but not a substantial impact, and said the Zoning Board was wrong on that. If you look at it in a context, in that context....

Cirino Bruno: The zoning you are looking for is because the statute says you need 25 acres for a camp.

Jay Zieger: That is one of the variances.

Cirino Bruno: The way you establish these are preexisting variances, preexisting conditions that run to the current hotel and anyone who wants to establish a hotel, and anybody else would have to come for a variance. The real issue you are here for is the question whether or not you should receive a variance for the rule that says that you are required to have 25 acres. I am just looking so everyone understands what we are doing here.

Jay Zieger: That is one of the variances.

Cirino Bruno: What are the other variances you are looking for?

Jay Zieger: Setbacks, side yard. There is a 200 ft front and rear setback.

Cirino Bruno: I understand. Thank you.

Jay Zieger: We have one other issue that is whether the variances are a self-created variance. The statute says that self-created is relevant but not the determining factor. Again, I submit that the self-

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creation is not applicable in this instance because we are dealing with existing buildings and again any use would require variances because they are existing.

Cirino Bruno: What about the concept of acquiring more land to meet the requirement of 25 acres?

Jay Zieger: I believe they have tried to acquire additional acres.

Mr. Glassman: There are two properties on the rear end of the properties. There is one person with a house on it, and another L shaped property that touches the property there as well. We have sent numerous letters, certified mailings to the people that own it, looking to purchase the property. So far they have not responded. I was hoping when the summer roles around we will find them and see if they will be able to do something. We try our hardest to locate them.

Dan Brey: I wasn't at the first meeting, one question I have I see a paved driveway, and it goes past the border and then it.....it is an existing driveway that services the camp I gather? On somebody else's property?

Jay Zieger: This is what has existed with the hotel.

Dan Brey: These buildings that are basically on the line, how old are these buildings?

Steve Morey: Can we get into that after we get into the public hearing?

Dan Brey: Sure

Victor Kask: How do we make the jump from a transient residential occupancy to an educational occupancy and consider it being grandfathered?

Jay Zieger: I'm not saying that. That is why we need a variance.

Victor Kask: So you are educating children, religious education more than 100 children, they are under supervision, they are not free to come and go, this is not a hotel/motel anymore?

Mr. Glassman: There will be a lot less traffic....

Victor Kask: There is not a building on this site that could have occupancy according to New York State Building Code.

Steve Morey: Victor, let me just interrupt you for a section. According to the code the RD District requires a special use permit for a summer camp. Which to me means, no matter what we do, if we approve this, this needs to go to the Planning Board, and the Planning Board issues that special use permit for a summer camp. I would like to ...

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Victor Kask: I would like to be on the record saying it is impossible to do it anyways.

Steve Morey: They are here for an area variance.

Jay Zieger: If we don't get the area variance then the application ends tonight. If we do get the area variance, then we need to go to the Planning Board, where the Planning Board will look into all of the things that they usually look into such as the capacity and the septic system, the water, the handicap accessibility, etc.

Steve Morey: Anything else Mr. Zieger?

Jay Zieger: No.

Steve Morey: I would like to give the board the opportunity to ask Mr. Zieger some questions, from that point we need to go into a public hearing.

Motion to go into public hearing by Jim Crowley, second by Cirino Bruno

All in favor – 6

Opposed-0

Agreed and carried

Steve Morey: Certified mailing receipts?

Bette Jean Gettel: I have them.

Steve Morey: Do we have any correspondence in result to those mailings?

Bette Jean Gettel: No, no phone calls, no correspondence.

Steve Morey: Okay. Is there anyone in the audience that would like to speak at this public hearing?

Dawn Ryder: Good evening, Dawn Ryder. I am taking my hat off as town council person, and putting on my residence volunteer on the town code changes and active in the community. First of all let me start with it is a variance for not having 25 acres. 25 acres was decided for a summer camp similar to what you would do to a building or fire occupancy. This room can only fit so many people. We had that thought when we thought about summer camps. We said that we don't want several hundred children on six acres of property. We want summer camps to have some space, an area to it. This property is all under ten acres. The useable side. The applicant had requested that they were going to have 300 students on this property. That concerns me. These are not cattle, these are children. I did my homework, and I figured I would share some information with you. I did look up the age of the buildings and the square footage. Most of the buildings, one was 1950, most were 1960, a couple were 1988, when they were built. The square footage on some of them was only 3,000, 5,000, and 8,000. One was only 824 square ft. That gave me a total of 26,000 square feet. When I divide that by 300 children that tells me 86 square feet per person within the buildings. That square footage is counting the

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bathrooms, the hallways, and any other areas, such as closets. So that requires a child to only have 8 to 10 feet. It comes out to your 86 square feet. As far as the area, the land, I looked it up on google maps and every place. We have some steep slopes; we have some marshlands going on, which are unusable. We have all the activities and the children being housed all under 10 acres. To me that is a huge impact on the neighborhood, although the neighborhood is all camps and that is most of the reason why you don't have residents standing here. This doesn't look like a suitable lot to place that many children. Thank you.

Mr. Zieger: Mr. Chairman, I didn't want to interrupt when she was speaking. The children would be 160 campers.

Mr. Glassman: The number 300 was with the staff, cleaning crew, everything. I will say this much, the current hotel had an occupancy, with the Health Department permits from last year about 230 something. 230 adults seemed to be quite comfortable there. 160 children would be less. Secondly, like you said before, a lot of it is religious time studying, which they do in the main study hall, so there isn't much time; they overlap the usage of the pool and the courts that are existing. They have different schedules. In terms of dining room space and sleeping quarters, there is way more than enough space there.

Jim Crowley: Is this camp for profit?

Jay Zieger: No.

Steve Morey: Is there anyone else in the audience that would like to speak on this application?

No one

Steve Morey: There is a letter that Mr. Zieger referred to. It is dated January 11th.

Bette Jean Gettel: Everyone should have received a copy. I emailed it.

Steve Morey: I was going to offer to the board that it be read, has everyone had the opportunity to read it.

Cirino Bruno: I would like to read the letter; I would like to see what it says.

Motion to go back to regular meeting by Cirino Bruno, second by Victor Kask.

All in favor – 6

Opposed-0

Agreed and carried

Steve Morey: If it pleases the board, do you want me to read the letter from Jay Zieger?

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Board: *Yes*

Steve Morey: Reading letter into record

Motion to receive and file letter from Jay Zieger by Jim Crowley, second by Jesse Komatz

All in favor – 6

Opposed-0

Agreed and carried

Cirino Bruno: So that I am clear, and correct me if I am wrong. You are basically asking for a use variance as well as an area variance.

Steve Morey: The use variance, the special use permit would be granted by the Planning Board. They are asking us for an area variance.

Victory Kask: You are putting a tiger in a birdcage. You just can't do this.

Jim Crowley: I would like to say something to this board.

Steve Morey: Let Cirino finish his question.

Cirino Bruno: My understanding is we have a code requirement that you need 25 acres. Your preference to defer it to the Planning Board is interesting, but it necessarily.....

Steve Morey: I'm not saying that, I am saying they are asking this board for an area variance. They are under the amount of property that is needed, and they also have setback requirements to the property lines, and that goes to this board. Their use as a summer use camp is a special use, which is only granted by the Planning Board.

Victor Kask: There is no such thing as a camp usage. New York State code doesn't recognize a camp as a use.

Steve Morey: Victor, summer camps are a special use in a RD District. Special uses are granted by the Planning Board.

Jacqueline Ricciani: Let's try this; summer camps are permitted in this district if they get a special use permit from the Planning Board.

Victor Kask: But they are still illegal by the state. You can't put kids into wooden buildings, and have an educational atmosphere.

Jim Crowley: Victor that is a Planning Board problem. This is a zoning.

Victor Kask: There is a structural....he is asking for a use variance

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Steve Morey: He is not asking for a use variance, he is asking for an area variance.

Victor Kask: In a way he is, he is mistaken in what he is asking for. He is asking for an area variance, yes, I understand. He is asking for a use variance, because he is changing the use of the facility.

Steve Morey: Which would change through the Planning Board. It is a special use permitted by the Planning Board in the RD District. He is here for an area variance application, because his property requirements.

Victor Kask: So I make a motion to deny it, if we are at that point.

Steve Morey: We are not at that point.

Jesse Komatz: Are you the current owner of this property?

Jay Zieger: No.

Jesse Komatz: Okay, can I just say one thing? How can you say this is not self-created? How do you say it's not self-created? You didn't buy it yet. You already have the problem before you even buy it.

Jay Zieger: The reason why it is not self created....

Jesse Komatz: Can I say one more thing. In past history have we had the current owner here asking for this?

Jay Zieger: We have an owner's proxy we submitted authorizing making this application. They are under contract to purchase; one of the conditions of their contract is that they get permission to change the use from a hotel to a summer camp.

Jesse Komatz: But it is self-created.

Jacqueline Ricciani: I think Mr. Komatz's position is, tell me if I am wrong, your client is interested in buying land to operate a summer camp, the fact that he has chosen this one with the variance issues makes it self created, right?

Jesse Komatz: Yes.

Jay Zieger: You are entitled to that interpretation. I see it differently. I see it that a summer camp is a permitted use, the buildings are existing, and any use other than a hotel or motel which is a continuation of the existing use, any use of this property or any of the items listed would require multiple variances because the buildings are already in existence. You have a self-creation where you have an ability to put a building at a different location which would not require a variance and then you say you want to put it

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here, that is self-created. Over here the zoning laws were adopted after the buildings already existed. The zoning laws made the buildings a non-conforming building for any use within the allowable zoning district.

Jacqueline Ricciani: So you are saying this is the only property available to your client to operate a summer camp?

Jay Zieger: I didn't say that.

Steve Morey: I would like to just tag along on that. Some of the buildings, Mrs. Ryder brought up, were constructed in 1988, is that correct?

Dawn Ryder: Two of the buildings.

Steve Morey: Some in the '70's, some in the '60's

Dawn Ryder: One was in the '30's. I have the details if you like. This came off the Sullivan County.....

Steve Morey: According to this, two buildings were constructed in 1988, five in 1960, or are these the building numbers?

Dawn Ryder: I didn't have the map, so I just listed them 1-9.

Steve Morey: There are 20 buildings on the property? This information tells me there are five constructed in 1960, two in 1988, one in 1930, and one in 1950. Are we to presume the remaining buildings, this goes 1-9, and the other buildings are 1930 or prior?

Bette Jean Gettel: I don't know the answer to that. They are going to be prior to 1970.

Steve Morey: Zoning took affect in this town in what year?

Jacqueline Ricciani: Keeping the records...

Steve Morey: Any other questions for Mr. Zieger?

None

Jim Crowley: When this was run as a camp, when was the last time this was used?

Jay Zieger: It was never run as a camp.

Jim Crowley: As a motel, hotel, bungalow colony.

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Jay Zieger: The summer of 2015

Jim Crowley: How many people were there?

Mr. Glassman: 230

Jim Crowley: Thank you. And you want the same amount.

Steve Morey: Does this require SEQRA review?

Bette Jean Gettel: Yes.

Jacqueline Ricciani: When you do SEQRA, as you go through the questions keep in mind, and I know this is difficult, even though you are just determining the environmental impact for granting the variances, if the variances are granted it is going to move onto the Planning Board. Who is also going to do an environmental impacted. Segmented review is a no no, which means you can't do this in a vacuum; you have to take into account that if the variance is going to be granted, it is going to be used as a summer camp. When it talks about the impact the condition of the neighborhood, the condition on the neighborhood as a summer camp, and traffic, and that kind of stuff.

Jim Crowley: I would like to ask one more question before we start with SEQRA. When it was used for whatever it was used for this past summer, there were kids there?

Mr. Glassman: Mostly older people.

Bette Jean Gettel: There was a mixture Jim. Families.

Jim Crowley: Thank you.

Jesse Komatz: Can I just ask you one more question? How many children are going to be here?

Jay Zieger: 160.

Jesse Komatz: And how many support staff?

Jay Zieger: About 100.

Jesse Komatz: You gave more than 100. You gave like 120. You are looking at like 260 people. It would be nice if the owner that owns the property now had been here to tell us. You are going to be well over what was there before.

Mr. Glassman: We are going to keep it in the range of what the Building/Health Department will allow

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us.

Jay Zieger: What is going to happen in the event when it goes to the Planning Board, as part of the Planning Board process, the manner in which a septic system is, it determines capacity, it may be different than it is between a hotel and a camp. Whatever the Planning Board approves we are going to have to get that approved by the Health Department as well. The goal would be to stay within the capacity of the existing system for a camp. That is going to drive the number of people. The approval from the Health Department was 229.

Mr. Glassman: We have an engineer that is working on the site now. He is going to work SPDES, once we hopefully get approval, like I said, before we purchase the property, we are not looking to make it difficult for anybody, we are looking to make it work. We want it straight and accurate and honestly. That is why we are holding off on the purchase until we know that the Planning Board and the Zoning Board okays it. We are going to go within the range of what is allowed legally, and the best way to do it.

Steve Morey: I am looking in the RD District. Business uses for this parcel, I think this is important, we don't need to elaborate now. For a summer camp requirement of acreage is 25 acres, and you have less than that. However, for hotels and motels, which also requires a special use permit, although this is already in existence, the acreage is 6 acres. As it stands, this property in terms of the required acreage is in compliance. I just wanted to point that out.

Jesse Komatz: In its existed state.

Steve Morey: Yes.

Bette Jean Gettel: Reading SEQRA

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

Yes. Small impact.

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

Yes. It is going to change the use of the land. Small impact.

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

No.

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

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No.

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

No.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

No.

7. Will the proposed action impact existing:

a. public / private water supplies?

b. public / private wastewater treatment utilities?

No, it is similar to what exists. We are doing an area variance application.

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

No.

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

No.

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

No.

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

No.

Bette Jean Gettel: That's it.

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Steve Morey: What about question #1.

Bette Jean Gettel: *Based on the information and analysis above, and any supporting documentation, the proposed action will not result in any significant adverse environmental impact or may result in one or more potentially large or significant adverse impact? No*

Motion to declare Negative Declaration by Cirino Bruno, second by Jim Crowley

All in favor – 6

Opposed-0

Agreed and carried

Steven Morey: Did we have a motion to come out of the public hearing?

Bette Jean Gettel: Yes.

Steve Morey: Any other questions?

Cirino Bruno: Good luck.

Steve Morey: Did we check for an area variance?

Bette Jean Gettel: Yes, I did.

Steve Morey: We will do the check for a use of an Area Variance.

Jacqueline Ricciani: As you go through these gentleman, keep in mind that in addition to the overall lot area, the 25 acres, there are also all of those variances that Mr. Zieger pointed out to you which are kind of in the middle of the revised maps. So, I don't know if you want to.....

Steve Morey: We probably should summarize that.

Jacqueline Ricciani: Well, I did the math, and the greatest variance they are seeking is 198.7 feet, and the smallest they are seeking is 6 ft. It kind of runs the gamut through there. You probably don't want to take them individually.

Jim Crowley: You want it all or nothing right?

Steve Morey: Of the 15 buildings, how many of them do have side or front yard setbacks?

Jay Zieger: All of them.

Jacqueline Ricciani: So perhaps you want to deal with the 25 acre issue first, and then after that deal

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with....

Jim Crowley: At the end of the day if he doesn't get the whole enchilada, it isn't worth anything. He needs the whole the thing. If he gets one....

Jacqueline Ricciani: You need to account for it, is what I am saying.

Steve Morey: In terms of being substantial I think what Jacy is trying to say is one issue is a 25 acre requirement, and they have 21.5 of the 25 acres. The other is, all the buildings are in some fashion, are either side or front yard setbacks, the smallest being 6 ft, and the largest is 198 ft.

Jacqueline Ricciani: All I am saying is that as you are running through the criteria, I don't know how you want to handle it; you have the setbacks, plus the acreage.

Steve Morey: Reading: To be sure, it is up to Board members to apply this general language, but the statute provides additional help. It suggests that the Board, in making its determination, also consider whether:

1. *an undesirable change in the character of the neighborhood or a detriment to nearby properties will be produced by the granting of the variance.*

No

Jacqueline Ricciani: Because.....

Jim Crowley: Because it is the same as the neighborhood was last year. The same buildings, everything sits in the same place, the land size hasn't changed.

Steve Morey: This hasn't changed since zoning changed.

2. *the benefit to the applicant can be achieved in some other way;*

Steve Morey: I was going to bring this up, as it was pointed out, essentially all of the buildings do not meet the required setbacks. Considering this is an existing establishment, I don't think you can practically say that the benefit could be achieved in some other way without completely demolishing the buildings that exist.

Dan Brey: They could buy the land along side of it.

Steve Morey: That point was already made.

Jim Crowley: You tried that, right?

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Mr. Glassman: Yes.

Victor Kask: They aren't buying it, they don't own it.

Steve Morey: The response to the benefit to the applicant can be achieved in some other way

Jesse Komatz: Buy another piece of property, somewhere where they can put a camp.

Steve Morey: We need to be specific to this piece of property; because this is the piece of property they are requesting the variance for.

Jim Crowley: No, I don't see how it can be. You said you tried to purchase the land around you, right?

Jay Zieger: Yes.

Steve Morey: Are we responding no?

Board: *No*

3. the required area variance is substantial;

Bette Jean Gettel: Do you want to break it up building versus acreage?

Steve Morey: We have to make a decision on it as a whole.

Cirino Bruno: It is really not substantially different than what exists today, and it is preexisting use.

Jim Crowley: That's true.

Steve Morey: I think that is a good answer. The response is yes, however...it is existing.

Victor Kask: They are putting in something else. It is not the same occupancy.

Jesse Komatz: Once you change it, it becomes substantial.

Steve Morey: What are you saying to the required area variances?

Victor Kask: They are not proposing a residential facility.

Steve Morey: Victor, you keep getting back on use.

Victor Kask: That is what he keeps saying that is grand fathered.

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Steve Morey: That is not our responsibility. He can say it all he wants. The use aspect of this is not our responsibility.

Victor Kask: If he wanted to put a hospital or a jail here, would you say, ok, the zoning is okay?

Jay Zieger: A hospital or a jail are not permitted uses in this district.

Steve Morey: I understand what you are struggling with; this is a different use they are going for, however our board only needs to make a decision on the area variance requirement of it. The different use will be handled by the Planning Board. It is as simple as that. Our response, I believe as a board, we are responding that it is substantial, however it is preexisting. Okay?

Jacqueline Ricciani: What about the acreage? They are looking for a 3.5 one-acre variance?

Cirino Bruno: I don't believe that is substantial.

Jim Crowley: No, that's not substantial.

Steve Morey: Again, we are taking this as a whole. It is only one aspect; there are 16 aspects to this decision. 15 buildings and one

Cirino Bruno: They are talking about the reduction from 25 to 21.

Steve Morey: But we have to make a decision on the whole...

Cirino Bruno: We already did that.

Steve Morey: I don't know if I am making myself clear.

Jacqueline Ricciani: You can say that the setbacks are substantial but they are preexisting, and then you know; however the acreage is not substantial. There are two parts to that.

Steve Morey: Okay, we can do that. Does someone want to put that in words?

Cirino Bruno: The area reduction from 25 to 21 something is not substantial. The remainder of the area variances are substantial, but given their prior existed condition are not deemed to be, very much different from what has existed there for the last 30, 40, to 50 years.

Steve Morey: Okay.

4. the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district.

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Dan Brey: No

Cirino Bruno: No

Jacqueline Ricciani: Because.....

Cirino Bruno: Because there are other camps....

Steve Morey: You are talking use; you need to go to area. I would have to say because it is existing. The facility is existing with the setback issues with the property side issues. Is everyone fine with that?

Board: *Yes.*

- 5. the difficulty was self-created, which shall be relevant but not necessarily preclude the granting of the variance.*

Jesse Komatz: Yes

Steve Morey: I have to agree with Jesse, yes. It is self-created.

Jacqueline Ricciani: Because...

Steve Morey: Because the potential purchaser is buying something that does not conform, it is a potential purchase. Is everyone okay with that?

Board: *Yes*

Steve Morey: So we answered yes to question #3, with a condition of explanation as far as it being substantial, and we answered yes to question #5, with the difficulty being self created. The other three questions we answered no. Unless there is anything else from the board, any other input from the applicant, I would entertain a motion to either table this, entertain a motion to approve this application, or a motion to deny the application.

Motion to approve application by Jim Crowley, second by Cirino Bruno

Roll call vote:

Dan Brey: No

Jesse Komatz: No

Cirino Bruno: Yes

Victor Kask: No

Jim Crowley: Yes

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Steve Morey: Yes

Tie vote

Jacqueline Ricciani: You need a majority to carry it.

Jay Zieger: Is there something that we can do with the bounds of the property that may change your consideration that would make this more acceptable to you? Victor you are very concerned about the quality of the buildings. I know we have said it, we will be at the Planning Board and the Planning Board is going to make sure that any of these buildings are safe and all of the code concerns that you have will be addressed.

Steve Morey: You opened the door. Demolish some of the buildings and put them on the other parcel of the property, or move some of the buildings to the other parcel of the property.

Jacqueline Ricciani: The person is not building.

Steve Morey: I'm just saying he opened the door.

Jim Crowley: Mr. Chairman, this has gone down, right, because it is 3-3. So I want to make a motion that we table it to next month to when we have a full board and we will vote on this again. We have 62 days to come up with an answer.

Motion to table to February 22nd by Jim Crowley, second by Cirino Bruno

Roll call vote:

Dan Brey: No

Jesse Komatz: No

Cirino Bruno: Yes

Victor Kask: No

Jim Crowley: Yes

Steve Morey: Yes

Motion failed. Need majority No action.

Jacqueline Ricciani: It is up to the applicant what they want to do. They are done. Motion for the variance did not carry. The motion to table did not carry.

Mr. Glassman: I would like to get some credit to the fact that we are trying to do this as correctly and honestly as possible. We have been working on this for several months. We put thousands of dollars into preparing the surveys, legal fees, to try to make it the best possible. The property is there, it is a very well kept property. It is a property that has been up to par excellence until now. The previous

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Health Department reports and so on have a record of zero violations. We are people that will tow the line and do what it takes to really make it work, and there should be no negative impact in anyway shape or form. Please consider that.

Jim Crowley: Mr. Chairman, I would like to say something. As many times before the board has taken a stance since we don't have an alternate and Richard (Conroy) is not here, due to no fault of his own, I would think as a board member and a long standing board member we should at least give Richard the opportunity to vote on this can I make a motion again?

Bette Jean Gettel: You certainly can.

Jacqueline Ricciani: The same motion you just made, three minutes ago?

Cirino Bruno: Can we make a motion to carry this forward?

Steve Morey: That's what we just did.

Jacqueline Ricciani: Carrying it forward as opposed to tabling it? Give me a minute. Let me see if there is stuff in the code.

Steve Morey: The first motion was to approve?

Bette Jean Gettel: The first motion was to approve.

Jacqueline Ricciani: I don't see anything in the code for rehearing, reconsiderations or...

Jim Crowley: There is no way we can get a majority with six people sitting on the board.

Jacqueline Ricciani: You can if four people vote one way.

Jim Crowley: What do you do when you have a tie and you only have six?

Jacqueline Ricciani: It fails. There are some provisions of the code, which says if you are denied, you have to wait so long before you reapply. I don't see that in here.

Cirino Bruno: So he could theoretically come back next month.

Bette Jean Gettel: The question is whether they have to begin from scratch.

Steve Morey: I believe that is the case. They would have to apply again, and have another public hearing.

Jacqueline Ricciani: I don't see anything in here for rehearing in the ZBA. Your duties and your

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powers are specifically stated in the code, and I don't see anything in here that gives you the authority to reconsider.

Cirino Bruno: I guess we will have to leave it to Mr. Zieger to figure it out.

Steve Morey: Are you saying other than what I said before? They would have to apply again and go through the process again, and set another public hearing.

Jacqueline Ricciani: Well, hold on.

Steve Morey: The only other question is whether there is a time period that must be....

Jacqueline Ricciani: There is nothing, I don't see anything prohibiting them from coming back next month.

Jay Zieger: But we would have to submit another application, and new advertisement.

Jacqueline Ricciani: Yes. It didn't carry.

Steve Morey: No action taken, which means it is denied by default.

Daniel Gettel: I don't want to interrupt, but if this were a Planning Board issue they would have to reapply either with a substantially different application or wait a year and then come back. Jay, don't lock yourself into waiting a year.

Jacqueline Ricciani: And that is what I was looking for under the ZBA, because I know that exists for special use permits and site plan reviews for the Planning Board. I don't see that restriction, so there is nothing in the code stopping him from coming back next month.

Jay Zieger: If I may come back to this side of the table where I have two no votes, and I asked the question before is there something about the application or something that you would like to see done that would persuade you in a different direction? I was pleased that of the five factors that you went through, three of them you voted that we satisfied them, you voted that we sort of did, and sort of didn't on only one that was opposed.... We can't build here, so we can't move the buildings. They are all nice existing buildings. We have the current hotel owner who is looking to get out of that business, as you know; a hotel business of this nature is a tough business to operate so one way or another they are looking to do something other than a hotel. We believe that this is kind of the closest use similar to a hotel, the number of people, the impact on the community, we believe it is a good area for a summer camp because there are so many in that area. Back to you, it is in the guidelines that the buildings are all existing. Is there something we can do to ask you to look at this at a different context?

Jesse Komatz: At this point it is irrelevant. We are done here now. There is nothing we can change here today.

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Jay Zieger: You can revote on the issue.

Jesse Komatz: Today? We can vote until midnight...

Steve Morey: We can't. The only option we have in terms of taking a vote, would be a motion to deny, although you don't want this, the only action we can be taking is to deny it by a majority vote which is the same result.

Jay Zieger: If we were to come back, is there something that you would like to see on a different application, a different approach?

Steve Morey: Anybody can input at this point, but my thought is, what is working against you tonight is that it is a six-member board. If you come back, because our membership is seven members, there has to be a majority vote. I am not saying it is going to be in your favor, at this point I think that is your only opportunity.

Jim Crowley: But you would be starting over.

Jacqueline Ricciani: Yes

Steve Morey: Yes, coming back starting over.

Jay Zieger: Thanking for hearing us and considering this application.

Ten minute break.

3) *Application for a Use Variance for a sign to be located at Rivers Edge Restaurant, 951 SR 17B, Mongaup Valley, known as Bethel Tax Map #: 38-2-63. Proposed by Bright Advertising.*

Jeff Siegel: My name is Jeff Siegel, I am a local resident, and I live in Monticello. I am a local businessman. My entertainment company you might have heard of, Spencer Dane Agency, I also created the Bagel Festival in Monticello and in Sullivan County. My partner Mark McEwan and I formed a company called Bright Advertising Inc. We would like to be the first local people to have digital billboards in Sullivan County. We are here in Bethel, because Bethel is a great gateway on 17B to let people know all the things that Bethel has to offer. Not only just Bethel Woods, just things in the community. Lots of communities now, in respect to signage, years ago they used to paint onto the board, and then they changed that. Now they have wraps, and vinyl things they attach with ratchet straps. The new version of what is coming which I am sure many of you have seen on 17 going towards Middletown are digital type boards. They are cleaner, they are brighter, and they look better. The information that can be on those boards is pretty immediate. It is all done through the Internet and uploaded. Whether it is information that is an emergency type situation or just regular billboard ads.

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We are asking, you are familiar where Rivers Edge Restaurant is. He currently has a sign outside, and all we want to do is create the sign that he has into a paid advertising sign that would be two sided, it would be digital. In the drawing that you have, this is actually a picture of a digital board that is in Honesdale Pa, so that you could get an idea of what it would look like. Instead of just having a board up there, in the drawing you will notice there is a flower box and some columns. The columns would cover the steel I beams that would hold the board up. It would make it look nice, because that part of 17B is your busiest entrance to the Town of Bethel. So we would want the sign to look nice, not like all the other crappy billboards that you see everywhere, or even some of those boards in Middletown. The new boards, all they did was all the shrub and bush and everything else is just lying all over the place, it doesn't really look good. We live here; we are businessmen, Mark McEwan and myself. We are concerned about how things look and how our community looks. Also with all of the projects that are happening in Sullivan County and the larger businesses' that are coming which are going to be bringing more tourists and more people here, so that is another reason for upgrading the sign. Our signs would be done in accordance with accordance with the New York State DOT rules and regulations. So just like you see in Middletown, as opposed to other digital signage you might see in places, they don't flash, they don't blink, there are no transitions, it is just....you see one ad, and then you see the next ad. It does conform to all of their rules how the signs have to be adhered to. You go to other places and you see them doing squiggly things and what not, it's not really attractive, and it's not really how those digital signs should be.

Cirino Bruno: You said they don't flash? Do they move?

Jeff Siegel: There is no transition. What they do is it is called low clear.

Cirino Bruno: So this goes blank, and this reappears?

Jeff Siegel: Well the sign doesn't go blank; it is like watching your TV. One is not going to slide across....those are the State rules and regulations where you can't have something moving, waving, dissolving whatnot, its really like flash cards like in kindergarten. You see one, and then you see the next one. That's how those ads rotate.

Jim Crowley: It can't be distracting to the motorists.

Jeff Siegel: Correct. That is why they are not allowed to do any of that. There is also a maximum of twelve stops for advertisers and/ or things for the Town of Bethel, whatever. It's not like there are going to be 50 different adds on there, or different things going on.

Jacqueline Ricciani: How long does each one display before it changes?

Jeff Siegel: 8 to 10 seconds.

Jim Crowley: 6 on each side, or 12 on each side.

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Jeff Siegel: 12 on each side. Up to 12 on each side.

Dan Brey: This is a double-sided sign?

Jeff Siegel: Yes. The size of the sign, given the location and what is already at Rivers' Edge, would be 8 ft tall and 12 ft wide.

Cirino Bruno: That means it would be as wide as this blue one here. That's about 12 ft, from this blue tile to the wall. Those are 9 "tiles, right?

Jeff Siegel: 8ft tall would be the sign.

Steve Morey: That is the sign. What about the structure to hold the sign?

Jim Crowley: 8ft 3" from ground it says.

Bette Jean Gettel: The plans that are in front of you...

Jeff Siegel: It is the same plan, whether we do an 8 x 12, or we do a 12 x 16. We are also currently with the Town of Thompson, on 17B, there is a billboard right now that has Black Bear Oil on it, and we will be putting a board up there, a two sided board, except that board is 12 x 16. The installation though, Wes Illing, who is a local engineer, it is the same two I beams in the ground.

Jim Crowley: Are these measurements correct, this 8 x 3?

Victor Kask: No. Not for what you are proposing for us.

Jim Crowley: What is the total height of this sign, ground level? To the top of the sign?

Jeff Siegel: Ground level up, the top of the sign is no more than 12ft. There are wires and cables, not electric wires....

Jim Crowley: 12ft tall, from ground to top of sign.

Jeff Siegel: Correct.

Cirino Bruno: Off the ground 8 ft, up to 4 ft.

Jeff Siegel: From the ground to the top of the sign wouldn't be higher than 12 ft.

Jim Crowley: And 8 ft wide.

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Cirino Bruno: 12

Jeff Siegel: 12 ft wide. So you would have roughly a 4 ft space from the bottom of the sign to the ground. There are no beams on the top sign; it is just the top of the sign.

Steve Morey: Similar to this All Aboard photograph.

Jeff Siegel: The All Aboard happened to be the picture that happened to be on the board when I took the photograph.

Steve Morey: No, there is no structure that is actually the top of the sign.

Jeff Siegel: Right that is the top of the sign. The two steel I beams are in the back in between the boards, you can't see them.

Dan Brey: So this will be in place of where they have a sign now? Same area?

Jeff Siegel: Yes

Steve Morey: Why is it in front of this board?

Bette Jean Gettel: Larger than 24 square feet.

Steve Morey: And the sign that exists?

Jacqueline Ricciani: That is a Planning Board issue.

Bette Jean Gettel: And besides the fact that it is not permitted in this code.

Jacqueline Ricciani: What district are we in?

Bette Jean Gettel: C17B

Jacqueline Ricciani: C or G

Bette Jean Gettel: C as in Charlie

Jacqueline Ricciani: The question is does this count as a billboard because signs are permitted, not billboards. Even though the application is here for a use variance, I'm not sure that is what....signs are permitted, but billboards.... I don't believe we have a definition of a billboard in our code. I am pretty sure we went through this before.

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Steve Morey: You don't happen to know the size of the sign that exists?

Jeff Siegel: He has a couple of signs out there. One is 4 x 8, and then there is another 4 x 4 sign that he has on top of that. It has kind of crappy looking lights.

Steve Morey: You are exceeding what exists.

Jeff Siegel: I am exceeding the width of the sign, not the height sign.

Cirino Bruno: He is going to 96 square feet.

Jeff Siegel: The 12 ft, the sign wouldn't be any closer to the road than what his sign is now. It would probably be a little closer to the building, and then the 12 ft goes towards his building. We have already talked to the State DOT and asked them.

Jim Crowley: What is the difference between a sign and a billboard?

Jacqueline Ricciani: That is up to this board to determine.

Jeff Siegel: A billboard has paid advertisers, and the sign would just promote....

Jacqueline Ricciani: No that is not the case.

Steve Morey: I think size is more, right?

Jacqueline Ricciani: I think we have a couple things going on here. One of the issues is, billboards are not permitted. If you guys think this is really a billboard. Then it would not be permitted, and then in that case yes you would need a use variance. But something else to consider when you look at signs, and although Mr. Siegel says it meets all of the DOT with no flashing lights, and what not, I don't believe that these kinds of digital signs were in existence at the time that our code was enacted. So one of the questions is whether this kind of a sign is even permitted because there are a whole bunch of criteria as far as what signs can and cannot have. I think #1 is, is it a billboard, and if it is not a billboard then is it something that is permitted by the code, in respect to what it displays and how it displays its message. And if you find yes, then he has to go to Planning Board because he is more than 24 square feet.

Jim Crowley: What is the zoning where the billboards are in White Lake by the Citgo Station?

Jacqueline Ricciani: There are billboards probably 100 yards on the corner of Plank Road.

Jim Crowley: And there are billboards there. I would say a sign would be something that I put up to advertise whatever, my business or whatever. And a billboard is somebody who has space and he charges people to advertise on that, thus it is a bill board. That would be my definition of a difference

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between a billboard and a sign. You are going to charge people to advertise, right? I would say that is a billboard, and not a sign.

Jacqueline Ricciani: There is nothing in the code.

Jim Crowley: You just told me there was.

Jacqueline Ricciani: No, no no, dimensions. I misspoke. We have a definition but it doesn't say a billboard is a sign, which exceeds so many square feet.

Cirino Bruno: Is a billboard permitted?

Jacqueline Ricciani: No, billboards are not permitted.

Cirino Bruno: What Jim is saying, the man is talking about permission to put up a sign, but in fact it sounds like he is putting up a billboard?

Jacqueline Ricciani: Let me read you the definition of billboards.

"A sign which directs attention to a business commodity service or entertainment conducted offered or sold elsewhere than on the premises where the sign is located."

That is a billboard. Anybody want to hear it again?

Jeff Siegel: There are other billboards on 17B in the Town of Bethel.

Jacqueline Ricciani: Of course there are. Sign also has a definition.

"A name, identification, description, display or illustration or any other visual display which is affixed to or painted or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. A "sign" includes a billboard, neon tube, fluorescent tube or other artificial light or string of lights outlining or hung upon any part of a building or lot for the purposes mentioned above, but does not include legal notices such as "no trespassing" notifications, provided that they are no larger than two square feet in area or the flag or insignia of any nation or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious or similar organization, campaign, drive, movement or event which is temporary in nature."

Jim Crowley: I would say it is a billboard.

Jacqueline Ricciani: If the billboard is not permitted, then they need a use variance.

Steve Morey: You already mentioned paid advertisement, it makes it a billboard. You're not going to argue that point.

Jim Crowley: What zone is up through there is it all the same zone?

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Jacqueline Ricciani: No.

Jim Crowley: There are billboards right on Plank Road. That is 200 ft right by Rivers Edge Restaurant.

Jacqueline Ricciani: (Showing on the map), it goes all the way here. The red is the zone we are talking about.

Jim Crowley: Billboards are permitted?

Jacqueline Ricciani: C17B, Assessor's uses. It says signs, not including billboards.

Jim Crowley: There are 5 billboards there.

Jacqueline Ricciani: They have probably been there a long time.

Jim Crowley: What about those by the Citgo?

Cirino Bruno: That gas station predates zoning.

Daniel Sturm: I am hearing that the billboards are not allowed in the code, because they are not enumerated on the bulk and use tables.

Jacqueline Ricciani: It is that zoning district that's what it says.

Daniel Sturm: But they are not in any zoning district on the bulk and use tables.

Jacqueline Ricciani: I don't know.

Daniel Sturm: They are not in any district.

Steve Morey: So we have to presume that anything that is out there preexists code requirements.

Daniel Sturm: From my recollection, the billboards that currently exist are fine. I don't think there have been any new ones since we did the code in 2009.

Steve Morey: So the billboards on 17B are a nonconforming use, preexisting.

Daniel Sturm: Someone else may rent them, but there have been no new bill boards since the code has been revised.

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Steve Morey: I understand the technology of a digital board, you are advertising something. Which it is digitally or illuminated, it is a new technology. So we have a use variance application to install a billboard, which is not permitted in that zone.

Jacqueline Ricciani: It is a use variance.

Jeff Siegel: They don't give a size for a billboard.

Jacqueline Ricciani: Not in our code.

Jim Crowley: So we are just dealing with a use variance.

Jeff Siegel: Rivers Edge would have a spot on the board, as part of our land lease agreement with them for the sign. Then we would be very open to have a spot for the Town of Bethel on the board as well. The other part of that board is god forbid there was some sort of an emergency, an amber alert or what not; it literally would be less than minutes for us to get that information on the board once it was given to us. Which you can't do with any of the others. On the board, besides having its own electric meter, it is also connected to the Internet. You could post if there was an accident on 17B. You could place a message saying road closed to due weather, amber alert, just to assist the police. There wouldn't be any charge.

Victor Kask: So this is going to be in lieu of Rivers' Edge sign?

Jeff Siegel: Where that sign is at Rivers Edge that would all come out.

Victor Kask: Just curious, how do you arrange the signs illustrations, so Rivers Edge kind of gets priority among the other advertisers?

Jeff Siegel: There are 12 spots. Everybody is up the same amount of time. So within two minutes everybody gets their rotation.

Cirino Bruno: How do they know Rivers Edge is there? Because it is showing Rivers Edge, and two seconds later it is showing A, B, C, etc.

Jeff Siegel: We do put up a conforming nice sign on his building that will be whatever the sizes are what not. With a digital board like that in front of the restaurant, who is not looking at your restaurant when they drive by?

Cirino Bruno: Are they looking at the restaurant or the board? Hopefully they are looking at traffic.

Jeff Siegel: They are looking at the board. Usually they are looking at traffic. Rivers Edge just happens to be in the right spot for where we would like to place the board because how far it is when you are coming down 17B, and how far you can see when you actually get to...

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Jim Crowley: You have two minutes of site distance.

Steve Morey: This does not need Planning Board approval if we approve this, billboard, it can be done.

Jacqueline Ricciani: It does, it is more than 24 square feet.

Steve Morey: It needs Planning Board approval as well?

Cirino Bruno: It is 96 square feet.

Jacqueline Ricciani: The Planning Board is 24?

Bette Jean Gettel: Yes.

Steve Morey: Does anyone else have any questions? Actually, our next step would be to make a motion to go to a public hearing with this.

Jacqueline Ricciani: For use variance? I guess you are going to want a short EAF?

Steve Morey: An article 239 from the County, State review? The reason why I mentioned public hearing, because I would like to actually see, you do have a photograph here but I would like to see a format on a piece of paper like this showing the building, the road, and the location of this billboard.

Jacqueline Ricciani: You want a site plan.

Jesse Komatz: An actual schematic.

Jeff Siegel: I could do that.

Bette Jean Gettel: Would you be able to get me that within a week? Because I have to submit to the County, and the State, and I need 30 days prior to the next meeting.

Steve Morey: Did we determine the date of our next meeting?

Bette Jean Gettel: February 22nd.

Jacqueline Ricciani: Before we start going there, I have always been a firm believer that you don't schedule the public hearing and do the 239 and everything until you have a complete application. You might want to consider bringing the applicant back, taking a look at what this site plan is that you are asking for making sure that they have included the level of detail that you are requesting, rather than having submitted something to BJ, goes to the County comes here and its not what you wanted.

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Steve Morey: My original intention was to expedite this matter so that you could come to the next meeting and we could go further. I would like to see a site plan, and that is necessary to be submitted to the County and the State. Is there anything else that this board would like to see come to the next meeting.

Victor Kask: We can see what this thing looks like. How busy it is, how simple it is.

Bette Jean Gettel: Jeff, where do you have one that this board can visit?

Jeff Siegel: We don't have any, because in Sullivan County I have been working this because the code has not been updated in so many years. However I have a global 3 x 6 sign that I could show you. Same board, just that it is 3 x 6, not 8 x 12.

Cirino Bruno: I am told there is a similar sign by exit 119. Is that sign in the neighborhood of 96 square feet?

Jeff Siegel: That sign is 46 ft long by.....

Cirino Bruno: That wouldn't help.

Jeff Siegel: There is one on Rt 6 in Honesdale. The 8 x 12 is probably a little bit smaller than that, but that would be a good comparison.

Victor Kask: You are showing one advertisement at a time, not more than that.

Steve Morey: Both sides show the same advertisement?

Jeff Siegel: Both sides may or may not show the same thing.

Steve Morey: So you can show more than one at time, it just is a matter of what direction you are coming from.

Jeff Siegel: We show one add every 8 or 10 seconds. Obviously you are not going to see the other side when you drive past. It wouldn't be like two advertisements on the same slide. It would be like Bethel Woods would have one, the hospital would have one.

Steve Morey: Do you have a mobile you could bring to our next meeting and set up in our parking lot?

Jeff Siegel: I do. I just have to plug into an electrical outlet.

Jacqueline Ricciani: Do you have a long extension cord?

Jeff Siegel: I have plenty of extension cords.

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Cirino Bruno: You could show it here.

Steve Morey: The one in Honesdale we could all look at. I just don't know if everybody is going to take the opportunity to see it.

Jeff Siegel: The other choice is, I can program tomorrow with ads, it is at my office which is in Rock Hill on the Glen Wild Road. I am 3 miles past the firehouse in Rock Hill.

Jacqueline Ricciani: You might want to think about doing a site visit like you do a piece of property. Just no more than three at a time.

Jeff Siegel: We can put up in front of the Town offices. It's mobile.

Steve Morey: If anyone is interested in viewing a sign with this concept, you need to travel some place. We have one member who is not here who may not get that opportunity for whatever reason, because he may not get the minutes a week before the next meeting. I am suggesting that if he brings the mobile sign here and sets it up in the parking lot, it is a part of our meeting. It doesn't matter if it is 4 x 8, or 3 x 3 to me.

Jacqueline Ricciani: I would suggest that if everybody....everybody see the sign so that we all know we are talking about the same thing rather than going to Honesdale, or going to 17.

Jeff Siegel: So we will bring the sign to the next meeting.

Steve Morey: And the site plan. And with the actual dimensions. What you have here is not an 8 x 12 sign; I guess the constructional component is the same. It should be scaled to the building as part of the site plan.

Jeff Siegel: Any other questions or things you need us to do?

Steve Morey: I don't think so, not at this time.

Jeff Siegel: Thank you for your time and your consideration.

Bette Jean Gettel: At this time you have an applicant, reading letter for alternate applicant. James Acker. Mr. Acker please come forward.

Steve Morey: In the past we have done applications in executive session, so we need a motion.

Motion to go into executive session by Jim Crowley, second by Cirino Bruno

All in favor – 6

Opposed-0

Agreed and carried

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Motion to return to regular meeting by Jim Crowley, second by Cirino Bruno

All in favor – 6

Opposed-0

Agreed and carried

Steve Morey: While we are in regular session, Dawn do you have any thing?

Dawn Ryder: Thank you for your service.

Steve Morey: Mr. Sturm?

Daniel Sturm: No, I'm good. Thank you very much.

Steve Morey: Did the Town Board meet this month?

Dawn Ryder: Wednesday.

Steve Morey: Our recommendation for reappointment that will take place Wednesday, or has that already been done?

Daniel Sturm: We did that already the first meeting in January, at our reorganization meeting. Our recommendation for Jesse has been done.

Dawn Ryder: Training hours, we did do a searching, how to search the code, how to search for maps, how to search the County information. Part of what I shared with you tonight, would you guys be interested because all the Planning Board people came, not the Zoning Board people, Cirino did come, would you be interested, we could do a motion for another training?

Steve Morey: So you are saying the training session you already gave you are willing to do again?

Jim Crowley: Can you do before spring? Can we get 4 hours of training before springtime comes?

Dawn Ryder: We can do from 5-7 before your next board meeting.

Jim Crowley: I want to do training before springtime comes. When springtime comes I am to busy. We can do before we come to one of these meetings?

Dawn Ryder: We can do that. We will have pizza.

Cirino Bruno: Can I retake the course for extra credit?

February 22nd, 2016 there will be training 5 pm to 7 pm before the meeting.

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Bette Jean Gettel: I will try to set up something for the March meeting as well. I will see if I can get Rob up here.

Steve Morey: Besides the minutes, if there could be an email or something about the training.

Motion to adjourn by Jim Crowley, second by Cirino Bruno

All in favor – 6

Opposed-0

Agreed and carried

Respectively submitted,

Jannetta MacArthur
Recording Secretary.