



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 February 22, 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 are the following:

In attendance Steve Morey, Chairman, Jim Crowley, Vice Chairman, Richard Conroy, Jesse Komatz, Cirino Bruno, Dan Brey, Victor Kask, Bette Jean Gettel, Code Enforcement Officer, Jannetta MacArthur, Recording Secretary, and Jacqueline Ricciani, Attorney. Also in attendance, Dawn Ryder, Liaison, and Lillian Hendrickson, Town Board member.

Pledge to the flag

Motion to accept minutes from the January 25, 2016 meeting by Jim Crowley, second by Jesse Komatz

All in favor – 6

Abstain-1

Agreed and carried

1) Application 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.

Steve Morey: Before we go on, for the benefit of who was not here at the last meeting, for this applicant, there was a motion to deny the application with a roll call vote, and that motion to deny the application did not carry. As part of our meeting last month, we made a motion to table this application until this meeting. I believe everyone is familiar with this application and what is proposed. If anyone has any questions for the applicant, or if the applicant would like to add additional information, we will do so at this time. Mr. Hafner, yes please.

Steve Hafner: What I have done since the last meeting, I did wind up having a conversation with my mother about the situation. I looked into the fact of getting my name added to the quick claim deed to the house next door. However, in talking with my accountant, he advised me that in doing that, because it is common that sometimes that there could be a problem with IRS with gift tax, because it is over the amount of tax that could be done. So there would have to be filings and everything. I haven't done anything yet with it, but it is going to happen sometime. I figured I would look into it. I am still working on it.

Steve Morey: I'm not sure I understand how that would change the circumstance.

Steve Hafner: Because your name goes on a piece of property that has value.



Town of Bethel
Zoning Board of Appeals

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

Steve Morey: I understand that portion of it.

Steven Hafner: Because what we were talking about is the house is John Hafner, my property name is Steven Hafner. Difference in names that seems to become a big problem.

Richard Conroy: It's the ownership that is the question. It is different property.

Steven Hafner: My father has passed....

Steve Morey: You mentioned the adjacent piece of property that is what I don't understand.

Steven Hafner: The house that is next door to my property.

Cirino Bruno: He would incorporate one piece of property with the other.

Steve Morey: In title you would have your name on both pieces of property. Okay, that is what I didn't understand.

Steve Hafner: It would both be in my name. Eventually that is going to happen.

Steve Morey: Okay. Does anyone have any questions, concerns?

Richard Conroy: This is a 24 x 24 building?

Steven Hafner: Yes

Richard Conroy: What are you looking to store in this barn?

Steve Hafner: I'm going to get myself a tractor, and also...

Richard Conroy: Like a lawn tractor?

Steve Hafner: No, something a little bit bigger than that. We own quite a few parcels out there.

Richard Conroy: You only own one parcel. You keep saying we...

Steve Hafner: We can dance around this all night. I take care of about 40 acres.

Richard Conroy: You only own one parcel.



Town of Bethel
Zoning Board of Appeals

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

Steve Hafner: I take care of 40 acres. You want to do it on a little Huffy lawn mower that is fine, I don't want to.

Richard Conroy: I just asked.

Steve Hafner: When you do something like this, I am not going to build a 10 x 10 shed, and find out gee did I make a mistake. On my house I put on an atrium so I could grow plants and things year around. I wanted to make it a lot bigger, my wife says, no, we have to make it smaller. Now she comes to me and says we should have made it bigger. The time to do it is now. You can't rebuild it later on.

Steve Morey: Any other questions or concerns? The motion did not carry last month. I believe our interpretation was to table it to this month, and make a motion on this application.

Jacqueline Ricciani: Mr. Chairman, if I may. The public hearing closed at the end of last month. You have 62 days to take action. What happened at the last meeting did not constitute action, so the applicant is back again for this body to take action on this application one-way or the other.

Cirino Bruno: If we don't take action?

Steve Morey: We still have another month.

Jacqueline Ricciani: Well yea, with February being a short month. I am just thinking, I don't have my calendar, with the holidays and everything our meetings weren't exactly on, but I think the February meeting was a little bit late, right because of the holiday? That's why the March meeting would be within your 62 days.

Cirino Bruno: Jacy, what I am trying to get to if we don't take action, then the relief he has requested is being granted.

Jacqueline Ricciani: Correct.

Cirino Bruno: We kind of have to take action, or we are giving him permission if we don't. Just so the fellow board members understand that.

Jacqueline Ricciani: Of course those 62 days can be extended with the consent of the applicant, if the board for example wants more information or something like that.

Jim Crowley: I'll make a motion that we approve his shed.

Jacqueline Ricciani: Do you want to go through the criteria again, or are you satisfied with what



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

happened at the last meeting.

Board: Everyone satisfied with criteria.

Steve Morey: There is a motion on the floor; it has not yet been seconded.

Motion to approve this application by Jim Crowley, second by Daniel Brey

Roll call vote:

Dan Brey: Yes

Jesse Komatz: No

Richard Conroy: No

Cirino Bruno: No

Victor Kask: Yes

Jim Crowley: Yes

Steve Morey: Yes

In favor- 4

Opposed-3

Agreed and carried

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

Steve Morey: I understand there are some slight changes? And we requested a site plan for this meeting.

Jeff Siegel: Bright Advertising Inc. There are a couple of changes since last month. We thought it prudent to reduce the size of the sign, so it isn't overbearing. So the sign that you have in front of you, the engineer plans, would be roughly 6.3 ft high x 9.5 wide.

Steve Morey: Maybe I am reading this wrong.

Jacqueline Ricciani: Is this to scale?

Steve Morey: It is 6.3 ft high?

Mark Mclewin: The sign with the dimensions that is the actual dimension of the entire sign. That



Town of Bethel
Zoning Board of Appeals

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

includes the frame around.

Jeff Siegel: Based upon what is currently there, our proposed sign is 11 inches wider, but it is the same height from the ground to where the top of his sign is now.

Jacqueline Ricciani: What is 11 inches wider?

Jeff Siegel: What we are proposing as opposed to what is currently there, ours would be 11 inches wider. However, from the ground to the top of the sign that is currently there, is 10 ft 6 inches, and our sign would also be 10 ft 6 inches to the top from the ground like the sign that is there now. Our sign is virtually the same size, except 11 inches wider.

Mark Mclewin: The stonewall and the plants are going to incorporate a lot of what exists now, on the bottom of the sign. The existing signs take up more visual space. If you look at the two pictures side by side, the yellowish sign is much closer to the ground then we are going to be.

Jeff Siegel: We would have decorative stonework to match the building at Rivers Edge, it is going to be decorated not just an open bottom. You wouldn't see any wires, just the sign.

Richard Conroy: You said before the State will not allow it to flash. It can't transition like a checkerboard, explosions.

Jeff Siegel: Like the one that is outside now. You see one, and then when that disappears, the next one appears.

Mark Mclewin: That sign is set up for daytime use right now, the one outside. This sign would actually have a photo control on it that would adjust for day and night. That sign we are showing you right now, for example is too bright.

Richard Conroy: Why are we doing a use variance on this?

Jacqueline Ricciani: Billboards are not permitted. The oversize goes to Planning.

Richard Conroy: Where does it say that?

Jacqueline Ricciani: When you look in the bulk tables, billboards are not permitted in this zoning district. I think it might even say except billboards.

Richard Conroy: It says here under the definition under sign it says a sign includes a billboard. Neon



Town of Bethel
Zoning Board of Appeals

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

tube, fluorescent tube, artificial light, or string of lights, hung on any part of the building or lot for the purposes mentioned above.

Jacqueline Ricciani: We have a separate definition for billboard.

Richard Conroy: That says it is 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.

Jacqueline Ricciani: That's what they want to do. They want to advertise other businesses in this location, so that would be a billboard. What zoning district are we in again?

Richard Conroy: C17

Steve Morey: While they are doing that, your proposed sign, I did the math; it is just under 60 square feet. The existing size shown on this diagram, show it is 8 ft 7 by 9 ft 5, so existing is larger than what you are proposing. Am I correct?

Jeff Siegel: The sign that is there now goes to the ground. Our sign does not go all the way to the ground.

Steve Morey: The existing sign that is there is considered a sign, not a billboard?

Bette Jean Gettel: Correct. He has multiple signs there. That is the problem.

Steve Morey: But they are on the same structure.

Bette Jean Gettel: Correct.

Jacqueline Ricciani: Part of the distinction is that the sign that is there is advertising the business of the property it is on. What they are proposing is to advertise other businesses.

Steve Morey: What I am trying to get at is the definition of a billboard is specifically based upon advertising off premise?

Jacqueline Ricciani: Other businesses'. For example there is a billboard a 100 ft up the road on the corner of Plank Road, there is billboard advertising.

Jeff Siegel: That shows that billboards work.



Town of Bethel
Zoning Board of Appeals

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

Steve Morey: We have it because it is a billboard.

Bette Jean Gettel: Yes.

Jacqueline Ricciani: And they are not permitted in that zoning district.

Steve Morey: And there is nothing in the code concerning digital. Does that make a difference?

Jacqueline Ricciani: That is another issue because the definition, you know what signs can and cannot include under 345-23. If you look at sub paragraph f, it has the regulations that apply to all signs, #6 for example, #6 talks about light and movement and that kind of stuff, those are all the things that apply to signs,

“No light shall be permitted that by reason of intensity, color, location, movement or directions of its beam would be a distraction or would otherwise interfere with public safety. Flashing lights shall not be permitted in connection with any sign.”

Jacqueline Ricciani: The following regulation shall apply to all signs. It talks about light and movement and that kind of stuff. That applies to sign. Not necessarily for this board, but what the Planning Board will look over if this board approves the use for a billboard where it is not permitted.

Steve Morey: If you go back, Jacy, to paragraph e, 345-22, Planning Board approval, which of course this isn't the Planning Board, but under sub paragraph f, it says.

“Garish colors (e.g., fluorescent lime green) and materials shall be avoided, and vivid colors (e.g., bright red) shall not dominate a site.”

Steve Morey: I only got a brief look at that sign that was on display out there, and I don't know if those colors are part of that sign.

Jeff Siegel: If there was something in the code regards to colors, we have control of what people would send us that would go up on the board. We would change those, if someone sends us something that is the wrong color red, or the lime green, we can change it. That is easy for us to do.

Steve Morey: It is very vague. It says garish colors with an example of fluorescent lime green. Who would make the interpretation of the colors; I would assume the Planning Board, because it is under the Planning Board. If we approve this application, would it still go to the Planning Board?

Jacqueline Ricciani: Yes, because of the size. They are here for permission to put the billboard where it is not allowed to be.



Town of Bethel
Zoning Board of Appeals

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

Steve Morey: By code. But also possibly by County and State regulations, is that correct?

Bette Jean Gettel: He will still need to contact State DOT, but that is a Planning Board issue, and do a County 239.

Steve Morey: Is that our issue?

Bette Jean Gettel: Yours and theirs. There will be two.

Steve Morey: Our next step would be to schedule a public hearing for this sign. So if everybody is satisfied with the information.

Cirino Bruno: Why should we disregard our zoning code to permit this? What are the extenuating special circumstances where you come to ask us, what is your rationale for making this application?

Jeff Siegel: My rationale is the amount of traffic on 17B into the town of Bethel. In the place that we are proposing, it is the busiest entrance, and the busiest exit into the Town of Bethel, and considering there is a sign already there.

Cirino Bruno: Again, signage is not what we are talking about. We are talking about billboards, where there are signs that advertise for other businesses. You are asking us to disregard our code based on our comprehensive plan that did not want to see additional billboards in that corridor.

Jeff Siegel: Digital billboards did not exist when the codes were updated. In the sign and billboard industry....

Cirino Bruno: Our code says no billboards. You want a billboard, so you are making a differential from digital and non-digital.

Jeff Siegel: A billboard is a single static thing. Digital billboard has other benefits that go with those boards.

Cirino Bruno: We have outlawed advertisement, under the establishment under the sign.

Jim Crowley: Does it say no billboards?

Steve Morey: Yes.

Jim Crowley: Where?



Town of Bethel
Zoning Board of Appeals

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

Cirino Bruno: Why should we bend over backwards to throw our zoning out the window? You tell me it is good to advertise because there is a lot of traffic.

Jeff Siegel: It is also good for the town. It is a tourist community. When tourists go other places, they see these types of signs. They see signs that look better, have better information.

Cirino Bruno: Are you going to limit the advertisements to just the businesses in the Town of Bethel?

Jeff Siegel: There are only ten advertisers. I don't know who is going to advertise. I would hope there would be businesses in the Town of Bethel that would like to advertise to all the traffic coming on 17B.

Jesse Komatz: We could be advertising for business' in Liberty and Monticello, but not benefiting businesses in Bethel. I think that is what he is getting at. You have a multi advertisement sign and there may be only one thing on there that maybe benefits the Fat Lady Café, and everything else is directing people to other communities. Is that possible?

Jeff Siegel: That is no different than the billboards that are there now.

Jesse Komatz: But we don't allow billboards.

Jeff Siegel: I can't make people in the Town of Bethel advertise.

Jesse Komatz: That may be one of the reasons we don't want billboards. Do you follow what I am saying? I am just making a point.

Mark Mclewin: If you had a business in Liberty would you be advertising on 17B in Bethel?

Jesse Komatz: I'm sure I would, but if I am in Bethel, do I want my community to direct people that come here for the summer to other communities? That is what you are basically asking us to do. I just want to bring that point out.

Mark Mclewin: I think Sullivan County needs Sullivan County as a whole to survive. I think the County needs to cross-reference and talk to each other and get other people to travel around.

Steve Morey: Gentleman, there is a specific time in this process for these arguments. That time is not now. We are not trying to make a decision when you are first presenting your application. You have the right to a public hearing. As discussed before there are other governmental agencies that have some input on this decision making process. From this point, from the board and you gentleman, I am only asking if there is more information needed to take this to a public hearing?



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

Jesse Komatz: I would like to see the owner of the property here.

Bette Jean Gettel: He was here at the last meeting.

Jesse Komatz: I don't remember seeing him here.

Steve Morey: Jesse has a point. Is there a proxy agreement that needs to be presented by the owner?

Bette Jean Gettel: Yes I have one.

Jacqueline Ricciani: Yes, we have an owner's proxy, so the owner is aware of the application.

Motion to go to public hearing March 21st at 7:30 pm by Jim Crowley, second by Richard Conroy

All in favor-6

Opposed-1

Agreed and carried

Cirino Bruno: I am opposed.

Steve Morey: Because there is an opposition to the vote, do we need a roll call vote to make it part of the record? The majority approved.

Bette Jean Gettel: I will be in contact with the applicant about the mailings. The State 239 and County 239, they will both go out in the mail by Wednesday. I have to notify the Town of Thompson because it is within 500 feet.

Jacqueline Ricciani: Are there other agencies other than DOT or the County? You can just direct your clerk to send it anywhere else.

Steve Morey: Not at this time. You will need to touch base with the Building Department.

Jeff Siegel: Thank you very much.

3. Administrative – to make a decision with regard to board vacancy.

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

All in favor – 7

Opposed-0

Agreed and carried

8:10 pm



Town of Bethel
Zoning Board of Appeals

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

Motion to return to regular session Jim Crowley, second by Cirino Bruno.

All in favor-7

Opposed-0

Agreed and carried

8:13 pm

Steve Morey: BJ, could you announce the names?

Bette Jean Gettel: There are three applicants you gentleman interviewed as an alternate. Charles Moriah, lives off Swiss Hill Road, Brian Horler, lives in Smallwood, and you have Jim Ahearn off Schultz Road.

Motion to recommend to the Town Board Jim Ahearn to fill alternate seat on the ZBA by Jim Crowley, second by Jesse Komatz.

Roll call vote:

Dan Brey: Yes

Jesse Komatz: Yes

Richard Conroy: Yes

Cirino Bruno: Yes

Victor Kask: Yes

Jim Crowley: Yes

Steve Morey: Yes

All in favor

Steve Morey: Jacy, there is a question if we could ask you. We are confused about the restriction of billboards.

Jacqueline Ricciani: The bulk tables that are included at the back of the Zoning Code defines what uses are permitted in each zoning district. Some of them permitted are permitted as a right, some of them you might need a special use plan or site plan approval. But it is only the uses in that district that can be in that area.

Richard Conroy: If it is not listed on this bulk use table it's not permitted at all.

Jacqueline Ricciani: In that district. What you will find for example like nurseries, they are



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

permitted in some districts, but not in others.

Jim Crowley: Are billboards permitted in any district?

Jacqueline Ricciani: I don't know. I would have to review all the different districts.

Jim Crowley: We really don't have any zoning or listing that they automatically default as not permitted. So they would always have to get a variance, right?

Jacqueline Ricciani: I don't know. I would have to review all of the bulk tables.

Jim Crowley: I'm sure they are not allowed out in Ag let's say. That is the commercial district, and that would be where you would want to put a billboards, the commercial area would be the place.

Bette Jean Gettel: Signs and not including billboards are not approved in the Ag District.

Jim Crowley: So they are really not approved in any district.

Jacqueline Ricciani: That is not the case. One at a time, that is not true.

Richard Conroy: Read that again.

Bette Jean Gettel: He asked if billboards were permitted in the Ag District. They are not. Billboards are not permitted in Ag.

Jacqueline Ricciani: He said in any district, and that is not the case. Billboards are not permitted in the Ag. Hold on, I just had it.

Jim Crowley: That makes sense.

Jacqueline Ricciani: However...

Steve Morey: Anything that says a sign is an assessor use in the district would include billboards unless it is specifically excluded, because that is what it is saying here.

Jacqueline Ricciani: A billboard is just one type of sign. There are 20 different kinds of signs, one of which is a billboard.

Richard Conroy: But a billboard is included under the definition of signs. So if the code says if



Town of Bethel
Zoning Board of Appeals

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

signs are permitted, I would take that to mean that billboards are permitted.

Steve Morey: It says specifically in a gateway in the district...

Richard Conroy: So it means not in the gateway district.

Jacqueline Ricciani: So when whoever was you know what they want this town to look like, and what can be permitted in different districts, you know now says that you cannot have a billboard, you can have a sign, so if you are going to be you know, opening a business, like Laughing Ladies for example, okay, is the new antique store that went in about a year ago. They went through their process, they got all of their approvals, they got a sign but that sign is only advertising their business on their property. So that is a very standard accessory use for that business, for any business to have a sign advertising their own business. Billboards, the town code now has distinguished that, because billboards are different than a sign that is on the property advertising a business. When the zoning code was enacted a decision was made that there are not going to be billboards in certain districts.

Jim Crowley: It boggles my mind that billboards are not permitted anywhere. I would assume, if they are not allowed in the commercial district, they wouldn't be allowed in any district. Where would you put the billboard?

Jacqueline Ricciani: There are a lot of preexisting billboards.

Jim Crowley: They don't really count.

Jacqueline Ricciani: But they do count.

Jim Crowley: Not really. They are a preexisting nonconforming use.

Jacqueline Ricciani: And they are there.

Jim Crowley: And they are going to stay there in whatever district they sit in.

Jacqueline Ricciani: And do we want more than what we got? BJ is telling me they are permitted in the RS. Residential Settlement.

Jim Crowley: So you can have one next to my house, but you can't have one on the commercial of town?

Jacqueline Ricciani: It is not permitted in the RS district. It is not even mentioned.



Town of Bethel
Zoning Board of Appeals

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

Richard Conroy: Why are we calling this a billboard?

Jacqueline Ricciani: It is directing attention to a business not on the premises.

Richard Conroy: The definition of a sign says:

Jacqueline Ricciani: But you have to read the definition of a billboard, Rich.

Richard Conroy: Listen to this.

"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"

Richard Conroy: To me it is a sign.

Jacqueline Ricciani: I understand that. And it is a type of sign, but there are other kinds of signs. There are banner signs. There are banner signs that get displayed over a traveled way.

Richard Conroy: I understand. According to this definition from our code, it is a sign.

Jacqueline Ricciani: There is also a definition of a billboard. Which specifies as a sub category of a sign....

Richard Conroy: Which directs attention to a business commodity service or entertainment conducted or sold elsewhere than where on the premises where the sign is located. This says the same thing it has directed it to another place. It is the same thing. Directs attention to an object, product, place, activity, person, institution, and organization. I think it is a sign. That is me.

Cirino Bruno: It is a special type of sign, which advertises businesses.

Jacqueline Ricciani: If you feel that strongly this board does have the power to interpret. So you feel this sign, should it be able to go anywhere.

Richard Conroy: I think it is a sign. I don't know what everyone else thinks. That's me.



Town of Bethel
Zoning Board of Appeals

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

Cirino Bruno: Am I clear Jacy, that the billboard is a sign, it is a special type of sign which advertises business' which are off premises, and as such is a prohibited use on 17B?

Jacqueline Ricciani: In that zoning district.

Jim Crowley: It is also advertising the business. This is like a hybrid.

Cirino Bruno: So if that billboard goes in on Rivers Edge, we might not necessarily have a problem with it. The fact that it is going to display other 11 businesses' is where the billboard aspect comes in which makes it outlawed. This is not a question of variance; this is a question about law. Therefore until the town changes the code, to say that it is permitted, and then we can argue it's zoning. Whether or not what the town prescribed. Here we don't even get a shot at it.

Jacqueline Ricciani: The first application before you was for something that's not permitted, and yet you gave them a variance.

Cirino Bruno: I didn't give them the variance. I voted against it.

Jacqueline Ricciani: The board did. A majority of your board members voted and approved it.

Cirino Bruno: And that has to get through planning yet.

Jacqueline Ricciani: No, he's done. That is a use that is not permitted, but this board said it is, so.

Richard Conroy: The sign has to go to the Planning Board.

Cirino Bruno: Maybe it won't get to the Planning Board at all.

Jacqueline Ricciani: If this body determines it is a billboard, and it needs a use variance and you don't give him the use variance, then he is done.

Cirino Bruno: If this board decides it is a billboard, and we give him a use variance?

Jacqueline Ricciani: If he meets the criteria.

Cirino Bruno: What is the criteria?

Jacqueline Ricciani: The criteria is that there is a financial hardship that it isn't going to change the character of the community.



Town of Bethel
Zoning Board of Appeals

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

Cirino Bruno: So I can totally undo what the town code says? I'm not looking for a variance.

Jacqueline Ricciani: That is why we have a ZBA in the first place. When the zoning was enacted you can't possibly account for every kind of thing that might come up. But you have this body....

Cirino Bruno: You heard me ask the guy, what do you say in your own defense, what can you add to encourage me to consider, making no, yes.

Jacqueline Ricciani: There are specific criteria in your code that go on for pages and pages that tell you what the applicant needs to establish in order to get that variance. Look at the last applicant, and you gave him the variance.

Cirino Bruno: Again, I can't control the board.

Jacqueline Ricciani: There is criteria you can hold him to it, or not.

Richard Conroy: If the board decided that it wasn't a billboard at all, and it is a sign. We are done. Then it goes to Planning Board.

Cirino Bruno: You cannot decide that. It is a sign that happens to be of a billboard variety, which happens to be outlawed. If he says he is going to just put Rivers' Edge on it, there is no problem.

Richard Conroy: What I just read about signs, it is a sign.

Jacqueline Ricciani: So then the question is, why did somebody bother to include a separate definition for a billboard.

Richard Conroy: I don't know.

Jacqueline Ricciani: You have to give some thought to that.

Richard Conroy: To me a billboard is a big sign.

Jacqueline Ricciani: There are no dimensional requirements under the definition.

Richard Conroy: I understand that. In my view...

Jacqueline Ricciani: Their original application they came in here with was going to be 12 x something huge.



Town of Bethel
Zoning Board of Appeals

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

Richard Conroy: In my view, a billboard is big.

Cirino Bruno: The billboard has nothing to do with being big or small. Billboard means that bills are put on the board. Different establishments are advertised on the board other than the grass that is growing underneath the board.

Steve Morey: On the existing signage that is there. One of them was for the restaurant itself. What is the other one?

Bette Jean Gettel: They both are.

Steve Morey: Did that require Planning Board approval?

Bette Jean Gettel: The original one did.

Steve Morey: So only the first one?

Bette Jean Gettel: The second one no, because he keeps changing it.

Steve Morey: Both of those are specific to the Rivers Edge?

Bette Jean Gettel: Yes, specific to the restaurant.

Steve Morey: The only thing I was going to interject, t because the subject came up that it is digital display. There is nothing in the code for or against digital display.

Jacqueline Ricciani: It talks about illumination and distracting motorists.

Richard Conroy: There is another piece that I showed you before.

Bette Jean Gettel: While you are looking at that, can I interject here real quick. Training is Monday night, offering the following classes, enforcement of zoning, coded enforcement, at the government center; also they will be discussing special use permits. 5 – 9 pm. There is a total of four hours of training.

Richard Conroy: It's in our book. 17B Gateway district. It is under signs. This says it is a 2004 draft.

Jacqueline Ricciani: The code has been changed since then.



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

Dawn Ryder: Does it say you have to sign up?

Steve Morey: Dawn, do you have anything to add?

Dawn Ryder: Go home and google signs in the comprehensive plan.

Jacqueline Ricciani: What you read did not make it.

Jesse Komatz: Suppose we allow this billboard, can we put conditions on the variance?

Jacqueline Ricciani: You can place reasonable conditions.

Jesse Komatz: What if he gets this sign at Rivers' Edge, and he realizes my sign is only up there for two seconds every five minutes?

Jacqueline Ricciani: He already said Rivers' Edge is going to have a new sign on its building. Because the sign that is replacing what is there is going to be changing, that Rivers' Edge will be coming to the Planning Board, depending on the size to get it physically on the building to identify that is the Rivers' Edge Restaurant.

Motion to adjourn by Jim Crowley, second by Cirino Bruno

All in favor – 7

Opposed-0

Agreed and carried

8:30 pm

Respectively submitted,

Jannelta MacArthur

Recording Secretary