



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 March 16, 2015. The meeting was held at the Duggan School, 3460 State Route 55, Kauneonga Lake, at 7:30 PM. On the agenda at this time were the following:

In attendance: Stephen Morey, Chairman, Jim Crowley Vice Chairman, Richard Conroy, Robert Yakin, Daniel Brey, Cirino Bruno, Victor Kask, BJ Gettel, Code Enforcement Officer, Jacqueline Ricciani, Attorney, Daniel Sturm, Supervisor, Dawn Ryder Councilwoman, Daniel Gettel, Planning Board Chairman, and Jannetta MacArthur Recording Secretary

Jesse Komatz absent, seating Victor Kask, Alternate.

Pledge to the flag.

Moment of silence for Robert Brown, former member.

Motion to approve the minutes from the December 15, 2014 meeting by Richard Conroy, second by Jim Crowley

All in favor – 7

Opposed--0

Agreed and carried

Jesse Komatz arrived – 7:40 pm

Victor Kask no longer seated

1) Application for an Area Variance from the setbacks located on Wacher Drive, known as Bethel Tax Map#: 28-1-15.1, proposed by Carole Mirkin. (Edwards)

Brian Edwards: I am an attorney in Monticello. Ms. Mirkin contacted me some time ago about building a home on her property. She had a survey done by Mr. Decker, and my suggestion to her was that she should go to an engineer and get a plot that you folks could look at. We knew it was a small piece of property. We now have a site a plan that has been prepared by Gottlieb Engineers. Tim Gottlieb has



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indicated on the map where the proposed location of the house will be. It is a single-family residence I believe it is 24 x 40, which is laid out. It's not an expansive house but again due to the small size of the lot we need to seek side yard variances, a front yard variance, the rear yard seems to be sufficient. The distance to the water line has been maintained, that is not an issue. I think it is a straightforward request, I don't think it is out of keeping with the neighborhood, as I understand the neighborhood to be. We would like to schedule a public hearing.

BJ Gettel: Just so the board is aware, White Lake Homes has municipal water and sewer.

Steve Morey: What is the overall size of the lot?

Brian Edwards: .12 acres.

Jacqueline Ricciani: You need an area variance for that too.

Brian Edwards: Well it's pre-existing. It's been in existence for many years. If that is what the board requires, sure. This parcel has been in Ms. Mirkin's family for 50 years or more.

Steve Morey: You said that it was .12 acres?

Brian Edwards: I don't know if everyone received a copy of my letter, but it is indicated in the letter. The letter just reiterates.

Cirino Bruno: What is preexisting, the building is preexisting?

Brian Edwards: The lot is preexisting.

Steve Morey: What is the letter he is referring to?

BJ Gettel: The letter I have in the file that says the same thing that is on the site map that you folks probably can't see, it is kind of tiny.

Brian Edwards: I'm sorry about that. I should have brought some more maps.

BJ Gettel: The lot width requirement is 100 ft, lot depth of 150 ft, but the applicant has a lot width of 58 ft, and 102 ft in depth. Front yard setback is 25, the applicant has 11.5. The rear yard is 25 ft, the applicant has 37.9. One side is 10 ft.; the applicant has 10.4 on one side, 17 on the other, for a combination of 28 ft. The full side yards have to be 25. Minimum lot area is .5 acre, and the applicant has .12 of an acre.



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Steve Morey: This is tied into municipal water, and sewer?

BJ Gettel: They have their own water system in White Lake Homes, so they would be tied into that, and they are hooked into Kauneonga Lake Sewer District.

Steve Morey: Does anyone have any other questions? Is this enough information to go to public hearing? We need to make that motion.

Jacqueline Ricciani: Before we make that motion, you need a front yard?

BJ Gettel: A front yard in acreage area. It requires a half of an acre, they have .12. It meets the rear; it meets the side yards, single and combined.

Richard Conroy: He doesn't meet the lot size.

Jim Crowley: He needs two area variances.

BJ Gettel: Correct.

Steve Morey: Can you repeat that one more time, front yard....

BJ Gettel: Front yard for that zoning district is 25 ft. The applicant has 11.5 ft.

Steve Morey: So the two variances he is looking for is a front yard setback, and lot size.

BJ Gettel: Correct.

Steve Morey: Thanks. The size of the structure on the lot is not an issue?

BJ Gettel: No. It is what everyone else has there.

Steve Morey: Anything from the board?

Robert Yakin: You said there is a preexisting area variance?

Brian Edwards: No only that the lot has been in existence. The lot has always been in existence. She told me it went back to the '50's; it has been in the same family since the '60's.

Richard Conroy: It is a typical lot in White Lake Homes.



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Steve Morey: Is this on the left hand side on West Shore Drive?

BJ Gettel: It is on the dead end. It's close to the lake.

Motion to schedule public hearing by Cirino Bruno, second by Robert Yakin for April 20, 2015.

All in favor – 7

Opposed-0

Agreed and carried

2) Application for an Area Variance to operate a Bed & Breakfast located at 263 Hurd Road, Bethel, known as Bethel Tax Map #: 21-1-1.12, proposed by Kenneth Bovo.

Kenneth Bovo: I represent Shelly Roberts who owns this property. It is a single-family residence. It fails to meet the area of 3 acres. It is 1.77 acres. We would like request an area variance.

Steve Morey: There is an existing two-story building? Are you any relationship to the owner?

Kenneth Bovo: We are partners.

Jacqueline Ricciani: Who owns the property?

Kenneth Bovo: I think we both do, but Shelly Roberts is the owner.

Jacqueline Ricciani: We will need an owner proxy.

BJ Gettel: I have one.

Steve Morey: What is the district this is in?

Kenneth Bovo: Ag District. I put on top the requirements and the proposed setbacks. We meet all of the required setbacks except the side yard is 11.5, we do meet the combined, 75, and so we need a variance on the 11.5 setback.

Steve Morey: Do you need a variance for a side yard setback as well as an area variance? What is the circumstance?

Kenneth Bovo: It is a conversion from a single-family residence to a Bed and Breakfast. It requires three acres. Steve Dubrovsky built this house in 1987, we bought it and it has been a single-family residence with a nonconforming area since we bought it. The rezoning now requires more area than we actually have. It has 4 bedrooms, 3.5 bathrooms, and a kitchen, living and dining. We would like to convert to a business because there is very little lodging in the area.



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BJ Gettel: They are in front of you also because I violated them. They were renting out these units, without having any special use permit from either board. They are in violation. He decided to come in front of you for a Bed and Breakfast. Back in 2004 he had received a special use permit for a Bed and Breakfast. He then rescinded it in 2008, to get a special use permit for a boutique. Because that has not ever been acted upon it was null and void after two years of non-use. Now he is in front of you for a Bed and Breakfast.

Steve Morey: The Bed and Breakfast application from years ago, 2004, was granted?

BJ Gettel: Yes, the Planning Board approved it. It was never implemented. You rescinded in 2008 when you applied for the Boutique. He had additions he wanted to put on the house as well. You are saying there are three kitchens?

Kenneth Bovo: The existing facility we want to convert, there are no additions to. It has four bedrooms, and four bathrooms. We are requesting a four unit, eight occupants, B & B.

Richard Conroy: Are you currently renting rooms in the house?

Kenneth Bovo: Not any more.

Jim Crowley: Have you been to the Planning Board?

BJ Gettel: They have to come here first before he can go to the Planning Board. When did you put in the fourth bathroom?

Kenneth Bovo: Maybe there are only 3.5. There are four bedrooms with four bathrooms. Perfect for a B & B.

Robert Yakin: Where is this located?

BJ Gettel: It is the house below the Farmers Market on the left.

Jim Crowley: BJ, do you have the septic plans for this?

BJ Gettel: At the time he was granted permission for the Bed and Breakfast and for the Boutique, he was supposed to enlarge the septic, that hasn't been done to date to the best of my knowledge.

Ken Bovo: Steve Dubrovsky designed it for a four-bedroom home. I would say the septic is adequate for the design.



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Jim Crowley: Do you have the plans for the septic?

Ken Bovo: I don't have the engineering plans; the engineer would have them that designed them. Perhaps Mr. Dubrovsky has those; the building was built in 1987.

Jim Crowley: That would be a good idea.

Ken Bovo: BJ, do you have the septic plans from Mr. Dubrovsky?

BJ Gettel: I have the building plans, which are very old; I do not have septic plans. I have your septic site plan from when you wanted the Boutique.

Ken Bovo: We paid an engineer, because we were under the standard at that time. Since we are not, I don't feel we need to do this unless required.

Jim Crowley: I don't really feel confident giving you any kind of variance, especially for this unless that septic system is adequate to do this.

Ken Bovo: Then I can accept that.

Jim Crowley: Even though it is just an area variance but.....

Jacqueline Ricciani: Hold on, along those exact same lines, under the unit dwelling use you have a bed and breakfast four units, then you have a residential use dwelling unit, one, that makes five. What is this residential use dwelling unit?

Ken Bovo: The residential dwelling unit, that was for the caretaker. That is going to be in the loft area.

Jacqueline Ricciani: In the same building?

Ken Bovo: Yes.

Jacqueline Ricciani: So now you have five bedrooms.

Ken Bovo: It's not a bedroom; they are not going to sleep there.

BJ Gettel: They have to. It's got to be manager occupied.

Ken Bovo: We were going to convert the loft to a space.



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Jacqueline Ricciani: So that will be five bedrooms even though you may not be renting it out, it is still going to be an additional occupancy.

Ken Bovo: To make it reasonably beneficial, we want get as many lodging units for people up here looking for places to stay and also have someone to maintain it. We were going to take the loft, have a second access, an egress out of that; I am a licensed architect by the State of New York.

Jacqueline Ricciani: So four bedrooms, four baths, to be rented out for the B & B and one more bedroom.

Cirino Bruno: You're going to have to create another bedroom and bath.

Ken Bovo: No, B & B's don't require separate facilities for each rental unit. I'm sure that would be impossible for any farmhouse here to convert to a B & B. We would simply leave the four bathrooms; there is one in the hallway off the kitchen/living/dining, adjacent to the loft area, which would be used for the person running the B & B.

Jacqueline Ricciani: This is important to Mr. Crowley's question, how many occupants are we going to have, when we are talking about the septic.

Jim Crowley: This print shows, but it doesn't give any numbers.

Ken Bovo: Numbers on what?

Jim Crowley: I am assuming this is possibly the septic system right here?

Ken Bovo: This is zoning, do I need this, and is it required? I will get an engineer to look at it.

Stephen Morey: BJ, you said there were violations?

BJ Gettel: He was renting each bedroom, and getting a fee for it. Since then, I drive by there daily. It appears the house is now vacated except for the camping trailer in the front yard, which I am assuming is buried by snow. The parking should be to the rear of the property. They don't have parking in the front.

Ken Bovo: That is the only practical place for parking; it is inaccessible beyond the building. I may have to do some retaining walls there.

BJ Gettel: The property is very steep; there is a rock ledge behind.



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Cirino Bruno: It slopes from back to front.

Ken Bovo: It opens to grade on the Lake Filipino side. It has grade on the driveway entrance side.

Steve Morey: When the B & B permit was approved in 2004, the district was not what it is today, and the property size for B & B has changed. It is 1.77 acres, and 3 are required. Is there any other information we would require prior to a public hearing? Any other questions?

Ken Bovo: We would respectfully request this to be done in a timely manner, the execution of your decision; we might be able to get something up this season.

Jim Crowley: As long as you bring the information.

Ken Bovo: Okay.

Richard Conroy: So we need a septic plan.

Jim Crowley: You have a total of people who can occupy..... you need a pretty big leach field.

Steve Morey: How is that policed? When the calculation is based on 2 per bedroom. When someone wants to bring their family?

BJ Gettel: I have no way of policing, unless someone complains, then I have to address it. I can do a yearly fire inspection.

Steve Morey: If we schedule this for a public hearing on April 20th, are you going to guarantee that we have that septic plan?

Ken Bovo: I will speak to Tim Gottlieb tomorrow.

BJ Gettel: This does require a 239, an Ag data statement.

Steve Morey: You will let them know the process?

BJ Gettel: Yes.

Daniel Brey: This property is in the Ag district?

BJ Gettel: Yes it is.

