



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 June 15, 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 are the following:

In attendance: Jim Crowley Vice Chairman, Richard Conroy, Robert Yakin, Jesse Komatz, Dan Brey, Cirino Bruno, Victor Kask, Alternate, BJ Gettel, Code Enforcement Officer, Dawn Ryder, Liaison, Danielle Jose, Attorney.

Excused: Steve Morey, Jannetta MacArthur, and Jacqueline Riccianni.

Seating Victor Kask, alternate

7 members present

Pledge to the flag

Also in attendance: Daniel Gettel, Planning Board Chairman, David Biren, Planning Board Member, Lillian Hendrickson, and Bernie Cohen, Town of Bethel Board Members.

***Motion to approve minutes from the May meeting by Richard Conroy, second by Robert Yakin.***

***All in favor – 7***

***Opposed-0***

***Agreed and carried***

- 1. Application for a use variance for a Conservation Subdivision to be located on Route 55 next to Daytop, know as Bethel Tax Map: #13-1-9.2 & 10, proposed by Forest River Estates, LLC. (Wasson)***

Randy Wasson: The last time I was here there was a question about ownership of these properties. I think we resolved that, we submitted some information. I assume that is satisfactory to the board.

Richard Conroy: I'm looking at the application here, Moshe Landau owns 9.2.

Randy Wasson: Did you see the rest of the information we provided? We provided an avadavat from Moshe Landau.

Richard Conroy: I'm saying the application is wrong.

Randy Wasson: In a nutshell, Moshe Landau was the owner of both parcels. He formed a partnership or an LLC, Forest River Estates with Mr. and Mrs. Ramos. Mr. Ramos was at the meeting two months ago. Mr. Landau is 50% owner of the large piece that is Forest River Estates, he is 50 % owner and partner LLC, and is sole owner of the small piece, the 5 acre piece right here in the front.



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Richard Conroy: The one with the house on it, that is just in his name.

Randy Wasson: Yes that is just in his name. We submitted an avadavat to the board from Mr. Landau.

BJ Gettel: There was an email on it; I sent it to everybody this afternoon.

Richard Conroy: The one that says the parcel 13.1-9.2 ownership intentions, is that what we are talking about?

Randy Wasson: Yes

Richard Conroy: I have a problem with this too. Who is Joel Landau, is that is son? In my experience it shouldn't be anybody that has any interest or any relationship with the owner of the property doing any notarizing.

Randy Wasson: I don't know that he is a relative.

Richard Conroy: If that is the case, this avadavat isn't any good.

Randy Wasson: Do you know that he is a relative?

Richard Conroy: I'm saying it is the same last name. That's not proper.

Jim Crowley: Counsel, do you have an opinion on this?

Danielle Jose: We don't know if it is or if it isn't a relative. If it is a relative it is not proper.

Jim Crowley: Rich, your problem is that the application is not filled out correctly?

Richard Conroy: I have problems with the application and I have problems with the avadavat.

Richard Conroy: I have been a notary for 40 years. I practice not to notarize anything for a relative.

Randy Wasson: I understand that, I agree with that. I don't know that he is a relative.

Richard Conroy: Either do I, so I don't know if I can accept that avadavat.

Randy Wasson: I can tell you that I have three clients all with the last name Landau.



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Jim Crowley: We don't have a new application. I don't mean to be a pain, but it would be so much nicer if this stuff could be done correctly the first time, so we wouldn't have to do three meetings on this.

Randy Wasson: Gentleman, with all due respect, this was submitted on May 4<sup>th</sup>. This is your second meeting since then. I didn't present at the May meeting. If anybody had read this, I think the courtesy would be to say this isn't satisfactory; this doesn't do it for me.

Jim Crowley: That came this afternoon in an email.

Randy Wasson: Not from me it didn't. It went to this board, you require things two weeks in advance, you had this 6 weeks in advance.

Richard Conroy: I didn't see it, I didn't have it.

Randy Wasson: Now you are telling me you didn't have it, and it's my fault.

Richard Conroy: I am giving you my opinion; I am only one person on this board. I am not chairman, vice chairman, or anything.

Jim Crowley: What is the opinion from the rest of the board, how do they feel?

Bette Jean Gettel: Gentleman, if I may butt in here, let him do his presentation, this way you know what the project is about and we will take it from there.

Robert Yakin: We have to schedule a public hearing anyway; this is just an information session.

Jim Crowley: You are aware of the concerns.

Randy Wasson: I was aware of them the last time, and I thought this would be okay. Let me do the presentation.

Cirino Bruno: If you for future reference, if you could help us by reminding these applicants to cross their t's and dot their i's, you don't want to waste your evening.

Randy Wasson: The project is 45 acres in size, in consists of two parcels. 13.1-9.2 is a 5-acre parcel right here, then there is a lawn access that is part of 13.1.10, which is the rest of the property in the back. This is Gary Meyer's operation right there, and this is Daytop on the east side of Rt 55. The proposal is for a use variance. It is in the RS zone. The RS zone did not allow for a cluster of conservation subdivisions. We think that would be more desirable from the town's standpoint. We request the board



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to consider that. This drawing here is a conventional subdivision layout that meets the requirements of the subdivision ordinance. It is half-acre lots, which is permitted in the RS zoning. We have set aside a rural site, and a site for a sewer plant. You can see it pretty much takes up the whole site. The back of the yards behind the houses are only 100 ft, or a little more than 100 ft or so from the West Mongaup River. The proposal would be to cluster the 58 homes. Provide as much green space as possible and also there will be more than a 300 ft buffer in this area along the river. This is typical of developments in Sullivan County. One in fact is on the cover of the newspaper today. That is the proposal. We feel that it conforms quite closely to the intent of the town's comprehensive plan. Just a few things in the plan, there are several items here, I'm not going through them all, # 9, create an additional zoning district to protect high quality conservation areas by requiring very large lots or mandate the use of conservation subdivisions technique. Cluster housing will preserve valued open space. Another one is to encourage developers to provide and maintain roads on private bases, subject to standards and procedures that protect the town. These roads would be private, privately maintained. Most likely be a homeowners association. These roads, unless they chose to keep them private, they would meet all the requirements of the Town Highway Department. They could be turned over to the town. This would be a second home community.

Under section 3.4.1G, the second home industry will continue to be critical to the economic success of Bethel. It generates relatively low impacts on both the environment and community services, while producing a good tax base. It is very appealing on that level particularly when high-end housing is involved with the cost of the schools systems off set by the tax revenue.

So for those reasons, because it makes sense, because it is likely you wouldn't see a single thing back there from the road. We would be protecting the river corridor more, disturbing less. We believe it is a good use of property and with keeping with the town's comprehensive plan. For those reasons we are proposing a cluster development or conservation subdivision. We obviously need the variance from this board in order to move forward with that design.

Dan Brey: Is there going to be a conservation easement on the green area?

Randy Wasson: There could very well be. I think that is a Planning Board issue but they have open space requirements, and the approval will have to maintain those, I don't have a better answer for you.

Robert Yakin: That is something I wanted to ask you about on this proposed conservation subdivision. I would say you did a pretty good job of clustering the houses. Looks like you have taken into consideration a lot of your topography of property and site of the houses. The idea of a conservation subdivision is the green space, the open area that it is to stay green, and not to be developed in the future. I don't see any of that area designated on the site plan, and I would question how much of it is useful. Some of it looks pretty steep topography, it might be on the river side, but I would like to see some of that, some indication of how the developer is planning... making it look like more of what a



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subdivision is supposed to look like.

Bette Jean Gettel: Just so the board realizes, you do have the option of sending this plan to the town engineer for review, or any thing else.

Jim Crowley: That is what I would say, after everyone gets done asking their questions. I would ask you guys to think about before it goes to a public hearing that this does go to the town engineer for review to make sure it meets all of the qualifications of being a conservation subdivision plan.

Richard Conroy: I would be interested to know if it is going to be a conservation subdivision, who is going to administer it?

Jim Crowley: Yes, I want the engineer to look at this.

Robert Yakin: A conservation easement I would think is a tool used like to protect an existing farm or something like that. I think there is a distinction between a conservation easement and a conservation subdivision.

Jim Crowley: They get more density....

Robert Yakin: The green space has to be guaranteed; the secondary aspect of a conservation subdivision is also to improve access.

Jim Crowley: I think it would make sense to send it to the town engineer, to have him take a look at it. He will know what the criteria should be to have a conservation subdivision.

Richard Conroy: Are there the same number of houses on each plan?

Randy Wasson: Yes.

Bette Jean Gettel: The only thing is the sewage treatment plant has to go the town board for approval before they can go to the Planning Board.

Robert Yakin: Don't the sewer treatment plants all have to be certified by the State, and be operated by a licensed operator?

Bette Jean Gettel: Yes. Is someone going to make a motion to send this to the town engineer prior to?

***Motion by Cirino Bruno, second by Richard Conroy to send this application to Town Engineer McGoey, Hauser & Edsall for review.***



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*All in favor –7*

*Opposed-0*

*Agreed and carried*

Richard Conroy: I would like to see an amended application, an avadavat.

Bette Jean Gettel: Mr. Landau, I know you are in the room; would you please come up to the microphone? Maybe you can answer the gentlemen's questions.

Richard Conroy: I have an avadavat, Joel Landau is the notary. Who is Joel Landau?

Moshe Landau: He is my brother, but I have a new one.

Bette Jean Gettel: Do you have it with you?

Moshe Landau: Yes I do.

Bette Jean Gettel: Thank you.

Robert Yakin: So basically, as I understand it now, a subdivision is coming to this lot, basically. You want to do a conservation subdivision.

Moshe Landau: Yes.

Richard Conroy: Why, just for the reasons you listed, or is there another reason.

Randy Wasson: It is less disturbance, less costly. You are putting in fewer roadways, less water and sewer mains; it is a value that way. Also, the houses are closer together, and that is preferable to the community, typically. Mainly that. Fewer disturbances, it is certainly less expensive.

Dawn Ryder: This plan would not look like that unless there were..... you could only get 19 homes in there, half acre density; they have that on that plan, because they have sewer plants on the plan that allows you to go half of what the normal acreage is. So the current zoning is one acre zoning per house. So you wouldn't have that many houses if it was a regular conventional subdivision.

Richard Conroy: If the sewer plant is going to be the deciding factor of how many units you can have in there.....

Bette Jean Gettel: Because what they are proposing, the conservation subdivision, conservation subdivisions are not permitted in the RS zoning district, so it has to come to you gentleman first. You will grant them a variance, if you grant them a variance, then it goes to the Town Board for the sewer



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treatment plant. If the Town Board grants them the sewer treatment plant, it proceeds to the Planning Board.

Danielle Jose: Either way I think the number of units is scheduled to be the same.

Jesse Komatz: If it gets approved as a conservation subdivision, and two years down the road they decide they want to put more houses on the outside ring of that, is that feasible?

Danielle Jose: The green space has to be preserved in order to meet the requirements.

Randy Wasson: We are limited to that underlying zoning; with the sewer plant it would be 50 acres.

Jim Crowley: So this is going to go to the town engineer. We still want a new application, an updated application.

***2. Application for a Use Variance and Area Variance to expand a preexisting, nonconforming use located on 186 Lee Cole Road, known as Bethel Tax # 9-1-6, proposed by JJ Enterprises, USA, Inc. (Wasson)***

- a. Enlargement of 3 two story buildings***
- b. Demolish and reconstruct Casino Building***
- c. Decrease a 4 unit to 2 unit***
- d. Construct 2 single family units***

Randy Wasson: This is located on the east side of Lee Cole Road, not to far from the intersection of White Lake Turnpike. It is 3.5 acres. It is an existing bungalow colony that has 10 residential units, 40 duplex units, and 1 building that has 4 units in it. These are the three existing duplexes. The building itself, or the units are 400 square feet. This is a two-story building that has two units upstairs, two units downstairs. This is an existing casino building that is not in the best shape. What they want to do with that is tear it down and rebuild it. Basically the same size, just a little bit closer to the front of the property. The request is an enlargement of a bungalow colony, not in terms of units, no more family units, no more than 10, but they just need some more space for the 10 units. They purchased this property a few years ago, sunk a fair amount of money into it, they improved the two family bungalows, they added some decks, they have leveled them up, fixed them up, they have done some work on the apartment building and they totally renovated their swimming pool, which had been dangerous prior to their taking it over. They want to keep these three duplexes, but they would like to enlarge them so that each unit, instead of being 400 square feet, is around 1,000 square feet, which is more manageable. You could get two to three bedrooms in a 1,000 square feet unit, Right now you only have one bedroom in each of these and financially it doesn't make sense for them. They do rent them out, and there isn't enough there to rent, frankly. They want to convert this to just two units, one upstairs, and one



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downstairs, and take the other two units out of this building, and put up two 1,000 square units up here in the back. We need a use variance for the use because we are expanding or increasing the size of the bungalows. Basically that is it. The RS zone does allow for 25% lot coverage. Even with these, this building is going to go away, but is replaced here. Even putting in these larger buildings, you are looking at about 8.6% lot coverage.

Jim Crowley: Randy, how many square foot of buildings cover is on that lot right now, and what do you want to go to square footage wise?

Randy Wasson: These would be 8,000 plus this building, the footprint would be 1,500 hundred, so you are at 9,500, this would be another 1,000 square feet, about 10, 000 or 11,000 square feet, all together, not counting the swimming pool.

Jim Crowley: Was half of that existing?

Randy Wasson: Yes, maybe half, maybe slightly less than half.

Jim Crowley: So you want to increase by about 50%.

Randy Wasson: Yes.

Jim Crowley: Pretty substantial.

Randy Wasson: In terms of lot coverage, yes, not in terms of overall.

Jim Crowley: This is a bungalow colony, 50% is a lot to ask for.

Robert Yakin: That is what I was going to get at, this is a nonconforming use by definition of the code, any additions, and extensions, of a nonconforming use also becomes nonconforming and I think the town's master plan is pretty explicit that they are not looking to add nonconforming uses. I actually wanted to ask about these four items here, do all four of these require.... I think you can tear down and replace.

Bette Jean Gettel: The casino building is in a state of collapse. They can tear that down, move it; it actually brings it into conformity, because it gets it away from your setback area. Right now it is in the setback zone, the floor of it may even be on the neighbors parcel. With that it could be torn down, rebuilt, same size just a different location. That doesn't require any authorization from you that is strictly Building Department office. The rest of the stuff does require your approval.

Dawn Ryder: Gentleman, we build only year around buildings.



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Randy Wasson: The story would have to be brought up.....

Jim Crowley: How many people are they adding?

Randy Wasson: I don't know how many are there now. These units are basically one bedroom, some maybe two, but they are tiny. They want to go to a three bedroom.

Jim Crowley: How many people can they occupy?

Bette Jean Gettel: This has been in existence for a very long time; probably back to the 1950's, 1960's. The colony itself has been in existence for a long time. These people have purchased it approximately 5 years ago. Last year they did the pool that was a nightmare. The department of health is very happy about that. However to make a profit on the property, they are claiming this is the only way to do that, these units are basically one bedroom.

Randy Wasson: They are going to have a situation where they are trying to upgrade and they are willing, but what they have, they can't work with.

Bette Jean Gettel: How wet is it there Randy where the two singles are?

Randy Wasson: Not bad.

Jim Crowley: Does the board have anything?

Bette Jean Gettel: Again, gentleman, if you wish to send this to an engineer that is your option.

Danielle Jose: I have a question if I may, the requirement that you posted on the site plan, public sewer, my understanding that this is sand filter?

Randy Wasson: This is private sewer and water.

***Motion by Cirino Bruno, second by Jim Crowley that this application be sent to the town engineer***

***All in favor – 7***

***Opposed-0***

***Agreed and carried***

Jim Crowley: BJ, do you have anything else?

Bette Jean Gettel: I haven't seen any recent training come across my desk for you folks. As soon as I do, I will forward it on to you. Town Board meeting is in a week in a half, I think.



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*Motion to adjourn by Jim Crowley, second by Cirino Bruno*

*All in favor – 7*

*Opposed-0*

*Agreed and carried.*

Respectively submitted,

*Gannetta MacArthur*  
Recording Secretary