



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 October 19, 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 is the following:

In attendance, Steve Morey, Chairman, Richard Conroy, Cirino Bruno, Victor Kask. Dawn Ryder, Liaison, Jacqueline Ricciani, Attorney, Jannetta MacArthur, Recording Secretary, Daniel Sturm, Supervisor, Daniel Gettel, Planning Board Chairman, David Biren, Planning Board member, Lillian Hendrickson, Town Board member.

Excused: Jim Crowley, Vice Chairman, Daniel Brey, Bette Jean Gettel, and Code Enforcement Officer.

Absent: Jesse Komatz

Pledge to the flag

Motion to approve September 21, 2015 by Richard Conroy, second by Cirino Bruno

All in favor- 4

Opposed-0

Agreed and carried

- 1. Application for an Area Variance to build a garage on a vacant lot to be located on Major Marie Rossi Drive, known as Bethel Tax Map #: 15-1-19.13, proposed by Steven Hafner.***

Steven Hafner: The adjacent property with the house on it is family owned.

Richard Conroy: You are not an owner.

Steven Hafner: My father who is deceased is the owner. John Hafner.

Richard Conroy: But you are not the owner.

Steven Hafner: No, but eventually when it is probated I will be the owner.

Jacqueline Ricciani: So John is your father, and he is deceased.

Steven Hafner: Yes

Steve Morey: According to this map, he has two lots?

Steven Hafner: There are three lots, and there is another house on Jaketown Road. Jaketown Road has



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38 acres.

Richard Conroy: The only property he owns next to your lot is the one with the house on it?

Cirino Bruno: Mr. Hafner did the building department deny your building permit?

Steven Hafner: I didn't ask for a permit.

Cirino Bruno: How did you get here?

Steven Hafner: I put in for a variance.

Cirino Bruno: You put in for an area variance?

Steven Hafner: Yes, by BJ.

Victor Kask: Will the building have a foundation?

Steven Hafner: No

Steve Morey: The only residence structure is on 19.2, John Hafner's parcel?

Steven Hafner: Yes.

Steve Morey: And your 19.13 is a vacant parcel property, and you are simply asking for variance to build a storage shed on 19.13.

Steven Hafner: Right.

Richard Conroy: Did BJ tell you that you are not allowed to do that?

Steven Hafner: No.

Cirino Bruno: Did she suggest you ask for an area rather than a use variance?

Steve Morey: I guess there is some confusion about that.

Jacqueline Ricciani: It is an area variance. It is an accessory building. It doesn't have a principle building. Accessory's are permitted, but they are only permitted with a principle building. Because it is something that is already permitted, but it is something that you need to change, it all falls under the area



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variance criteria.

Steven Morey: Your father is deceased, and 19.2 is in his name. But your expectation is that it will become yours?

Steven Hafner: I don't want to speak of will stuff,

Jacqueline Ricciani: How long ago did he pass away?

Steven Hafner: He passed away in 1997.

Jacqueline Ricciani: In 1997, and his estate has not been probated yet?

Steven Hafner: It is a long story.

Steve Morey: The reason I ask is it would be simpler if that were the case; you could actually combine the lots...

Steven Hafner: It would, but again that is really not the actual issue. I can't do it right now.

Jacqueline Ricciani: Why not?

Steven Hafner: Because it is not up to me to probate.

Jacqueline Ricciani: Isn't there an executor?

Steven Hafner: My mother owns the property. It was never put into her name. I want to do something with that parcel, do a little farming; I can't do it without a place to put my equipment. That is why I gave you a picture of what the structure would look like. It would be on a gravel bed, it's nothing permanent.

Cirino Bruno: Does your mother have a house on the adjacent property?

Steven Hafner: Yes. As far as the adjacent property, as it goes, there would be no place for a storage shed because the house is on a hill. The septic system is to one side; the regular garage is pretty much on the property line on the other. I would have to do an immense amount of excavating. The area where I will put it is kind of in a gully, it is right where I need it and nobody would see it.

Richard Conroy: It says in the proposal you may want to put a woodstove in it.



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Steven Hafner: Maybe. I questioned it.

Richard Conroy: The problem is with putting a structure like this up without having a house there; people in the past have put up garages, and then the next thing you know they live in there.

Steven Hafner: We already have two houses in the area, and I live in New Jersey, and I don't plan on living in a garage.

Richard Conroy: That is the reason it is not permitted.

Victor Kask: Do you need a permit for a temporary building? That is why I asked about the foundation.

Jacqueline Ricciani: Yes, over a certain dimension. Is it going to have electricity?

Steven Hafner: No. It is on a wood frame, not on a foundation.

Steve Morey: This is a rendition of the building itself?

Steven Hafner: That is not the exact company, but I just gave you some pictures of it, to show you it is on a wood frame, not on a foundation.

Richard Conroy: They truck it in?

Steven Hafner: It comes in two pieces, and they screw it together.

Steve Morey: Jacy, you mentioned an EAF form on this?

Jacqueline Ricciani: You have to do SEQRA on this.

Steve Morey: Does that need to be done now, before a decision is made?

Jacqueline Ricciani: Before the decision is made to grant the variance?

Steve Morey: Yes, or deny or whatever the case may be. At what point do we have to have the EAF?

Jacqueline Ricciani: This application is going to need a public hearing. You shouldn't schedule a public hearing until you have a complete application. Applications generally consist of the application form, the site plan, the narrative, and the environmental impact. You really should not schedule something for a public hearing until you have a complete application. Exceptions have been made in the past if the applicant says they will file within two days so that it is part of the file and its available when



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the notices for the public hearing go out.

Steve Morey: We are not prepared to complete at this meeting.

Jacqueline Ricciani: It is something the applicant needs to complete, Part 1, and as part of your consideration generally after the public hearing, you will do Part 2.

Steve Morey: Did you understand what was just explained, the environmental assessment form. There is a form that needs to be completed, Part 1.

Jacqueline Ricciani: You would get this off of the DEC website, and you can fill it in online.

Steve Morey: Your application has to go to public hearing, which we would normally schedule for our next meeting. However, without having that form..... If you promise to have that portion be completed within the next couple of days. Are you comfortable with that?

Jacqueline Ricciani: I would be comfortable is you gave the applicant a date that it has to be there, and if it's not there, then the notices for the public hearing won't go out. BJ is out of the office until Wednesday.

Steve Morey: Agreed.

Steven Hafner: You said it is online. Would you happen to have the address, the website?

Jacqueline Ricciani: It is the NYS Department of Environmental Conservation.

Steve Morey: I am thinking by the end of the week, or by next Monday. We need to advertise for a public hearing two weeks before the next meeting. If we don't have it in ample amount of time, then we would have to deny the public hearing for next month. We need to make a motion for a public hearing for next month; I want to make sure you are comfortable with that.

Steven Hafner: She told me it would be a 3-month process.

Cirino Bruno: So if he does it by November 2nd, we can schedule a public hearing....

Jacqueline Ricciani: Then that is giving only two weeks. October 26th is two weeks from today.

Motion to schedule public hearing November 16, 2015 provided that the applicant has completed the SEQRA requirements, no later than close of business October 26th by Cirino Bruno, second by Richard Conroy.



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All in favor – 4

Opposed-0

Agreed and carried

Steve Morey: You would also need to mail notifications to every property owner within 500 feet of your parcel of property. That mailing list you will be able to obtain from the Building Department.

Steven Hafner: Do I have to mail to myself?

Cirino Bruno: You're not next-door; your mother is next door.

Steven Hafner: Can I hand it to her?

Richard Conroy: It has to be certified receipt.

Steven Hafner: The people behind me no longer live there.

Richard Conroy: The reported property owner has to have one mailed to them.

Steven Hafner: Okay. So if it comes back unsigned, it's okay. So that is 500 ft from my property.

Steve Morey: BJ will be able to give you that list.

2. Administrative: Interview for Zoning Board of Appeals, Alternate.

Steve Morey: Do you want to interview candidate in public forum, or go into executive session?

Motion to go into executive session, invite Dawn Ryder, liaison, by Cirino Bruno, second by Victor

All in favor – 4

Opposed-0

Agreed and carried

7:55 pm

Jacqueline Ricciani: Just a reminder, you cannot vote in executive session.

Steve Morey: Jacy, I don't believe you need to stay.

Motion to return to regular session by Richard Conroy, second by Victor Kask

All in favor – 4

Opposed-0

Agreed and carried



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8:10 pm

Steve Morey: Prior to the meeting Dawn mentioned to me that there is going to be a scheduled training session next Monday. Is everyone aware of that? Dawn is there anything you would like to mention about that?

Dawn Ryder: You will get two credits for it. We are going to spend two hours, 7pm to 9pm. I also invited the Planning Board. We are going to go over searching through the Comprehensive Plan on the Internet, and searching through codes on the Internet. Please bring your laptops and ipads. You do better hands on.

Cirino Bruno: Is it open to non-Zoning Board members?

Dawn Ryder: Yes, I opened to the public.

Steve Morey: Mr. Supervisor, do you have anything to add to our meeting?

Daniel Sturm: I do not, thank you very much.

Steve Morey: How about Mr. Gettel?

Daniel Gettel: No.

Motion to adjourn by Cirno Bruno, second by Richard Conroy

All in favor – 4

Opposed-0

Agreed and carried.

8:15 pm

Respectively submitted,

Jannetta MacArthur
Recording Secretary