



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 December 21, 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 Steve Morey, Chairman, Jim Crowley, Vice Chairman, Richard Conroy, Victor Kask, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricciani, Attorney, and Jannetta MacArthur, Recording Secretary. Also in attendance, Dawn Ryder, Liaison, and David Biren, Planning Board member.

4 members are present, there is a quorum.

Excused: Cirino Bruno, Dan Brey

Absent: Jesse Komatz

Pledge to the flag

***Motion to approve the minutes from the November 16, 2015 meeting by Richard Conroy, second by Jim Crowley***

***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 Dr, known as Bethel Tax Map #: 15-9-19.13, proposed by Steven Hafner.***

Steve Morey: Mr. Hafner, are you aware of the activity from last month? We need to discuss what occurred last month. First of all our attorney explained to us just before the meeting that this needs to be an application for a Use Variance for that piece of property.

Steven Hafner: Okay. You didn't know this ahead a time?

Steve Morey: Our attorney informed us tonight, just moments ago.

Jacqueline Ricciani: It was discussed at the last meeting.

Steve Morey: You know we did schedule a public hearing for last meeting.

Steven Hafner: Yes I do.



Town of Bethel  
*Zoning Board of Appeals*

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

Steve Morey: For whatever reason, you were not here, and at that meeting, because you were not here, we were unable to verify that the certified mailings went out.

Steven Hafner: I have them.

Steve Morey: Let me go a step further, because of all that, we voted to deny your application. At this time you need to start over.

Steven Hafner: Let me ask you something, the last time I was here, you almost sent me home because you didn't have a quorum. That would have been okay. But because something came up with my life and I couldn't make it up here because I am coming from New Jersey, I am getting penalized for it. What happens if you were one person short again tonight, then it would have been like Steve go home, and we are going to do this again. I don't see the sense in this.

Steve Morey: I understand what you are saying, but we are not penalizing you because you weren't here. If you want to take it as being penalized, you are being penalized because we had no verification of the documentation that was necessary ...

Steve Hafner: It was my understanding that no one called or showed up that it that they objected. So if nobody called, and nobody was here to reject it, all you would need is the evidence that it was sent. That is common sense. So if nobody showed up for it... yes there was a problem with me, nobody came to say I have a problem with that, nobody wrote in to say they have a problem with that, I have the evidence that the mailings were mailed out.

Richard Conroy: We didn't have the evidence at the time of the public hearing. We can't hold a public hearing if we don't have the information.

Steve Hafner: When I called up to explain the situation, and I even said maybe I should remail them out, but I was told no, just come to the next meeting with what you have. I could have mailed them out; I could have got it done before this meeting.

Jacqueline Ricciani: The board needs to make a motion to hold a public hearing, they haven't done that yet. They authorized a public hearing for last time. A public hearing was not authorized for this meeting.

Steve Hafner: Being the fact that I have the evidence and everything was mailed out, nobody called, no one showed up, this still gives you grounds that I have to start over from scratch, with a different kind of variance? This is for a garage that is going to be placed on the ground. I can put shipping containers and put them on the ground.



Town of Bethel  
*Zoning Board of Appeals*

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

Steve Morey: What are you proposing that the board do?

Jacqueline Ricciani: No, no you can't do that.

Steven Hafner: Why?

Bette Jean Gettel: Shipping containers are considered storage units; unfortunately they require a permit, same problem, cannot put a shipping container without a principle permitted use.

Steven Hafner: Then it will be a tractor-trailer.

Bette Jean Gettel: No.

Steven Hafner: That's not really what I want to do.

Steve Morey: Let me just stop you for a minute. We are not going to debate this all evening. You have the option of starting over for a use variance, and I will discuss with the board the possibility of waiving the fee for that, however the paperwork needs to be completed for a use variance for what you would like to do. That is where we stand.

Steven Hafner: Was I not going for a use variance before?

Steve Morey: No.

Steven Hafner: So why do I need a use variance?

Steve Morey: Our attorney was diligent to do research because we had conversation at the last meeting. The board did not understand why it wasn't a use variance.

Steve Hafner: Even if I had shown up last time, it would have been fruitless.

Jacqueline Ricciani: Not necessarily.

Steven Hafner: You are telling me I have to go for a whole different variance; you couldn't have voted on it anyway, I have to redo everything.

Steve Morey: At that time, we would have voted on an area variance, we were under the understanding that it was an area variance.

Steven Hafner: Okay, so I have to resend everything out.



Town of Bethel  
*Zoning Board of Appeals*

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

Steve Morey: Yes, you are going to have to redo the certified mailings to everyone within 500 ft. We would have to establish a date for the public hearing for that use variance. The board can make a motion to establish the date for a public hearing at our next meeting, which would be January 25<sup>th</sup>. However all those mailings have to be completed by then and another application has to be completed.

Jacqueline Ricciani: We're not sure about the short EAF. I think we have one.

Bette Jean Gettel: We have one.

Jacqueline Ricciani: Is it okay?

Bette Jean Gettel: For storage shed on a gravel pad. I have the Part 2 for us to fill out. I will double check with the County. I will see if we need one for a use variance. It is the Ag District.

Jim Crowley: A use variance is much harder to obtain, than an area variance.

Bette Jean Gettel: I can send him the criteria you gentleman use.

Jacqueline Ricciani: It is also in the Town Code.

Richard Conroy: I have an extra copy, I can give him.

Jacqueline Ricciani: You may want to check on the town code on the town website. The Town code has several pages promoted to it. It talks about the type of evidence you need to provide in terms of a lack of economic return.

Steven Hafner: What do I need to do?

Bette Jean Gettel: You have to complete a new application and check off use variance. Once I have that, I have the EAF already, I will check with the County to make sure.... They said I did not need a 239 for the area variance; I want to make sure we don't need one for a use variance. If I do, as soon as you get me the application, I can submit for a 239. If I can get that the beginning of next week because it is a holiday week, you can email the application, then I can still get it into the County and still have 30 days, then we will be fine.

***Motion to schedule public hearing on January 25<sup>th</sup> by Richard Conroy, second by Victor Kask.***

***All in favor – 4***

***Opposed-0***

***Agreed and carried***

Bette Jean Gettel: The mailings have to be mailed a minimum of fourteen days prior to the meeting. The



Town of Bethel  
*Zoning Board of Appeals*

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

sooner you mail them out, the better it will be.

- 2) *Application 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)*

Jay Zieger: This is an existing property. Everything you see here is already existing. The proposal is to convert from a prior use hotel/motel to a summer camp. Summer camps are permitted in the zoning district as are hotel/motel's. Both are allowable uses in the district. The reason for the variance is primarily that summer camps have a minimum acreage of 25 acres.

Jacqueline Ricciani: What district are we in?

Jay Zieger: This is the RD District. The parcel is approximately 21.5 acres. We are a little bit small. The buildings are all existing; nothing is proposed to be constructed. The buildings existing are to close to the lot line.

Steve Morey: Is anything proposed to be torn down?

Jay Zieger: No

Steve Morey: So there will be no change to the construction?

Jay Zieger: Just interior, for example....the dorm buildings...

Mr. Glassman: We don't plan to do any kind of work on the exterior.

Jay Zieger: This existing building is one of the dorm buildings.

Jacqueline Ricciani: What number are you referring to?

Mr. Glassman: It is called building #10.

Bette Jean Gettel: Do you want a little help with this? I went to the site myself, and wrote down exactly what the building numbers are, according to the site plan, that are on the buildings themselves. That is what I am using. Each building out there is numbered. You just didn't get it on your site plan.

Jay Zieger: For example building #10 would be the bunk building. We expect the camp to have somewhere between 150 – 200 boys. Ages 13- 17 ½.



Town of Bethel  
*Zoning Board of Appeals*

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

Bette Jean Gettel: What buildings will be used as dormitories?

Mr. Glassman: 10, 9, 15, and 3.

Jay Zieger: There will be a kitchen/dining room as community kitchen/ dining room, which will remain. The other buildings will be a multi purpose casino building; there will be housing for staff.

Richard Conroy: What kind of variances are you looking for? All the buildings on the back are on the property line. The rear setback is 200 ft. That puts you off that parcel.

Jay Zieger: Again, these are existing buildings. Even as a hotel/motel if they continued to use it, they would not need a variance, because it is a preexisting nonconforming use.

Richard Conroy: We are looking at a large size variance.

Jay Zieger: Large in terms of quantified mathematically large. If you have 200 ft, and this is almost 0, then it is a 200 ft variance. I measure, the zoning laws measure the size of the variance, not necessarily by the mathematical number but by the impact when they say is the variance substantial. It's not... you are 0 and you need 200 ft, is the impact of the variance substantial? And over here I would argue, if you define substantial in the impact context, I argue it is not substantial because it is already in existence. The current use is already a violation if you want to continue the use, the thought is what else you can do with the property other than continue as a hotel/motel which is already a nonconforming use, the buildings are already there, and they are already so close together. The buildings are in good condition.

Steve Morey: You just used the term nonconforming use.

Jay Zieger: Nonconforming by setback, by area, yes. I apologize. The existing buildings already violate the setback for the current use. The variance is not going to increase that violation; it is not going to increase.....to put a building closer to a lot line than it already is. That is why the argument is it is not substantial if you evaluate it in that context.

Jacqueline Ricciani: There are other ways to look at it.

Jay Zieger: Oh yea.

Steve Morey: It is a matter of interpretation I would say. Is this an active hotel/motel now, owned by the same...?

Bette Jean Gettel: Yes it is.



Town of Bethel  
*Zoning Board of Appeals*

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

Jay Zieger: No, we are a contract vendee. We submitted, BJ you have it, a letter from the owner authorizing us to be here tonight.

Jacqueline Ricciani: Are we going to give this project a name?

Mr. Glassman: Camp Ohrmoshe.

Jay Zieger: The reason why we are here now, as opposed to after the ownership is because the contract to purchase is conditioned upon getting approval of the variance, and ultimately to get Planning Board approval. We are here in the early stages; we think that the use will be better than the current use. It will be an active property. We think the arguments for variance would exist, it is not going to change the character of the neighborhood, and it is already there. Again, we are not increasing anything, we are not building any new buildings, and you have a property that is already operating. We are going to operate it in a different use. I don't think that a camp is no more of a good or a bad use. I think it is equivalent. Some may say a camp is better; some may say it is worse. I don't think we change the character of the neighborhood, I don't think it is substantial. The hardship is not a self-created hardship because the buildings are already there and already exist. We are here now, we need a variance to do the use that we want, we would rather get it in the early stages, to get an indication the use variance is something you would consider, or have it not be worthwhile having a public hearing.

Steve Morey: The operation of this facility is now seasonable?

Jay Zieger: Yes

Steve Morey: What is the occupancy of the hotel motel?

Jay Zieger: As a hotel?

Steve Morey: Yes

Mr. Glassman: The manager told me today the occupancy is 350.

Steve Morey: What would the occupancy of the camp be?

Mr. Glassman: Less than that.

Steve Morey: Can you put a number on that?

Mr. Glassman: Maybe 300, definitely not more than that.



Town of Bethel  
*Zoning Board of Appeals*

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

Jacqueline Ricciani: Mr. Zieger said 150 – 200.

Jay Zieger: That is campers.

Jacqueline Ricciani: But you are adding another 100 staff?

Mr. Glassman: Yes.

Bette Jean Gettel: There is a lot of vacant land around this parcel.

Jim Crowley: Yes, I was going to say that. Is any of this for sale?

Mr. Glassman: We tried to contact them. We have sent certified mail to them; we haven't been able to reach anybody. We are absolutely interested, if it is possible.

Jim Crowley: If you buy that, get a few more acres you won't even have to be here.

Jay Zieger: We would probably have to be here anyway.

Mr. Glassman: There are two properties that were adjacent to us on top. One is someone from Jersey, on Butrick Road at the entrance, we tried to find a contact, and we can't reach the people. The other one doesn't even have a house on it; it is just a piece of land in the middle there. If it is available, we are interested. We have sent letters certified, it was undelivered.

Jay Zieger: If we can buy 3.5 acres or more, we would not need....a variance for the 25 acres. But most likely we would need a variance because of the proximity of the existing buildings to the lot, depending again on what is bought. This whole road has various owners.

Jim Crowley: Richard, do you know how much land is to the right here, the back?

Richard Conroy: The back piece has, owned by Pietro is 10.30 acres, and Poso is 11.9 acres. They pay their taxes, so they must get their tax bills, so I can't understand why you can't contact them.

Jay Zieger: They have sent certified letters, but that doesn't guarantee that the recipient would respond.

Steve Morey: Should we go to public hearing on this, would you be willing to bring the proof of mailings and the no responses to the adjacent property owners so that it could be a part of the file?

Mr. Glassman: Absolutely, yes.



Town of Bethel  
*Zoning Board of Appeals*

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

Steve Morey: Anything else from the board? Does the building department have any input?

Bette Jean Gettel: Yes. Just a moment please.

Steve Morey: Could you give me the name again please?

Jay Zieger: Camp Ohrmoshe.

Bette Jean Gettel: Sewer capacity, do you have any idea what it is?

Mr. Glassman: I received the report on the sewers; the Health Department said it was fine from last year.

Bette Jean Gettel: We are going to need to see it.

Jay Zieger: BJ, if I understand the procedure, once we get, assuming we get a variance we would have to go to the Planning Board, and then part of the Planning Board process, before they would approve it, we would have to go to the Health Department for approval for water and sewer.

Bette Jean Gettel: Yes. There is an issue on the grounds right now; there is a lot of garbage. Who is going to do the cleanup?

Mr. Glassman: We will do the cleanup. I was there today.

Bette Jean Gettel: If my calculations are correct between the dorms 3, 9, 10, and 15, that gives them 47 rooms. Do you know roughly how many people per room, is that 4 people per room? Then that is roughly 180 people for the dorms.

Jacqueline Ricciani: Do you know how much acreage is to the right and to the left of the White Lake Turnpike?

Mr. Glassman: 6 and 15.

Jay Zieger: On the 15 acres the only thing is the septic and the leach field.

Bette Jean Gettel: It is also a swamp.

Jacqueline Ricciani: It says wooded.

Mr. Glassman: That is the front part.



Town of Bethel  
*Zoning Board of Appeals*

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

Victor Kask: BJ, dormitory #10, is a little bit isolated in the back there; the driveway encroaches on the neighboring property it seems it may be difficult to get fire fighting apparatus back there.

Bette Jean Gettel: It is. You won't be able to get fire truck apparatus to #10.

Jay Zieger: Which one is that, #10?

Bette Jean Gettel: You can only get up to the dining hall, that's it. Right behind the dining hall is as far as you can get with fire apparatus.

Mr. Glassman: We can make it wider.

Richard Conroy: It is not wide enough for a fire truck.

Jay Zieger: You are saying, the fire equipment will not be able to get over here?

Jim Crowley: It is building 15?

Bette Jean Gettel: 15 you will be able to get fire apparatus to. There is a driveway behind the colony; unfortunately it is on the neighboring property.

Steve Morey: That is more a Planning Board issue.

Bette Jean Gettel: Right.

Jacqueline Ricciani: Are any of them two stories?

Mr. Glassman: They are like split-level. #10, one section toward the front.

Jacqueline Ricciani: Are there two floors?

Mr. Glassman: Part of it has two floors.

Jay Zieger: The second floor is above. The first floor is less than....

Mr. Glassman: The property goes up.

Jacqueline Ricciani: You indicated another structure as two stories?



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

Mr. Glassman: #1.

Steve Morey: The maximum occupancy number is?

Mr. Glassman: Between 300 – 350.

Steve Morey: What is the history of this property? When was this established as a hotel/motel?

Mr. Glassman: Hotel/Motel since the 1880's. This has gone through four generations.

Bette Jean Gettel: This is an old establishment.

Steve Morey: Not all of these buildings.

Bette Jean Gettel: No, correct.

Steve Morey: What is the most recent building? Does this establishment predate zoning?

Bette Jean Gettel: Yes.

Steve Morey: That is what I needed to know.

Bette Jean Gettel: I am going back to 1986 with some of the buildings. 1997 was an addition, 1990 was a hotel annex containing 12 rooms, four bathroom additions in 1992, in 2002 they put in an 8 unit, and in 2001 was an 8 unit.

Jacqueline Ricciani: Those little ones aren't going to be used by the campers.

Jay Zieger: They are going to be used by staff.

Steve Morey: Anything else? If the board feels we have enough information, our next step would be to set up a public hearing for this application. Does the board want to set up a public hearing?

Jim Crowley: What are the front and rear setbacks supposed to be, and sides?

Richard Conroy: Front 200 feet, rear 200 ft, side yard 150, both sides 300 total, maximum height 35.

Jacqueline Ricciani: This board usually looks at a chart or something on the map, to tell them what is required, what is existing, and what you are requesting. There are quite a few buildings



Town of Bethel  
*Zoning Board of Appeals*

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

Jim Crowley: What are you calling the front, the side?

Mr. Glassman: The Old White Lake Turnpike is the front.

Jim Crowley: We're going to call that the front. Where all the buildings are, is that the rear?

Mr. Glassman: Yes.

Steve Morey: We are asking you to do, as your homework for our next meeting, is to scale all of that.

Jay Zieger: Grant Decker can do that; put all of that information on there. He is the surveyor.

Steve Morey: If you could provide that for us at our next meeting.

Bette Jean Gettel: Provide the acreage on the map for both sides of the road for the next meeting also.

Jay Zieger: Again, we are constrained with what's there. If we walked in and this was just vacant land, and we walked in with this proposal, I would have said not to bother coming, but given that everything is existing, and the owners of the hotel are looking to get out of the business, we are proposing an alternative use that we think will work for this property.

Mr. Glassman: It is very well maintained; it is up to code, no violations throughout the summer.

Bette Jean Gettel: As long as Grant is doing that, have him number the buildings on the site plan. If by chance you talk to the property owner, find how many units are in each building. You may want to change what you are thinking of using as dormitories. I do believe on building # 10, the bottom portion is not suitable for dormitories, the other portion I would give that to you, but the bottom I won't.

Jim Crowley: It's not far enough back. It is only 36.5 feet.

Steve Morey: It is agreed that you will come back with a map with that information, with the units numbered and labeled with their uses.

Mr. Glassman: Yes.

Bette Jean Gettel: Check the height of the kitchen/dining room facility, please.

Jim Crowley: You want to use building # 10, 15, 9 & 3 as dorm buildings?

Mr. Glassman: Yes. We will get you clean copies with all of the information on it.



Town of Bethel  
*Zoning Board of Appeals*

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

Victor Kask: You're going to get us a rough count of the current occupancy?

Bette Jean Gettel: Victor, I know when they were running it as a hotel this past summer, every two weeks there was a change in occupants. But I can safely say that 70% of the rooms were used.

Richard Conroy: You said they expanded onto the other properties?

Bette Jean Gettel: There is a neighboring property we believe was being used by their staff, I don't know what the affiliation was.

Mr. Glassman: It was just a rental, and we are not planning on renting.

Jay Zieger: Are there any other questions? BJ, do you send out the notices?

Bette Jean Gettel: No, you do them. I will prepare the notice, and I will provide the list of the neighboring owners.

Jay Zieger: It is 10 days?

Bette Jean Gettel: It is 14 days. If you get it out after January 1<sup>st</sup> you will be fine.

Steve Morey: Will this require a County review?

Bette Jean Gettel: No.

Jim Crowley: Are you sure you want to do this?

Jay Zieger: Yes.

***Motion to schedule public hearing for January 25, 2016 by Jim Crowley, second by Victor Kask***

***All in favor – 4***

***Opposed-0***

***Agreed and carried.***

Bette Jean Gettel: If anyone would like to go to the property, I have permission from the owner to take you. Just make arrangement with me.

Steve Morey: What is the condition of the buildings, structurally?

Bette Jean Gettel: Structurally they are not bad. They are old style. They are better than a bungalow.





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

Steve Morey: Dawn do you have anything?

Dawn Ryder: 6 acres, 300 people. That's it. That is my concern.

Richard Conroy: Do you think it might be crowded? They have a tennis court, and pool.

Jim Crowley: They do not have anything that meets any setbacks.

Bette Jean Gettel: If you want to go up there, give me a shout, just call me, I will take you up.

Jacqueline Ricciani: No more than three at a time.

Victor Kask: I have seen it too.

*Motion to adjourn by Jim Crowley, second by Victor Kask*

*All in favor – 4*

*Opposed-0*

*Agreed and carried*

**8:35 pm**

Respectively submitted,

*Jannetta MacArthur*  
Recording Secretary