

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 September 14, 2014. 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: Stephen Morey, Chairman, Jim Crowley Vice Chairman, Richard Conroy, Robert Yakin, Daniel Brey, Cirino Bruno, Dawn Ryder, Councilwoman, BJ Gettel, Code Enforcement Officer, and Jacqueline Ricciani, Attorney.

Jesse Komatz and Victor Kask, Alternate, absent.

Jannetta MacArthur - Excused

6 members present and alternate present

Pledge to the flag

Also in attendance: Daniel Gettel, Planning Board Chairman, Lillian Hendrickson, and Councilwoman

Motion to approve minutes from the July 2014 by Richard Conroy, second by Jim Crowley

All approved – 6

Opposed-0

Agreed and carried

- 1) ***Application for an Area Variance to add a camping trailer on a pre-existing non-conforming lot for the entire summer season located at 191 West Shore Road, known as Bethel Tax Map#: 22-1-37 & 38, proposed by Neoth Deshe. (Kohn)***

Item removed.

- 2) ***Application for an Area Variance from setbacks related to proposed buildings at Camp Chipinaw located on Silver Lake Road, known as Bethel Tax Map #: 11-1-16.2, proposed by Camp Chipinaw. (Illing)***

William Illing: I am representing Camp Chipinaw. There are actually two pieces of property here. The camp is actually made up of two different properties that is why there are two applications tonight. We can start with Camp Chipinaw, which is the dining hall.

Steve Morey: There is another map that goes along with this?

William Illing: The other property has a couple of pavilions there that we are going to talk about. As far as the dining hall goes....

Jacqueline Ricciani: This is quite confusing, so if I have to write up a resolution or something, I have to be clear on what we are doing. Bethel Tax Map # 11-1-14 is for the dining hall?

William Illing: Correct.

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Jacqueline Ricciani: Okay, and then you have another SBO, and that is for the pavilion?

BJ Gettel: Yes

Steve Morey: 11-1-14, & 11-1-16.2?

BJ Gettel: And I will make the corrections.

William Illing: I will start with the dining hall. We are encroaching the roadway with it. Out front here is an existing fence along the road.

Jacqueline Ricciani: What kind of fence?

William Illing: It is a white vinyl fence. Of course the town has the right of way through there. I have measured the setbacks; basically I measured off that centerline on the road. It is 29 ft on both sides.

Jacqueline Ricciani: I'm sorry you measured off of the right of way, or the center of the road?

William Illing: The right of way was developed by measuring from the center of the road 25 ft on either side. The center of the road is the only known line through there. They own both sides of the road. The Silver Lake campus is all shared with Camp Chipinaw. There is an infirmary, the dining hall that is shared. The only reason I separated them because there is usually an application for the property. I wasn't sure how you wanted to handle that, a variance to two different properties, as a matter of record.

Jacqueline Ricciani: What property is the dining hall located on? Camp Chipinaw, Camp Silver Lake?

William Illing: Camp Chipinaw I guess.

Jacqueline Ricciani: I'm just trying to be clear on what is going on here.

Steve Morey: Are we going into two applications?

BJ Gettel: Whatever the board would like to do. It is one owner that is the thing. It is two different tax maps. The two buildings that they need, area variances are for two different parcels.

Jim Crowley: Let's go by the parcels. The area variance is going to go with the land. We have to go by the Section lot and block.

Steve Morey: Are you going to propose two applications? There may be different circumstances with each one. We are going to look at 14 first.

William Illing: Yes the Dining Hall.

Jacqueline Ricciani: Who is the owner?

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William Illing: Camp Chipinaw Realty Company, LLC.

Cirino Bruno: Do you have two applications by one owner, or two applications by two owners?

William Illing: I guess two owners. They are partners that operate the facility. They have interest in all of the corporations that are involved.

Cirino Bruno: The applicants are two separate corporations that own two different camps?

BJ Gettel: Camp Chipinaw Realty Company LLC & the other is Silver Lake Realty LLC. Michael Baer is the principle owner.

Jacqueline Ricciani: You don't have an owner of an LLC, so he must be the member.

BJ Gettel: He is the president, board of directors.

Cirino Bruno: Has he authorized this gentleman to speak to us?

BJ Gettel: I have the owner's proxy for both.

Cirino Bruno: Forgive me, nothing personal.

William Illing: We are asking for a variance, realizing the zoning now a days goes out to 200 ft in the front yard. We are asking for a variance to go 35 ft from the center. That is where that building will end up, 35 ft from the center.

Cirino Bruno: So you are a 190 ft short of where you should be.

William Illing: Right. Just like all these other existing buildings.

Steve Morey: On this plan you show a chef's cabin, a mail and radio room, they exist in that area?

William Illing: Yes. We would like a 10 ft side yard.

Cirino Bruno: Mr. Illing, on the other side of the road, you have tennis courts, basketball courts? How close are they to the road?

William Illing: They are right up to the 50 ft right of way boundary. They are only a couple of feet...within 25 ft off the centerline of the road, roughly maybe 27ft.

Cirino Bruno: And this pavilion as you move down the road?

William Illing: That's 25 ft, which would be 50 ft off the centerline.

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Richard Conroy: And the end piece is 105?

William Illing: Yes

Steve Morey: The code requires 200, and he is asking for 10. So the difference is 190. Okay.

Jacqueline Ricciani: On the plan it says 14. Do you want to change that to 10?

William Illing: I asked for 10, the plan shows a distance of 14, but I would like to ask for 10.

Cirino Bruno: Mr. Illing why can't they go the other way?

Robert Yakin: I was going to ask about the layout of the building as proposed. I'm not seeing an elevations or renderings of the building. Why can't you put the building...?.

William Illing: It is still incorporating the main building.

Cirino Bruno: Have you seen the site? Is there dirt or a rock behind this building?

William Illing: No.

Jacqueline Ricciani: There was also an application that was submitted to the Planning Board for a special use permit for this construction, which triggered them coming here.

Robert Yakin: You can see where the land does drop behind.

BJ Gettel: The reason for them coming to this board, it is an expansion of the summer camp, the building will now be twice the size from what is currently there and I told them they needed a special use permit, and they went to the Planning Board.

Steve Morey: Simply because the size of the building.

Jacqueline Ricciani: It is a summer camp it needs a special use permit.

BJ Gettel: An expansion of a summer camp.

William Illing: I guess the Planning Board has seen this.

BJ Gettel: Because it is within a 200 ft setback

Steve Morey: Any other questions? We have enough information to propose a Public Hearing for this application.

Motion for a Public Hearing on October 20, 2014 @ 7:30 pm by Jim Crowley, second by Richard Conroy.

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All in favor – 6

Opposed-0

Agreed and carried

11-1-16.2 Proposed Pavilion

William Illing: We have an alternate site for this building. We are asking for a 130 ft side yard variance.

Steve Morey: Again, this needs a special use permit. Has that gone to the Planning Board?

William Illing: I don't know if the board is going to want to give a variance for this. We have an alternate site. It is more expensive to build down there. That would need a variance too.

Jacqueline Ricciani: You need a front yard, and you want to change to 10. That is another 190 ft.

Steve Morey: You are looking at one application for two proposed buildings. Is that correct?

William Illing: This application that we are discussing right now is one pavilion. On this plan it is shown as Pavilion #2.

Cirino Bruno: If we were to reject Pavilion #2, if there is a possibility that it be over here on the left hand side.

William Illing: It is still 20 ft from the property line, or the common property line.

Jacqueline Ricciani: What is this pavilion going to be used for?

William Illing: A theatre. It will be partially enclosed, partially opened.

Jacqueline Ricciani: Partially enclosed, being sides enclosed?

William Illing: I think there will be bathrooms there. I was told when I asked, that it would be partially opened and partially closed.

Richard Conroy: A pole barn?

William Illing: Yes

Jacqueline Ricciani: A pole barn with bathrooms?

William Illing: Yes

Jacqueline Ricciani: And a movie screen, or a stage?

William Illing: Both. Theatre and plays

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Jacqueline Ricciani: It's going to be 135ft x 80ft? That's big. Do you know how many campers you want to accommodate?

BJ Gettel: They average about 100-1,000 campers.

Jacqueline Ricciani: That is a lot of campers. How come you can't move it over?

Steve Morey: They are two separate parcels and two different names.

Jim Crowley: Why don't they add them together, combine them?

Jacqueline Ricciani: It is separate ownership; so one company would have to buy the other one in order to combine them.

Steve Morey: Jacy, what are the setbacks requested now on this site?

Jacqueline Ricciani: On the proposed theatre/pavilion #2 the primary proposal, I suppose, the side yard variance of 130 ft, with a resulting 20 ft setback at a front yard variance of 190 ft with a resulting 10 ft setback. Looking at the alternate side, they are requesting a 130-yard variance for the side yard again resulting in a 20ft side yard. For the side yard requested the same, but we don't have the front yard issue with the alternate location, because it is so far back from the road.

Robert Yakin: I just wonder if you can spin it 90 degrees and then it could help out with some of the setbacks. I would like a little more background on that.

William Illing: It is kind of cornered in this lot.

Richard Conroy: Because the smaller the setback you are asking for.....

William Illing: Do you think the alternate site would be the site you would prefer? They really want that building out front that is what they want. They don't want it anywhere else.

Steve Morey: You still have the same circumstance, not the same, but similar. The side yards....

Richard Conroy: It depends how much room you have on this alternate site; can move the building over to the left?

Jacqueline Ricciani: You as the applicant have to...well one of the criteria that the board is going to take into account is that the benefit of building this pavilion cannot be achieved in any other way.

Steve Morey: As well as the variance that is requested is substantial.

Richard Conroy: The bigger the variance you are looking for, the bigger the negative is.

Jacqueline Ricciani: That information will have to be presented at the public hearing.

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William Illing: If you are going to deny it, then deny it then.

Jim Crowley: You can make this very simple. Go to the alternate site, combine the two lots, you won't even have to be here tonight. You would still have to be here for the dining room building, but not this building. Then you would have your side yard.

Steve Morey: What we are trying to do is to present information to benefit you, or the applicant's benefit. Going back to the first proposal, the question came up about why is the building the way it is, and it looks like you are encompassing an existing dining hall. If there is a purpose for that, it might be to your benefit to present that information at the public hearing for the dining hall. These are all questions that are going to come up.

Jacqueline Ricciari: The plans also show a loading dock, how often is it going to be used. It is very close to the road. The board may want to know all of that information. Can the benefit being achieved in another way? That is one of the criteria. They need to know why you are doing this.

William Illing: For building #2, that is an ideal spot. If you choose the alternate the site....

Richard Conroy: The original site, why can't you move it over? The applicant should probably be here to answer these questions.

Jacqueline Ricciari: For land across the street for the front yard set back, that is the same owner as where the proposed #2 is? But it is across the private drive that is a different owner? So this is a dividing line for the parcels?

William Illing: Yes. As far as the alternate site down back it is very steep on the left down there.

Steve Morey: The less substantial, the better. You are looking at a 200 ft code, you are asking for a variance of 190 ft. That is 95% percent.

Richard Conroy: We have this list of criteria we go through, and this is very substantial.

Steve Morey: And whether or not it can be achieved in some other way, like Jim said, essentially it is the same camp. It's your property, it can be achieved in some other way, combine the lot for the theatre pavilion.

William Illing: The architect can answer some of these questions. Do you want to meet again before the public hearing?

Steve Morey: No. At the public hearing, the next meeting.

Motion for this applicant to go to public hearing on October 20, 2014 @ 7:35 pm by Jim Crowley, second by Cirino Bruno.

All in favor – 6

Opposed-0

Agreed and carried

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Jacqueline Ricciani: BJ, you will look to see if we need a 239?

BJ Gettel: Yes

Motion to adjourn by Jim Crowley, second by Richard Conroy

All approved – 6

Opposed-0

Agreed and carried

Respectively submitted,

Gannetta MacArthur
Recording Secretary