

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 20, 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, Jesse Komatz, Victor Kask, Alternate, BJ Gettel, Code Enforcement Officer, and Jacqueline Ricciani, Attorney.

Absent: Cirino Bruno, Daniel Brey and Dawn Ryder

Seating Victor Kask to vacancy

6 members present

Pledge to the flag

Also in attendance: Daniel Gettel, Planning Board Chairman, Bernie Cohen, and Councilman – serving as liaison.

Correction to minutes of September. The minutes reflected the meeting was September 14th instead of September 15th.

Motion to approve the minutes from the September 15, 2014 meeting with corrections by Jim Crowley, second by Robert Yakin

All in favor- 6

Opposed-0

Agreed and carried

- 1) Public Hearing for an Area Variance from setbacks related to a proposed Kitchen/Dining Hall at Camp Chipinaw located on Silver Lake Road, known as Bethel Tax Map #: 11-1-14, proposed by Camp Chipinaw. (Illing)***

Steve Morey: Camp Chipinaw is being represented by Mr. Illing.

Motion to go into public hearing by Jim Crowley, second by Richard Conroy

All in favor – 6

Opposed-0

Agreed and carried

Paula Kay- Attorney: I am Paula Kay; I am also representing Camp Chipinaw Realty. We have an application in front of you for a front yard variance for a set back for what is existing now as 112 feet to the center line of the road, down to 35 feet. The reason for this variance is because my client is expanding the existing dining hall kitchen facilities. They are going to expand it using the existing footprint going closer to the road and a little behind it. There will not be any additional campers and staff, but they will have nicer facilities for the campers. And better quarters and better working conditions for the staff. One of the reasons we are proposing doing it right here is because there is a concern for traffic throughout the camp. There are deliveries made now to the dining hall. If the dining hall is moved off the roadway, we would have trucks and cars traveling through the camp, where the campers are walking all the time. This way we cut down the traffic throughout the camp. We also wanted to let you know we are not setting any precedent, that there are other buildings currently that are

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as close to the road as the proposed new dining hall. Again your setbacks allow 200 ft, right now we are at 112 feet, and again we are asking for 35 feet from the centerline, or 10 feet from the right of way. Will is there anything else?

Will Illing: No that is everything.

Paula Kay: Any questions from the board?

Richard Conroy: The space behind the existing dining hall, why don't you go back there?

Paula Kay: Because it is a topography issue, and we have the gym right here.

Richard Conroy: I am looking at an aerial picture here; it looks like a big open space to me.

Michael Baer: There is a hill, it goes down. That is used for athletic facilities.

Richard Conroy: What kind of athletic facilities?

Michael Baer: We use it for.....

Richard Conroy: It looks like the facilities are across the street.

Michael Baer: We use that as well.

Paula Kay: A lot of times for example, during non-programmed activity time, you'll have the kids may be playing Frisbee, or something with their bunks. Not a sport per se, but a supervised recreation, and that is where it is conducted.

Richard Conroy: How big is that space from the existing dining hall to the first row of buildings?

Will Illing: About 200 ft deep, 300 ft wide. It is steep. The land does drop.

Richard Conroy: Are you putting in a basement?

Michael Baer: A foundation. There will be storage.

Richard Conroy: How steep is the slope?

Will Illing: About 200 ft. It is 8 to 10%.

Robert Yakin: How many other buildings are in the right of way?

Will Illing: There are two that have been identified on the map here. The mailroom and the Chef's cabin.

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Richard Conroy: Is there a fence along the road?

Will Illing: Yes, on both sides of the road, a white picket fence. There is about 30 ft between the fences on either side of the road. The road itself is 18 ft wide of pavement.

Jacqueline Ricciani: Is that fence going to be moved?

Will Illing: No, not as far as I know.

Steve Morey: Ms. Kay, did you want to present your responses to our test questions as part of the public hearing, or would you prefer we read them ourselves?

Paula Kay: It doesn't matter.

Steve Morey: Does anyone else have any questions?

Robert Yakin: Do you have any alternate to the shape of the building? You are bringing the building up forward. Is there any alternate that you can bring that back, 10 or 15ft, and make up this space elsewhere?

Michael Baer: Our hope was to keep the current building. It's a beautiful building. Part of it anyway. In order to use that, the flow of traffic and the way it was designed, it is the best use of the area, and of course, our biggest concern is the safety of the kids.

Robert Yakin: Basically the layout of the building as you have it now, you want to isolate for the kids.

Paula Kay: If we moved it, the traffic would be going through the camp. Right now....

Michael Baer: We are trying to keep what we currently have.

Richard Conroy: You are looking for a 190 ft variance.

Paula Kay: It is either 190 ft or 112 ft, depending whether it is the centerline or the right of way.

Steve Morey: I'm sorry, you lost me on that. You said 190 or 35?

Paula Kay: 190 or 10 ft. It is 10ft from the right of way, or a 190 ft variance. You allow 200 ft from the right of way line.

Jim Crowley: Where do we normally measure from?

Will Illing: That's the big question here.

Paula Kay: From the center of the road it is a 165 ft variance.

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Jacqueline Ricciani: If the variance is granted the setback will now be 35 ft?

Paula Kay: From the centerline.

Michael Baer: When we initially designed it, we were basing it on the fact that we had many other buildings that were built right along the road in a similar fashion.

Richard Conroy: They were built before. This is a new structure, correct?

Jacqueline Ricciani: So, it is 165 ft variance?

Paula Kay: Yes

Victor Kask: You could mitigate the impact on the road. This building is 380 ft long. If you went 10 – 15 ft further down the hill, you could get rid of some of those peninsulas and increase the road offset by 30 to 40 ft without any real major impact on cost or economics.

Paula Kay: Then we get into an issue with the separation between the gym and dining hall.

Jacqueline Ricciani: Measure from the lot line.

Jim Crowley: The lot line could be in the center of the road.

Daniel Gettel: It's the road map.

Steve Morey: The lot line being the edge of the right of way? What is your interpretation Jacy?

Jacqueline Ricciani: Where the lot line is, because I don't see any language in our code referencing right of ways.

Jim Crowley: I have a deed that goes right through the center of the road. That's where the pins are. You would need a survey where his property starts. I always say the center of the road.

Will Illing: He owns both sides; there is no property boundary lines along the road, the middle of the road.

Daniel Gettel: I would suggest when you do the variance; give a distance from the center of the road.

Richard Conroy: Are we back to the center of the road, 190?

Jacqueline Ricciani: 165

Robert Yakin: My major concern is, as a firefighter of White Lake, if there is a fire, will we have enough room to operate from at 35 ft from the center of the road? It is a little bit tight. Do you have plans of sprinkling and fire alarming this building?

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Michael Baer: Not sure yet.

Paula Kay: You should know, if this board approves this project tonight for a variance, it will be going to the Planning Board, I'm sure the Planning Board is going to have a full discussion of fire safety as well.

Steve Morey: Any other comments from the board? We do have some folks that have signed in to speak at this Public Hearing or the second Public Hearing or both.

Robert Lacey: 2 Silver Lake Road: I have several concerns with this going forward. The camp has been doing huge expansions the last couple of years. A lot of building projects. I have a question; do we have a number of campers to be allowed to be at this camp currently?

Steve Morey: Do we have this information recorded with the Building Department?

BJ Gettel: The New York Department of Health has this. They issue a permit every year. They know exactly how many children are permitted there.

Steve Morey: Can anyone answer that question right now?

BJ Gettel: Not at this time

Robert Lacey: Do we have a proposed number of capacities for the dining hall?

BJ Gettel: That will be dictated once I have the final set of plans.

Robert Lacey: I am just asking, because we are talking safety. Mike's been talking about safety by keeping closer to the road. We already have issues with children in the road, walking in the road, golf carts in the road, four wheelers in the road, they park in the road, they don't yield right of way to traffic by just stepping to the edges of the road, and they run out. If they bring this up closer to the road as he has proposed, you are pushing children closer to the road. As far as traffic into the camp, there is already a gate that goes across that driveway, and they have traffic that goes in there already that is controlled. Moving it closer to the road and saying that it is a safety to control traffic is.... as you mention in a fire, I asked about the capacity of the hall, because where the egress is? Where do all of the kids go in case of an emergency? If it is close to the road, where do they egress to? Will they be in the way of emergency vehicles, emergency workers? It is a concern, because it is so close to the road. There are a huge number of young kids. They already have an issue with kid's safety crossing the road. Another issue is the water table. Has there been any testing draw down on the water table, such as a 48-hour pump test? Has that ever been done?

Jacqueline Ricciani: That is more of a Planning Board issue.

Robert Lacey: Okay. We speak to that because of client change and drought, what happens to the area water table for the rest of us that surrounds the camp. As I said, there is a lot of building going on.

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There is currently a building going on, the other construction right now. On the plans it is supposed to be a pavilion. This current construction looks like a large housing unit like they have done in the last couple of years. It is huge, with a full-subdivided basement, with a wrap around porch. This is not a pavilion. I was wondering if there was some type of oversight on the building that is going on at this place? They also have some other buildings that I see are on the plans, they are doing beyond this. Are they actually building what they say they are building? As I said this is supposed to be a pavilion, and it's not a pavilion.

Richard Conroy: Is it in the same area as the dining hall is? This side of the camp?

Robert Lacey: It is on this side of the camp. The old Hillel property, they call Chipinaw and Silver Lake. I think that is what they renamed it.

Steve Morey: I'm confused. You're say there is a building...

Robert Lacey: There is a building currently under construction, it is listed on the plans, and I checked it out today. It is supposed to be a pavilion on the plans.

Steve Morey: That is the second public hearing.

Robert Lacey: That is another building. That is going farther from the road, behind the pool.

Richard Conroy: You are saying on this parcel....

Robert Lacey: The adjoining parcel. The parcel they have a pavilion proposed that you are looking at tonight, this is a separate construction.

Steve Morey: Beyond the pavilion building...

Robert Lacey: Other than the pavilion they are proposing tonight.

Steve Morey: To address your concern about that, I can only presume that they already have a building permit, and that has already gone through the Building Department.

BJ Gettel: Yes it has.

Steve Morey: I understand it may be an issue to you, but it isn't an issue at this meeting.

Robert Lacey: Okay where does that get taken up? The reason I bring it up, is it an oversight. Town oversight? It is listed as a pavilion, but is being built as something other than that.

Jacqueline Ricciani: This is the Zoning Board of Appeals. They only have jurisdiction to determine variances.

Robert Lacey: That's why I was asking, where do I go to find out about this building?

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BJ Gettel: Come to the building department tomorrow, and speak with the building inspector.

Robert Lacey: Thank you for your time. These are important issues though.

Stan Rubin – 116 Silver Lake Road: I have two questions. The road that runs through the two camps, that is for public consumption, correct?

Richard Conroy: It is a public road.

Stan Rubin: And it’s always going to be a public road?

BJ Gettel: Yes

Stan Rubin: The other question I had is, Michael, when the trucks come to deliver food, will they deliver in the same way, or is there a different entrance?

Michael Baer: The same way

Steve Morey: Anything else from the board? I think we have a couple of options here. We can close this public hearing and go to our regular session to deliberate and/or take action on this particular application or if there is a need to, extend this public hearing. Or we can just close this public hearing and go to the second public hearing and do all of our deliberations at one time.

Richard Conroy: I would like to do this first.

Jacqueline Ricciani: Before we close the public hearing, Ms. Kay has prepared a narrative; I think was distributed to everyone. .

Motion to close public hearing by Richard Conroy, second by Jim Crowley

All in favor – 6

Opposed-0

Agreed and carried

Motion to receive and file narrative prepared by Paula Kay, by Jim Crowley, second by Richard Conroy

All in favor –6

Opposed-0

Agreed and carried

Steve Morey: If you like, I will read this narrative that was prepared.

Richard Conroy: I don’t see any need for you to read out loud.

Steve Morey: As I am reading this, what did we decide the variance would be?

The variance is 165 ft from the center of the road.

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Paula Kay: Can I clarify something for the record. I know there was a concern of kids on the road. The dining hall access is going to be on this side, so there won't be access, egress, except for emergency egress on the roadside. Because this is the proposed dining hall and this is the storage and kitchen back here. The majority of the kids and staff will be entering from this side (showing on map) this is furthest from the road, but we consider this the front of the building.

Steve Morey: Thank you. We can either go by the script presented to us, or start from scratch.

Whether benefit can be achieved by other means feasible to applicant:

Richard Conroy: It's the same.

Steve Morey: I will ask the question, and the board can make the determination.

Whether benefit can be achieved by other means feasible to applicant:

Richard Conroy: I think they can move the building back.

Will Illing: Can I respond to that. The way the building is laid out is pretty ideal. Right now they have all of the loading activities...

Richard Conroy: That is my opinion. I understand. I deal with this all the time.

Robert Yakin: I am going to disagree with Rich. I'm going to say no. The elevation change is pretty substantial, being in construction, I don't think it can be overcome.

Jim Crowley: I feel it could be moved back too. I don't feel that 20 ft is substantial.

Steve Morey: Mr. Illing approximately what percentage is factored here in terms of the enlargement of this building?

Will Illing: The new building is about 40,000. The existing is 12,000.

Steve Morey: You are talking about a 250 % increase, something like that?

Will Illing: Roughly

Steve Morey: My opinion is, these days, pretty much anything can be done, even in construction. I think it can be achieved in some other way.

Jesse Komatz: I believe it can be moved back.

Whether the variance will produce an undesirable change in neighborhood character or to nearby properties?

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Steve Morey: I see Ms. Kay has responded to that, by saying that the nearby properties and neighborhood is the same organization. I don't know the proximity of homeowners.

Jesse Komatz: How long has this camp been here?

Michael Baer: 1926

No – is the consensus of the board

Whether the request is substantial?

Richard Conroy: I don't think there is any question that 165 ft is substantial.

Yes – is consensus of the board

Whether the request will have adverse physical or environmental effects?

Robert Yakin: I don't think it will, if there aren't any additional campers, or additional staff.

Jim Crowley: It's an interesting question. Why are you building a bigger building hall?

Michael Baer: We are tearing down some of the old dining room.

Jim Crowley: Some of the existing dining hall?

Michael Baer: There are a bunch of dining rooms that join this main part of the building. We are trying to keep the main building, it kept being added on. As I said in the last meeting, bungalow style, we are trying to take the old part down, and rebuild.

Richard Conroy: I don't think you were here.

Michael Baer: At the Planning Board.

Steve Morey: What you are saying is the existing dining hall is original plus additions?

Richard Conroy: This representation is what is there now?

Michael Baer: I have to look.

Paula Kay: To also answer your question, if they can store more food in the beginning of the summer. They won't need more deliveries, this will help with traffic.

Jim Crowley: I get that part, but you still have the second floor. Does that mean you have an increase?

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Paula Kay: No

Jim Crowley: Then why do you need a new dining hall?

Paula Kay: I do believe that one of the things I have seen like what Camp Chipinaw is doing, for marketing, is building newer dining halls. One of the ways to bring people is to have newer facilities.

Jim Crowley: My question is we are going from a 12,000 ft dining hall, and you are adding 27,500 more feet to it.

Michael Baer: We have another dining hall on our Silver Lake Campus. The design of this new dining hall is designed to feed everybody.

Jim Crowley: So that one leaves then?

Michael Baer: We are getting rid of that one. The DOH is pressuring me to do so.

Richard Conroy: You are bringing from one side of the camp to the other. How many people are we talking about?

Michael Baer: Everyone from Silver Lake.

Jim Crowley: Where is that dining hall? Why don't we get told the full story here, of what is going on.

Jesse Komatz: You are looking at 500 people, correct?

Jacqueline Ricciani: Campers and staff also?

Michael Baer: Yes

Jim Crowley: It is a lot easier to come up with a plan and determination at least on my part, if you put your cards on the table.

Michael Baer: I thought that was all done.

Jim Crowley: No, I had no idea this was going on.

Richard Conroy: We weren't told any of this.

Steve Morey: Let's get back to the question I had, this was shown as the existing dining hall, is that encompassing what you were saying were additions?

Michael Baer: That is the full dining hall on the map.

Steve Morey: So you are saying a portion of that building is going to be taken down and rebuilt as part

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of this new structure?

Michael Baer: Correct.

Whether the request will have adverse physical or environmental effects?

Jim Crowley: No

Jesse Komatz: I think it will physically. Although you say it is the back of the building, I can't imagine that people are not going to be walking back and forth, and so close to the road and kids walking back there it is pushing them closer to the building. You can tell me you don't let them back there, but kids are kids.

Michael Baer: Unfortunately the entire camp is built right along Silver Lake Road.

Jesse Komatz: Exactly, but you are pushing them closer to the road. Anyone that walks through there, you are pushing them closer.

Michael Baer: Unfortunately we have taken over that whole area. I can understand why it is a concern; it's the way it is now. I don't think it is going to change it one way or another.

Robert Yakin: Do the kids go back and forth now?

Michael Baer: Yes, they go back and forth all the time.

Jesse Komatz: We wouldn't want to make matters worse.

Robert Yakin: They are going back and forth for athletic events. How is this making it worse?

Steve Morey: I think that might be more of a Planning Board issue, but what you just told us essentially 250 more kids will be eating in this dining hall, which puts 250 more kids crossing the road.

BJ Gettel: No, both dining halls are on the same side of the road.

Steve Morey: Okay. As a board, how do we consider whether the request, or what is our response to whether the request will have adverse physical or environmental affects.

Richard Conroy- No

Jim Crowley- No, there is a problem already.

Consensus - is no

Victor Kask: I think it does increase the perceived congestion of the road. It's a big building. It's almost 400 ft right along the road.

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Whether the alleged difficulty is self-created?

Consensus of the Board – Yes

Steve Morey: We have a SEQRA form?

Jacqueline Ricciani: No SEQRA. Setback is type 2.

BJ Gettel: Still getting used to the new SEQRA forms, I apologize gentleman.

Jacqueline Ricciani: It is an individual setback. It's not subject to review. You are free to consider some of the environmental impacts, you are free to do that it's not required.

Steve Morey: Does the board wish to do this?

Richard Conroy: No

Return receipts received

Jim Crowley: Does it need County review?

BJ Gettel: No, I did check that.

Steve Morey: Okay, what is your pleasure?

Richard Conroy: I have 3 yes answers out of 5, as far as the questions. That would make me vote not to grant the variance.

Jacqueline Ricciani: If I may, these factors are just what you need to consider.

Richard Conroy: I understand that. This is what I consider. My consideration is based on the answers to these questions, I think they can move the building back, I think the variance is quite substantial at 165 ft.

Steve Morey: At this point, unless there are any other deliberations, we will need a motion to either grant or deny this application.

Motion to deny variance application by Richard Conroy, second by Jesse Komatz

Steve Morey: Any other discussion on the motion?

Jim Crowley: Yes, I have some discussion on the motion. I see what Rich says. 3 out of 5, the problem is the one, whether it is self-created. In my opinion every variance is self-created. I would say it is a tie. Normally I wouldn't be in favor of a huge variance as this; my opinion is that there is so much stuff built

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on both sides of that road already. I guess he could move the building, but would it really make much of a difference at the end of the day? He could be here in two years asking for another variance for another building in front of it. I don't know. You are getting rid of a building close to the road?

Michael Baer: Yes

Steve Morey: As a review, whether the benefit can be achieved by other means, or in some other way, we responded, yes, it could be. Whether the variance would produce an undesirable change in the neighborhood character or nearby properties, we said no. Whether the requested variance is substantial, we said yes. Whether the alleged difficulty is self-created, we also said yes, we had kind of a split decision, will have an adverse physical or environmental affect. We had some yes' and some no's. If that helps some of us decide. Do you need more time to think, Jim?

Jim Crowley: I have a question. Why does it have to be put right here?

Michael Baer: To save the current building. We thought it was a clever design. To replace the part we are taking down, and to add a third dining room that would take over the Silver Lake dining room, and then having a kitchen right behind it, it made sense so that it could feed all three dining rooms.

Victor Kask: Are you going to see the existing building anymore? It looks like it is surrounded.

Michael Baer: Nope. We are just extending, to what we consider the front, a little bit. Basically it is a covered porch.

Steve Morey: Does the building department have an opinion about this setback and the bounds to the roadway? You don't need to respond, I just wondered if the building department would have an opinion.

BJ Gettel: You are getting rid of a lot of safety...right now they have some violations in the current building. To bring up to today's standards, this new building would achieve that and satisfy our office and satisfy the Department of Health. It will need to be sprinkled, because of the size of it. It will need a fire suppression system in it; it will need an alarm system into it. New York State Building Code dictates a lot of the fire safety issues. There will have to be numerous means of egress to get people out of the building in a safe manner. They will be required to have fire drills.

Steve Morey: Mostly these concerns are for the Planning Board.

BJ Gettel: These were questions you gentlemen had as well.

Steve Morey: This 200 ft setback of this kind is it a recent change?

BJ Gettel: It is a recent change when they redid the zoning in 2009, from 25 ft.

Steve Morey: My view of that is that over time buildings may deteriorate and need to be replaced they would be required to be 200 ft back. We are looking at something you are considering as new to last a

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long time and contradicting those code changes.

BJ Gettel: Correct. With the added storage there will be less truck traffic. Should it cut down on deliveries? I hope so.

Michael Baer: We have property on both sides of that road. It makes it very tricky.

Jim Crowley: Bernie, as former Highway Superintendent, have you had problems going up and down this road?

Bernie Cohen: I never have in the past. I've been by there a lot of times. Once in awhile you see some people on the road, but they have always been off the road. I have never seen four wheelers, golf carts. Maybe it were times I was on the road, and they weren't there. I am not disputing the doctor's remarks. It was always pretty clear. Any of these roads in the summer you have to keep your speed down. It is a summer project, basically.

Steve Morey: We have a motion on the floor to deny this application.

BJ Gettel: Gentlemen are you ready for a roll call vote, or do you need more time?

Jim Crowley: We have 62 days to decide.

Steve Morey: Is that what you are proposing, Jim?

Jim Crowley: I'm just mentioning it. What does the board want to do?

Steve Morey: I am going to suggest we do the roll call vote. I believe, if I'm not mistaken that if your response is affirmative to deny the application, we will need to justify that response to deny.

Jacqueline Ricciani: I think the discussion that took place when you were considering the factors, the primary reason would be it could be achieved in another way, and also that it is quite substantial. I think there is enough discussion to write a decision if that is the way the vote goes. If the vote goes the other way, there were other things that were discussed.

Roll call vote:

Robert Yakin – No to the motion

Jesse Komatz – Yes to the motion

Richard Conroy – Yes

Victor Kask – Yes

Steve Morey – Yes

Jim Crowley - Yes

Motion passed to deny application

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5 Ayes
1 Nay

Agreed and carried.

8:35 pm

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

Motion to go into public hearing by Jim Crowley, second by Robert Yakin

All in favor – 6

Opposed-0

Agreed and carried

Paula Kay: Mr. Chairman, this is for a side yard setback. The application is from Silver Lake Realty LLC. It is a proposed theatre pavilion. It is a covered pavilion located right here on your map. The issue is the side yard between the land of Silver Lake Realty, and the land of Chipinaw Realty. It is part of the camp but they are owned by different entities. So we have a side yard requirement that is 35 ft in the code, and the proposed is 20 ft from the side yard. And again, this is a topography issue, correct Will? That’s why it needs to be where it is. Again, it is a covered pavilion; the purpose of this pavilion is for additional rainy day activities for campers, and nighttime activities. The capacity is up to 300, for campers and staff combined.

Robert Yakin: Was this the alternate location?

Will Illing: Yes. That is why it is different. This does not need a front yard. Just a side yard.

Steve Morey: The code requires 35 ft, and you are looking at 20, so the variance would be for 15 ft.

Robert Yakin: Are the property owners the same on both sides?

Paula Kay: This is Silver Lake Realty, and this is land for Camp Chipinaw. It is one camp, but two different entities. Which means there are different lending issues, maybe different owners.

Victor Kask: Where is the 35 ft allowed side yard setback?

Steve Morey: What is noted as 20 ft on that map, it should say 35 if it were to meet code.

Victor Kask: It says 150.

Jacqueline Ricciani: RD district, side yard is 150.

Richard Conroy: So we aren’t talking about 35 ft.

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Jacqueline Ricciani: 150 side yard.

Paula Kay: On the map it is 150.

Jacqueline Ricciani: So the variance is 130.

BJ Gettel: So the board is aware, because mailings were to both the same individuals, I had them put both variances on one sheet.

All mailings received

Jim Crowley: Did you get any letters back?

BJ Gettel: No, I didn't get back any correspondence.

Robert Yakin: So these are different owners, corporations. Do you represent both of these corporations?

Michael: LLC's. Yes, I am a member of both.

Richard Conroy: This area where you have written Silver Lake Realty, LLC, is that all wooded there?

Will Illing: Yes

Richard Conroy: It looks like there is a clearing here. What's there?

Michael Baer: Sewage.

Robert Yakin: What made you decide to go to the alternate location as opposed to what you proposed last month?

Michael Baer: Better location. I had the room.

Richard Conroy: No way cutting a piece from the other property?

Michael Baer: There is an interior road.

Paul Kay: The most impacted property owner is Chipinaw Realty. They don't have an issue with the side yard setbacks. I understand what you are saying, If the applicant would cut a piece out of here, that would require subdivision review by the Planning Board, it wouldn't be simple, nothing is simple, but the mortgages on here would have to be satisfied in order to subdivide pieces, so that is not a simple procedure at all.

Richard Conroy: So now you are looking at a 130 ft variance?

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Paul Kay: Yes.

Michael Baer: I wish you could come out to see the property. It paints a whole different picture. They are right on top of one another; there is no difference between one or the other. Most people that come don't know the difference between which is Chipinaw, and which is Silver Lake.

Richard Conroy: The point is the requirement is the setbacks are from the property line.

Michael Baer: I understand. You are worried about setting precedence for other things that are going to come in the future, from what I understand.

Richard Conroy: Every time we grant a variance, there is a possibility.

Michael Baer: The precedent is that I already have buildings that are there.

Richard Conroy: But you are talking about new construction.

Robert Yakin: I think it comes into play the character of the neighborhood. I wouldn't ignore that in my decision.

Jesse Komatz: Is there a reason why you have to be so close to the line? You couldn't move it back towards this other road?

Michael Baer: There is an activity area there, an archery range.

Jesse Komatz: The topography wouldn't stop you from moving it back?

Michael Baer: There is no other space

Will Illing: There is almost a swale that comes down by the lake. It isn't a good location.

Richard Conroy: It looks like it is a wooded piece there.

Will Illing: That's not correct. It looks like there is more clearing.

Robert Yakin: Even if you move it to the left, you still need a variance; it's really a moot point if you ask me.

Jesse Komatz: You wouldn't need as much.

Robert Yakin: A variance is a variance.

Paula Kay: I know you are worried about setting precedence for a large variance, but again if this was an application and the owners from Camp Chipinaw came in and spoke to you under public comment

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and said, we support this application. You would take that into account, because this is the most impacted property owner. Just like if this was a house, and the homeowner said we have a problem with this, it is too close to us, and it's going to impact our lifestyle, here you have the owner of this property saying, we are essentially one, we operate all together, and this doesn't impact us. This is something that will actually help to improve our property and improve the character of the neighborhood.

Steve Morey: Anything else from the board? Again, we have this list from the public who have signed the sheet. Dr. Lacey do you have anything you would like to say for this application?

Robert Lacey: My concern is you are setting a precedent for future variances. When you are doing one, you are going to get more and more. I know the properties are owned by, let's say the same entities, but they are different but work in conjunction with each other, but if you have some other camp come up, trying to get a variance, how do you deny it for the another camp. It will be closer to my house; it will make it four times as loud. That is basically my only concern.

Mr. Rubin: You mentioned concerns about the children. There is nobody that has more concern for the children than the owners of the camps. They have fire drills, and they have instruction for their staff, and the insurance companies come, and they make sure they do everything properly. I don't think your concern is nearly as great as his concern.

Michael Baer: I would like to speak on behalf of Camp Chipinaw. As the neighbor to Silver Lake..

Steve Morey: Excuse me, just a minute. I have been lost this whole evening. It seems to me that Camp Chipinaw LLC, and Silver Lake Realty, LLC own two separate parcels of property.

Michael Baer: Correct.

Steve Morey: Can you describe to me that relationship to Camp Chipinaw?

Michael Baer: Same owners

Steve Morey: So you are saying that they are the same personnel that are owners?

Paula Kay: Camp Chipinaw is a camp that is owned by two different LLC's. The applicant for this application is lands of Silver Lake Realty, LLC. Michael is speaking now as a neighboring property owner.

Richard Conroy: Isn't the property owner also?

Paula Kay: He is a member of both LLC's.

Michael Baer: I just want to mention as a neighbor I am in favor of it. I think it is a great plan. It will enhance Camp Chipinaw. I just want to let you know that.

Steve Morey: Does the board have any other questions?

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Motion to go to regular session by Jim Crowley, second by Richard Conroy

All in favor-6

Opposed-0

Agreed and carried

Motion to receive and file narrative from Paula Kay, Attorney for the applicant, by Jim Crowley second by Richard Conroy

All in favor-6

Opposed-0

Agreed and carried

Steve Morey: We have all had the opportunity to read the narrative. We will start from the beginning as we did before.

Whether benefit can be achieved by other means feasible to applicant:

Robert Yakin: I will say no. My opinion, when I look at this site map, the site plan, wherever they want to place this, there will be a variance. They rejected another lot, which was proposed last meeting for their own reasons. I don't see how they are going to be able to accomplish in another way.

Steve Morey: As a board, are we somewhat in agreement?

Victor Kask: We are only looking at a third of the site.

Steve Morey: I don't know what you mean by that, Victor. Aren't we looking at their total property?

Victor Kask: I don't think so.

Richard Conroy: I don't think there is any other space.

Victor Kask: If it has to be on that lot, yeah.

Consensus of the board - No

Whether the variance will produce an undesirable change in neighborhood character or to nearby properties?

Steve Morey: There is only one nearby property, which is yours, correct? No.

Consensus of the board - No

Whether the request is substantial:

Steve Morey: As pointed out to me by Victor, in the script, your side yard setback is 35ft, and we come to find out it is actually 150. I think we all agree it is substantial.

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Consensus of the board - Yes

Whether the request will have adverse physical or environmental effects?

Steve Morey: No. Not adding capacity, not adding staffers, and no additional campers.

Consensus of the board - No

Whether the alleged difficulty is self-created?

Jim Crowley: Absolutely.

Steve Morey: I don't think they really have a choice; it is property that they own. They would need a variance no matter where they put it.

Richard Conroy: If they didn't build a building.

Jim Crowley: Not necessarily. They could put it right in the middle.

Jesse Komatz: Not when you look at this map.

Jim Crowley: It's right here with the scale? Are we going by that photograph, or are we going by this print?

Richard Conroy: Well he has a sewer over here.

Jim Crowley: It doesn't show it.

Richard Conroy: Well, he says.

Jim Crowley: You got sewers, you got archery ranges, and I wish these things would be correct? It is very hard to make a decision, when all of the information is on the map, and then hearing this at public hearings when we are supposed to make decisions. I would like to see it on the maps, so we can take measurements.

Will Illing: We are explaining to you.

Richard Conroy: Jim is right. If your sewer is here, it should be indicated.

Is the alleged difficulty self-created?

Consensus of the board - Yes

Steve Morey: The only thing we responded yes to is whether the request is substantial, and whether the alleged difficulty is self created.

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Motion to grant variance by Robert Yakin, second by Jesse Komatz

Richard Conroy: I would like it noted, even though the company names are different, we are essentially talking about the same people, if this comes up some other time where somebody says well you gave Camp Chipinaw this variance, if we do, we can say that Silver Lake and Camp Chipinaw are in effect the same entity even if they have different names.

Robert Yakin: I think we established that in the minutes, I would think.

Richard Conroy: I want to make sure.

Jacqueline Ricciani: I will make sure it is noted in the decision. The other thing along those same lines that also makes this application unique is not just that they are essentially owned by the same entity, but they are used in conjunction with each other. The two properties have a common and intertwined use with the campers going back and forth. I think that is also a unique aspect of this application.

Roll call vote:

Robert Yakin – Yes

Jesse Komatz – Yes

Richard Conroy – Yes

Steve Morey – Yes

Victor Kask – Yes

Jim Crowley – Yes

Motion approved

Application has been granted.

BJ Gettel: I just sent you gentleman another announcement regarding training in November. One is farmland protection. Another one is on sustainable growth.

Steve Morey: Bernie is there something you would like to present to the board?

Bernie Cohen: The question that Jim asked about the road issues. I have been up and down that road a hundred times; I have never seen any problems on the road, as far as accidents. It is what it is. You have to go along with the rules and regulations. As far as activity on the road, it is as quiet as can be. Especially in the winter.

Jim Crowley: Mr. Chairman, I have a statement. Going forward I feel from here on out that at these Zoning Board meetings, we have to have accurate information to make a decision, one way or another. Applicants can't say this is here, this is there, but going forward from here on out, if we don't have the information, we can't come up with a decision.

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Steve Morey: I agree with Jim.

Jim Crowley: It's crazy. We should say stop and go back. We shouldn't keep proceeding.

Jesse Komatz: It should show septic systems, wells.

Jim Crowley: You give me a site plan, if you want buildings to be moved, I want to see topography. We are basing our rulings, 90% of the time on a piece of paper we are looking at. It has to be a detailed site plan. If it is not detailed, we should send it back. To many times we have been sitting here with this, and as vice chairman, I don't want to do it anymore if we don't have the information.

Steve Morey: I agree with you. How do we resolve this as a board? Do we do this the first time they come to the board?

Jesse Komatz: Do we make it a condition to the applicant?

Jacqueline Ricciani: Absolutely. You tell the applicant what you want.

Jesse Komatz: When they apply to BJ, should it be in the set of instructions that states the site plans....

BJ Gettel: It is in the town code.

Jim Crowley: I want a complete site plan, a survey, a deed description, something.

Jacqueline Ricciani: So the first time the applicant comes, you can say we would like this to be a complete application, we would like to see, whatever it is that you want, and they come back the next meeting. If it still isn't to your satisfaction, then you don't have a complete application, you can't schedule public hearing, tell them what you are looking for. The Planning Board does it all the time. If you are not satisfied with what is being presented, tell them what you want, and if they want to go forward with their application, that is what they need to do.

Richard Conroy: That should fix that. We do need all of the information.

Michael Baer: Having never gone through this procedure, I do believe you guys should be visiting these sites. Go see what it is.

BJ Gettel: You can do that, but it needs to be three or less. If you schedule with me, I can coordinate with someone who will be there who can answer your questions.

Richard Conroy: I'm out there all the time.

Steve Morey: Anything else?

Nothing

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Motion to adjourn by Jim, second by Richard Conroy

All in favor – 6

Opposed-0

Agreed and carried

9:10 pm

Respectively submitted,

Gannetta MacArthur
Recording Secretary