

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 March 19, 2012. The meeting was held at the Duggan School, 3460 State Route 55, Kauneonga Lake, at 7:30 PM. On the agenda at this time was the following:

In attendance: Stephen Morey, Chairman, Jim Crowley, Vice Chairman, Richard Conroy, Jesse Komatz, Robert Yakin, Cirino Bruno, Alternate, Jacqueline Ricianni, Attorney, BJ Gettel, Code Enforcement Officer, and Jannetta MacArthur, Recording Secretary

Daniel Brey, Robert Brown and Denise Frangipagne – excused

Seating Cirino Bruno as alternate

6 Members in attendance

Also in attendance: Daniel Gettel, Planning Board Chairman

Pledge to the flag

Motion to approve minutes from the February meeting by Jim Crowley, second by Richard Conroy

All in favor – 6

Opposed –0

Agreed and carried

- 1) Public Hearing for a Use and Area Variance to change a pre-existing bungalow colony into a summer camp located in the RD District at 411 Old White Lake Turnpike, known as Bethel Tax Map # 13-1- 11.2 and 11.5, proposed by Congregation Eitz Prie. (Jacobowitz)***

Motion to go into public hearing by Jim Crowley, second by Jesse Komatz

All in favor – 6

Opposed-0

Agreed and carried

Chris Brunjes: - Adler Engineering. I am representing our client in the proposed change of use, for their property, on Old White Lake Turnpike. It is currently a seasonal bungalow colony and they are hoping to change to a summer camp. The issue is, it was recently rezoned as a RD classification in which bungalow colonies are not permitted, but summer camps are as a special use. We have come

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before the board to change the use. There are two separate parcels on both sides of Old White Lake Turnpike. On the eastern portion is where most of the residents are. On the western portion there is a pool and a casino and 18 acres out into the woods and a stream. The camp is in a slight state of disrepair as we mentioned at the previous meeting. There are many outstanding violations, but there has been work completed since the last meeting. Specifically regarding the water heaters, he is also in the process of cleaning up the garbage debris and construction debris, trying to make the area presentable. There were several remarks made at the previous meeting regarding showing a complete area, which shows the relationships of the buildings and what areas are wooded. There was a note with regards to the recreation field, now at the previous meeting there was a little bit of a misunderstanding. We were labeling the recreation field as a baseball field, but in general, it is going to be a recreation area. If they want to play baseball, they will bring out cones, or bases bought at Wal-Mart, and they will just set something up. It won't be an official backstop or anything concrete set in this area. It is just going to be for their use, as they deem fit. We showed setbacks where those locations are; there are some buildings that do not need setback requirements for a RD summer camp. We show the water and sewer lines. They do have a leach field, on the adjoining parcel across on Butrick Road, and that is under a 99-year lease. It was recently signed so it is not going to be an immediate concern of the property being..... the lease running out and there is no place to put a leach field. Before that time comes they will renew the lease, or there is an ample area to go and reconstruct a leach field if necessary. Are there any questions from the board? There is also a mention of a financial report that goes and shows the comparison because one of the items required if the change of use would be profitable to the owners of the property. My client has the necessary paperwork and billing for your review. Any comments from the board?

Steve Morey: Are there any questions, or do you want to do it after the public hearing is closed. Have the return receipts received

Chris Brunjes: I left them in my office. They were mailed out. I received 7 of the 9 that were mailed out.

BJ Gettel: You will forward them to me?

Chris Brunjes: I will drive them over.

Steve Morey: Does this need a county review?

BJ Gettel: No

Steve Morey: So, there is no other review besides this one.

BJ Gettel: No

Steve Morey: I see we have members from the public

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David Mallory – 445 Old White Lake Tpke – What was the requirement for the mailings as far as how many people, square mileage, is there a distance involved?

BJ Gettel: 500 square ft.

David Mallory: This is a petition signed by at least 10 members of the local community in the vicinity. There are a lot of concerns with this, as far as the zoning on that. Just a quick question, I see the new map it is RD. What was it before?

BJ Gettel: RF

David Mallory: The list you sent me via email said 25 acres.

BJ Gettel: When it was RF, it was not 25 acres. When it was changed to RD, it was 25

David Mallory: We have a lot of problems; I don't know if you are familiar with that road. That road is congestion nonstop. It might as well be considered a single lane road. We already have issues with traffic there. Also, the major concern with that leach field you were speaking of, Sir where is the actual septic for that? I didn't notice it on the map. All I see is the leach field marked.

Chris Brunjes: The septic tank wasn't found. We did find several distribution boxes. We do have a property SPDES. The previous summer, the Department of Health did grant a permit to operate, so they found no issues.

David Mallory: In the past we have had problems with that leach field, it went underneath the road, we had raw sewage. This was approximately 5 or 6 years ago, coming down the road. Yes, it is leased for 99 years. It was recently sold to someone, basically the corporation is basically a group of gentleman who bought it to hunt, and so who knows what is going to happen to it after that. Is there going to be any sort of parking or anything like that. Because right now as it is, coming up and down that road I can barely get up that road now. Are there any plans for parking?

Chris Brunjes: Vehicles are going to be minimal, because before it was a bungalow colony families would come individually, and rent each individual unit. Now that it is going to be a children's summer camp, it is going to be mainly children in the teen area. They will not have vehicles. But if necessary, we have 18 acres on the other side of the property. We could go in and factor in parking. For the time being, they were going to be using the area around the casino, and the recreation field for what vehicles would be there.

David Mallory: What is the category for the building casino, is that what you call it, are you generating money out of it? Or is that a town meeting hall. What are you calling it?

Chris Brunjes: It is more of a religious term.

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David Mallory: Right now on the tax map, that piece of property is listed as vacant with improvements. Can I get a definition on that? First thing, I thought maybe that was maybe electric, well, septic, not an in ground pool, handball court, town hall, a porch they put on it.

BJ Gettel: I don't have a definition, sorry.

Steve Morey: Would that be considered as without a building.

David Mallory: It has a building, in ground pool, and electric

Richard Conroy: That is just a building. They don't have a specific classification for it; they just list as an improvement. Improvement is listed as a shed that is 34 sq ft, canopy with slab, patio, swimming pool and another shed. That is the improvements listed by the assessor

David Mallory: Also, the fact that the amount of people going back and forth across the street all the time. It is 30 mph; people go at a good clip. If you have kids going back and forth, it is a serious issue on this road. The fellow community members that are within that 500 ft square ft, the people on that list are only Old White Lake Tpke and the connecting Butrick Rd, everybody is strongly opposed to it. Has an Engineering department done an environmental impact study or anything like that?

BJ Gettel: SEQRA review is done after the public hearing

David Mallory: Okay. The other is issue to bring up too, usually when there is a change, I might be misunderstanding this, but isn't all the buildings have to be up to current code on that? For a change of occupancy? The place is falling apart.

Steve Morey: Are you referring to the violations on the property. Violations are not something that we would hold against making a change to the piece of property. The use of that property could be delayed because of those violations; however that would be handled by a different administration

David Mallory: Were all of the setbacks and everything else.....

Steve Morey: That is an issue we will be dealing with. I am presuming you want this entered as part of the record.

Reading petition - Against the change of use. 3/12/2012. There are 10 names on this petition.

Pino Anselmo – 444 Old White Lake Turnpike – I agree 100 percent, I am against this project

Wayne Marina – 34 Butrick Road – I am against this as well. If you live on that road, in the summer parked on the road, there are people walking someone ran into my car. I don't understand the value of changing to a camp. Will this reduce my taxes? I don't understand the value. Are they going to pay tax?

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Mr. Jacobowitz: Yes, we pay taxes

Christopher Brunjes: Would I be allowed to address some concerns

Steve Morey: You can do that now, or wait until we close.

Chris Brunjes: I will wait

Motion to go back into regular session by Jim Crowley, second by Cirino Bruno

All in favor-6

All opposed -0

Agreed and carried

Christopher Brunjes: I understand the public's concern. This parcel is a preexisting bungalow colony; so regardless of how the board chooses, of whether or not to approve the change, it is going to remain a bungalow colony. Instead of being a summer camp with children, it will be rented out to families in New York City to come up and use. With the parking issue, being addressed to the board, I have spoken to my client, and he is prepared to set aside some areas to prevent street parking, so they have ample space on the property of the main road to avoid any cluster on Old White Lake Turnpike. The main concern is that with the change of use, the camp will be occupied, but by granting the approval we are hoping to reduce the number of vehicles, due to the fact that it is going to be children, and that the only vehicles that will be necessary will be for the counselors. With the issue of the children crossing the street, we can have designated areas to cross the street. Anything the camp can do, they would like to move forward, now would be a good time to voice the concerns and we will cooperate with the board to try to get as many of these issues resolved.

Motion to receive and file the petition by Richard Conroy, second by Cirino Bruno

All in favor-6

All opposed -0

Agreed and carried

Steve Morey: Chris, I now have a letter from Adler Engineering, I will read that.

Reading letter:

Motion to receive and file letter from Adler Engineering, by Bob Yakin second by Richard Conroy

All in favor-6

All opposed -0

Agreed and carried

Steve Morey: Jacy, would you like to discuss the issue of the requirement of use variances?

Jacqueline Ricciani: The letter that you read made several references to changing the zoning

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classification. In fact, summer camps are a permitted use in this district. There is a provision of the code that says that even when there is a change in use, as long as it is already permitted in the district that is fine as long as the new use combines with all of the other requirements in the code for that use. Since summer camps are currently something that is permitted in the district, I don't really see the need to apply for a use variance unless Chris can point to me something in our code that I have overlooked, that requires a use variance, but that use is already permitted. They do need a special permit, and that is an application they will have to make to the Planning Board. That's separate from what is going on here. The area variance is something else they are asking for. On the site plan that is provided, there is a chart that shows what is required in the code, and what they are requesting. I haven't had a chance to compare, but I am going to assume what they put as the town's requirement are in fact out of our code. Unless someone can point to me the reason for getting a use variance for a use that is already permitted, I don't think this board really needs to act on it.

Chris Brunjes: All of us were under the impression previously it wasn't registered as a summer camp, but as a bungalow colony.

Jacqueline Ricciani: I don't think the Town of Bethel has any kind of registration for uses that I am aware of

Steve Morey: An application for a use variance would be required as our attorney has stated if you are asking for a use that is not permitted in that district. However, I will take our attorney's word for it. That a summer camp is permitted in a RD district.

Jacqueline Ricciani: It is. They are going to need a special permit.

Steve Morey: A permit, which will go to the Planning Board

BJ Gettel: Yes. If this board chooses to grant them approval, their next step would be to go to the Planning Board to try to achieve a special use permit.

Cirino Bruno: We're talking about the area variance.

Steve Morey: However, I believe the original application came as a.....

BJ Gettel: They are confused. They need an area variance, not a use variance.

Steve Morey: They are not changing the character of the property. They are changing use to a summer camp. Use variance is not affected by this board at all

Richard Conroy: They do need the area variance. As far as bungalow colony vs. summer camp it is not a problem for us.

Steve Morey: Before we go into the area variance discussion, I would just like to say that the Planning

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Board would deal with a lot of the issues that were brought up tonight. Like parking, pedestrian crossing, traffic on the road and things like that. So you understand how that process would work. As stated, if we made a decision to approve their intention to go to a summer camp, and our decision is now based upon area variances, but if we made the decision to approve that, this organization still needs to make an application to the Planning Board for a use permit. The Planning Board would deal with a lot of those issues that were brought to this board. I believe, Chris, that we asked at our last meeting, that you would show in detail, the area variance that are being requested, the setback issues.

Chris Brunjes: If you go to page 2 of 2 on the map. I have showed the buildings, which are in violation of the area variances.

Steve Morey: Let's go to the first page. There is a chart there, what shows what is required, and what is being provided.

Chris Brunjes: Yes. The first item would be the minimum lot area; we got off the town website, which requires 25 acres for a summer camp.

Jacqueline Ricciani: What they listed which is required by the code is accurate.

Chris Brunjes: The combined area of the two parcels only adds up to 22 acres. They are 3 acres short of the required 25 acres for a summer camp. So we would need a variance for the approval for minimum lot area. Do you want me to go over just the variances that are in violation?

Steve Morey: Let's go step by step.

Chris Brunjes: So the next is the minimum lot width. What is required is 600 ft, but there is only 370 ft width of the parcels. I don't remember the exact wording; I believe it is at the setbacks. The front and rear setbacks, determines what distance is to be required. Regardless, we are half the distance required by code. The next item is the minimum lot depth. That is done by the smaller parcel where the residences are, I was told to divide by the center of the road. That is only 335 foot width. The next item is the front yard, which requires a 200 ft setback. The casino is in violation. It is only 46.5 ft off of Old White Lake Tpk. They are all existing. The next item is the rear yard, which requires 200 ft setback off the property line, there is only 109 ft. That is unit #2. Next is a single side yard, summer camps require 150 ft from the property line, there is only 25 ft, which is unit #1. Next is side yard, both sides total, 300 ft.....Both side yards 300 ft required, there is only 54 ft. The other unit that was used was unit 17, which is only 29 ft. The combined between the distance from #17 and #1, still nowhere the required separation distance. The next is the building coverage. Summer camps allow a maximum of 25% coverage of the parcel. There is only 2.2%. The areas covered by impervious surfaces. The maximum building height, 35 ft, we have the one existing building, which we estimate to be 35ft.

Steve Morey: Anything from the board?

Bob Yakin: None of the buildings really meet the front yard setbacks

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Chris Brunjes: Everything is in violation. If you look at page 2 of 2. The rear setback is in the woods from the front road, so everything is a violation. We just showed the worst-case numbers.

Steve Morey: Any more questions from the board

Richard Conroy: For them to get to the Planning Board we would have to approve all these violations as far as the setbacks, approve a variance.

Steve Morey: I don't know if we need to approve individually. We can approve or deny in lump sum

Jacqueline Ricciani: I think the applicant is looking for the total package

Richard Conroy: We have to use the same test

Jacqueline Ricciani: Yes

Jesse Komatz: If they continue to use as a bungalow colony, they can use this summer the way it is, as long as the violations are taken care of. The reason why I ask that, the people in the audience need to understand that as well. We are not going to be able to stop this gentleman from using his property in some capacity, he could continue to use as a bungalow colony, as long as he corrects all of the violations

Steve Morey: He has to go to the Board of Health, but not to the Planning Board to operate as a bungalow colony

Jesse Komatz: If they want to expand anything they would have to come to the board

BJ Gettel: Yes

Bob Yakin: The bungalow colony has preexisted to the change the RD district has been grand fathered, and a summer camp is already an allowed use in the district, why are we even considering an area variance

BJ Gettel: Because he doesn't meet the requirements of the zoning code of the bulk and use table.

Bob Yakin: Typically a summer camp is an allowed use; I am a little bit at a loss here

Jacqueline Ricciani: Bungalow colonies are no longer a permitted use in this district. To answer Bob's question, just because something is permitted in a district doesn't mean that a landowner can just go ahead and use it for that purpose. They can use it for that purpose as long as they comply with all of the other requirements. He can't use it for that purpose because it doesn't meet the other requirements and it would be in violation. Like if a retail establishment was going to be built and was permitted in the district, it would still have to meet all of the setback requirements.

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Bob Yakin: Okay. I was confused how that worked out with the grandfather uses.

Jacqueline Ricciani: One other thing, before we go to SEQRA, last time the board had asked BJ some questions about the conditions of some of the buildings.

BJ Gettel: I took 25 pictures @ 5 pm tonight.

Jacqueline Ricciani: This is relevant for your consideration for you to decide. The applicant already acknowledged that all of the buildings are too close to the property lines. I think these will give you some idea of what it looks like.

BJ Gettel: The weather has been nice. There is no reason why the bungalow colony couldn't have been cleaned up. They have a gentleman currently starting to work on the hot water heaters. Those photos do not indicate the electrical violations. This does not include across the road.

Richard Conroy: Even if they were to operate as a bungalow colony, they wouldn't be able to

Jim Crowley: Can you put sewer lines above the ground?

BJ Gettel: Technically they are supposed to be underground. A lot of the bungalow colonies run them above the ground. It's a judgment call.

Motion to receive and file photos by Jesse Komatz second by Cirino Bruno

All in favor-6

All opposed -0

Agreed and carried

Jim Crowley: It's irrelevant those pictures. We are here for an area variance, not look at building conditions.

Steve Morey: From my standpoint, it is just a matter to make part of the file. I understand exactly what you are saying.

SEQRA Review

A No

B No

C 1. Jim Crowley: Yes, since the septic pipe goes under the road, road changes with frost and plowing, the pipe could break. Then you could have surface water contamination, from sewer. We don't know where the septic tank is.

Jacqueline Ricciani: Keep in mind this is an area variance.

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Jim Crowley: I don't even know if we have separation between well and septic. We don't know if the tank is there; do you know where the first box is?

Chris Brunjes: Yes, we know where the first box is

Jim Crowley: And you can't find the tank going back from the box. We don't know if there is a tank on the other side of the road, or there could be another box there. You don't know where the stuff is.

Bob Yakin: There is something here in front of #17 that is listed as ST. I presume that would be septic tank. Is that a mistake on the site plan?

Chris Brunjes: Someone updated my site map and didn't notify me.

Bob Yakin: You can't say that personally you know that the septic tank is right there

Chris: No

Jim Crowley: You said you have to deal with the area. There are lines above the ground

Jacqueline Ricciani: Once you identify an environmental concern, then you need to determine whether or not it is significant, it may not be a significant impact, it may be mitigated. Just because you identify something, for purposes of this application, it may not necessarily be a significant impact. If you identify them, then you get to next step, which grants the environmental impact statement.

BJ Gettel: Rereading the question

Steve Morey: I agree with Jim. Not knowing the absolute of this septic system, plus the fact we were talking about the leach field on the adjacent piece of property at the last meeting and requesting documentation of that 99-year lease. The only notation I see is on pg 1 of the site plan. It states, it is the intention of Siro Nocerino, and Maria Stella Torino, to grant all their rights to septic system that are pertinent to Congregation Eitz Prie. Is that supposed to be our certification of the 99-year lease?

Chris Brunjes: I thought we submitted last meeting. We did have documentation with the 99-year lease

Steve Morey: It was stated in this public hearing that the lease was just signed and if need be renewed in the future. If it is a 99 year lease, are you talking about the future being year 100, or the future being next year? Is this a current lease? What you are saying, you are going into this now?

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Mr. Jacobowitz: It is an old lease. It was signed in 2003 or 2004. They already had the lease for 99 years.

Richard Conroy: But you don't have a copy of it

Mr. Jacobowitz: I don't have it with me. It should be in the office.

Steve Morey: Wasn't it stated in the public hearing this was just signed?

Chris Brunjes: I was using as a reference of 100 years. I misspoke. I meant to convey that it wouldn't be up in 10 years. If I may your concerns with the location of the septic tank, the wells and everything else, wouldn't those be concerns for the Department of Health? If they were to close, they still gave them permits

Jim Crowley: I think it still has to go in this SEQRA process. I just looked at 20 plus pictures, and in a couple of those pictures, I looked at exposed pipe on the ground, your sewer line is held together with a hose clamp. If that hose clamp were to break, and the camp in operation, the sewer starts running, it could be an issue.

Jacqueline Ricciani: Again, is that related to the area variance?

Jim Crowley: I think it is

Jacqueline Ricciani: Whether or not the area variance is granted or not, I don't believe it is an issue for this board under SEQRA for the area variance. If this project gets to the next stage, gets to site plan review with the Planning Board, they will be taking a look at all of those other things. What you need to decide, if you grant this area variance, will it result in an environmental impact. If you identify an environmental impact, and you determine it to be a significant environmental impact, then the applicant has to do an environmental assessment form.

Richard Conroy: They are looking to go from bungalow colony to a summer camp. They are going to have more people using an unsafe sewer system

Jacqueline Ricciani: You are just looking at the area variance. Allowing them to have buildings in this location, which is too close to the setbacks. That is what you are looking at. The increase in traffic from campers, people, whatever it is, that is Planning Board

Jim Crowley: Why ask the question?

Jacqueline Ricciani: Because our legislature has decided that this is something that we need to do

Steve Morey: Even if we answer affirmatively on some aspects of that review form, a negative

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declaration can still be declared

Jacqueline Ricciani: A negative declaration means there are no impacts. Once you identify a significant impact, you have to go to the next level

Steve Morey: I agree with Jim, why are we even discussing this

Bob Yakin: This is tough question; I don't see if we had a sewer leak from a couple of bungalows, would there be any more of a significant impact from any other bungalow colony, which have these violations every year. To me it would be a violation, but environmental impact, I don't know, unless we have 1000s' of gallons of sewage running down the road. I don't think any of us knows

Cirino Bruno: This sewer system is an abortion. It is whether or not an area variance.

Roll Call Vote

Jim Crowley- Yes

Bob Yakin – No

Jesse Komatz – No

Richard Conroy – No

Cirino Bruno – No

Steve Morey – No

C.2. No

C.3. No

C.4 No

C.5 No

C.6 No

C.7 No

D. No

E. No

Motion to grant a negative declaration by Richard Conroy, second by Bob Yakin

All in favor –6

All Opposed-0

Agreed and carried

Jacqueline Ricciani: One thing on the SEQRA form, Mr. Chairman, I took a look at the description of the action that the applicant had filled in on the first page, and I think that should be amended. Maybe you could read the description of the action. That needs to be amended in line with all of the discussion that has taken place changing it to what we determined that it is, just for an area variance.

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Steve Morey: Reading applicant's statement. Mr. Jacobowitz was that word supposed to be to get bungalow colony in camping due to non-growth? Do you recall? Do you want to take a look at this and read what the description is?

Mr. Jacobowitz: Reading the statement – to make useful for a summer camp due to nongrowth. Because it wasn't successful being a bungalow colony. Occupancy and income, because it was too small. A camp would definitely be more successful

Steve Morey: So what you are saying Jacy, is that description is not accurate, it is more inclined to the use variance then the area variance. .

Jacqueline Ricciani: Right. It needs to be amended to accurately describe. Either you as a chairman or Mr. Jacobowitz can just amend it and indicate that it is a request for multiple area variances to comply with the RD requirement.

Steve Morey: Would you Mr. Jacobowitz, we can tell you pretty much what you need to write. I would like to go through our criteria for an Area Variance

Reading Tests for an Area Variance:

When considering an Area Variance, Boards should understand that they are primarily engaged in a balancing act, weighing public and private benefits. In making determinations whether area variances ought to be granted, ZBA's are now instructed by the statute to **"take into consideration the benefit of the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or the community by such grant"**. Note the complete omission of the term "practical difficulties".

To be sure, it is up to Board members to apply this general language, but the statute provides additional help. It suggests that the Board, in making its determination, also consider whether:

Jacqueline Ricciani: As I have instructed this board in the past, we need some discussion on the record to support whatever position you take.

Richard Conroy: We are deciding the area variance for a summer camp. There are other camps in this district.

- 1) an undesirable change in the character of the neighborhood or a detriment to nearby properties will be produced by the granting of the variance;

Richard Conroy: I don't think it is going to change the neighborhood. There are other camps, and bungalow colonies.

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Bob Yakin: We would be allowing more pedestrian or traffic but it won't change the character. Not significant.

Jim Crowley: I agree. It's been there for some time.

Steve Morey: Is everyone comfortable

Cirino Bruno: I'm not comfortable. Taking existing buildings that are in violation, we are again with an area variance. Seems like we are talking about use again. We are not addressing whether or not we are giving permission to turn it into a camp.

Bob Yakin: We will have a discussion whether or not the variance request is substantial or not.

Jacqueline Ricciani: This is not a majority rules with these factors. These are just factors to be weighed in helping analyze coming to the final....

2) the benefit to the applicant can be achieved in some other way;

Bob Yakin: Do we have any proof that there is any other benefit besides him saying a summer camp?

Jacqueline Ricciani: I interpret differently

Steve Morey: The benefit to the applicant in terms of minimizing or meeting the code with regard to the variances

Jacqueline Ricciani: Correct. For example, in this case could he demolish all of the structures, and rebuild them so that they are now in compliance so he doesn't need the variance.

Jim Crowley: Yes he could. He could knock everything down; he could get some of the setbacks taken care of

Cirino Bruno: According to the pictures he should knock them down

Steve Morey: I was originally inclined to answer no to that question, however, based on the guidelines set forth in the last word that was in the original paragraph on this test, "Note the complete omission of the term "practical difficulties". I guess my thought would be it's not practical to tear all those buildings down, but I would say yes

Bob Yakin: I would agree with that

3) the required area variance is substantial; Yes. It is huge

4) the proposed variance will have an adverse effect or impact on the physical environmental

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conditions in the neighborhood or district;

Steve Morey: Again we are talking about the area variances. The buildings exist, the setbacks being what they are, I would say no.

Cirino Brunno: Unless the reason why, makes a difference. If by way of illustration, he needs to be 300 ft from the road. Someone must have decided to have 300 ft off the road for a reason.

Steve Morey: We need to digest this, and do a roll call vote.

Richard Conroy: No. I don't know if it will have an adverse affect. It goes along with #1.

Bob Yakin: I am going to agree with Richard. This goes along with #1, as far as character of the neighborhood. The well-taken concerns about the setbacks refer back to our last question, whether the requested variance is substantial. I have to say no

Jim Crowley: No. I don't think it will have an adverse affect

Jesse Komatz: I do understand his point, but I will say no, I think it goes along with #1.

Cirino Brunno: I stated my position

Steve Morey: No

- 5) the difficulty was self-created, which shall be relevant but not necessarily preclude the granting of the variance.

Richard Conroy: When they built these buildings, they didn't know. It would be self created if they bought the building after the zoning changed

Bob Yakin: No. They bought the buildings, and then the zone changed

Jim Crowley: No

Jacqueline Ricciani: Any other general discussion, these are guidelines. If there are other things that are relevant to this application, you can discuss that as well.

Cirino Bruno: I think it is pretty straightforward.

Jesse Komatz: Basically, I understand what you are saying, the buildings were there. If he wants it to become a summer camp, no it is not self-created as far as the zoning is concerned.

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Richard Conroy: If we approve this variance, it has to go to the Planning Board, and it still has to be brought up to code.

Jim Crowley: He is asking for a lot. We aren't talking a couple of feet here. He only has 2.2 of 25% of building coverage. Everything else is huge. You could mitigate the acreage, you are only talking 3 acres difference. Minimum side lot width, you are talking almost twice as much depth, front yard is four times as much, and rear yards twice as much. These are huge percentages

Steve Morey: I took some notes when we were going through that. Let me read what my findings were. If you start with that chart with minimum lot area. He is only minus 3 acres, on the 25 acres required. Lot minimum width, he is minus 230 ft, 600 is required. Minimum lot depth is minus 225 ft, minimum front yard, is minus 153.5 ft, minimum rear yard is minus 91 ft, minimum side yard is minus 125 ft, minimum side yard both is minus 246ft, maximum bldg coverage is not an issue, is 25%, he has 22.8%, maximum height, he is equal. I believe that is what you were leading to. Based on these requirements, and what is being requested, it is overly substantial if there is such a term

Jim Crowley: Based on what he just said, I would like to make a motion to not approve this area variance.

Motion by Jim Crowley, second by Cirino Bruno to not approve this area variance

Roll call vote

Cirino Brunno – Yes – It is to substantial

Richard Conroy– Yes – It is too substantial

Jesse Komatz – Yes – It is to substantial

Bob Yakin – Yes – The requested area variance is too substantial for what is required

Jim Crowley – Yes – It is to substantial

Steve Morey - Yes – It is to substantial

Motion to not approve the area variance – All in favor

Mr. Jacobowitz: Can I try to explain a little bit. I have lots of strong experience with properties. All violations are how they are. I am bringing them up, I decided with all suggestions from advisors. A bungalow colony cannot go any longer. Here is a profit and loss sheet from 2011 I have letters from a facility to rent this. It is a large gap. For myself it is not my place. If it is being granted, I do have the permit from the DOH from 2011, and SPDES permit from New Paltz. Why did the board go from the previous meeting to public meeting to now, and deny this?

Steve Morey: We were looking at an application for a use variance. At the beginning of this meeting it was pointed out to us by our attorney that a use variance is not required for this property, because a summer camp is a permitted use in the district in which the property is located. However, this was also brought up at our last meeting, it was not only a use variance that needed to be considered, but area

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variances which is the issue that we took up at tonight’s meeting because a use variance was not an issue that we needed to deal with tonight. If there is any question in your mind, because you mentioned if a denial is going forward, we just took a vote and denied your application. If there is a question in your mind, yes, denial has taken place.

Mr. Jacobowitz: At a previous meeting, and the engineer was involved, and the members explained to him the agenda. All they told him was the setbacks, nothing with the area variance.

Jim Crowley: Setbacks are the area variance

Mr. Jacobowitz: On the agenda it was use and area variance

Steve Morey: However, it was pointed out at the beginning of the meeting that a use variance was not an issue that needed to be addressed, which is actually in your favor.

BJ Gettel: You can remain in your current use, a nonconforming bungalow colony.

There is training coming up, this Thursday in this building. There are 4 hours @ the Government Center

Motion to adjourn by Jim Crowley, second by Cirino Brunno

All in favor – 6

All opposed –0

Agreed and carried

9:15 pm

Respectively submitted,

Jannetta MacArthur