



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 May 18, 2015. The meeting was held at the Duggan School, 3460 State Route 55, Kauneonga Lake, at 7:30 PM. On the agenda at this time are the following:

In attendance: Stephen Morey, Chairman, Jim Crowley Vice Chairman, Richard Conroy, Robert Yakin, Dan Brey, Victor Kask, Alternate, BJ Gettel, Code Enforcement Officer, Dawn Ryder, Liaison, and Jacqueline Ricciani, Attorney.

Excused: Cirino Bruno, Jesse Komatz and Jannetta MacArthur

Seating Victor Kask, alternate

6 members present

Pledge to the flag

Also in attendance: Daniel Gettel, Planning Board Chairman, and David Biren, Planning Board member.

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

All in favor – 6

Opposed-0

Agreed and carried

Steve Morey: For our audience, our original agenda lists 5 items. However, 4 and 5 have been moved to June by the request of the applicant.

- 1) Public Hearing for an interpretation for an Accessory Structure for a Canteen/Picnic Pavilion to be located on Silver Lake Road, known as Bethel Tax Map #: 11-1-16.2, proposed by Camp Chipinaw. (Kay)***

Steve Morey: Ms. Kay, did you want to speak before we go into the public hearing?

Paula Kay: Whatever your normal procedure is. I want to introduce myself. I am here with Michael Baer the owner of Chipinaw Realty, Camp Chipinaw, and Will Illing our engineer. Again, this is for an interpretation of an accessory use. The definition in your code is an accessory is a list of structures subordinate to the principle use of a building on the same lot serving a purpose customarily incidental to the use of a principle building. We are talking about the canteen pavilion, which we discussed, at the last meeting. We had discussed at that meeting, that yes we understand that building has been partially built, and we are trying to move forward at this point, we believe it is an accessory to the kitchen/dining hall which it is adjacent to. The definition of a summer camp in your code talks about certain facilities



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including dorm, cafeteria, gyms, community centers, and administrative buildings. This pavilion will serve as an accessory in that it will be utilized often at night for the campers, they can come get their snack. The pavilion itself is an accessory, it is incidental, it is an additional item that makes the camp a better place to be, but it is not a necessity. My understanding is that a couple of you may know, you have been out to the camp recently and have seen the quality of the work that is done out there, we want to thank you for coming out and taking the time to do that. Michael, do you want to add something?

Michael Baer: No, that's fine.

Robert Yakin: Mr. Chairman, I just want to state due to a professional relationship I have with the camp due to my work place, I must recuse myself from the first two items on the agenda tonight.

Steve Morey: Okay, thank you.

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

All in favor – 5

Opposed-0

Agreed and carried

Steve Morey: Have the certified mailings been received?

Bette Jean Gettel: I have received all certified mailings.

Steve Morey: Just out of curiosity, were there individual mailings for item #1 and item #2?

Bette Jean Gettel: Yes, there were two separate mailings.

Steve Morey: Anything from the board?

None.

Steve Morey: There are some individuals from the audience that would like to speak at this public hearing. If so, you need to step up to the microphone.

Bette Jean Gettel: I am going to call them in the order as they signed up. Mr. Jim Ratner.

James Ratner: I am a contractor; I own a business as long as Michael owned that camp. I worked for Michael since probably day one since he bought that camp. Michael is the kind of guy that doesn't try to pull any fast things, I have been there since he owned it, and I have watched many buildings go up, all kinds of new things. Michael is the type of guy that wants to look and be the best. He doesn't try to cheat, doesn't try to skip. He wants the best quality, he has made mistakes on this building, it is not



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intentional, and it's what happened. I have been with him through this whole thing, everything he does he does for the community and trying to make it the best, it is disgraceful for me to see this. He doesn't hire outside help, I am a contractor that works there, and he hires all local people all the time. Michael is the kind of guy that isn't going to BS anybody; he is going to tell you how it is.

Michael Fox: Good evening. I own Fox's Service station in White Lake. I have dealt with Camp Chipinaw as long as it has been under the present ownership, and previously with the Rubin family. Ever since Michael has taken over the camp, every year he spends thousands, I can't count all of the money that he spends, but you drive by it, you can see it. Every structure that I have seen, he hires local contractors, I see carpenters, they break down, they come to my place for business which I enjoy. People that work there during the summer, come by our shop for repairs, emergency service, and regular business. I work on their camp vehicles. I would say that Camp Chipinaw has been a great asset to the community, one of the few that are left.

Bette Jean Gettel: The next person on the list is Jean Pennell. She doesn't want to speak, but is here to support Camp Chipinaw.

John Edwards: My name is John Edwards; I do a lot of the carpentry work over there. I have worked there for about 10 to 12 years or better. I have worked at an awful lot of camps around Sullivan County, and Ulster, you can't believe the difference in this camp and those camps. I have worked in some pretty nice camps, but nothing like this one. He uses the best materials you can buy. He rebuilds. It is all plywood. He has his own cabinet man, he does a really good job, and he uses mahogany on a lot of cabinets. He uses the best material you can get. It is a pleasure to work there. He has kept me through the winter. I was sick one time, and I never lost getting paid. You can't beat the man to work for. He is just fantastic. Thank you.

Donald Conway: I have property right next to Camp Chipinaw. As far as I am concerned, this place is as nice as Bethel Woods. He improves, improves, and improves. He doesn't cut short on anything that goes on there. I think the County, and the Town should be proud of that place because as far as I am concerned it is just as nice as the other place over here. I think myself, in my opinion; the Town should just encourage this place to keep going the way they are. I see so many places in the Town of Bethel that are run down, and nothing happens to them, they just stay run down, run down. This place is not run down, it is improving, and improving every year, and it is all for the kids. It isn't just to make things to look nice. It is safety for the kids. They don't do a thing without thinking safety, and I think that is important for a children's camp.

Bette Jean Gettel: Is there anyone else from the audience that would like to speak?

Steve Morey: Anyone else?



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No one

Motion to go back into regular session by Jim Conroy, second by Dan Brey

All in favor –5

Opposed-0

Agreed and carried

Steve Morey: Anything from the board regarding the definition of accessory use or structure, any thoughts? BJ, anything?

Richard Conroy: What is going to be in this canteen?

Michael Baer: It is an open building, and inside will basically be a snack bar area. Kids can come up and get different items, get soda. There is a dance floor in the center. Usually we have picnic tables around the outside.

Richard Conroy: So it is like the one down the road, on the other side?

Michael Baer: It is identical to that.

Richard Conroy: Except this one has a basement.

Michael Baer: Correct. We are going to use that for storage.

Richard Conroy: There are no sidewalls, it's all open?

Michael Baer: It is all going to be open, except the back wall. The back wall is a solid wall because that is where we build sort of the service area out of. But all front three sides are all going to be open.

Paula Kay: Again, just to point out, this is the building we are talking about. In green is the building we are talking about. Immediately beneath it is the kitchen/dining room. There is a little shed right here that will be removed. Once the board takes positive action, this shed will be taken out; there will be direct access in between the kitchen/dining and the canteen pavilion.

Steve Morey: I have read the definition per our code. For this purpose, I don't know if the definition lacks, or I just can't bring myself personally to see how this is an accessory structure to a principle structure. It says principle building. Reading it in that verbiage and this is just me speaking, if other members of the board don't agree, that is fine, and I am looking forward to their input. It almost makes it sound like this building has to or could be an accessory to a principle building. What I am asking is for you to convince me and the board.



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Paula Kay: Okay. So the principle building is the kitchen/dining hall. The kitchen/dining hall is an integral part of the camp. You can't have a camp unless you have food services to feed the kids and the staff. This is incidental to that. We don't have to have it, but it certainly is a draw for your parents. If we have a canteen, and we provide food from the kitchen/dining hall, and it is an additional place to have a snack. It is accessory in that; it doesn't have to be there. You have to have dorms, you have to have an infirmary, you have to have an office, and you have to have a playing field. You don't have to have a canteen. But, again, accessory to the kitchen, it is right next to the kitchen, they are not cooking in the canteen, again, it is an additional place for nighttime snack that is the way the camp utilizes it.

Richard Conroy: So the canteen is going to operate when the kitchen/dining hall is closed.

Paula Kay: Generally, the kitchen/dining hall provides breakfast, lunch and dinner. And this is a night snack. It is a privilege for the campers. They are all excited because they get a snack at night, they don't go to the dining hall they are not seated at tables, and it is sort of an extra event part of the day.

Steve Morey: So things supplied from the canteen are prepared from your main kitchen?

Michael Baer: Correct.

Paula Kay: There will be soda machines in the canteen. Any prepared foods would have to come from the kitchen. Because the kitchen is where all of the cooking is done.

Dan Brey: Only one side of the building is going to be sided? Is that like the serving area? I thought the pictures that I saw of the trusses when it collapsed, that there was plywood on both walls.

Michael Baer: Correct. There was just some wood put up I believe during the winter, to protect the building after it had fallen. That was it. Generally during the winter we do tack up some boards along the sides, just too kind of keep the building a little bit more winterized, to protect the building the best we can from the brutal winters.

Paula Kay: Mr. Chairman, just to add to the accessory, the staff that is assigned to the kitchen/dining hall, they are not staffers that are canteen/pavilion staff. What generally happens is the counselors would go over with the campers while the campers are there, but there is no staff there. Again, it is accessory, not principle; there is nobody who is working at that building 24 hours, or for an 8 hour time period. People are in and out.

Richard Conroy: So if there is nobody assigned to work there, how do they get their snacks?

Michael Baer: Counselors actually take turns going behind the counter and helping serve.



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Paula Kay: The bunk counselor's are the ones who take the kids over.

Michael Baer: Some social time for the kids at night.

Paula Kay: Sometimes I would imagine too, a couple of the assigned kitchen/dining hall staff would bring things over to the canteen, then they would go back to their job at the kitchen/dining hall.

Steve Morey: Would there be any other uses for this building?

Michael Baer: It is a great place for rainy day activities. We can play some games in there. There are other uses we can use it for obviously. It is great because if it is a rainy day when campers coming or going, we can change over days, it is a great place to put luggage in to keep it dry before it gets into the parents cars, things like that. It ends up being useful for us.

Steve Morey: Any one else?

No one

Steve Morey: I don't see any reason to postpone a decision.

Jacqueline Ricciani: Can I make a comment?

Steve Morey: Yes please.

Jacqueline Ricciani: You have never seen, you don't get a lot of call for interpretations, but just keep in mind the context you are being asked to decide. This is a canteen structure within a summer camp. And based upon the nature of the surrounding buildings and the use of this camp is what you are interpreting. I know there is always a concern about precedence value of whatever this board may decide. Again, if you do determine this structure for this purpose in this location is an accessory, for that to carry forward into other areas. They are going to have similar circumstances. Whatever you decide may not be that universally applicable throughout the town. There are only a limited number of summer camps that have all of these other kinds of structures around them, with the layout on both sides of the street and everything else.

Richard Conroy: My only problem with this is, is the basement. It's not a problem, but having a basement in it makes it seem to me that it is more of a primary structure. Since it is open on top on three sides, except for the basement, it would sort of be like a pole barn.

Michael Baer: It is basically a pole barn built on top of a foundation. Once again, the only reason it was done that way is to stop the heaving of the building, simple as that. And I figured it would be extra



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storage.

Bette Jean Gettel: The basement, if I could interject gentleman, will act as an emergency shelter for at least 40% of the population that is there. Seeing how we have lately had severe storms. In the wintertime it is going to be storage for picnic tables, and things of that nature, but in the summertime it would be vacant.

Dan Brey: When you say emergency shelter, there are two ways of egress then?

Bette Jean Gettel: They can put a second means of egress in there that is not difficult to do.

Paul Kay: We hadn't anticipated that, but that makes great sense to do for the safety of the kids.

Richard Conroy: Because it is open on three sides, because it doesn't do it's own cooking, it is just basically a pass through building, I would say it is an accessory structure.

Motion that the interpretation is an accessory structure by Richard Conroy, second by Victor Kask.

Roll call vote:

Richard Conroy: Yes

Dan Brey: Yes

Jim Crowley: Abstain

Victor Kask: Yes

Steve Morey: Yes

All in favor – 4

Abstain -1

Motion passed

Steve Morey: One thing that comes to my mind is, I would take it then, you are withdrawing item #2 on the agenda?

Paula Kay: Yes.

Jacqueline Ricciani: No. Now that you have determined this an accessory structure, our code provides that accessory structures can only exist in the side or rear yard. You may find that this structure is in the front yard, and therefore would need an area variance. That is what the second hearing is for. Your code requires, 10 ft from the property line for an accessory structure, which I do believe this meets. There is no distance requirement with respect to other structures, but if you think this is the front yard, which based upon prior applications for this camp, this has generally been considered the front yard, and then you need an area variance.



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Steve Morey: Let me go back to the statement that you made. The 10 ft you are referring to be, is the side yard setback?

Jacqueline Ricciani: I don't think it defines what yard; I think it just says property line. It does side and rear. Okay because according to the code, accessory structures should only be, or can only be in the front or side yard. I mean in the side and rear. I'm sorry. You want to look at 345-15.

Jim Crowley: Mr. Chairman, I have a question. Who decides what the front and rear yard is. The applicant? If that is the case, he could say it is the back yard, and therefore not need the variance. Who is to say what is your front and your back yard? He could say no, he could call it the back yard.

Paula Kay: We will take direction from the town on this.

Steve Morey: To answer your question Jim, the only reference I see in the definition for frontage..... which makes a reference to 300-9 in the codebook.

Jim Crowley: Where is the definition?

Steve Morey: 345-15.

Jim Crowley: It says front yard, and rear; they both say the same thing. Front yard – an open space extending the full width of the lot between a principle building in the front of the lot line, unoccupied, and unobstructed from the ground upward. And the rear yard it says the exact same thing except it says rear lot line. How do you determine the front and the rear, it is the exact same thing.

Victor Kask: In this they have two front yards on either side of the road; away from the road is the rear yard.

Jim Crowley: It doesn't say that.

Steve Morey: Jacy, can I ask your opinion about that?

Jacqueline Ricciani: What has generally been accepted is the road from which the property gains its access, whatever is between that road and the building, is generally considered the front yard, and whatever is behind it is the rear yard. I think if you were in an area where maybe there was a corner, that maybe if you had two streets, generally it is the street that gives you access to the properties front yard. Regardless of where the house is facing, generally the front yard.....

Steve Morey: You made a reference to our code prior to our discussion about....



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Jacqueline Ricciani: I was just pointing out the one section that talks about accessory structures, which is 345-15. There is a requirement that the accessory be no closer than 10 ft to the principle building, I believe they are farther than that.

Paul Kay: It is 36 ft.

Richard Conroy: Is the entrance to the dining hall facing the road?

Paula Kay: No, the entrance to the dining hall faces the parking lot.

Richard Conroy: So the entrance in front of the dining hall, that would make this building on the side of the dining hall.

Paul Kay: The entrance to the kitchen/dining hall faces right here and this is the road up here.

Jacqueline Ricciani: It faces the side road.

Richard Conroy: What about the canteen building?

Michael Baer: It is open on three sides.

Richard Conroy: Then it is the side. I would call it a side yard based on the front of the main building that we are using as the principle structure.

Steve Morey: Earlier in the meeting the wall was referred to as the rear wall.

Michael Baer: The reason why we did that is because we probably had better access area to the kitchen area, the serving area the kitchen.

Steve Morey: Is there a drivable entrance to the canteen building?

Michael Baer: Not yet.

Steve Morey: Is there going to be?

Michael Baer: There has to be. This is where the trucks come down to pull down to the kitchen.

Richard Conroy: I would say it is a side yard.

Jacqueline Ricciani: I don't want to speak for the applicant, but my understanding is that if this board



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had determined that it was not an accessory structure, that it was a principle structure, then they would need the area variance for the setback. But since you have determined it is an accessory, it is in the side yard, which is required by the code, they are in compliance. They are done.

- 2) *Public Hearing for an area variance for a side yard for a Canteen/Picnic Pavilion to be located on Silver Lake Road, known as Bethel Tax Map #: 11-1-16.2, proposed by Camp Chipinaw. (Kay)***

Motion building is located in the side yard based on the orientation of the principle structure, which is the dining hall by Richard Conroy, second by Jim Crowley.

Roll Call Vote:

Richard Conroy: Yes

Dan Brey: Yes

Jim Crowley: Yes

Victor Kask: No

Steve Morey: Yes

All in favor 4

Opposed-1

Motion passed

Paula Kay: We are withdrawing our application for a variance; we will make sure that we take care of what we need to with BJ and the Planning Board.

- 3) *Application for an Area Variance from the setback and acreage to operate a Bed & Breakfast located at 263 Hurd Road, Bethel, known as Bethel Tax Map #: 21-1-1.12, proposed by Kenneth Bovo.***

Ken Bovo: My name is Kenneth Bovo, an architect, and I represent this application. We are requesting a side yard setback and an area variance for the property noted. The zoning you require is a 25ft setback. Our survey shows 15.4, we are requesting a 9.6 ft side yard setback. The required acres are 3 acres, we have 1.77, and we would like to have an area variance of the difference of 1.23 acres.

Jacqueline Ricciani: Can you repeat the existing side yard?

Ken Bovo: The required is 25 ft side yard, and 3 acres minimum. We have 1.77 acres, so we would like a difference in the area variance, and we have 15.4 ft side yard, we are requesting the balance of 9.6 ft area.

Steve Morey: Mr. Bovo that information you just stated is what was on that site plan that you provided



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to us?

Ken Bovo: The first one had 11.4 that was measured from the deck; Robert Loundsbury took it from the structure, which is a more permanent point of the building.

Steve Morey: Please bear with me a second, if you don't mind. Based on the site plan that you provided us previously, I just want to review the information that is on here, and then you can just verify if this is correct, or incorrect, or changed. The minimum lot area, which is required, is 120 square feet; your proposed is 77,100 square feet, is that still the same? We now have a certified survey map. Is that still the same?

Ken Bovo: Yes, I am going to go with the survey map. The information I provided you really should be going to the Planning Board. I was just trying to be considerate of this project.

Steve Morey: Maybe on that item, as we go down through, because you are asking for an area variance. As we go through that is the reason why I am asking. Front yard what is required is 75 ft, you have 120? Both sides 75 ft you have a total of 106 with one side being 11.4 and the rear side being 250?

Jacqueline Ricciani: I don't think he is using the 11.4 any more.

Steve Morey: That's why I want to run through these, so I can make notes.

Ken Bovo: One surveyor took it from the deck. The 15.4 is taken from the building. They are both correct dimensions. We have this property for almost 20 years, and the zoning has changed.

Steve Morey: Minimum lot width, what is required is 200, you have 434. The minimum lot depth required is 200, you have 175.

Ken Bovo: Yes.

Steve Morey: The building height and lot coverage are well satisfied.

Ken Bovo: Yes

Steve Morey: Okay. Questions, board members?

Robert Yakin: This property was purchased originally as a private residence, was that the original intention of this building?

Ken Bovo: We have had other plans over the years.



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Robert Yakin: This is part of Steve Dubrovsky's original subdivision.

Ken Bovo: We purchased it from Steve.

Robert Yakin: Have the buildings been used for other purposes, or has it just been a private residence?

Ken Bovo: Just residential.

Robert Yakin: I thought on a previous plan we saw some parking shown on it?

Ken Bovo: Originally when we filed with the Planning Board, we moved the parking to the other side.

Robert Yakin: Are you still sticking to your original plan? At a meeting two months ago where you said you were going to create an additional space for a caretaker, I'm sorry, I missed the last meeting.

Ken Bovo: No. We are going to have three transients, and one employee bedroom.

Robert Yakin: Okay.

Steve Morey: Okay, the issues that came up last month, I believe during the public hearing, was that the information provided to the County was the same as the information that you came back to us with last month. Because the information from the prior month....

Ken Bovo: I don't believe that is true.

Steve Morey: When you first presented it to us, it was five units, not four. If you recall you came to us with a plan for five units, one being I believe the caretaker?

Ken Bovo: I don't understand what you are trying to say. It's not in the purview of the Zoning Board.

Steve Morey: Part of our Zoning Board of Appeals process is to get information to the County with their input and their recommendations. The issue I am trying to provide, and I'm not saying... we got a response from the County based on that information.

Ken Bovo: What was their response?

Steve Morey: When the County was provided the information, were they provided a survey map, or just a site plan?



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Bette Jean Gettel: Just a site plan.

Steve Morey: Is it necessary to provide the County with a survey map?

Jacqueline Ricciani: The application that the County got was showing an existing side yard of 11.4, and based upon that the County's recommendation was that it was a matter of local determination. Now you are presented with the survey map showing an existing front yard of 15.4 which would actually require less of a variance than what the County has already found, so like I tell you guys all the time you got to decide if the difference is substantial.

Steve Morey: The reason I am bringing it up is because it came up at our last meeting.

Jacqueline Ricciani: Because we didn't know what we were going to get this time.

Jim Crowley: Steve, I understand the point you are making, and if it ended up being less, if it went from 11 to 8 or something I would say it is a point, but the distance has gone greater, so since he needs less of a variance, I would think the County would send back the exact same thing that they sent last time.

Steve Morey: I just want to make sure everyone is satisfied, so we can move forward.

Bette Jean Gettel: I did scan this and send to the County. But there has been no correspondence from them.

Richard Conroy: We asked for an accurate survey, we got our survey.

Steve Morey: Okay, then I would like to move forward.

Richard Conroy: Do we have to go to a public hearing on this?

Bette Jean Gettel: You already had your public hearing; you are up to your test for your area variance.

Steve Morey: Test for an area variance

Jacqueline Ricciani: Before you do this, and I am saying this to make my life easier when I do the decision and resolution. He is looking for two different variances. One is for the area, the acreage, and the other is for the side yard setback. You can do them together or individually, I don't care, just make sure they are both addressed.

Jim Crowley: Maybe we should do them individually.



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Steve Morey: Starting with the overall lot, or side yard setback.

Jim Crowley: Let's start with the overall lot, I guess.

Steve Morey: Okay.

An undesirable change in the character of the neighborhood or a detriment to nearby properties will be produced by the granting of the variance.

Jim Crowley: No, there are many houses on the Filipini side; the house is conducive to the surrounding neighborhood.

Jacqueline Ricciani: But the use is a Bed and Breakfast.

Jim Crowley: And you have Bethel Woods three hundred feet up the road that has 20,000 people there. What is another six?

Jacqueline Ricciani: Keep in mind; the code says you need three acres. He wants to do it on about half.

Jim Crowley: I think he can put six people in that amount of ground.

Jacqueline Ricciani: Okay.

Steve Morey: Are we all in agreement?

Board in agreement

The benefit to the applicant can be achieved in some other way?

Richard Conroy: I don't know how he can do it any other way with what he has got. The only other way to do it would be to buy something adjacent. You got Bethel Woods on one side, and a private house on the other. I don't know where he would get any other property from.

Robert Yakin: I don't see how he is going to obtain a benefit for what he is applying for a variance for in any other way given the side yard restrictions and the acreage here. They can always get a benefit by deciding to leave it as a private residence and putting it on the market. Even though that is not their intention. As far as what they are applying for, a 1.7-acre, or 15.4 feet, I don't really see.....

Steve Morey: Right now we are just talking about the 1.7 acres. We are going to do this again for the 15.4.



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Jim Crowley: I don't think your neighbors are selling, correct Mr. Bovo?

Ken Bovo: I don't think so, not Alan.

Steve Morey: Can I say we are all in agreement?

Board in agreement – answer is no

The required area variance is substantial?

Steve Morey: Read those numbers again?

Bette Jean Gettel: He needs three acres in the Agricultural-zoning district. This is 1.77.

Steve Morey: He has a little bit more than 50%.

Jim Crowley: It is substantial.

Richard Conroy: Compared to three acres.

Steve Morey: Yes?

Board in agreement – answer is yes

The proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district

Richard Conroy: No, because a house with four bedrooms, four baths that has been there for years and years, what is going to be different?

Robert Yakin: I don't see how a small Bed and Breakfast is going to affect the neighborhood, greater than the Performing Arts Center, which is located less than a mile away.

Board in agreement – No

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

Steve Morey: We quite often answer that with a yes. In this case I can't see how we can consider it self



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created, maybe I am wrong.

Jacqueline Ricciani: I think it is self created, that's what he wants to use it for.

Robert Yakin: Right, I think it is self created because of the nature of what he wants to do with the property.

Jim Crowley: Every single one of these things is always self created. Not that it is a reason for denial, but I don't really know why they have that question in there. If it wasn't self-created this man probably wouldn't have to be here.

Steve Morey: You say this is the Ag District, and it has always been the Ag District?

Bette Jean Gettel: Yes, and it is State Ag too.

Richard Conroy: Has the size of the lot changed?

Bette Jean Gettel: Yes, it has changed three times since my 12 years working for the town.

Richard Conroy: This has been approved as a Bed and Breakfast before?

Bette Jean Gettel: Yes, by the Planning Board, many years ago.

Richard Conroy: That was under the old zoning.

Bette Jean Gettel: That was when the one-acre zoning was in place.

Steve Morey: That was all he needed, and he would have exceeded it at that point in time.

Bette Jean Gettel: Correct.

Jacqueline Ricciani: But then it went from one acre to two acres, and now we are at three acres.

Steve Morey: So, you still think the difficulty is self-created?

Jim Crowley: Well, I don't know, maybe not. Maybe we zoned him out of business.

Richard Conroy: It was never opened as a Bed and Breakfast?

Ken Bovo: No.



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Steve Morey: I go along with the majority of the board's opinion.

Robert Yakin: So are we saying that it was approved for a Bed and Breakfast by the Planning Board, did it come before the Zoning Board then?

Steve Morey: It didn't need to then.

Robert Yakin: I may have to change my answer then. Perhaps it was not self-created. The hardship was created by a change in the zoning and the master plan of the Town.

Steve Morey: Okay, what is the answer?

Jim Crowley: After hearing that, my answer would be it's not self-created. We created it.

Boards answer: No, the town created it.

Steve Morey: Although we are taking this in two parts, we are voting on this in one part?

Jacqueline Ricciani: Whatever you want to do.

Steve Morey: That is what I am asking. It is one application.

Jacqueline Ricciani: You can do two different motions.

Steve Morey: If we approve one aspect, and don't approve the side yard setback, the end result to the applicant is negative.

Jacqueline Ricciani: I don't know.

Steve Morey: What is the pleasure of the board?

Jim Crowley: How is this filed, one or two?

Bette Jean Gettel: One.

Jim Crowley: Then I guess we have to go as one, because that is how it is filed.

Steve Morey: That's my impression. Now we are talking about side yard setback. What is required is 25, and what is proposed is 15.4.



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Jacqueline Ricciani: That is existing. I'm sorry, that is what is proposed. They need 9.6.

Steve Morey: What is the percentage?

Ken Bovo: About 33%.

Jim Crowley: It is actually less. It is less than what the overall lot size is.

Steve Morey: Test for area variance

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: No, Bethel Woods is there, there are single-family homes there.

Jim Crowley: Jacy I think it is pretty much ditto from the last comment.

Jacqueline Ricciani: Yes, the benefit can't be achieved because he can't find more property, and move the property line. Is it substantial?

Jim Crowley: No

Steve Morey: Then it's not ditto.

Richard Conroy: Except for that one.

Jacqueline Ricciani: That's a no, okay. Adverse affect on having the structure so close to the property line?

Richard Conroy: No that is where they run their harvest market.....

Jacqueline Ricciani: It's bordering on vacant land?

Richard Conroy: Except when they have the harvest market running.

Jacqueline Ricciani: Which is only a couple of times a year.

Jacqueline Ricciani: Self-created?



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Steve Morey: Let’s go back to zoning. I’m sure you don’t know it off the top of your head.

Bette Jean Gettel: When it was one acre, it was 10 ft.

Steve Morey: So therefore, Jacy, the only one that is different is...

Jacqueline Ricciani: It’s substantial.

Steve Morey: All for the same reasons okay.

Jacqueline Ricciani: Okay.

Motion to approve the variance by Jim Crowley, second by Richard Conroy

Roll call vote:

Robert Yakin – Yes

Richard Conroy- Yes

Dan Brey – Yes

Jim Crowley – Yes

Victor Kask – No

Steve Morey- Yes

All in favor – 5

Opposed-1

Motion passed

Ken Bovo: Thank you board.

- 4) Application for a Use Variance for a Conservation Subdivision to be located on Route 55 next to Daytop, known as Bethel Tax Map #: 13-1-9.2 & 10, proposed by Forest River Estates, LLC. (Wasson)***

Postponed to June

- 5) Application for a Use Variance and Area Variance to expand a pre-existing non-conforming use located at 186 Lee Cole Road, known as Bethel Tax Map #: 9-1-6, proposed by JJ Enterprise USA, Inc. (Wasson)***

Postponed to June



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Steve Morey: Anything else from the board?

No

Steve Morey: Dawn, anything?

Bette Jean Gettel: There is no training. I haven't seen any training for you gentleman. If I see any, I will forward to you.

Motion to adjourn by Jim Crowley, second by Robert Yakin

All in favor – 6

Opposed-0

Agreed and carried

Respectively submitted,

Jannetta MacArthur
Recording Secretary