



Town of Bethel
Zoning Board of Appeals

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

A Work Session was held on February 26, 2018 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York. A regular meeting of the Zoning Board of Appeals followed at 7:30 PM. On the agenda at this time are the following:

In attendance: Steve Morey, Chairman, Jim Crowley Vice Chairman, Dan Brey, Jesse Komatz, Richard Conroy, Cirino Bruno, Jim Ahearn, Alternate, Bette Jean Gettel, Code Enforcement Officer, Jacqueline Ricciani, Attorney, Bernie Cohen, Town Liaison, and Jannetta MacArthur, Recording Secretary.

Pledge to the flag

Moment of silence for Joseph (Jay) Blais who passed away on February 23rd. He was a former town highway department employee and fire fighter for the community.

Seating Jim Ahearn, Alternate.

Motion to approve minutes for the December 18th meeting by Richard Conroy, and second by Jim Crowley.

All in favor – 7

Opposed-0

Agreed and carried

1) Application for an Area Variance for a conversion to a summer camp to be located at 347 Old White Lake Turnpike, known as Bethel Tax Map #: 13-1-12.1 & 14-1-2.10, proposed by David Weiss.

Jay Zeiger and Randy Wasson representing.

Jay Zeiger: This was on your agenda a month or two ago.

Jacqueline Ricciani: It was last May.

Jay Zieger: Okay, last May. The property now is an existing operating hotel. The proposal is to not build any additional buildings but to convert the hotel to a summer camp. If the hotel came here to... if it was the other way to convert from a summer camp to a hotel they would need similar variances because the buildings were already there, and preexisting to your zoning. When we were here in May there were two concerns, or two issues. The biggest was the easement that kind of left this property.... this is what you saw back then, (showing on map) and this road over here went into



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the next property. We solved that issue by the applicant purchasing this whole piece. So the easement is now on the applicant's property. The other thing you had asked for is clarity on all the buildings what they would be used for, the numbers of occupants, and that was added on page one. They are all existing buildings. We are not proposing to add anything. We are looking to convert the use to a camp. The current setbacks....the existing buildings don't meet them. It is a hotel, the existing buildings wouldn't meet them either in some cases, but it is preexisting nonconforming on the existing use. Randy, do you have anything you want to add?

Randy Wasson: No, not really. We were asking for a couple things, the variances obviously which are all listed here. The list has changed from what you have previously seen because of the acquisition of the property.

Jay Zieger: They said the pieces in the back don't meet....

Randy Wasson: Right, the encroachment issue goes away some of the rear yard variances go away because of the purchase of that property. The other question was with respect to the front yard variances required or not depending on how you interpret the road right of way, or lack thereof. So we were looking for an interpretation. The requested variances assume the worst in the sense of your interpretation is such that the road is entitled to a 50ft right of way, and essentially is 25ft from the center into the property; the variances that are requested assume that.

Jay Zieger: This is the 25ft line, and Randy's measurements on the chart are based on the 25ft line.

Jacqueline Ricciani: So what you are saying you actually have another 25ft until you get to the edge of the road.

Jay Zieger: No 10ft

Randy Wasson: 25ft from the center of the road.

Jacqueline Ricciani: So it is 10 ft. from the edge of the road.

Jay Zieger: The chart is based on 25ft from the center. So if you go the other way, the variance request would be 10ft less if we measured from the edge of the road.

Steve Morey: There is a correspondence here dated January 4th, which makes a reference to the potential purchase of another parcel of property, #13-1-14. Is that shown anyplace?

Randy Wasson: Yes it is this piece right here (showing on the map) immediately below. Here is



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Old White Lake Tpke, here is Buttrick Road.

Steve Morey: Will that eliminate some of these variances?

Randy Wasson: It would eliminate some of the side yard variances on this one end.

Richard Conroy: There are buildings on there.

Randy Wasson: That's true. I don't know if that will become part of the camp. We don't have that piece of property yet, we are giving you what we got.

Steve Morey: Does anyone else have any questions?

Jesse Komatz: This piece will it be combined?

Jay Zieger: Yes it will be combined as part of the process.

Steve Morey: Do you know when that will occur?

Jay Zieger: Responding to your question, I would think it would be a condition to the Planning Board site plan approval. If we don't get a variance we obviously aren't going to combine it. If we don't get Planning Board approval, we may or may not combine it, and operate it as a hotel. My response would be we would like to do that at the end of the process with the understanding that the condition of the variance and the condition of Planning Board approval would be that the two parcels have to be combined.

Jacqueline Ricciani: Well hold on there.

Steve Morey: If it isn't combined, you can't eliminate those variances. You are asking us to make that a condition of our approval should we decide to approve that. You are leading me to believe that you are also going to make it a condition of Planning Board approval, because you don't expect the combination will take place by then.

Jay Zieger: If you want that to be done sooner, we don't have an objection to combine them.

Steve Morey: Am I saying that right Jacy? That is the way I see it.

Jacqueline Ricciani: That's the way it is. If this board was to grant some or all of these requested variances you could make a condition, this board could make that condition that it has to be



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combined.

Jay Zieger: That's fine.

Steve Morey: I don't know if we currently have the listing of those variances because your condition is that you acquire that piece of property.

Jay Zieger: The list of the variances that you see are under the assumption that we bought the piece of property which we did, and with the combination of the two properties.

Randy Wasson: We have eliminated the rear yard setback requirements for these buildings here.

Steve Morey: How many buildings does that involve?

Randy Wasson: I'm not sure, 6 or 7.

Jay Zieger: We had an additional 8 variances. We eliminated them.

Steve Morey: When you say eliminated, are they eliminated from the information you are giving us here, or are they eliminated....

Jay Zieger: They are eliminated from the prior appearance. The prior appearance we had 6 or 7 or 8 additional variances that were being sought.

Steve Morey: Because you did not own that piece of property at that time.

Jay Zieger: Correct, by the acquisition we reduced the list. I think Randy and I both have the original map.

Steve Morey: I guess my point is you have eliminated it because you have acquired that piece of property, but technically they can't be eliminated until they are combined to the parcel in question, the primary parcel. Am I wrong?

Jay Zieger: You are correct, that is why I said make the combination a condition, but if you want it combined before your determination we will do that.

Cirino Bruno: If they don't combine the parcels then they haven't met the condition.

Jim Crowley: And then what?



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Cirino Bruno: Then they have no variance. I don't see a problem with what he is requesting.

Richard Conroy: The properties are owned by the same person. The only thing to do to is combine them.

Cirino Bruno: I think it is reasonable. They have to go to Planning Board approval.

Bette Jean Gettel: The deeds have to be in the same name, and the taxes have to be paid before they can be combined.

Richard Conroy: The taxes are current as far as I can tell.

Cirino Bruno: And do we know that they are in the same name right now?

Richard Conroy: Yes, they are. They are both under David Weiss.

Steve Morey: What is the opinion of the rest of the board?

Cirino Bruno: I stated mine.

Richard Conroy: I don't see it as big deal to combine them, and we make it a condition, that they are combined, otherwise the approvals don't go into effect.

Dan Brey: What is your plan with that piece of property that you just purchased?

Jay Zieger: Nothing

Dan Brey: It's going to stay vacant?

Bette Jean Gettel: There is a house on the Buttrick side.

Jay Zieger: The major reason for the acquisition is, I was told, was because of your reaction particularly with the easement in the back where that road ran into the other property, so we wanted to eliminate that as an issue. And to eliminate some of the rear yard variances that are shown.

Steve Morey: It also eliminates that the original piece of property isn't enough acreage. So that is another variance besides the 7 buildings.

Randy Wasson: And another thing if they are not combined then it would be nonconforming again,



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and we wouldn't have the variances that we have eliminated, which we would have to come back for.

Jay Zieger: There were a bunch of reasons why we acquired it, but without any plans to build on it.

Steve Morey: The map has 11 structures. Some have multiple requests. If the board is satisfied to go on... its fine with me I guess.

Richard Conroy: I'm okay

Cirino Bruno: I'm okay with going forward.

Steve Morey: Do we have enough information to schedule a public hearing?

Bette Jean Gettel: You should read the list into the record.

Steve Morey: The correspondence should be received and file.

Motion to receive and file letter of January 4, 2018, from Wasson Engineering by Cirino Bruno, second by Jesse Komatz

All in favor – 7

Opposed-0

Agreed and carried

Steve Morey: I will read them into the record.

- Building #1 – Front required 200ft, existing is 132ft. They need 68 ft. Side yard required is 150ft, existing is 110ft, they need 40 ft.
- Building #2 – Front required is 200ft, existing is 56ft. 144ft is what is being requested.
- Building #5 – Front required is 200ft, existing 150ft 50 ft. is being requested
- Building #6 – Front required is 200ft, existing is 160ft 40 ft. is being requested
- Building #7 – Front required is 200ft, existing is 122ft , 78 ft. is being requested, building height required is 35ft, existing is 35.5 ft. for height, so .5ft is being requested
- Building #8 – Front required is 200ft, existing is 187 ft., requested is 13ft. Side yard required is 150ft existing is 118ft, requested 32ft



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- Building #10 – Front required is 200ft, existing is 175 ft., requested 25 ft. Side required is 150ft, existing 36.5ft, requested is 113.5. Rear required is 200ft, existing is 175 ft., 25ft is being requested.
- Building #11 – Side required is 150ft, existing is 97ft, requesting 53 ft. Rear required 200ft. existing is 81ft, 119 ft. requested
- Building #12 – Front required is 200ft, existing is 97ft, 103 ft. requested , side required is 150ft, existing 81ft , 69 ft. requested
- Building #14 – Side required 150ft, existing is 135 ft., requested is 15 ft.
- On the pool – Front required is 200ft, existing is 20ft, requested is 180ft. On the pool side what is required is 150ft, 5 ft. is existing, 145 ft. is requested.

What is proposed is to move forward making conditions on the purchase of the piece of property. I don't believe I mentioned anything about the acreage. And the other variances that are being requested if it is not combined, it isn't even part of the record.

Richard Conroy: All you have to say is that these proposed variances are contingent upon combination of both these lots.

Steve Morey: These are the ones being requested with the acquisition and the combination of the lots.

Richard Conroy: They are going to be contingent on the lots being combined. It is a combination of lot 14.-1-2.10, and 13.-1-14.

Steve Morey: That is a condition we would make. Anyone else have anything?

Jacqueline Ricciani: Richard, what did you say the SBO was? On the top right corner, on the table, tax parcel #, you have 13-1-.10. This was submitted January 8, 2018. Are there any other changes?

Randy Wasson: I didn't even know that was different. Nothing else changed. All the variances that you read are on this map.

Jacqueline Ricciani: The only change is that one number?



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8:05 pm

Respectively submitted,

Jannetta MacArthur

Recording Secretary