



Town of Bethel
Zoning Board of Appeals

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complete.....

Jacqueline Ricciani: The Planning Board is going to do their own environmental review that is going to take into account the totality of the project. I brought my SEQRA book and I was checking it before I came to the meeting.

Jim Crowley: Do we need to do two?

Jacqueline Ricciani: What you are looking at is different from what the Planning Board will be looking at in terms of the environmental impact. There is overlap without question, but your review with respect to the variances the applicant is taking, one is for the lot area, and one is for the lot depth. Fortunately the building meets all of the other setback requirements. Even if the environmental impact is minimal it is still something you need to take into account with respect to this parcel.

Jim Crowley: BJ, do you have one of those forms?

Susan Harte: Do I need to do the full or partial?

Bette Jean Gettel: Full

Susan Harte: I have the full already completed, I can send you; I had to do it for the Planning Board.

Bette Jean Gettel: I have the full with me. I have Part 1, Part 2, and Part 3.

Susan Harte: The one that I did?

Bette Jean Gettel: Yes.

Jacqueline Ricciani: A lot of that is not really going to apply.

Susan Harte: We did the full EAF, we filled all that out. It is not going to be any different information. It is the same questions.

Jim Crowley: We will have to go through those questions again tonight, to see if anyone has comment as far as just the area.

Jacqueline Ricciani: Right. So you won't be taking into account all the drainage and all that kind of stuff.



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Jim Crowley: No, just the footage of what she is looking for.

Susan Harte: Which I believe is 1.64 acres in width and 54 feet in depth.

Jim Crowley: Recap for the public the whole project.

Susan Harte: White Lake Woods is a planned multifamily development on Francis Street. I am in front of the board for a variance on the lot size so I can put Phase 1 of a two phase project which would consist of 1 multifamily building, which would consist of 4 family housing. So it would be a townhouse style on this lot. Next year we intend to do another 7 units across the street.

Jim Crowley: BJ, did anyone send anything or respond to the mailings?

Bette Jean Gettel: No.

Jim Crowley: Is there anyone in the audience that would like to speak on this?

None

Motion to go back into regular meeting and close the public hearing by Cirino Bruno, second by Jim Ahearn.

All in favor – 5

Opposed-0

Agreed and carried

Jim Crowley: Does the board have any comments on this?

None

Jim Crowley: Okay. We will go to the 239 review. It came back from the County; the proposed variances are not anticipated to result in an adverse intermunicipal or countywide impact. Due to the fact that the existing access drive is a privately held parcel rather than a public road. If the road was public the subject parcel could be combined with the adjoining acreage to meet the town’s development standard. We determine this matter to be of local determination. Please note the referral has been reviewed by the Sullivan County DPW, which offers the following comments. The County’s 911 addressing system calls for the access road Francis Drive whereas this applicant refers to it as Francis Street. There are at least two existing access points for driveways on County Road 114. To the future Phase 2 of this project the proposed site plan does not show them incorporated into the project. They should be removed as part of Phase 2 development. The projects sewer system is proposed to tie into the town manhole which is located on the County Road. That connection will require a permit. The



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culvert system on the County Road carries storm water from the property to White Lake. The development of Phase 2 of this project may increase the amount of storm water entering into this system. If the request variances are granted, and the project moves forward the site plan applicant should address storm water impacts for the whole development, both phases. Letter from Freda Eisenberg.

With that being said, let's move on to the SEQRA.

Bette Jean Gettel: Reading Part 2

1. Impact on land

- a. The proposed action may involve construction on or physical alteration of the land surface on the proposed site? The proposed action may involve construction on land where depth to water table is less than 3ft.

N/A

- b. The proposed action may involve construction on slopes of 15% or greater?

No

- c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.

No

- d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.

No

- e. The proposed action may involve construction that continues for more than one year or in multiple phases.

Yes.

Jacqueline Ricciani: Or will the impact be small, moderate or large? This one parcel?

Jim Crowley: It will be small for this one.

Bette Jean Gettel: Okay



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- f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal.

No, because the storm water with the Planning Board.

- g. The proposed action, or maybe located within a Coastal Erosion hazard area.

No.

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site

No.

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes).

No.

- a. The proposed action may create a new water body.

No

- b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.

No

- c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.

No.

- d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.

Not this parcel.



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- e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.

No.

- f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.

No.

- g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).

No, there is sewer there.

- h. The proposed action may cause soil erosion, or otherwise create a source of storm water discharge that may lead to siltation or other degradation of receiving water bodies.

No.

- i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.

No.

- j. The proposed action may involve the application of pesticides or herbicides in or around any water bodies.

No.

- k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.

No, not for this parcel.

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

No.

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding/



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No.

6. Impacts on Air

The proposed action may include a state regulated air emission source.

No.

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna.

No.

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources.

No.

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

No.

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. NO YES

No.

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.



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No. This project has its own recreational area in it.

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA).

We don't have any in Bethel.

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

No.

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

Yes, that would be a small impact on the environment.

a. The proposed action will require a new, or an upgrade to an existing, substation.

No.

b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use

No.

c. The proposed action may utilize more than 2,500 Mega Watts per year of electricity.

No.

d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.

No.

15. Impact on Noise, Odor, and Light



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The proposed action may result in an increase in noise, odors, or outdoor lighting.

Yes, small impact.

The proposed action may produce sound above noise levels established by local regulation.

We have a noise ordinance.

b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.

No.

c. The proposed action may result in routine odors for more than one hour per day.

No.

d. The proposed action may result in light shining onto adjoining properties

No

e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.

No

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.

No.

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.

a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).



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No.

- b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.

No.

- c. The proposed action is inconsistent with local land use plans or zoning regulations.

No.

- d. The proposed action is inconsistent with any County plans, or other regional land use plans.

No.

- e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.

No.

- f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.

No.

- g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)

No.

18. Consistency with Community Character

- 1. The proposed project is inconsistent with the existing community character.

- a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.

No.



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b. The proposed action may create a demand for additional community services.

No.

c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.

No.

d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.

No.

e. The proposed action is inconsistent with the predominant architectural scale and character.

No.

f. Proposed action is inconsistent with the character of the existing natural landscape.

No.

Motion to approve Negative Declaration by Richard Conroy, second by Jim Ahearn.

All in favor – 5

Opposed-0

Agreed and carried.

Jim Crowley: Okay, on to the next step. We need two area variances. We have to go through our four steps on how significant they are, and we need discussion on them.

Jacqueline Ricciani: I have it if it is easier. So you have two. Lot area and lot depth. You can probably do both at the same time or separately.

Jim Crowley: Well I mean either go for all of it, or you go for none of it. Susan what would you like to do?

Susan Harte: All of it.

Jim Crowley: So I guess we are doing both.



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So in an area variance when making a determination whether to grant conditionally or deny an application for an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted. To balance this benefit against the detriment to the health, safety, and welfare of the neighborhood or community made by such a grant. In making such a determination the board shall consider the following factors:

- 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;

No. There are single family houses there now.

- 2) the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance;

They tried to buy the road. They can't combine it as per the County. Unless you did the project in one shot right?

Jacqueline Ricciani: No, you still can't combine it. And the applicant also indicates in the application that she contacted one of the neighbors.

Susan Harte: On the backside of the lot it is owned by the company that owns the corner. Steve Dubrovsky won't sell. Igor owns the road, and he doesn't want to sell it primarily because his mortgage is for the road and the property that the house is on, so it would be a big mess to try to do that.

- 3) the required area variance is substantial;

No. They are both less than 50%.

Jim Crowley: What is considered substantial?

Jacqueline Ricciani: Every application is different. Depending on what the circumstances are, a variance of 10 ft. when you have to have 25 ft., depending on what else is around. It might be substantial, but when you need a variance of 10ft, but you already have 200, not so much. It depends on the individual project. The one thing to keep in mind for this one as I said earlier that the building, even though the lot is small itself, and it doesn't meet the depth, the building still meets all of the required setbacks.

Jim Crowley: Correct. And there is sewer. Development standards can go down, sizes you can build higher density if you have infrastructure like that.

- 4) the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district;



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No. Refer to the SEQRA form. There are depilated houses there now, so it will improve it.

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

Yes. They are all self- created.

Susan Harte: I thought self-created meant that I did something like a subdivision or something that.....

Richard Conroy: You bought it anyway.

Jim Crowley: Does the board have any further discussion on this?

None

Motion to approve area variances with the condition that all fees are paid by Cirino Bruno, second by Jim Ahearn.

Roll call vote:

Dan Brey – Yes

Richard Conroy – Yes

Jim Ahearn – Yes

Cirino Bruno – Yes

Jim Crowley – Yes

Motion passed

Jacqueline Ricciani: You should also make it a condition that subject to Planning Board approving the special use permit.

Jim Crowley: I want to have some discussion on this. Why do you want it to be a condition, to be subject of the special use permit?

Jacqueline Ricciani: You may not want to.

Jim Crowley: Because an area variance or any variance if we grant that, that now goes with the property forever.

Jacqueline Ricciani: And if the applicant ends up just wanting to do this one Phase, then she has everything she needs to do that. The Planning Board still has to approve the special use permit, even though you don't want your condition to be with respect to the whole project, the applicant wants to do it in phases, you should consider making it a condition of this variance that she gets her special use permit to build this multifamily housing unit.

Richard Conroy: But she couldn't move ahead then anyway, so why should we put this condition on it?



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Jacqueline Ricciani: Because now you are granting a variance for her to put a building on that property.....

Cirino Bruno: Which she won't be able to do if the Planning Board doesn't approve the special use permit.

Jacqueline Ricciani: Fine. Conditionally it ties the projects together from Planning to ZBA.

Jim Crowley: Congratulations. Back to Planning.

Susan Harte: Thank you.

**2) *Application for an Area Variance located at 980 State Route 17B, Mongaup Valley, known as Bethel
 Tax map #: 38-2-16, proposed by Carl Brown (Kaplan)***

Jeff Kaplan: I am here on behalf of the applicant.

Jim Crowley: I know there was discussion at last month's meeting of ownership of that property. BJ do you have that cleared up now, who owns the property?

Bette Jean Gettel: It is Pete Patel that owns the property.

Richard Conroy: It is an LLC. We asked for an avadavat.

Bette Jean Gettel: I have an owner's proxy. What did you want?

Jacqueline Ricciani: Pete is part of the LLC. I think Mr. Kaplan understands what the board is looking for. There is nothing on the owner's proxy, which indicates the LLC has authorized this application.

Jeff Kaplan: I can get that for you. It is the same guy. He is the LLC.

Richard Conroy: But we don't know that.

Jacqueline Ricciani: There is nothing in the owner's proxy that ties Mr. Patel to the LLC.

Jannetta MacArthur: What was the name of the corporation?

Jeff Kaplan: CES, it stands for Called Equipment and Sent.

Richard Conroy: Is that the owner of the property?

Jeff Kaplan: That is the name of the LLC. So basically the concept is the building would be used by a Non for Profit Corporation for youth between the ages of 10 and 17 years old. Bible study, drug and alcohol counseling, clothes and food for the community a gathering place to get that together. The interesting thing about this



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application is that you are looking at a building that is already there. It was legally built, and legally existing. If we were looking at a vacant lot, and looking for the same relief it would be a heavier consideration. It is an interesting consideration, if you said no; the building is still sitting there. It is really just a question of what use can this building be made of at this point. The proposed use is authorized in that zone. Whether you call it a house of worship, a community building, those are authorized in the zone. The real question in a very narrow sense, if you take the variances that they need the area variances, how does it impact based upon the use? And I would propose to you that you probably couldn't get more of a less of an intrusive use of a building that is being proposed here. There isn't going to be much traffic because you have kids that most of them can't drive anyway and will be brought there by their parents and dropped off for bible study, etc. So I would submit to you that the building in its prior life when it was a garage and a grocery store was a much greater use and impact on this land. I can't really think of a much lesser use than you can make of the property. In my opinion, what you are looking at is an existing building legally existing, and a result of the setbacks, that they clearly can't meet. For example you need 50, 25 on each side. It doesn't have that. You need 50 in the back, it doesn't have that. You need two acres, it is on .25 acres. So you don't have 2 acres, but again you have an existing legal building. It is just a question of what use it can be made of. In that scope, looking at the fact there is a building there and what impact the side lots have on it, it's not going to change as a result of this use. It is still going to remain that building. I believe the issue such as it is, there adequate parking, adequate sewer, etc., are all issues that once it gets before the Planning Board, they could properly consider those issues as whether or not they are going to allow that use there. Again your issue is pretty narrow, and that is these side lots under the circumstances, where you have a physical building acceptable to reduce to the limits to allow some use. If you are just going to say no in general, you are just going to have a building sitting there for the rest of time that can't be used.

Dan Brey: Do we have a survey map?

Cirino Bruno: We asked for a different one.

Richard Conroy: How are we going to classify it? Are we going to classify this as a church, a community building, what we are going to classify it as?

Bette Jean Gettel: You tell me.

Jacqueline Ricciani: This is classified as a House of Worship.

Richard Conroy: Does it have to go to Planning Board?

Jeff Kaplan: No it wouldn't.

Richard Conroy: Based on the size of this lot, the zoning, it could be used for anything. The use is an acre.

Jeff Kaplan: Right, that is why we are here.

Bette Jean Gettel: It was built back when.



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Jim Crowley: When was it built Rich...?

Richard Conroy: It was a garage. There was a grocery store in there, I don't remember them coming to us.

Bette Jean Gettel: They didn't.

Richard Conroy: There is a problem with this lot. Because of the right of way.

Bette Jean Gettel: It is built prior to zoning.

Jacqueline Ricciani: The building is that old?

Jim Crowley: Here is the problem, right. All this was built before the zoning. It exists, it is there. What would you do with it; do you want a vacant zombie property that you could never do anything with? Or do you want something that could possibly have the lowest impact and fit the neighborhood, because there is a church right next to it, and plus we would send out the 239 review, and the State will make their comment then.

Bette Jean Gettel: The church behind use the parking lot of this property for their parking. Even the churches lot is undersized.

Jim Crowley: They both are.

Jeff Kaplan: I think you really hit the issue on the head. Do you want no use of this building, a vacant building?

Bette Jean Gettel: Mr. Brown, how many kids are you talking about?

Carl Brown: About 30 kids.

Bette Jean Gettel: How often do you meet?

Carl Brown: Twice a week, sometimes three times a week.

Bette Jean Gettel: Roughly how many hours?

Richard Conroy: Where are you drawing your people from?

Carl Brown: Two.

Bette Jean Gettel: Evening, daytime or.....?

Carl Brown: Wednesday evening, Friday evening, and Sunday.



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Jim Crowley: Definitely less density than a supermarket was, right?

Richard Conroy: Where are you drawing your people from?

Carl Brown: Some from Monticello, some are in Orange County. Some from Ellenville.

Richard Conroy: How many are you expecting?

Carl Brown: Umm

Richard Conroy: Not hundreds....

Carl Brown: Definitely not.

Jeff Kaplan: Whatever their use, it is still going to be subject to fire code. There will be exit signs, how many people are going to be allowed in the building. It's not going to be overrun.

Richard Conroy: Looking at our zoning, nobody can go there.

Bette Jean Gettel: That is why they are here gentleman.

Jacqueline Ricciani: They still have to go through the process. You should probably start with what they have and what they need. You know they need 2 acres.

Jim Crowley: They are in in the C17B?

Bette Jean Gettel: Correct.

Jacqueline Ricciani: They need 2 acres. They have .23.

Richard Conroy: It is 9,599 square feet. It comes out .22 acres. It is an odd shape lot.

Jim Crowley: You need two acres; you need a width of 150 ft. You need a depth of 200 ft., front of 50 ft., a rear of 50, side yard combined of 50, maximum building coverage 25% coverage.

Jeff Kaplan: I believe subject to our last amendment that was submitted we have a request for the two acre reduction, the 50 ft. in the front I believe they meet.

Jim Crowley: I'm not sure. That is a right of way. You have pretty much all building on that.

Richard Conroy: The overhang is over the line.



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Jacqueline Ricciani: When you have an irregular lot you take the average.

Jim Crowley: .7 is the average. It has to be 50 ft. in the front so they need 33.3 ft. Do you know what you have in the rear? There are not many measurements on here.

Carl Brown: We were in your office.

Jacqueline Ricciani: You have to know what you need. You need to take measurements at a couple of points, and then take the average. It's not a straight line.

Jeff Kaplan: I believe the measurements were done, and that is what the submission was based upon; the rear lot needs 25 ft. They have some different

Jacqueline Ricciani: The side yards and rear yards were taken at the maximum point.

Jim Crowley: Who did you get the measurements from?

Bette Jean Gettel: I have an old survey map in the other file in the office. Unfortunately I didn't grab that.

Richard Conroy: In the back if you go the furthest part out it is one inch, one inch equals 30ft, so that is 30 ft.....

Jacqueline Ricciani: You know what is weird, even when you are looking at the front yard, where there is the 11.3, then the 22.1, you could maybe kind of use that to figure out a scale, see what I am saying?

Jim Crowley: You could pick any number you want, and it's all going to be substantial, so if you are off a couple of feet, is it really going to matter?

Jacqueline Ricciani: You have to have something to work off of.

Jim Crowley: I understand. Typically you're not supposed to scale off of maps, which we are.

Jacqueline Ricciani: You do the best you can to help the applicant.

Jim Crowley: Right. They are all going to be substantial.

Bette Jean Gettel: They are going to be more than your 50%.

Jim Crowley: So we are a few feet off here and there, it's okay. We are not surveyors.

Richard Conroy: This back piece is a pain. It is triangular. If you measure in a couple of places. This is a half inch that is 15 ft. you go to the point there, that is an inch that is 30 ft. Take another half inch on the other side, so



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that is 15 and 30, divided by 3 is 20 ft.

Jacqueline Ricciani: So that is the answer. You have 20 ft. in the rear, you need 30. So left side right side.

Richard Conroy: The right side is barely straight, and inch and a quarter – which is 45 ft. on the right side, facing the building. The other side, that is like a half of an inch that is 30 ft.

Bette Jean Gettel: You need 25 on each side.

Jacqueline Ricciani: The right side is set; you just need 10 on the left side. The depth is supposed to be 200 ft. It is 78.5, is what you have. You need 200. You need 121.5. You don't know what you are going to do about building coverage. You know the square footage for the entire parcel. The building is kind of square; you can maybe measure the building if you want to go that far.

Richard Conroy: It is about 2 inches deep, which is about 60 ft. 2.5 the other way, which is 75?

Jacqueline Ricciani: Which is 4500 square feet. So it is 46.8%

Jim Crowley: Does that matter?

Jacqueline Ricciani: It is part of the bulk table.

Jim Crowley: That building is there, it is preexisting, I'm sure it has a CO. How do you do a variance for that?

Jacqueline Ricciani: You do a variance for everything else.

Jim Crowley: How do you do a variance for that, it is already there.

Richard Conroy: Why do we have to do it?

Jim Crowley: Yes, that is the question?

Jacqueline Ricciani: Because it is one of the requirements, the requirements are with respect to the bulk of the building where it is, how much size it has. It is one of the requirements.

Richard Conroy: Even though this building has been here since

Jacqueline Ricciani: Nobody is expecting the applicant to shrink the building so it can meet the setbacks. It already exists.

Jeff Kaplan: It is an existing building; it is going to sit there.



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Jacqueline Ricciani: It is structurally sound.

Richard Conroy: This building predates zoning. We shouldn't have to deal with these setbacks at all.

Jacqueline Ricciani: You have discretion, you do have to consider.....

Jim Crowley: Let's have a conversation as a board.

Richard Conroy: My opinion is to forget the setbacks. You are not going to change them; you are not going to do anything with them. You need two acres, yes or no.

Jim Crowley: They are not expanding, they are not encroaching.

Richard Conroy: According to the zoning now, you can't put anything there. I would say waive the two acres and forget the setbacks. We are spinning our wheels on this. It isn't going to make a difference one way or another.

Jacqueline Ricciani: Gentleman. I can appreciate the futility of going through the process based upon what exists in real life. However, the applicant is seeking to do something that granted.....

Cirino Bruno: Jacy when you go through the process you are making a mockery of the process.

Jacqueline Ricciani: But ignoring it is kind of....

Cirino Bruno: Ignoring is one way of looking at it, but looking at it as a preexisting condition is another way of looking at it.

Jeff Kaplan: We wouldn't be here; the fact is the building is here is why we are here.

Jim Crowley: The mercantile has much more impact.

Richard Conroy: For a community building you need two acres.

Jeff Kaplan: If you are saying you can have some use for this building, but it has to be minimal use, how much minimum can you do than 6 hours per week, where kids sit in the building and leave and not doing anything outside the building. They are not doing any improvements, other than using it. Just a roof over their head.

Richard Conroy: You think we have to approve all these setbacks?

Jacqueline Ricciani: I do

Jim Crowley: I personally do not agree with it. It is just being done as a procedural thing. If we want to do it we



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can. I just don't see it though, at the end of the day nothing is changing Jacy.

Jaqueline Ricciani: I understand where you are coming from but at the same time I don't think this board should take the position, that just because it is a nonconforming building and it has been there, they can do whatever they want without coming here first. I just don't think that is prudent because this building does seem to be unique and exceptional. There may be other buildings in the town that somebody is going to want to use for a different use it is preexisting.....

Jim Crowley: If we fast forward this to do what they want to do. And what it is being done in that neighborhood right now, it fits. It would be a totally different scenario if it was back to being a garage, a shoe store, something different.

Jacqueline Ricciani: You can't pick applications. Because of the use they want to do oh we don't have to consider the setbacks, but if it were a different use we will consider the setbacks.

Richard Conroy: We have to have a public hearing. Why don't we schedule a public hearing, and use these numbers that we came up with, and go through the procedure.

Jacqueline Riccini: The biggest factor that you will take into account is that it is preexisting it has been there, the anticipated use is a minimal intrusion everything that Mr. Kaplan said, and those are all of the factors that you will take into account.

Jeff Kaplan: I think you are making it more complicated than it has to be. If you just say based upon the proposed use, and the existing building, and the fact is that it is significantly undersized and the rear lot, front lot, density that there really is based upon the proposed use, probably the best use of this property as it now sits, I think that would cover all the variance that we are looking for.

Jim Crowley: Jacy, I agree with the variance of the two acres. Proceeding forward with that. The problem is.. That is why I want discussion on this; they still have to have a special use permit from The Planning Board, if we move forward with that all these other variances and we grant them that runs with that property again forever. If we don't deal with them, when these people leave down the road; it will be back here when something else wants to come and when that something else comes the board 20 years from now, whenever, may not want to grant that variance then.

Jacqueline Ricciani: And based upon what the circumstances are they may not, which is why I think it is important.

Jim Crowley: But the setbacks will go with it, it is set in stone. They are forever.

Jacqueline Ricciani: Or until the town changes it.

Jeff Kaplan: The setbacks are based upon the use.



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Jim Crowley: Not necessarily, you don't give variances to people you give it to property.

Jacqueline Ricciani: Or this use. If somebody comes in and wants to put in a shoe store or a beer distributor or wants to do something else.....

Jim Crowley: But if it is in the same classification of building code that this is in, there is a whole bulk chart, it doesn't have to come back to this board.

Jacqueline Ricciani: This variance is specific for this application. For this House of Worship.

Jeff Kaplan: You have a separate design for House of Worship in this zone.

Jacqueline Ricciani: This variance is only for this application. To your point Jim and your concern which is valid, if somebody comes in and says...

Jim Crowley: The same setbacks go for community buildings, essential services, two family dwellings; it would fit for any of those criteria if you grant that variance.

Jacqueline Riccini: Yes and no. Because if somebody comes in.....

Jim Crowley: It's a good case to argue, you gave it to them once. Now you aren't going to give it to me again? Because we are changing use?

Jacqueline Ricciani: 100%, absolutely

Jeff Kaplan: You are not giving site plan approval. You are giving special use approval. They have to under your code.

Jim Crowley: Me as a member of the board, whatever the board likes to do is fine. I don't know if I want to go down the road of all of these different.....

Jacqueline Ricciani: They are only here for this application for this use. If somebody wants to come in..... say they do such a fantastic job that they have outgrown this space, and they move down the road, and now we are back to this empty building. Somebody says I want to put in a recreation.....

Jim Crowley: Or another House of Worship.....

Jacqueline Ricciani: Another House of Worship, then you are in the same boat.

Jim Crowley: If you never did any of these other variances. And you looked at it as a preexisting nonconforming use....



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Jacqueline Ricciani: So the next application that comes in here in a different zoning district with a preexisting says well you didn't consider the setbacks when Mr. Kaplan was here, you can't consider mine. I think it is a really dangerous road to go down.

Jim Crowley: Okay. I'm just putting it out there.

Richard Conroy: I just assume see us address the setbacks, approve the setbacks, and approve the lot size, the variance for this project. My opinion.

Bette Jean Gettel: Part of your conditions of approval can be....

Jim Crowley: Everyone agree on that?

Board in agreement.

Motion to schedule for a public hearing on December 16, 2019 by Richard Conroy, second by Cirino Bruno.

All in favor-5

Opposed-0

Agreed and carried

Jim Crowley: You gentleman will have to get with BJ, and get the mailings you have to mail to everyone within 500 ft.

Bette Jean Gettel: We need a management statement. I need a short form SEQRA. Mr. Kaplan can help you fill it out. I have to do a State 239 and a County 239.

Jacqueline Ricciani: We need a measurement for the lot width.

Richard Conroy: It is 112.

Jacqueline Ricciani: They need 150. We are not doing coverage, is that correct?

Bette Jean Gettel: It is roughly 46% coverage. They need 21%

Richard Conroy: I wonder if the state is going to say anything about the parking.

Jeff Kaplan: Thanks for your time. See you next month.

Jim Crowley: We have some housekeeping items. There are a few people that need hours. Dan you need 5 hours, and Jesse needs 5 hours. The County is giving 2.5 hours of training on December 11th at 11:00 am to 2:00 pm at the Emergency Operation Center. They are going to feed you, so that is another incentive. Dan your term is up at the end of 2019, which we will talk about next month. The only other thing I have, what is the boards



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feeling on Wendy Brown in reference to being an alternate. Are we going to readvertise, appoint her?

Cirino Bruno: Why are we readvertising? We had two people, we interviewed Wendy Brown.

Bette Jean Gettel: There was another gentleman that made application; I have asked him three times to attend your meetings. He has yet to show.

Jim Crowley: He is out. That is my opinion. Have we interviewed her yet?

Bette Jean Gettel: Yes we did, in June.

Jim Crowley: I was not there then.

Cirino Bruno: We decided we were going to readvertise against my wishes.

Jim Crowley: Why are we readvertising?

Bette Jean Gettel: I don't know.

Jim Crowley: We had two people we interviewed Wendy, Jim Ahearn, and the other guy didn't show up.

Cirino Bruno: Let's back it up. We were looking for a replacement to the board. We had two applicants plus Jim Ahearn was alternate. We moved Jim Ahearn onto the board. I had suggested since that gentleman was never showing up for an interview, that we take Wendy Brown and vote on accepting her as an alternate. It was pointed out that she put in her application as a board member not as an alternate, so we should go out and readvertise and see if anyone else wants to come on board and apply for the alternate position. Months and months have passed, and I am learning tonight we never advertised.

Jim Crowley: She wanted to be a board member and not alternate?

Cirino Bruno: She never said she didn't want to be an alternate. She applied for the position as a board member.

Jacqueline Ricciani: That is all that was advertised.

Bette Jean Gettel: I will ask the Town Board to readvertise for an alternate.

Jacqueline Ricciani: Would you guys accept her application if she is interested in the alternate position, so not going through the process again?

Jim Crowley: Anything from the audience? Questions?



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Dawn Ryder: Town Board next week has been cancelled. We will only meet the second week in December. Happy Thanksgiving everyone!

David Biren: We are going to be interviewing for the position on the Planning Board.

Motion to adjourn by Jim Ahearn, second by Cirino Bruno.

All in favor – 5

Opposed-0

Agreed and carried

Respectively submitted,

Jannetta MacArthur

Recording Secretary.