



Town of Bethel
Zoning Board of Appeals
PO Box 300, 3454 Route 55
White Lake, NY 12786

A Work Session was held on October 21, 2019 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 on the same date at 7:30 PM. On the agenda at this time was the following:

In attendance: Steve Morey, Chairman, Jim Crowley, Vice Chairman, Richard Conroy, Cirino Bruno, Jesse Komatz, Dan Brey, Jim Ahearn, Dawn Ryder, Liaison, Jacqueline Ricciani, Attorney, and Jannetta MacArthur Recording Secretary.

Pledge to the flag.

Moment of silence of the passing of John Driscoll III, a former Town of Bethel Board member.

Steve Morey: Thank you. David Biren from the Planning Board is present.

Excused: Bette Jean Gettel, Code Enforcement Officer

Motion to approve the July 15, 2019 minutes by Richard Conroy, second by Jim Crowley.

All in favor-7

Opposed-0

Agreed and carried

Steve Morey: We have two agenda items this evening. The first is the following:

- 1) 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)***

Steve Morey: Are you Mr. Brown? It says Jeffrey Kaplan your attorney is presenting?

Carl Brown: He is not here. I am the assistant pastor at the New Beginnings Church in Ellenville. I reside at 10 Blue Spruce Lane, Monticello, NY. A lot of youth in the area have come to our house for biblical moral support, and they were looking for a place that they would have for their own space where we would teach them biblical morals, as well as having drug consoling. We would also have food give a ways, and have clothes drives. The owner of the building, with intentions of doing a liquor store, he hasn't been able to do it because of the church that is behind it. After giving it some thought and prayer we decided we wanted to move ahead to see is we could acquire to open this as a house of worship.

Jacqueline Ricciani: Do you want to purchase?

Carl Brown: Yes. There are some things that we have to fix in the building first. The owner



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understands we want to rent it at first if we are allowed to open, and then we would go on to purchase the building.

Dan Brey: Who is the owner?

Carl Brown: Pete?

Cirino Bruno: Are you in contract yet with an option to purchase?

Carl Brown: Everything is on hold.

Cirino Bruno: There is no legal documentation regarding your leasing it or eventually buying it.

Carl Brown: His lawyer was going to draw it up, Jeff was looking at it, and Jeff said you know what let's find out first and foremost what is going to happen here.

Richard Conroy: The property is owned by Vadtal Upstate Properties LLC. We are going to need something that says that from the LLC that he is authorized to apply for the variance.

Carl Brown: You want a statement from him that he agrees?

Richard Conroy: We need a document from the LLC saying that he authorized you to apply for the variance.

Steve Morey: The owner's proxy has a name on it that I can't decipher as the owner. The survey says that, as Mr. Conroy stated that Vadtal Upstate Properties LLC owns the building.

Jacqueline Ricciani: An LLC owns the building. The individual person you have been dealing with may be a member of that LLC, but that individual does not own the property. The corporation, the company owns the property. This board is asking for some document from the owner, the corporation saying that the corporation has authorized Pete to act on behalf of the corporation to give you permission to come here and makes this application.

Carl Brown: I can do that.

Richard Conroy: You have to tell us what you are asking for.



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Carl Brown: We were told we need a variance because it isn't on two acres.

Richard Conroy: You need a few variances. The building takes up almost the whole lot. The parking area outside, the bounds of the property, the zoning regulations call for so many feet from the property line. You have to tell us what you want.

Carl Brown: When we spoke to BJ, she said we needed two acres, so she sent us to the Zoning Board to see if you will allow us to have a House of Worship on a property that is less than two acres.

Steve Morey: Who filled out this application?

Carl Brown: I did.

Steve Morey: That is as far as you went, just that top portion of the application?

Jim Crowley: What I see as a problem here is the survey. All the parking, all the blacktop in front and to the side, I would assume this is in the State right of way. I don't even know whose this is. And then on the side of the building here, I don't know who owns all of this. This building takes up most of the property. It's a little bit more than.....

Jacqueline Ricciani: Assuming that this use qualifies as a House of Worship. Let's just go with that assumption. It needs two acres. This property is .23 acres. So 1.77 acres the front yard setbacks, front and rear setbacks are 50 ft. Can't really tell from this map what the distances are. You need one side yard of 25ft, both side yards combined to be 50 ft., there is a lot width of 150 ft., lot depth of 200 ft. which being the dimensions are 112 by 89, I'm thinking you are going to need some variances there as well. And the lot coverage is 25%. In order for this building on this parcel to comply with those bulk requirements I think the applicant is going to have to give you some more detail on this map, so that we know what is existing so they can figure how much of a variance he needs for all of those different requirements.

Jim Crowley: Once we figure out who owns it. On the map right now you don't have any of that.

Jacqueline Ricciani: Well it says to be conveyed to Vadtal Upstate Properties. I think I did confirm that. It was purchased in 2012. That is the owner with a PO Box in Mongaup Valley.

Richard Conroy: I have a deed recorded in 2013. The same company.

Steve Morey: That is as far as you went, right, in terms of filling out that application. The reason why I am asking is because it is asking you to state what your particular situation is.



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Carl Brown: There was another sheet with that with what our plan was.

Richard Conroy: It doesn't have the numbers. The second page of the application....

Steve Morey: It is test criteria for your variance request. However without having specific details in terms of the setbacks, in our estimation, I am speaking on my thoughts. You need to know what your setback requirements are... need to be for that situation and then define what you had, and what you are lacking.

Carl Brown: From what we were told, this is all new to me....the only thing BJ told me was that we needed two acres.

Steve Morey: She is not available today, so we can't get any input from her representing the building department.

Richard Conroy: The building has been there a long time.

Steve Morey: The building exists, but

Cirino Bruno: There is no written denial of why she denied this.

Steve Morey: On the application the question of whether the denial of an application for a building permit, it states there is no denial.

Jacqueline Ricciani: There is no permit application.

Jim Crowley: Usually with these setbacks, normally there is what is required, front yard, x amount of feet, side yard x amount of feet, of what is needed. Then you will show on this map what you have, and still what is delinquent. If it is delinquent then you may need a variance for side yard, for a front yard, along with not having your two acres. So it would be several variances.

Carl Brown: I will go tomorrow to find out what is needed, besides the two acres. That is all we were told. This is new to me. If I was told more about it, we would have had it, when I went there that is all I was told was that we needed two acres.

Steve Morey: Do you know whose name this is as the owner on this form? Can you take a look at this? I can't make heads or tails what is written on this form.. That he in fact is the owner.

Carl Brown: This is Pete. He owns the Mobil, he owns the other gas station right here.



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Steve Morey: We need a notarized statement from him, because I can't make heads or tails of what is written on this form. That he is in fact the owner doing business as that LLC.

Cirino Bruno: Also have Mr. Kaplan guide you.

Steve Morey: Generally we meet the 3rd Monday of every month.

Jacqueline Ricciani: Whatever you submit needs to be to BJ two weeks before the meeting. So you have two weeks from tonight.

Jesse Komatz: Do you have a letter of intent that you are going to buy and/or lease?

Carl Brown: Yes, but my lawyer put it on hold; he didn't want to tie us to anything if we are not able to use the building. It is still going to stay on hold because once we do it and we are not able to use it.....

Steve Morey: Are you working on the building now?

Carl Brown: We started, and we were stopped.

Jim Crowley: Jesse is right, bring your letter of intent.

Jesse Komatz: So we know we are dealing with you.

Carl Brown: Okay, I will bring a letter from him.

Dan Brey: Doesn't he need a better survey map?

Steve Morey: You may be able to go back to this surveyor, and put a scale on that...we need more detail, you need to know what the code is for this property. State what you understand the code to be, and then state what you are delinquent.

Carl Brown: I'll get on it. I appreciate it.

Steve Morey: Does anyone have anything else?

No one

Steve Morey: We are moving on to our second agenda item.



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2) *Application for an Area Variance located on Francis Street, known as Bethel Tax Map #: 34-2.4.2 Proposed by White Lake Woods LLC. (Harte)*

Susan Harte: Do you want me to put the big map up? Or do you think you are okay with what you have.

Steve Morey: Put up what you have.

Susan Harte: Okay a little bit of quick history. I purchased this property in March of this year. It consists of five separate parcels for a total of about 8.1 acres. The plan I have for this property is to build a multifamily housing project. To serve for work force housing. It's not affordable housing or Section 8; it is just for working people. Because in Bethel we don't have any multifamily housing except for the Senior Center. So my first challenge was that I plan to do the project in two phases. I plan to build modular multifamily units. So this is a town house style. I wanted to do it in two phases, primarily because this is my first sort of commercial development. I built my own house, so I think I am a real estate developer now. I wanted to build the first.... the units are planned in clusters of four. I wanted to build the first one on this lot just to go through the process, see what the problems are, see what the costs are, see how the market is, how much I can rent them for, how quickly they rent. And also so that I have some metrics of success, so when I go hopefully to get financing for the larger project which would be basically seven more times across the street, that I would sort of have some track record. So that is the reason for the multiphase. So the plan was as soon as this was up, then I would go and start Phase 2. My first challenge was that this lot at the time was zoned 17B, and under that zoning you can't build residential housing. Why it was 17B, we are not exactly sure because this property does not abut 17B in any way shape or form, so I worked with the Town Council, and we went through the process and had this rezoned to RS. That is all taken care of now. That process is finished. I initially went to..... I started the Planning Board process. We had a working Planning Board session, and at that time we did note to people in the room that we did not meet the bulk use requirements as far acreage, because as you know this is a two acre minimum requirement. Before we went to the Planning Board work session, I even mentioned to Dan Gettel and he seemed to convey that they would look at the project as a whole, at 8.1 acres. Because in the town sewer district the density is you can do 4 units per acre. It seemed that they were saying well we are just going to look at the whole thing as 8.1 acres, and you can put in 32 units there. I know that we had discussed specifically the area deficiency of two acres. I don't know that in that pre Planning Board meeting, and I know in the Planning Board meeting subsequent, we didn't specifically discuss the dimensions, and I think my architect sort of assumed that when we were sort of told that it would be considered a part of a whole, it didn't mean just for the area, but also for the lot dimension. We went along our merry way, and went to another Town Planning Board meeting and started working on all the things the Planning Board has asked us to do.



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And at the last Planning Board meeting in September I think it was, it was brought up that this piece does not conform to the lot dimensions, and that we would have to come to the ZBA to seek a variance. That is why we are here today. I can tell you a little bit about the project. There are 5 wells on this property. There is a well on this property. We have done predevelopment plan work; there is nothing here that should prevent the project from moving forward. We had the wells tested, we have town sewer. The reason, as Jacy mentioned earlier we can't just do a consolidation of the properties, because Frances Street here is a right of way, which is also a separate tax lot that is owned by Igor, who lives at the end of the street. Initially I thought I could convince Igor to sell it to me. He really didn't want to sell it, because the County won't let you consolidate over a right of way, especially a right of way that is a separate tax lot. The problem is his mortgage includes this tax lot plus the property that it houses on. So he can't really convey this without going through a huge refinance and everything, and it is something he is not willing to do. I also spoke to Steve Dubrovsky, because this property here actually abuts that property owned by the corner development. At one time they were thinking about building a hotel and doing all of that, and I asked him do you have any interest in selling me a few feet on the backside to make it a deeper lot, and he said no. I feel we have exhausted all of the options available to try to fix it without a variance. There doesn't seem to be any options for that.

Richard Conroy: Just like we asked the other person, this application is from White Lake Woods, LLC. Is that you?

Susan Harte: I am the sole owner of White Lake Woods, LLC.

Richard Conroy: We need an avadavat stating that is you.

Steve Morey: In the beginning you mentioned there were 5 lots in total. Do you own all five of those lots which make that total acreage that you have?

Susan Harte: Yes.

Jacqueline Ricciani: Well White Lake Woods, LLC owns those lots. Susan is the sole member of White Lake Woods LLC. We just need an avadavat saying you are the sole owner, and that you are authorizing Susan Harte to make this application. Just to be specific, two acres are required, and it has 1.36, and needs a variance of .64 on the lot area. My math is a little different from the applicant's math, with respect to the lot depth. On the narrative, the additional submission, the third page, you will see that there is an enlargement of this parcel which is rectangular, but not perfectly rectangular, so what the code says to do when you have different distances, you take the average. So when I averaged the 1.49, .59, and the 1.198, I came up with 1.45875.

Susan Harte: So we need 200 minus 1.40...



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Jacqueline Ricciani: This board can certainly round up or down. But when you have the different distances on the other side, you can't just pick them you have to put them together.

Richard Conroy: All the other setbacks are okay?

Susan Harte: Yes. It is 50 ft. minimum, and it is 25 on each side I don't anticipate that we need any future variance for Phase 2.

Richard Conroy: We are just looking at this part anyway. What we need is to have your avadavat notarized.

Susan Harte: I can get that to you tonight if you have your stamp. I can't notarize my own signature. I am happy to just write it on a piece of paper.

Richard Conroy: Those are the only two things we have to look at, the lot size and the depth.

Jacqueline Ricciani: If you are satisfied you have all the information that you need to move forward, you can schedule a public hearing for next month. Do you need to make a decision about the depth which is already provided, is .145, or .146.

Jim Crowley: What is the average of the two lines?

Jacqueline Ricciani: It is 1.4578

Richard Conroy: We should go with 1.46 ft. variance.

Steve Morey: What was the acreage deficiency?

Jacqueline Ricciani: Needs two. Has 1.36, so the variance is .64.

Steve Morey: And the lot depth was ...

Jacqueline Ricciani: Needs 200, has 146, needs a 54 ft. variance.

Steve Morey: You are completing that statement now, correct?

Susan Harte: Yes.

Jannetta MacArthur is notarizing the avadavat.



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Steve Morey: None of this property fronts on Rt 55?

Susan Harte: Does not, no. Not Phase 1, Phase 2 does.

Steve Morey: It just needs to go to the County. Not the State review.

Jim Crowley: That's a County Road.

Steve Morey: I thought 55 is a State road. This does not

Jim Crowley: If you were within 500 ft. of a State road....

Jacqueline Ricciani: Did the town opt out? The County sent out to all municipalities that certain projects that you don't have to send to them. You don't remember?

Jim Crowley: The worst case scenario is you can send to them, the worst is they will send back as local determination. They won't bother reviewing them.

Jacqueline Ricciani: It is 500 ft. within a State road. So we will send for a 239. Do you know when BJ is back? The County will not accept applications from the applicant. Only the board and the Town.

Jim Crowley: I think Friday.

Susan Harte: I have another round with the Planning Board. I don't think there is a rush to do that straight away, that 239.

Jacqueline Ricciani: They can't act until this comes back; they have to give the County 30 days. It is normally on a monthly rotation.

Susan Harte: Where is the 500 ft.... the beginning of the lot?

Jacqueline Ricciani: From the edge of the lot.

Susan Harte: I measured that road, I measured 600 plus feet.

Richard Conroy: It is less than 500 ft.

Susan Harte: I may have measured the end of the lot.



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Motion to receive and file letter from Planning Board Chairman dated October 14, 2019 by Cirino Bruno, second by Jim Crowley.

All in favor-7

Opposed-0

Agreed and carried

Steve Morey: This project needs Sullivan County review and New York State review.

Jacqueline Ricciani: You are going to send to DOT too? It is not actually on Rt 55. We usually only send it when the property actually fronts on a State Road, this piece of it is on the right of way. Sometimes when the County reviews a project, the County may send it to the DOT. There is no time requirement from them. So if you send to them and never hear back from them it doesn't matter. Just the County you have to keep track of the time. It's your call, if you want to get input.

Cirino Bruno: Can I suggest that we schedule a public hearing and not act on it until it comes back?

Steve Morey: We can still entertain a public hearing. We have 62 days after the close of the public hearing to act on the application.

Cirino Bruno: So sending this out for State review and approval, doesn't prohibit us from scheduling a public hearing for the next month.

Jacqueline Ricciani: The State is not your issue, the County is.

Jim Crowley: We will just send to the County.

Motion to receive and file an affidavit of ownership that White Lake Woods LLC is owned solely by Susan Harte, by Jim Crowley, second by Richard Conroy.

All in favor – 7

Opposed-0

Agreed and carried

Steve Morey: Susan you need to send out certified mailings and send to everyone within 500 ft.

Susan Harte: I have that list already.

Jacqueline Ricciani: That has to go out 10 days before the hearing. The 239 – won't go out to the County until Friday when BJ gets back. Someone should keep track, maybe the applicant. To make sure you get it back before the next meeting. It is not unusual for them to fax back their determination the day before or the day of, as long as you have something so you can't act. If you don't get it, it will delay this project more.



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Cirino Bruno: If it comes in the day after....

Jacqueline Ricciani: You have to wait another month, because you only meet once a month.

Motion to schedule public hearing for November 18th meeting by Jim Crowley, second by Cirino Bruno.

All in favor – 7

Opposed-0

Agreed and carried

Steve Morey: Dawn do you have anything to add?

Dawn Ryder: We have the budget. We are under the 2% tax cap again. We did have to increase the lighting; we are going to all LED lighting. The sewer district has gone up a little bit. I think the 50th anniversary went well. The heritage trail, I think we are in good shape. Take a look at the budget.

David Biren: We will be looking for a new chairman.

Dan Brey: Are we still looking for a new board member?

Steve Morey: I'm not sure where we are with that.

Jacqueline Ricciani: BJ was going to ask the applicant to come to the next meeting, but we didn't have a meeting in August.

Steve Morey: I will talk to BJ and see where we are with that.

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

All in favor – 7

Opposed-0

Agreed and carried

Respectively submitted,

Jannetta MacArthur

Recording Secretary.