

(845) 583-4350 Ext 105

(845) 583-4710 (F)

Town of Bethel
Zoning Board of Appeals

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

A Regular meeting of the Zoning Board of Appeals was held on December 16, 2019 at 7:00 PM at the Dr. Duggan Community Center, 3460 State Route 55, White Lake, New York at 7:30 PM. On the agenda at this time was the following:

In attendance: Steve Morey, Chairman, Richard Conroy, Cirino Bruno, Dan Brey, Dawn Ryder, Liaison, Jacqueline Ricciani, Attorney, Bette Jean Gettel Code Enforcement Officer, and Jannetta MacArthur Recording Secretary.

Pledge to the flag.

Excused: Jim Crowley, Jesse Komatz, and Jim Ahearn

Richard Conroy: I have a correction to make to the minutes, I asked the question whether this has to go to the Planning Board, the only answer was from Jeff Kaplan, who said no it wouldn't, and there was nothing after that. It does have to go to the Planning Board.

Jeff Kaplan: I don't recall saying that.

Richard Conroy: It's in the minutes that is why I am questioning it.

Motion to approve the minutes from November 18, 2019 with the above correction by Dan Brey, second Cirino Bruno.

All in favor – 4

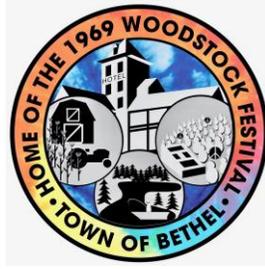
Opposed-0

Agreed and carried

1) Public Hearing 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: We have three agenda items this evening. The first being a public hearing for an area variance. If you could please review the actual numbers that we are talking about. There are multiple area variances I believe.

Jeff Kaplan: This is basically an undersized lot on an existing building. There is no additional



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construction planned. If anything the use will be less intensive as the prior grocery store. The proposed use by the applicant is for occasional use no more than four times a week, two hour sessions. Bible study and counseling for youths and children between the ages 10-17. There will be minimal car traffic as well. The reason for the variance is obviously when this building was initially constructed there was either no or minimal zoning required for a lot that size. Now we are at two acre zoning with side and front lot requirements. I believe that most of those requirements are not met under today's zoning. One of the side yards was okay. Other than that, again it is a question of an existing building if it is going to have any use with the variances at this point. Again the use now proposed is for a lot of this size that will be less intense as possible.

Richard Conroy: We had requested an avadavat of the LLC.

Bette Jean Gettel: We received at the last meeting.

Pete Patel is in the audience. He is the owner.

Jacqueline Ricciani: Would you like me to review the variances that are requested before you go into public hearing?

Steve Morey: Yes.

Jacqueline Ricciani: So for the lot area, they need a variance of 1.78 acres, for the lot width, they need 38 ft., for the lot depth they need 121.5 ft., for the front yard they need 33.3 ft., the right side yard is complying, but the left side yard needs 10 ft. The board discussed building coverage in the past, I wasn't sure if you wanted to proceed on that or not, but that would need 21.8%.

Motion to open public hearing by Richard Conroy, second by Dan Brey.

All in favor-4

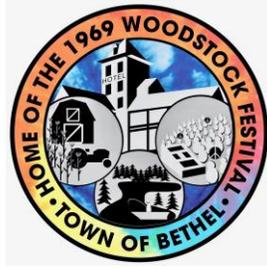
Opposed-0

Agreed and carried

Return receipts received.

Steve Morey: Jacy, you have the County 239?

Jacqueline Ricciani: Yes



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Steve Morey: It is addressed to me as the chairman regarding this application. The County deemed local determination. Due to most of the buildings parking lot is in the State Right of Way. New York State DOT review and permits, and possibly and easement may be required.

Is there anyone from the public that would like to speak as part of the public hearing?

Ms. Casterline – 880 Creamery Road – We were concerned about the traffic. We have a hard time now with Bethel Woods. How will the people from the Bible Study get transported there? Individual vehicles, school buses, is it going to have parking down the whole road? It is a very busy area in that little town. We were curious about that. Is it going to be a Bible Study, or a teen group? We are unaware of what is going on.

Jeff Kaplan: Do you want me to respond?

Steve Morey: I would rather take all of the input from the audience and then take it from there.

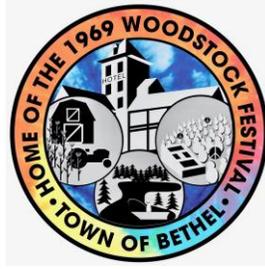
Colin Mccluney – 891 Creamery Road – I am concerned about the noise, the trucks that come into Lena's place wake me up in the middle of the night. I am concerned about how late, and what kind of noise will come out of this situation? I'm concerned about traffic. I was upset when it was called Granny's. I was concerned with garbage, in the backyard that was left, and just created hazard, it was attracting rodents. Will there be any waste from this place?

Chester Brooks – 777 Creamery Road – I see no reason why this shouldn't go through. Mr. Patel has owned this property for quite a few years. He pays his taxes, it would continue to be on the tax rolls to the best of my knowledge, he pays his mortgage, and I think he is just looking for a tenant to go in there. Traffic wise I don't see how it will impede the area; there is more traffic there on Sunday mornings because of the Catholic Church. Also Mr. Patel lets the Catholic Church Park in his lot during services. I'm all for it.

Steve Morey: Is there anything else? Any written correspondence?

Bette Jean Gettel: No written correspondence

Steve Morey: Any questions from the board? Jeff Kaplan would you like to address the questions from the public?



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Jeff Kaplan: The primary use of this building is going to be for youths 10 – 17 years old. We would anticipate a maximum of 20 students or pupils participating at any time. There will no buses. They will be by private vehicle. Drop off I'm sure. It's probably going to be one car that will have 2 or 3 kids at a time. They will drop off as a group. We don't anticipate more than 3 or 4 adults, being teachers or supervisors, so you will have the most maybe 4 to 6 cars during each session. Sessions will be over by 8pm or 9pm. These are kids of school age, so it will not be any late nights

Carl Brown: Wednesdays and Fridays 6 pm to 8:45 pm, Sunday 11am to 1:30 pm.

Jeff Kaplan: Was there another question that I might not have answered?

Steve Morey: That kind of gives us the kind of Bible Study and age groups.

Cirino Bruno: Do you anticipate waste?

Jeff Kaplan: Papers maybe. Snacks, they are not serving food. Minimal waste. Regular garbage can.

Steve Morey: Noise was brought up as a concern.

Jeff Kaplan: Bible study and counseling I don't think there will be any noise.

Steve Morey: Everything will be inside the building?

Carl Brown: Inside the building.

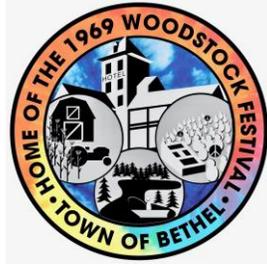
Jeff Kaplan: I just wanted to address the DOT issue; I believe the issue will be brought up at the Planning Board. They will need easements from the State, and they will have to get the easements.

Steve Morey: Do you feel you have ample parking?

Carl Brown: Yes

Steve Morey: The area in front of the building?

Carl Brown: Yes



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Motion to close public hearing by Richard Conroy, second by Cirino Bruno.

All in favor-4

Opposed-0

Agreed and carried

SEQRA Review

Bette Jean Gettel: Part 1 has been on file in my office for over a month now: Reading Part 2

EAF Part 2

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?

No. The proposed use is permitted by zoning.

2. Will the proposed action result in a change in the use or intensity of use of land?

Yes.

Jacqueline Ricciani: If you find if there is a change in use as a result, which may have a minimal impact, this proposed project is to grant variances for purposes of operating the House of Worship as described.

Cirino Bruno: And it is less than a use than what it was previously used for.

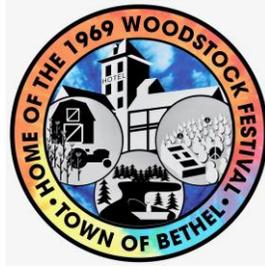
Steve Morey: There was a garage there originally then there was a grocery store. I would then respond yes, but the impact is minimal.

3. Will the proposed action impair the character or quality of the existing community?

No.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

No. There are none in the Town of Bethel.



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5. Will the proposed action result in an adverse change in the existing level of traffic or affect infrastructure for mass transit, biking or walkway?

No. There will be no new impact.

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities.

No. There shall not be an increase in energy use associated with any approval.

7. Will the proposed action impact existing:

a. Public / private water supplies?

No.

b. Public / private wastewater treatment utilities?

No. .

8. Will the proposed action impair the character of important historic, archeological, architectural or aesthetic resources?

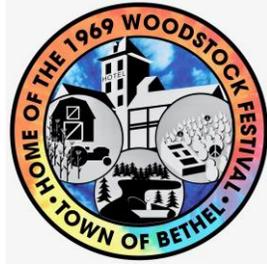
No. None exist on this site.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora or fauna)?

No. There will be no physical changes.

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

No. There will be no physical changes.



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11. Will the proposed action create a hazard to environmental resources or human health?

No. There will be no negative impact associated with this use.

Motion to approve negative declaration by Richard Conroy, second Cirino Bruno.

All in favor – 4

Opposed-0

Agreed and carried

Steve Morey: Let's review our criteria

Richard Conroy: How are we going to handle this?

Steve Morey: I thought by the minutes of our last meeting that it was discussed that it was an all or one situation.

Jacqueline Ricciani: Make sure that you are discussing the lot area, the width variance, and the building coverage; make sure all those different aspects of the bulk regulations are included in your discussion.

Steve Morey: Reading tests for Area Variance

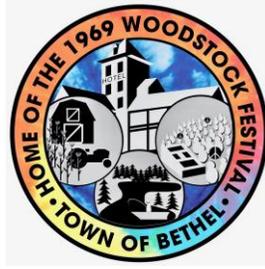
1) an undesirable change in the character of the neighborhood or a detriment to nearby properties will be produced by the granting of the variance;

No. This is a residential area in the neighborhood; there is not going to be a change at all.

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;

This building is here. There is no other place for them to go. We don't know what else they could do with this building.

3) the required area variance is substantial;



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Taking the variances altogether they are substantial.

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

No, that building has been there forever.

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

Yes. They are all self- created, but the building exists, and it predates zoning, and the area is the area.

Dan Brey: At the last meeting we had some discussion. This variance goes with this application not with the land, is that correct?

Bette Jean Gettel: The variance goes with the tax map.

Jacqueline Ricciani: That's not his question. This variance goes along as the property is used for this purpose. If someone comes in and they want to put in a store, they can't rely on these variances.

Jeff Kaplan: If another Bible Study class came in and it wasn't there but they use it the same way, that person wouldn't have to come back.

Jacqueline Ricciani: Before you vote on this application, you need to discuss some conditions.

Dan Brey: What about the State?

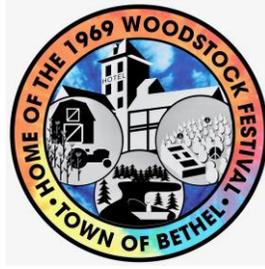
Richard Conroy: That's not going to affect us, but in order for us to approve this variance they will have to comply with the state.

Jacqueline Ricciani: We need all fees paid as always.

Motion to approve area variance as stated to comply with all State Agency regulations, and all fees be paid, by Richard Conroy, second by Daniel Brey.

Roll call:

***Richard Conroy – Y
Cirino Bruno-Y***



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Dan Brey – Y
Steve Morey – Y

Motion passed

2) *Application for an Area Variance for a professional business office in the C-17B Zoning District located at the corner of SR 17B and Roslyn Ridge Road, known as Bethel Tax Map #: 38-1-16.2, proposed by Anna Bujor.*

Bette Jean Gettel: The proposed office building requires two acres. The only have one acre to it, they meet all the setbacks, but they need the variance for the two acers.

Presented by Caroline Akt – Lazy Meadow Realty – I see I don't meet the 2 acre lot requirement. It is the C17B zone

Passing out a survey map.

Cirino Bruno: You purchased this property?

Caroline Akt: No, not yet.

Richard Conroy: There is already an office there. This is going to be a new building? It is classified already as an office.

Caroline Akt: We are looking to build a small office space for a Real Estate office.

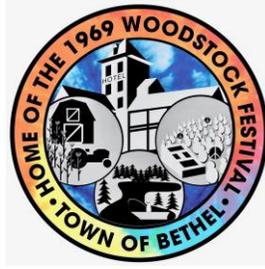
Jacqueline Ricciani: What district is this?

Steve Morey: C17B

Caroline Akt: I have a survey map I picked up today.

Cirino Bruno: Have you purchased this property?

Caroline Akt: No the owner is here.



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Cirino Bruno: Are you in contract to build this?

Caroline Akt: No, not yet.

Richard Conroy: There is an office there already with walls, phone, electric.

Steve Morey: You are going to put in a new building?

Caroline Akt: We may take down the gazebo, and build a new building.

Jacqueline Ricciani: That office is still in use?

Caroline Akt: Not for the last 5 years, but it is functional.

Steve Morey: Is it a problem that there is already an office there?

Jacqueline Ricciani: It hasn't been operational in 5 years. They have two front yards. What does our code say about corner lots?

Steve Morey: The old building is going to remain and you are building a new building?

Caroline Akt: We were kicking around taking down the gazebo.

Jacqueline Ricciani: Is that current building functioning?

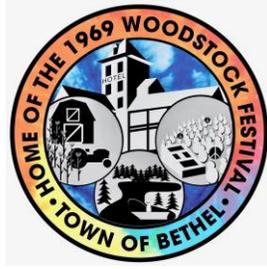
Caroline Akt: No. He used it as his office, but it hasn't been used in 5 years.

Cirino Bruno: Are you going to have two structures?

Jacqueline Ricciani: I am looking at this, so it is on a corner so we have two front yards.

Steve Morey: The plan says the existing gazebo and deck to remain. It says in addition to, so that is what we are trying to determine.

Caroline Akt: At the time this was done we were kicking around that we would keep both. But then we



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thought we would replace the gazebo and have a more modern building.

Cirino Bruno: This building is going to be 800 square feet?

Caroline Akt: Yes. I roughed out.

Steve Morey: This plan shows 24 x 30. That is 720 square feet. You are still the owner?

Paul Nikola: Correct.

Jacqueline Ricciani: According to your code with respect to the front yard of any corner lot, it says the front yard of any corner lot shall be established on the wider of the two streets abutting said lot, except when the width of the two abutting streets are equal, than the front yard may be established on either street.

Paul Nikola: It is 300 ft. on 17B.

Jacqueline Ricciani: 17B would be the wider. The front yard is 50. That means that the two side yards 50 combined, and 25 each, that seems to comply. The rear is 50ft, which isn't marked.

Steve Morey: Wouldn't the rear be directly opposite 17B?

Jacqueline Ricciani: I think the 58 refers to....., oh does it? That's good.

Richard Conroy: We are just talking about the acreage. Is this lot still in your name Paul?

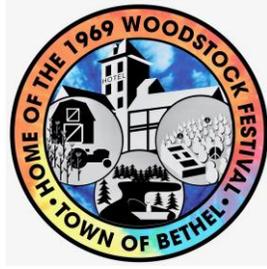
Paul Nikola: My sister, Anna.

Steve Morey: I am concerned about the gazebo remaining.

Jacqueline Ricciani: You can't have two offices on one lot. You have to take the gazebo away.

Caroline Akt: We were going to take this gazebo away.

Steve Morey: Than you need to modify this plan.



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Caroline Akt: I can have it updated.

Dan Brey: Is there any way to get another acre so you don't have to go through this?

Caroline Akt: There is no other way.

Steve Morey: I would say we could have a public hearing, but I would like to show that the gazebo is no longer there.

Caroline Akt: I can get it revised.

Bette Jean Gettel: I need revised site plan, I need a 239 County and State, because it is 500 ft. from a State Highway, I need SEQRA filled out because it is on 17B. The next meeting is in January.

Jacqueline Ricciani: You can't do anything without an EAF, because it is a commercial use.

Bette Jean Gettel: We need a short EAF form. The State is going to say the same thing. You need to get the gazebo off of there.

Jacqueline Ricciani: The application is by Caroline Akt, and Paul Nikola. There is an owner proxy by Anna Bujor.

Caroline Akt: I have to do my homework.

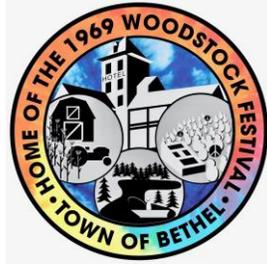
Bette Jean Gettel: The next meeting is January 27th, because it is a holiday on the 20th. I need submittals by January 13th.

Dan Brey and Cirino Bruno will not be able to attend the January 27th meeting.

3) *Administrative*

Hopefully everyone received the new meeting schedule.

a. Reappointment of Daniel Brey



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Steve *Morey*: Dan do you wish to be reappointed?

Dan Brey: If you still want me on, that's okay.

The Zoning Board of Appeals would like to recommend to the Town Board to appoint Dan Brey for another 7 years.

b. Appointment of Chairman

The Zoning Board of Appeals would like to recommend to the Town Board that Steve Morey be appointed as Chairman.

c. Appointment of Vice-Chairman

Recommend Jim Crowley, second choice is Richard Conroy if Jim does not want to remain Vice-Chairman.

Bette Jean Gettel: I will readvertise for an alternate. The Town Board is not meeting until January 2nd. The Town Clerk does the advertising for the alternate.

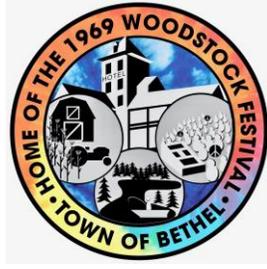
Cirino Bruno: I thought we were going to ask Wendy Brown if she wanted to be an alternate. Has anyone spoken to Wendy?

Bette Jean Gettel: She would prefer Planning Board. They do have a second alternate position if they wish.

Steve Morey: Cirino, I think the advertising needs to be done.

Jacqueline Ricciani: These are recommendations to the Town. It is not official until January 2nd.

Steve Morey: It can wait until our next meeting, if Jim is going to go to the Planning Board, and if Wendy Brown has already interviewed for a position. We would know the outcome by our January meeting.



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Jacqueline Ricciani: One thing to consider. You may be down a member, down an alternate. If you have an open spot, you can recommend to the Town Board to appoint Wendy Brown. In the event there is an opening on the Zoning Board, we recommend Wendy Brown as a member.

Steve Morey: Why don't we just wait until our January meeting and see what happens with Jim.

Jacqueline Ricciani: If the member position on this board does become available, perhaps you can recommend to the Town Board that Wendy Brown fill it, and then you can have a full board for your January meeting, because you already interviewed her. Do you see what I am saying?

Richard Conroy: I never spoke with her. I just read it.

Cirino Bruno: She is a pretty capable lady.

Jacqueline Ricciani: I am just concerned because Dan and Cirino already stated they would not be able to come to the next meeting. In the event that an opening becomes available on the Zoning Board of Appeals you would like to recommend Wendy Brown.

Steve Morey: Okay. Dawn do you have anything?

Dawn Ryder: Happy Holidays.

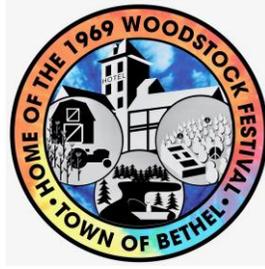
Dan Brey: I have a question. The applicant that just came up, it is one acre. So it is nonconforming? You don't think it is going to come back and bite us, if someone else comes around looking for these nonconforming?

Richard Conroy: It has already been a Real Estate office, sales lot.

Dawn Ryder: Everything used to be one acre zoning until we redid the zoning, and then we did one acre zoning.

Dan Brey: If something comes up that isn't preexisting....

Jacqueline Ricciani: You have to review each application on its own merit. This is classified as a walk up office on the County record.



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Steve Morey: This lot is classified on the County records as a business office on this lot. I hope that answers the question.

Dan Brey: My concern is if someone comes in here and has nothing on the lot, this one has been there.

Richard Conroy: That's the reason.

Motion to adjourn by Richard Conroy, second Cirino Bruno.

All in favor - 4

Opposed-0

Agreed and carried

Respectively submitted,

Jannetta MacArthur

8:30 pm