

Town of Bethel  
Zoning Board of Appeals

PO Box 300, 3454 Route 55  
White Lake, NY 1278611

The Town of Bethel Zoning Board of Appeals held its monthly meeting on April 19, 2010. The meeting was held at the Town of Bethel Justice Court, 3586 State Route 55, Kauneonga Lake, at 7:30 PM. The agenda is as follows:

|          |   |            |   |
|----------|---|------------|---|
| Present: | Stephen Morey, Chairman<br>Jim Crowley, Vice Chairman<br>Richard Conroy<br>Robert Yakin<br>Gary Rohrs<br>Robert Brown | Attendees: | BJ Gettel/Enforcement Officer<br>Jacqueline Ricciani/Attorney<br>Denise Frangipagne / Councilwoman<br>Dan Sturm / Supervisor<br>Greg Sementz / Code Enforcement Officer |
|----------|---|------------|---|

Excused: Jesse Komatz, and Jannetta MacArthur/Recording Secretary

Pledge to the flag

***Motion to approve the minutes for the February 22, 2010 meeting by Richard Conroy, second by Jim Crowley***

***All in favor – 6***

***All opposed – 0***

***Agreed and carried***

BJ Gettel: If I could just interject here, since the application was turned in, it has had a few modifications to the height, Mr. Cosantino will explain further. He has paperwork for you.

***1. Applications for Area Variances for height for a proposed Hotel/Resort Spa located on State Route 17B, known as Bethel Tax Map #: 33-5-2.1, proposed by White Lake Mansion.***

***a) White Lake Mansion height = 59'8"***

Mr. Cosantino: I am the architect for the proposed White Lake Mansion. What I have submitted was a new area variance and the maximum heights of buildings for the proposed White Lake Mansion is 67'8", what I did was further describe that these two side wings are only two stories tall 15' floor to floor, and the center portion is three stories tall, again 15' floor to floor. The added heights are for the roof and attic areas, which the center portion is 67' tall, and the side portions according to the plans, the revised plans....

Steve Morey: May I just interrupt, we did have all of our members tonight attended a work session, which introduced this project. Does this plan differ from those plans?

Mr. Cosantino: Just the heights on the building. What we show is from the ground floor to the peak on the side wings at 44' the center portion is 67'8".

Town of Bethel  
Zoning Board of Appeals

PO Box 300, 3454 Route 55  
White Lake, NY 1278611

***b) Hotel Bldg #1, 4 stories = 55'***

What we also have changed is the hotel building, which is four stories tall, is 58' tall

***c) Hotel/Spa Bldg, 3 stories = 48'***

The hotel/spa is 42' tall.

***d) Hotel Bldg, 3 stories = 43'***

The hotel building is 3 stories but 46', not 43'

We further explain the floor-to-floor heights for each floor. Again, the heights on these buildings represent to the top of the ridge on the roof. If you should take 10' off of each proposals except for the White Lake Mansion, that is where the top of the ceiling is. That is where the actual living space is. Above that is the attic space where it is almost all mechanical and storage area for the working of the building, the HVAC, things now asking for 58', but are really only at 48'. So we are asking for a variance of 13'. What we are trying to do here, and what these buildings are representing, is that the White Lake Mansion is of a certain architectural style. That architectural style has certain rhythms and certain ornamentations that go with it. To make it part of that period, you have to follow certain traditions and certain ornamentations so it works. There are certain impediments and things of that nature, if you squat them down, we don't represent the era for the architectural style. We tried to match that as close as we could to the existing White Lake Mansion, the way it is. That is how we ended up with the heights. Because the mansion building is going to be mostly commercial use, conference rooms, catering hall, restaurants, retail. 15' floor-to-floor heights, plus keeping an open space plan so that whatever retailer or use is going to be in there has as much large open spaces as possible. There is going to be quite a bit of structural supports that come in the ceilings. We are talking anywhere between 2.5' to 3' steel beams or concrete beams or what have you, what really only leaves us about 2' mechanical space from the finished ceilings to the bottom of these beams to run ductwork and things of that nature. That is why we have these floor-to-floor heights at 15' in this one commercial area. And also to use the more modern energy efficient materials, and equipment energy saving insulation requires certain space. That is why the 35'. The existing mansion building already exceeds the 35', as you all know. That is why we are going for this variance. It really doesn't fit the program.

Gary Rohrs: Your explanation about the architectural integrity sounds good except for the residential areas. Why would they need to be so much higher?

Michael Cosantino: Residential?

Gary Rohrs: Well, the mansion house itself, the main building needs this extra height for commercial space. Why do the hotel buildings? Why can't the residential buildings be made as you planned as before? Why are you adding height onto them as well?

Town of Bethel  
Zoning Board of Appeals

PO Box 300, 3454 Route 55  
White Lake, NY 1278611

Michael Cosantino: What we had originally planned the buildings – we reduced it down 33% lot coverage down to 16% in this new layout that we have. I'll get to your specific point in just a moment. We reduced that lot coverage and building coverage down almost 40% less than what we originally intended. Those buildings that we originally intended were all four stories tall. Along with that, these buildings here (showing on plan) to reduce the lot coverage that they are going to take, and also provide the number of rooms that they need to make a profit and to support their project, we had to go vertical. What we tried to do is minimize the amount of floor-to-floor height in the residential portion to be 12'. Again, open space we have anywhere from a 9' to 10' ceiling, in a hotel room. The rest of that 2 or 3' is mostly structure, supporting these long spans. We tried to minimize the amount of height in that respect.

Gary Rohrs: So floor-to-floor is 12'.

Michael Cosantino: Yes, in these residential buildings.

Jim Crowley: I have a question. I understand what you are doing. Architecturally pleasing as far as height goes, my understanding was that the reason it was 35', which I have always been told, was for fire. We didn't have fire trucks that could go higher than 35' in case of a fire. I'm not a fireman, and I don't know this, and I realize the fire company is right across the street.

Steve Morey: Maybe Bob (Yakin) can answer that, but to the best of my knowledge there is no ladder truck in this town .....

BJ Gettel: The closest ladder truck that can reach is Monticello, Liberty, and Callicoon. Because of the structural layout of this proposed facility, they must be sprinkled, and that is per State code. Everything has to be sprinkled. Every floor, in attic space too.

Jim Crowley: I know that was the reason why .....

Bob Yakin: Monticello's is 105'. The longest ladders in our department are 24'. That is solely because of the difficulties of carrying any ladders on the types of trucks that we have.

Michael Cosantino: Also too, explaining your question before why do we need the height, the increase in height... the material that is being used here it is not going to be framed buildings, they are all going to be masonry, concrete and steel buildings. Of course they are going have wood outside and trim and that nature too. But it's not going to be the main structural supports. It's not going to be made out of timber and wood. So again if you were going to have a fire, it is a class A fire. When you have a chemical type fire generally will produce a lot more heat. The building is going to be fully sprinkled. We did research with Monticello; they told me their response time was 20 minutes.

BJ Gettel: Liberty would be 20 minutes. Monticello would be 10 minutes. Callicoon would be 20 to 25 minutes.

Michael Cosantino: With a mutual aid, it was 20 minutes from Liberty. That is what I was told. With

Town of Bethel  
Zoning Board of Appeals

PO Box 300, 3454 Route 55  
White Lake, NY 1278611

that, I told them the building would be sprinkled; they said that would help limit the damage by the time they get there, and actually put out the fire. Any other questions? Did I hit on enough things right now?

Steve Morey: I believe so. I have some questions. I would like to give the rest of the board an opportunity first.

Gary Rohrs: I think there is another reason for the height restriction and that would be an aesthetic visual, we are stating that it is primarily because of fire but I don't think we would want a six story building, a seven story building, it seems aesthetically people want a two or three story building. That is why that 35' is there, not just for fire reasons. We have to consider what it looks like.

Michael Cosantino: You can see the scale of what we are doing, and the site moves up the hill as it goes. We had a terrain issue that we had to deal with. Not just carving out and making some place flat and just building on a flat site. We used the terrain to the best of our ability and there are certain points we are taking the heights from because we are leaving the terrain in certain areas, undisturbed. There is more water runoff and other issues.

Gary Rohrs: The existing structure is much closer to the road. You are not replacing on the same site.

Michael Cosantino: Yes, as a matter fact, this development here (showing on plan), as you can see, we drew the lines where the new setbacks are. There is a light dotted area on your front map that looks like the front building. That is where the existing White Lake Mansion House is right now. It is really right in that front road area. We are pulling it back. The thick dotted line is the setback. The thin dotted line is the Mansion House.

Gary Rohrs: And the present site coverage is 18% now?

Michael Cosantino: It is 16%, the maximum is 35, and originally it was 24 or 28%.

Gary Rohrs: What is the height from the road on the highest elevated.....?

Michael Cosantino: That is a great question. The back portion, the back elevation height off the top of my head was..... you have a 30 or 40' incline from there. So we are talking a 50' drop, just natural terrain, just the way it is. That is actually higher than anything we are doing. The natural terrain is already exceeding the height.

Bob Brown: The reservoir you were speaking of the other night.....

Michael Cosantino: That was in our first design. We have to go and talk with our engineer go through a few other calculations on once this layout is approved because what happened last time we had gone forward and did a lot of studies with the wells and traffic studies and things of that nature and talked about a lot of rain water retention, we kept that area where we show the reservoir now of course that might either grow or change or move to another spot on the site for rainwater. We are trying to collect

Town of Bethel  
Zoning Board of Appeals

PO Box 300, 3454 Route 55  
White Lake, NY 1278611

as much as possible and keep in storage areas in the buildings where we can filter and use as gray water, and also keep it in storage tanks so that we can actually help the system for the sprinklers as well. The other thing too, we are going to end up, we were speaking about this before, and I want to be very specific in how I say this. The owners and the way we are designing this is we are making this as energy and green friendly as possible. I don't want to use the word lead too much; it is not going for lead certification. We are going to be building in the lead condition. We are using the materials. We are not filing for a lead. We are building in that tradition and using those materials and using energy saving light bulbs, and air conditioners, and heating, and boilers, and hot water heaters. All of these things, and try to use as much green roof air as possible. Retaining the waters, and using all these things back, so recycling becomes energy efficient.

Gary Rohrs: What is the fuel source for heating?

Michael Cosantino: For heating, we have to discuss in detail with our engineer. Either oil, or propane. We have to see what best suits the site. That specific answer I can't give in detail.

Steve Morey: So that the board is aware, this parcel of property is in the H17B zone. If you refer to the maps that we have, I am told that they are slightly incorrect in the fact that this parcel is completely within the H17B zone, and the map does not depict that by color. Just so you are all aware. This is a permitted use for this zone. My question, you have six buildings proposed for the property, I believe.

Michael Cosantino: Yes

Steve Morey: Four of the six are requesting area variances for height. And the way we have it listed on our agenda is kind of proof as one. I am wondering, I don't want to make a recommendation, but I am wondering, do you want to consider these individually, rather than a group of four as one variance?

Michael Cosantino: I would like to have as one variance.

Steve Morey: Listing them individually gives this board the opportunity to possibly deny one, and approve three, or whatever the case may be. If we keep them as one group, and it's a denial, it denies all of the area variances; in effect it would be denying your whole project at that height.

Michael Cosantino: I think we need to get back to you on this, specifically, okay?

Steve Morey: Does anyone else have anything else on the height variances?

***No additional comment***

Steve Morey: Okay, lets move on, because I am presuming also that you are going to want with these two issues with the building height and the parking you are going to want to process all as one group.

Town of Bethel  
Zoning Board of Appeals

PO Box 300, 3454 Route 55  
White Lake, NY 1278611

- 2. Application for Area Variances for parking spaces for a proposed Hotel/Resort Spa located on State Route 17B, known as Bethel Tax Map #: 33-5-2.1, proposed White Lake Mansion.**  
**a. 100% parking = 278 spaces, at 2/3 capacity = 182 spaces, proposed = 206 spaces**

Michael Cosantino: I remember when you were reading off earlier about the parking, when we had met at an earlier session with Mike (Weeks) from your engineer group

BJ Gettel: They had a preconference meeting with the Planning Board. Michael Weeks was there, members were there.

Michael Cosantino: That was something that we spoke about and he had asked (Michael Weeks) how I came up with the parking spaces. He also understood and agreed, and I took the worse case scenario, if I took the worst case, there would be no hidden issues. 100% parking means that the hotel is full, the spa is full, the conference rooms and the White Lake Mansion all-full simultaneously. People inside and out.

Gary Rohrs: The residential places are full, and then your convention hall is full, and people that aren't staying there?

Michael Cosantino: Okay, the worse case scenario, the purpose of having the hotel rooms... and a few hundred people decide to come in and use the gym all at the same time. You would have 278 spaces that would be required for parking. That scenario will most likely never happen. When dealing with a lot of state codes what would happen is that they would always give you a 2/3 capacity. Is what you would actually need? Part of those people that are attending the conference will be staying at the hotel. People using the spa are going to be staying at the hotel as well. So 2/3 capacities in State code is more than a reasonable amount. That number comes out to 184 spaces that are required. We exceeded that number to 206. We exceed the 2/3 capacities, which is done by State. However we are still asking for the variance, we are still under the 100% number. That is why we are asking for the variance on the parking spaces.

Gary Rohrs: The 100% comes from the State code requirements?

Michael Cosantino: No, the 2/3.

Gary Rohrs: No, but 100%, the definition..... that is from the State code.

Michael Cosantino: I believe your code too. You mirror most of what State does. I believe it is a uniform code with a few exceptions.

Steve Morey: I am not familiar with the parking code requirement. So what would be our maximum be?

BJ Gettel: They would have 100% parking, they would need 278 spaces. 2/3 of that would be 182, 184.

Town of Bethel  
Zoning Board of Appeals

PO Box 300, 3454 Route 55  
White Lake, NY 1278611

They are in between the two

Steve Morey: So the variance is for the 22 additional spaces. Does everyone understand?

BJ Gettel: As he said, State code does acknowledge the fact that 100% parking, the likelihood of them ever using that is maybe 1%.

Michael Cosantino: If we went by the 2/3 I wouldn't be asking for the variance, because I have exceeded it.

Gary Rohrs: In your parking lots are you going to collect the rainwater, storm water that comes along here and divert it? Are you going to have it go onto the neighbor's property?

Michael Cosantino: I can't do that.

Gary Rohrs: And can this stream handle the additional water that would be created from the additional pavement and hard surfaces?

Michael Cosantino: We would go to the engineer, and go with our final calculations, we will make that happen.

Gary Rohrs: Do we have that?

Michael Cosantino: No, we're not there yet. That is Planning Board, that's not Zoning.

BJ Gettel: Michael Weeks will be reviewing this. That is why they are asking for the variance, it is for the parking.

Michael Cosantino: Like I was saying before, keeping in the spirit of the things, there are new pavers now that they use, that would absorb the water. Paved areas that we are not going to be using, is 100% runoff, like typical blacktop that you have.

Gary Rohrs: Are you saying that you would use them?

Michael Cosantino: Yes that is part of this agenda

Jim Crowley: I have a question for you, the 22 additional lots.....

Michael Cosantino: I think it is being misinterpreted red. It's not 22. The 100% is at 278. We are at 206. It is actually 74.....

Jim Crowley: How much is that square footage wise?

Town of Bethel  
Zoning Board of Appeals

PO Box 300, 3454 Route 55  
White Lake, NY 1278611

Michael Cosantino: I don't know off the top of my head

Jim Crowley: The parking lot.....

Michael Cosantino: It's almost 200 square ft, a little less, and 190. 8'6 wide by 18'. A typical parking spot. That's not handicap.

Steve Morey: As you know our next step in this process would be to set a public hearing. I would like to make that motion, I just want to make sure that you be prepared for a public hearing in a month from now.

BJ Gettel: Just for the record too, I will have to submit for a County 239 as well as a State 239.

Steve Morey: So as you know, as BJ has mentioned those two reviews even with the public hearing we would not take action on a vote until we have the input back from those two reviews from those two other agencies. We don't know for certain that we would have those reviews back within a 30-day period. There are some options here if we feel the need we could always extend the public hearing to a later meeting which we take it to a month later, however at any point or I guess there is some leeway, but traditionally we would need to take action within 62 days after the close of the public hearing.

Jacqueline Ricciani: The applicant said he was going to get back to board as far as the height variances if they were to be considered as individually or to be considered as a group. So until we have that feedback, it might be premature to go forward with the public hearing unless you want to make some other kinds of arrangements for you to communicate.

Michael Cosantino: I can get back to you within a week. Would that be quick enough?

Jacqueline Ricciani: Then the board needs to decide..... When it comes to public hearing it just needs to be that everyone needs to be clear about what it is you are looking for.

Michael Cosantino: Do you need another meeting just for that?

Jacqueline Ricciani: That is what I am trying to avoid.

Steve Morey: We can set the date for the public hearing leaving that option open for you, however, should you elect to take these individual, we would list in the public hearing that item 1 would be the first building, and go through that list for the purposes of the public hearing. I believe we can open a public hearing and address those items on an individual basis within that public hearing.

BJ Gettel: For advertising purposes, it needs to be specific

Steve Morey: The certified mailings need to go out a minimum of fourteen days prior to. The certified mailings being a copy of the notice of the public hearing?

Town of Bethel  
Zoning Board of Appeals

PO Box 300, 3454 Route 55  
White Lake, NY 1278611

BJ Gettel: Yes

Jacqueline Ricciani: Plus to the neighboring property owners.

BJ Gettel: Within a 500 ft radius. If he were to get back to me by Monday, by then I would have the 500 ft radius completed that he needs to notify. As it is here today, or if it is individually, he needs to let me know which way he is going. I need to know by Monday, because I need to submit for the 239's.

Steve Morey: So that we are clear on this, we have it listed on our agenda essentially as two items. If you elect to separate these buildings individually it would be listed as five items. Each individual building and the parking issue.

Dan Sturm: Just two questions that I have. If I am not mistaken, once you submit the 239 they have a requirement that they have to get back to you within 30 days, is that correct?

BJ Gettel: Correct, but on a project like this, they have been known to ask for an extension.

Dan Sturm: My reason for asking is, once you say another week goes by, they probably won't have it back by the public hearing. My point is my suggestion would be to decide is whether or not they want one or four and get it all out.

Steve Morey: The review to the County comes from your office, not the applicant.

BJ Gettel: I have to submit to the County, they won't accept from the applicant, it has to come from me. I hand deliver it. The State however, goes by way of mail. That has to go to Albany.

Steve Morey: The meeting date?

BJ Gettel: Is scheduled for May 17<sup>th</sup>. The third Monday. That is going to put you four weeks exactly from today. Most likely you are going to have to either extend or..

Steve Morey: The 30-day requirement is both the State and the County?

Michael Cosantino: Okay, we have your answer. The issue is this. If you notice some of the numbers on the drawings go up to 11. We redesigned this 11 times. That is what this means. We mulled this over; we made it as tight as possible. Especially with this room count, and actually for this business to succeed, not just to break even, but actually make a profit on it, the number of rooms has been lowered to be the minimum that they need to operate. If you want us to break it up and say oh yea, we like the mansion, but we don't like..... It will be one application. Either the project works, or it doesn't. That should be your answer. It is one property, one project. We knocked this down tremendously. Eleven times. This is as small as it can get to service the community and the site.

Town of Bethel  
Zoning Board of Appeals

PO Box 300, 3454 Route 55  
White Lake, NY 1278611

Gary Rohrs: Do we still have the problem about timing?

Steve Morey: No. You stated that you scaled this back from the original proposal at heights greater than what you are proposing tonight?

Michael Cosantino: More.

***Motion to set a public hearing on May 17<sup>th</sup> @ 7:45 pm the location to be at the Senior Center. By Jim Crowley, second by Bob Brown***

***All in favor – 6***

***All opposed –0***

***Agreed and carried***

Steve Morey: I would expect that we would have a greater attendance. I don't believe there is anyone on this board or in this audience, I can't speak for the people in the audience we are not here to turn away a project of this sort, we are here to try to work with you. However, I believe you were given an area variance checklist with some of the criteria that we need to base our decision. I think it is safe to say there are items there that are going to stick out. In terms of self created, substantial things like that. I ask that you be diligent in trying to give a good explanation to satisfy those issues for our board.

Michael Cosantino: We will look into exactly what I spoke in the beginning about the heights and where those numbers came from. A lot of those were created because of the architectural elements and style. What we are going to do is go back and revisit the way that looks and the presentation of the buildings and lower it that way. Lower the requirements of the heights, in that respect. Not stories.

Steve Morey: You would then be changing your development.

Jacqueline Ricciani: If that is not what is going to be presented here, then the public hearing is .....

Michael Cosantino: We will leave it as is.

Steve Morey: There are things that I have mentioned that have come to mind. At a public hearing there are issues that can come up that may be very much legitimate. We have had our motion; we will see you May 17<sup>th</sup>.

***Motion to adjourn by Richard Conroy, second by Bob Yakin***

***All in favor –6***

***All opposed –0***

***Agreed and carried***

Respectively submitted,

Jannetta MacArthur

Recording Secretary

Town of Bethel  
Zoning Board of Appeals  
PO Box 300, 3454 Route 55  
White Lake, NY 1278611