

**TOWN OF BETHLEHEM**  
**BOARD OF APPEALS**  
**November 15, 2006**

A regular meeting of the Board of Appeals, of the Town of Bethlehem, Albany County, New York was held on the above date at the Town Offices, 445 Delaware Avenue, Delmar, New York. Michael Hodom, Chairman, presiding.

PRESENT: Michael Hodom, Board of Appeals Chairman  
Gilbert Brookins Board of Appeals Member  
Anthony K. Umina, Board of Appeals Member  
Mark Hennessey, Board of Appeals Member  
Leonard Micelli, Board of Appeals Member  
Michael Moore, Attorney to the Board  
Mark Platel, Building Inspector

Paul Lyngard  
Victor Caponera, Esq. – McDonalds

AGENDA: Lyngard, Paul – 33 Henry Ave.  
McDonalds's – 132 Delaware Ave

Chairman Hodom called the meeting to order at 7:00 p.m.

**Paul Lyngard**

Chairman Hodom stated that a new application for property at 33 Henry Avenue had been submitted by the owner, Mr. Lyngard. The variance request was under Article V, Section 128-100, minimum side yard setback for the construction of a carport.

A motion to schedule the public hearing for property located at 33 Henry Avenue on Wednesday December 6, 2006 at 7:00 pm, was offered by Mr. Micelli, seconded by Mr. Hennessey and approved by all Board members present.

Chairman Hodom stated that the McDonalds project was the next scheduled item. He suggested that the Board go into executive session for a discussion with the Zoning Board Counsel.

A motion to go into Executive Session was offered by Mr. Micelli, seconded by Mr. Umina and approved by all Board members present.

A motion to come out of Executive Session was offered by Mr. Hennessey, seconded by Mr. Brookins and approved by Board members present.

Chairman Hodom stated that with the additional information that was shared by Counsel, the Board members have asked for additional time to review the application again. The sixty-two (62) days allowed from the close of the Public Hearing to render a decision expires on December 19, 2006. Chairman Hodom asked Mr. Caponera if he would agree to an extension of time until January 3, 2007 to make a determination. Mr. Caponera agreed. Mr. Moore said he would send a confirming letter to

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

Mr. Caponera.

A motion to approve the minutes as amended was offered by Mr. Micelli, seconded by Mr. Hennessey and approved by all Board members present.

A motion to adjourn was offered by Mr. Umina, seconded by Mr. Micelli and approved by all Board members present.

The meeting adjourned at 7:45PM.