

**TOWN OF BETHLEHEM
BOARD OF APPEALS**

February 18, 2009

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. Chairman Hodom presided.

PRESENT: Michael Hodom, Board of Appeals Chairman
Michael Moore, Board of Appeals Counsel
Lennie Micelli, Board of Appeals Member
Ken Umina, Board of Appeals Member
Matt Watson, Board of Appeals Member
David DeCancio, Board of Appeals Member

Mark Platel, Assistant Building Inspector

AGENDA: The Pines @ Normanside
Charles Crisfulli
Crossroads Subdivision
Rick and Elizabeth Schrade

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

APPLICATIONS

The Pines @ Normanside

The Board accepted an application from Richard Bohl for property located at the end of Leonard Place, tax map # 86.05-3-10.1. The application is for a Variance under Article XIII, Section 128-100, insufficient lot width, for lot fronting Delaware Avenue.

A motion to schedule the Public Hearing for April 1, 2009 at 7:00pm was offered by Mr. Watson, seconded by Mr. Umina and approved by all Board members present.

DISCUSSIONS

Crossroads Subdivision

The Board had received an application from Frank Tate for property located on Wemple Road. The application was for a Variance under Article VI, Supplementary Regulations, Section 128-48, flag lot pole length.

Chairman Hodom started the discussion. Except for the two hundred (200) foot pole length required for the flag lot, all the dimensional requirements of the Zoning Law for the RA District will be met. He did not think an undesirable change will occur in the neighborhood, nor will a detriment to the nearby properties be created by the granting of the area variance. The benefit sought by the applicant can't be achieved without an area variance. The requested area variance may be considered substantial but because of the irregular shape of the parcel, the two hundred (200) foot pole length cannot be met. He did not believe that the granting of the variance would have an adverse effect or impact on the physical or environmental conditions of the neighborhood or the district. In balancing the benefit to be realized by the applicant against the potential detriment to the health, safety, general well fare of the neighborhood or the community, he recommended approving the area variance request with a recommendation to the Planning Board. The recommendation was to review the landscaping and buffers on the parcel to mitigate any privacy or visual impact on the adjoining properties.

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Mr. Micelli thought the applicant was going to do some research on the wetlands and safe setback line. Chairman Hodom said the wetlands were on the easterly portion of the property. He said that issue will be dealt with by the Planning Board before any final approval. He said it appears the applicant is intending to grade the site so the basement will exit the house at grade. Chairman Hodom said that issue will also be examined by the Planning Board. Mr. Micelli said as long as those issues will be addressed, he agreed with the recommendation to approve.

Mr. DeCancio, Mr. Watson and Mr. Umina agreed to approve with the Chairman's recommendation.

A motion to approve the variance application as submitted with a recommendation to the Planning Board was offered by Mr. Umina, seconded by Mr. DeCancio and approved by all Board members present.

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

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

Charles Crisafulli

The Board had received an application from Charles Crisafulli for property at 101 Cherry Avenue. The application was a Variance under Article VI, Supplementary Regulations, Section 128-54.

The Zoning Board, after discussion with the Zoning Board attorney and further review of the Town Zoning Law, has determined that jurisdiction to consider this application rests with the Town Planning Board, not the ZBA, by means of a special use permit and site plan approval. No action will be taken by this Board.

A letter will be sent to the applicant and their representative explaining the ZBA's decision.

RESOLUTIONS

Rick and Elizabeth Schrade

The Board had received an application from Elizabeth and Rick Schrade for property located at 636 Delaware Avenue for a variance under Article VI, Supplementary Regulations, Section 128-59, Signs, D (1).

The Board reviewed draft Resolution AV-0901 prepared by the Zoning Board Counsel.

A motion to approve the Resolution as drafted was offered by Mr. Watson, seconded by Mr. Umina and approved by all Board members present.

The Board reviewed the minutes of February 4, 2009 prepared by staff.

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

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

The meeting adjourned at 7:35pm.

Respectfully Submitted,

Nanci Moquin

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