

**TOWN OF BETHLEHEM  
BOARD OF APPEALS  
March 5, 2008**

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  
Michael Moore, Board of Appeals Counsel  
David DeCancio, Board of Appeals Member  
Lennie Micelli, Board of Appeals Member  
Kenneth Umina, Board of Appeals Member  
Matthew Watson, Board of Appeals Member

Mark Platel, Assistant Building Inspector

AGENDA: David & Susan Conrad  
Daryn Bendinotti  
George Ten Eyck  
Alex & Jessica Brand  
Selkirk Warehouses  
United Development Group

PRESENT: Terri Herubin Dan Stevens  
George Ten Eyck Joshua Swart  
Colin Pelle Sara Lafayette  
Nadia Russell Joe Ferguson  
Kurt Seitz

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

**APPLICATIONS**

**David and Susan Conrad**

The Board received an application for a variance under Article V, District Use & Area Requirements, Section 128-29 (C ) (3), % of lot occupancy (accessory structure).

A motion to set the public hearing for March 19, 2008 at 7:00pm was offered by Chairman Hodom, seconded by Mr. Micelli and approved by all Board members present.

**Daryn Bendinotti**

The Board received an application for a variance under Article XIII, Use and Area Schedules, Section 128-100, Schedule of Area, Yard and Bulk Requirements.

A motion to set the public hearing for March 19, 2008 at 7:15pm was offered by Mr. Micelli, seconded by Mr. Umina and approved by all Board members present.

**DISCUSSIONS**

**George Ten Eyck**

The Board had received an application for a variance under Article V, District Use & Area Requirements,

## Section 128-40 Planned Development District, Lot & Bulk Requirements.

Chairman Hodom mentioned that Mr. Micelli had wanted the applicant to supply the locations of other sites in Town where Techno Posts were used in the foundations. That had not been received but Mr. Platel said that the Techno Posts were used in the Town of Bethlehem and accepted by the Building Department. He said up to this point there had not been any problems associated with their use. Mr. Micelli was satisfied.

Chairman Hodom did not feel that any undesirable change would occur in the neighborhood nor would there be a detriment to the neighboring homes in the granting of the variance. There is an existing raised deck in the area that the proposed structure would be located. Several neighbors and the homeowner's association were in favor of the proposed project. The benefit to the applicant cannot be achieved through any other means but a variance. The area variance was not substantial nor would it adversely impact the environment or the surrounding neighborhood. The alleged difficulty was not self-created and the granting of the variances would allow the applicant use of the property without fear of insect bites and might be beneficial to his two (2) children that have asthma. He recommended granting the variance with conditions. He wanted Patio Enclosures to submit a notarized signed letter that Patio Enclosures is jointly responsible for the adequate Techno Post installation and compliance with New York State Building Code. He also recommended that Patio Enclosures provide to the Town of Bethlehem Building Department prior to the issuance of the Certificate of Occupancy, the Techno Posts approved by the evaluation report CCMC13059-R, which was shown on the drawing 1 of 6.

Mr. Micelli asked the applicant if the room would be all season. Mr. Ten Eyck said it was a three (3) season room with electric but no heat. The structure would match the house. He was in favor of the variance.

Mr. Umina was in favor of granting the variance.

Mr. Watson and Mr. DeCancio were both in favor of the project.

A motion to grant the variance with the conditions recommended by the Chairman was offered by Mr. Watson, seconded by Mr. Umina and approved by all Board members present.

### **RESOLUTIONS**

#### **Jessica Brand**

The Board had received an application for a variance under Article XIII, Use and Area Schedules, Section 128-100, Schedule of Area, Yard and Bulk Requirements. The public hearing was held on January 16, 2008 and continued on February 20, 2008.

The Board reviewed draft resolution AV-0802 prepared by the Zoning Board attorney.

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

#### **Selkirk Warehouses**

The Board had received an application for a variance under Article V, Section 128-39, D (4), Specific Regulations for the district. Public hearings were held on January 17, 2007 and February 6, 2008.

The Board reviewed draft Resolution AV-0803 prepared by the Zoning Board attorney.

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

#### **United Development Group**

The Board had received an application for a variance under Article V, Section 128-33 D (footprint size), Article

XIII, Section 100 (density, maximum height, minimum rear yard). Public hearings were held on April 18,2007, September 5, 2007 and February 6, 2008.

The Board reviewed draft Resolution AV-0804 prepared by the Zoning Board attorney. Because of the suggested changes, the Board decided to defer voting on the Resolution until the changes had been incorporated into the document.

### **MINUTES**

The Board reviewed the draft minutes of February 20, 2008.

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

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

The meeting adjourned at 7:40 PM.