

**TOWN OF BETHLEHEM
BOARD OF APPEALS
March 21, 2007**

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
Anthony K. Umina, Board of Appeals Member
Lenny Micelli, Board of Appeals Member
Mark Hennessey, Board of Appeals Member
Michael Moore, Attorney to the Board

Mark Platel, Assistant Building Inspector

AGENDA: JKC Realty LLC
Ronald McLagan
Benderson Development

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

JKC Realty LLC

The first item on the agenda was a new application for JKC Realty LLC, 448 Route 9W, Glenmont for a Variance under Article XIII, Section 128-100 Area Yard and Bulk Requirements, minimum lot width and minimum highway frontage for Lot #2.

A motion to set the public hearing for JKC Realty LLC variance application for Lot #2 on April 4, 2007 at 7:00 was offered by Mr. Micelli, seconded by Mr. Umina and approved by all Board members present.

Ronald McLagan

The next item on the agenda was discussion on the application of Ronald McLagan for six (6) variance requests under Article XIII, Section 128-100 Schedule of Area, Yard & Bulk Requirements, minimum lot size for proposed Lot #1, Lot #2, Lot #3 and Lot #4 located at Yale & Milton Ave.

Chairman Hodom stated that the majority of existing lots in the area of Yale and Milton Avenue have a one hundred (100) foot lot frontage. Chairman Hodom said the variance requests of Mr. McLagan would have an undesirable change in the character of the neighborhood. The benefit sought by the applicant could be achieved for two (2) of the lots, by including the adjacent Lot 163 that the applicant owns. By incorporating that lot with Lots 160, 161, 162, he would have two (2) conforming lots. Mr. McLagan, when

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specifically asked, said he did not want to use that lot in his configuration. Because all four (4) of the lots would not meet the lot size requirements of 14,520 square feet and two (2) of the lots would be less than the required lot width, Chairman Hodom considered the variance requests to be substantial. The actual lot sizes ranged from 16% to 18% less than the lot area required by the Zoning. He said the applicant had created his own difficulty by not including Lot #163 into the four (4) lot subdivision. Chairman Hodom was against the six (6) variance requests.

Mr. Hennessey said that he fully agreed with Chairman Hodom. He said the applicant was unreasonable because he would not consider using the additional lot that he owned to mitigate the variance requests. Mr. Hennessey was against the six (6) variance requests.

Mr. Micelli said that Mr. McLagan had options that he refused to consider. Mr. Micelli was against the six (6) variance requests.

Mr. Umina concurred with the other members of the Board. Mr. Umina was against the six (6) variance requests.

A motion to deny the six (6) variance requests from Ronald McLagan for the proposed four (4) lot subdivision on Yale & Milton Avenue was offered by Mr. Micelli, seconded by Mr. Hennessey. With a vote of zero (0) for, four (4) against and one (1) absent, all variance requests were denied.

Benderson Development

The next item on the agenda was the draft Resolution for Benderson Development prepared by Counsel.

A motion to approve Area Variance Resolution AV-0704 as drafted was offered by Mr. Micelli, seconded by Mr. Hennessey and approved by all Board members present.

The Board reviewed the draft minutes of March 7, 2007.

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. Micelli, seconded by Mr. Hennessey and approved by all Board members present.

The meeting adjourned at 7:11PM.