

**TOWN OF BETHLEHEM
BOARD OF APPEALS**

October 7, 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, Zoning Board Counsel
David DeCancio, Board of Appeals Member
Ken Umina, Board of Appeals Member
Matt Watson, Board of Appeals Member

Mark Platel, Assistant Building Inspector
Justin Harbinger, Assistant Building Inspector

Danny Patel
Richard Green
Peter Seidner
Paul & Dianna Koch
John Mennetto

AGENDA: Econolodge
Koch
Gary & Regina Bohl
Hauerwas, Isabelle, Blanch & Lenagham

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

PUBLIC HEARINGS

Econolodge

The Board had received an application for Econolodge, 15 Frontage Rd., Glenmont, for an area variance under Article VI, Section 128-56, F & G; parking into front and side yard setbacks.

Chairman Hodom opened the Public Hearing.

Mr. Platel said the applicant is proposing an addition to the existing structure and additional parking as required. The proposed parking area will be located six (6) feet from the side and rear yard property lines. This will be nine (9) feet shy of the fifteen (15) foot side and rear setback requirements. Also the setback from the parking area to the front property line will be eight (8) feet, which is two (2) feet shy of the ten (10) feet required.

For the Board's information this is the same proposal that the Board granted back in February 2006. The only difference in this application is that during this review two (2)

additional parking setback encroachments were noted, those being the front and rear setbacks.

The current structure is occupied as a Motel and is located in a Rural Light Industrial District.

A motion to indent the public hearing notice was offered by Mr. Umina, seconded by Mr. Watson and approved by all Board members present.

Notice is hereby given that the Board of Appeals of the Town of Bethlehem, Albany County, New York will hold a public hearing on Wednesday, October 7, 2009 at 7:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Daniel Patel/ Econolodge for a Variance under Article VI, Section 128-56 (F) & (G), off street parking and loading, of the Code of the Town of Bethlehem for proposed parking area at 15 Frontage Rd., Glenmont, NY.

Mr. Green, PE, presented for the applicant. He said when the project started there was a five (5) foot parking side setback. The location of the proposed building had been moved and a six (6) foot setback was the maximum they could achieve. They had obtained an area variance from the Zoning Board two (2) years ago. For a variety of reasons, the project didn't progress and the variance received expired. The Planning Department told them to start the approval process again. They were before the Board with the same variance requests that were granted two (2) years ago.

Mr. Platel said during the prior review, two (2) other variances were missed and would now be included in this application. One was parking to the front yard and a rear yard setback. These were on the plans that had been submitted in 2004.

Mr. Green said when the project design began, the setbacks were five (5) feet. The 2005 Zoning Law changed them to ten (10) feet and fifteen (15) feet. They couldn't comply with the new standards and they were far enough along with the design of the plans that the decision was made to apply for a variance.

The variance they received was granted in January of 2006. This project will need to go back to the Planning Board if these variances are approved because the site plan approval also expired. Planning Board approval was obtained in September 2007. They had submitted drawings to the Building Department in 2008. They had been working on a comment from the Albany County Health Department but during that time the approvals expired. Mr. Seidner said they had not received any notice from the building department that the time frame would expire soon. Chairman Hodom said it was a condition of the variance granted that the project commence within a certain amount of time which is in the Code. The Board could have granted an extension. It was an over site of the applicant that there was a time stipulation.

Chairman Hodom asked if they had tried to purchase additional property to mitigate the variance. Mr. Patel said they had asked the trucking company in February of 2005 and they said no. They have not tried again. Mr. DeCancio asked them to try again.

The current application submitted is exactly the same as the application submitted in 2004 that was approved. The proposed enhancements, additional rooms and parking, were a requirement from Econolodge to maintain the franchise. They were supposed to be done within three (3) years. If they don't receive the variance, Mr. Patel was not sure what would happen to his franchise. The current number of rooms is thirty (30), this proposal will bring the room number to fifty (50). Alternative layouts were explored but in order to comply with handicapped accessible and the amenities needed such as the size of the rooms and the hallways, this was the layout needed. They have moved parking to make the circulation work better. They need one (1) parking space per room to comply. Mr. Patel said he has had the Econolodge franchise since 2003.

Mr. Patel said the adjacent trucking company had changed hands five times in four years. He had gotten the name of the company from the Town's assessor's office at the time the drawings were prepared. Chairman Hodom asked if the current owner of the trucking company had been contacted about their plans to expand. If not, the applicant was asked to contact the current owner and submit that attempt to the Board with their answer within five (5) to seven (7) days of this date.

Mr. Green said the fifty (50) foot setback is along Hanney Lane and the rear twenty-five (25) foot setback places the building on that line. The new building is within compliance with those setbacks. The new structures will be similar to the existing structures in architecture and finishes.

Mr. Patel said the average length of stay of the corporate people was Sunday to Thursday or Monday to Friday. He does not hold any government contracts with any agencies.

Chairman Hodom declared the public hearing closed at 7:35.

Paul & Dianna Koch

The Board had received an application for Paul & Dianna Koch, 6 Crannell Ave., Delmar, for an area variance under Article XIII, Section 128-100, % of lot coverage & side yard setback

Mr. Platel said the applicant is proposing to construct a two hundred twenty-three (223) square foot addition to the existing dwelling that will create a main structure of one thousand one hundred seventy-two point nine (1,172.9) square feet. This will exceed the one thousand one hundred (1,100) square foot allowed for the main structure by seventy-two point nine (72.9) square feet. The lot occupancy for the main structure will be twenty-one point thirty-three (21.33%) percent, which is one point thirty-three (1.33%) percent over the twenty (20%) percent allowed. The total building area will be one thousand four hundred twenty-nine point two (1,429.2) square feet, which is three hundred twenty-nine point two (329.2) square feet over the one thousand one hundred

(1,100) square feet allowed. The total lot occupancy will be twenty-five point ninety-nine (25.99%) percent, which is five point ninety-nine (5.99%) percent over the twenty (20%) percent allowed. Also the proposed side yard setback of five point eight (5.8) feet will be two point two (2.2) feet shy of the eight (8) feet required.

The existing structure is occupied as a single family dwelling and is located in a Core Residential Zoning District.

A motion to indent the public hearing notice was offered by Mr. Umina, seconded by Mr. DeCancio and approved by all Board members present.

Notice is hereby given that the Board of Appeals of the Town of Bethlehem, Albany County, New York will hold a public hearing on Wednesday, October 7, 2009 at 7:15 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Paul & Dianna Koch for a variance under Article XIII, Section 128-100, percentage of lot coverage and front yard setback, of the Code of the Town of Bethlehem for the construction of an addition on the home located at 6 Crannell Ave., Delmar, NY.

Paul and Dianna Koch submitted three (3) letters from neighbors at 4 Brookman Ave., 88 Delaware Ave. and 3 Crannell Ave., in support of the variance request. The neighbors had been informed of the plans.

Mr. Menneto, contractor for the project, presented. The current home is a two (2) bedroom, one (1) bath bungalow. The couple has two (2) sons and wish to expand the home to include a master bedroom, second bathroom and to enlarge the kitchen and eating area on the first floor. The present kitchen is about sixty (60) to seventy (70) square feet. The Koch's want to stay in the area and need the additional space for their growing family.

Mr. Menneto had done some work for the Koch's in the past. They had begun with another contractor for the addition. A set of prints had been drawn up and the contractor took a deposit without any consideration of the building department. Mr. Menneto suggested they apply for the addition. He had spoken with Mr. Platel and it was decided to go through with the variance request to see if the Board would allow the addition to move forward. He hasn't reviewed the submitted drawings.

Mr. Koch didn't have the plans redone because the person hired showed up today without anything done. Mrs. Koch had made copies of the plat plan in a larger size so they were more legible. Mr. Koch said they wanted to bring the addition to within five point eight (5.8) feet of the property line. The home abuts a commercial site's parking lot. That commercial neighbor had sent in a letter of support of the variance request.

Mrs. Koch said the existing home is a one (1) story bungalow that consists of a living room, a dining area and a small non-eat-in kitchen on one side of the home and a hallway, two (2) bedrooms and a bathroom on the other side. The kitchen holds an apartment size stove, minimal cabinetry, a refrigerator and the sink. Mr. Koch identified

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the center wall of the house and location of the rooms for the Board on the plans submitted. The second floor, an attic, is currently used for storage only. Only part of the second floor is proposed for addition space. The remainder of the attic will be kept for storage space only. The basement is an open space and used as a play area for the children. If they are allowed to put on the addition, the current bedroom area would remain the same, giving each of the children their own room.

They had asked their neighbor if they were willing to sell some property to them. As a commercial establishment, she needs all of the parking for her business and did not want to sell any property. Mrs. Koch has lived in the home since 1997, she married and they have been in the house together since 2000.

The addition will match the existing siding of the home. If finances allow they will reside the home. Mr. Menneto said the peak of the addition will be slightly higher than the existing roofline. They hope to start the construction in the spring and should be done within three (3) months.

Chairman Hodom declared the public hearing closed at 8:05pm.

APPLICATIONS

The Board had received an application for Gary & Regina Bohl, 8 Olympian Dr., Slingerlands, NY, for an area variance under Article XIII, Section 128-100, % of lot coverage.

A motion to schedule the public hearing on October 21, 2009 at 7:00pm was offered by Mr. DeCancio, seconded by Mr. Watson and approved by all Board members present.

The Board had received an application for Hauerwas, Isabelle, Blanch and Lenagham, 56 Blessing Rd., Slingerlands, for an area variance under Article VI, Supplemental Regulations, Section 128-48, Flag Lots and Shared Driveways.

A motion to schedule the public hearing on November 4, 2009 at 7:00pm was offered by Mr. Watson, seconded by Mr. DeCancio and approved by all Board members present.

MINUTES

The Board reviewed the draft minutes of September 16, 2009 prepared by staff.

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

DISCUSSION

Paul & Dianna Koch

Mr. DeCancio said the plans submitted were as minimal as possible. They had tried to acquire land from the neighbor and they have discussed their plans with other neighbors. He was in favor of granting the variances as submitted. Mr. Umina was also in favor of granting the variances. They were trying to improve the property and were in a commercial area. Mr. Watson said the granting of the variances wouldn't have any adverse effect to the neighborhood. They are limited because of the lot size and thought the request was reasonable.

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

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

The meeting adjourned at 8:10.

Respectfully Submitted,

Nanci Moquin