

**TOWN OF BETHLEHEM
BOARD OF APPEALS
September 20, 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

AGENDA: Lance Crossett – 100 Bridge St. – Public Hearing
Philip and Judy Smaldone – 535 Huron Rd. – New Application
Angela & Phil Halwick – 940 River Rd. - Resolution

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

Lance Crossett – Public Hearing

The first item on the agenda was the Public Hearing for a request from Lance Crossett for a Variance under Article XIII Section 128-100, Schedule of Area, Yard & Bulk requirements for property located at 100 Bridge Street, Selkirk. The applicant has a pending Land Division with the Town. Two (2) residential structures presently exist on one (1) lot and because of the position of the structures the minimum building line lot width of seventy-five (75) feet cannot be maintained for one (1) of the proposed lots.

The Land Division will create a width of lot at the building line of sixty (60) feet, which is fifteen (15) feet less than the required seventy-five (75) feet. All of the remaining setback and lot requirements would be in accordance with the minimum lot and bulk requirements or are pre-existing non-conforming.

A motion to indent the Public Hearing notice was offered by Mr. Brookins, seconded by Mr. Micelli 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, September 20, 2006, at 7:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of Lance Crossett, for property located at 100 Bridge Street, Selkirk, NY: Variance under Article XIII Subsection 128-100, Schedule of Area, Yard & Bulk Requirements of the Code of the Town of Bethlehem. Requesting area variance from the seventy-five (75) foot building line lot width for pending land division with two (2) residential structures on one (1) lot.

Mr. Crossett, 1034 Starr Rd., Ravena, presented the project to the Board. He co-owns the property with a business partner, Mr. Calvin Ortiz. The name of their company is Integrity Properties. He stated that the single lot has two (2) residential structures, one of which was a single family home and the other was a three (3) unit apartment building. These structures were built in either the thirties or forties, pre-dating zoning. They had submitted an application for a Land Division with the Town in order to have each residence on separate lots with the idea of selling the single family home and retaining the rental units. The parcel has been surveyed and submitted with the Land Division application. Staff comments were made and revisions had been made to incorporate those comments. The driveway to the left of 100 Bridge Street would remain with 100 Bridge Street. The property to the left has about one and one half (1.5) feet between that building and the property line. They couldn't make the seventy-five (75) feet in any way because the buildings are positioned closer than that at the building line. They had positioned the property line so the minimum variance would be needed. They had kept the ten (10) foot setback on the side lot for the three (3) unit building and that left them with the one variance needed for this lot. Mr. Crossett had done a deed search and he found that the two (2) structures had always been on one (1) deed. He had been told that the rental units had been used to house railroad workers and the owners had lived next door. This division would not change the character of the neighborhood because all the other houses were close together. He thought this was a unique situation and not self-created. They were not requesting any change in the footprints of the structures that would have caused the need for the variance. Since purchasing the buildings in March, they had done a lot of cosmetic repairs and shortly they would be replacing the rear porch on the three (3) unit structure.

It was confirmed that the applicants also owned a separate parcel to the rear of the parcel in question. Mr. Crossett stated that in the future they would like to put in either a three (3) or four (4) unit depending on what the Albany County Department of Health would allow because there wasn't any sewer. The building would be of similar character.

The single family was currently occupied and those owners have a lease option to buy if the Land Division is approved. The three (3) unit was partially occupied. The existing garage with the single-family home would be demolished as per their insurance company. They have a demolition permit for that now.

There being no further questions Chairman Hodom declared the hearing closed at 7:21.

Philip and Judy Smaldone – Acceptance of an application

The next item on the agenda was the acceptance of the application of Philip and Judy Smaldone concerning property at 535 Huron Rd., Delmar, for a Variance under Article XIII, Use and Area Schedules, Section 128-100, maximum lot coverage for the construction of an addition to their residence to accommodate the applicant's mother.

A motion to set the Public Hearing for October 4, 2006 at 7:00pm was offered by Mr. Micelli, seconded by Mr. Hennessey and approved by all Board members present.

Lance Crossett - Discussion

The Board had visited the site and agreed that the buildings were all close together in the area and this division would not change the character of the neighborhood. Mr. Brookins noted that the division of the residences made perfect sense from a business perspective.

A motion to approve the Crossett application as submitted was offered by Mr. Hennessey, seconded by Mr. Umina and approved by all Board members present.

The Chairman directed Counsel to prepare the Resolution approving the application.

Angela and Phil Halwick - Resolution

The Board reviewed the Draft Area Variance Resolution #AV-0624 as prepared by Mr. Moore.

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

The Board reviewed the Draft minutes of September 6, 2006.

A motion to approve the minutes of September 6, 2006 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. Brookins, seconded by Mr. Hennessey and approved by all Board members present.

The meeting adjourned at 7:40PM.