

**TOWN OF BETHLEHEM  
BOARD OF APPEALS**

**August 20, 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. Chairman Hodom, presiding.

PRESENT: Michael Hodom, Board of Appeals Chairman  
Keith Silliman, Acting Board of Appeals Counsel  
Matt Watson, Board of Appeals Member  
Lennie Micelli, Board of Appeals Member

AGENDA: Robert Maher – Public Hearing  
Stewarts Shop Corp. #240

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

**PUBLIC HEARING**

**Robert Maher – 68 The Crossway**

Chairman Hodom opened the public hearing. Mr. Platel said the applicant is proposing to construct a one hundred ninety-two (192) square foot addition to the existing main structure that will encroach into the rear yard setback. It is required to maintain a twenty-five (25) foot setback to the rear property line and the proposed addition will be eighteen point nine (18.9) feet to the line, which is six point one (6.1) feet shy of the requirement. All other zoning requirements applicable to this project will be maintained.

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 into the record was offered by Mr. Watson, 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, August 20, 2008, at 7:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on the application of Robert Maher, for a variance under Article XIII, Use and Area Schedules, Section 128-100, Schedule of Area Lot and Bulk Requirements. Mr. Maher wants to construct an addition onto a single family home located in the Town of Bethlehem at 68 The Crossway, Delmar, New York 12054.

Mr. & Mrs. Maher presented. Mr. Maher said the requested addition would create a kitchen/ family room. He said the house was built in the 1950's when houses were much smaller in space. He said with a growing family the house has become very small. They don't even have enough space for a Holiday dinner with family and friends.

Chairman Hodom said some of the submitted documentation dimensions did not match. Some showed or mentioned an eleven (11) foot width and others showed or mentioned a twelve (12) foot width. Mr. Maher said the variance request should be for a twelve (12) foot width, the addition would be twelve (12) by sixteen (16) feet.

Chairman Hodom said the variance request said the room would be a family room. Mr. Maher said the kitchen portion would be about half of the space. The room would be open between the kitchen and the family room.

Chairman Hodom asked what scale was used on the drawings. Mr. Maher said he downloaded free software that allows work up to a point before it puts a watermark on it. He didn't know the scale that was used. Chairman Hodom asked if the fence was constructed on the property line. Mr. Maher said no, a survey showed that it

encroached on the neighbor's property a little.

Chairman Hodom asked if the property had a basement. Mr. Maher said there was a full, unfinished basement. They didn't have a water problem; the sump pump rarely went on. Chairman Hodom said the engineer indicated a high water table in the area. Mr. Maher said some of his neighbors had shallow wells for water but they have never had a water problem.

Mr. Maher said the residents of the house consisted of himself, his wife, two (2) children and two (2) dogs. They've lived in the house since 2001. They have discussed the plans with his neighbors and no one opposed the request. The work would begin within a week or two of the issuance of the building permit. The contract has been signed. Mr. Maher said the breezeway might be extended for use as a mudroom. The exterior of the addition would match as closely as possible the remainder of the home with white siding. The addition will be built on piers with insulation underneath.

Mrs. Maher asked the Board to approve the variance. They love their neighborhood and want to stay.

There being no further questions from the Board, Chairman Hodom declared the hearing closed at 7:18.

## **APPLICATIONS**

### **Stewarts Shop #240 – 1344 Route 9W**

The Board received an application from Stewarts Shop Corp store #240 for a variance under Article XIII, Use and Area Schedules, Section 128-100, Schedule of Area, Lot and Bulk Requirements. The applicant wishes to remove an existing gas canopy and replace with a larger one.

A motion to set the public hearing for September 17, 2008 at 7:15 was offered by Mr. Micelli, seconded by Mr. Watson and approved by all Board members present.

## **DISCUSSIONS**

The Board decided to discuss the Maher application. Mr. Micelli said he was in favor of granting the variance request. It is only six (6) feet into the setback and they will match it with the rest of the house. Mr. Watson supported the variance request. They plan on keeping the character of the house and neighborhood and the neighbors did not object. Chairman Hodom agreed with the Board members.

A motion to approve the Maher variance application as submitted was offered by Mr. Watson, seconded by Mr. Micelli and with a vote of three (3) in favor and two (2) absent, the application was approved.

The Board reviewed the draft minutes of August 6, 2008.

A motion to approve the minutes as drafted was offered by Mr. Micelli, seconded by Mr. Watson 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 7:25 PM.

Respectfully submitted,

Nanci Moquin