

**TOWN OF BETHLEHEM
BOARD OF APPEALS
April 20, 2005**

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
Marjory O'Brien
Gilbert Brookins

Michael Moore Attorney to the Board

Mark Platel Building Inspector

ABSENT: Robert Wiggand
Leonard Micelli

Chairman Hodom called the meeting to order at 7:30 p.m.

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Good evening Ladies and Gentlemen, and welcome. This is a regular meeting of the Board of Appeals for the Town of Bethlehem. The first order of business this evening is a public hearing for a Variance under Article XII, Percent of Lot Occupancy, Section 128-50, Single Family Dwellings, Article XII, Percent of Lot Occupancy, Section 128-49, Total Building Area & Article XVII, Side Yards, Section 128-73, Required Widths requested by Norman & Mary Cohen for property at 18 Hawthorne Avenue, Delmar, New York 12054. The Applicant wishes to construct an addition, which will exceed the total building area, percentage of lot occupancy, and encroach into the side yard setback requirement at the premises 18 Hawthorne Avenue, Delmar, New York.

CHAIRMAN HODOM: Mr. Platel, would you give us the reason for the hearing, please?

MR. PLATEL: Yes, Mr. Chairman. The Applicant is proposing to construct a 464-square foot addition to the existing 1,079.36-square foot main structure. The 160-square foot rear porch will be removed and the 464-square foot addition will be constructed creating a total main structure of 1,383.36-square feet. This is 201.39-square feet over the 1,181.97-square foot main structure allowed by a lot consisting of 7,879.8-square feet. The total building area will be 1,743.36-square feet, which is 167.4-square feet over the 1,575.96 allowable.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

The lot occupancy for the main structure will be 17.56-percent, this is 2.56-percent over the 15-percent allowed, and the total lot occupancy will be 22.12-percent, which is 2.12-percent over the 20-percent allowed. The side yard setback will be 6-feet at the addition, which is 4.1-foot shy of the 10-feet required.

The Applicant also owns the lot that is adjacent to the property that is in front of the Board. It has been determined that this is a buildable, pre-existing non-conforming lot. The property is located in an “AA” Residential District and is occupied as a single-family Dwelling.

CHAIRMAN HODOM: Thank you, Mark. Ms. Guastella, would you please read the official call of the meeting?

Notice of Public Hearing. Notice is hereby given that the Board of Appeals of the Town on Bethlehem, Albany County, New York will hold a public hearing on, Wednesday April 20, 2005 at 7:30 p.m. at the Town Offices 445 Delaware Avenue, Delmar, New York to take action on application of Norman and Mary Cohen for Variance under Article XII, Percent of Lot Occupancy, Section 128-49, Total Building Area & Article XII, Percent of Lot Occupancy, Section 128-50, Single Family Dwellings and Article XVII, Side Yards, Section 128-73, Required Widths of the Code of the Town of Bethlehem for construction of an addition, which will exceed the total building area, percentage of lot occupancy and encroach into the side yard setback requirement at premises 18 Hawthorne Avenue, Delmar, New York. Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the April 13, 2005 edition of the Spotlight, official paper of the Town of Bethlehem. All persons listed in the petition as owning property within 200 feet of the premises in question were notified by mail at least five days prior to this hearing.

CHAIRMAN HODOM: Thank you, Karen. The procedure that we use this evening; we’ll hear the Applicants presentation; we’ll entertain any questions or comments from the audience; we’ll hear anyone wishing to speak in favor of the Applicant and anyone desiring to speak in opposition of the Applicant. Anyone desiring to speak will be allowed to do so, we just request that you come up, stand or sit close to the black microphone, it’s for recording purposes only. Any questions or comments should be directed to the Board. Mr. Cohen – Steve just introduce yourself to us and your association to the Applicant.

MR. BOLDUC: My name is Steve Bolduc; I’m with Keystone Builders in Delmar and I was asked by the Cohen’s to work with them with a design to increase the size of their living area, which would include a bathroom on the floor, a mudroom area which they don’t have now and also they have a powder room right now. They don’t have a full bathroom on the first floor and also a sunroom/bedroom area if it became necessary to be able to have to sleep on the first floor and have access – easy in and out of the house. We started this procedure probably back in the fall and we went through a lot of different

plans, 2-story plans, 1-story plans, different locations on the lot and it just seemed to work out best doing what we've come up with here as far as the architecture and the space access from that room into the kitchen worked out well there because there's a back stair way that goes up into the kitchen from that space and the bathroom kind of tucked in to that area next to where the side porch is right now. So as I said we went through a lot of different plans and came up with this one that seemed to work best and they liked it and that's why we're here now to present this plan to you.

CHAIRMAN HODOM: Thank you Steve. Mr. Cohen do you have anything to add to that?

MR. COHEN: We did consider a plan that would have gone into the adjacent parcel, but when we made inquiry and Mr. Platel identified it as a buildable parcel we felt it would be foolish to encroach onto that parcel because of the intrinsic value and someday we may have to rely on that value in terms of, you know selling the lot if we get into a situation that requires some cash flow. We don't plan on doing that but even if we don't so we wanted to preserve the value of that parcel.

CHAIRMAN HODOM: This I take it is going to be a 4-season room?

MR. COHEN: Yes.

CHAIRMAN HODOM: It's going to be heated?

MR. COHEN: Right.

CHAIRMAN HODOM: Are there any health related problems to the basis of why you're requesting this addition?

MR. COHEN: Yes, the current situation is my wife – she had to retire early from her – how long were you there, 14?

MRS. COHEN: 16.

MR. COHEN: 16-years at the Dormitory Authority for the State of New York, because she has chronic obstructive pulmonary disease, emphysema based. Fortunately she's not on oxygen, but it limits her – the amount of energy stored that she has each day and she has to portion her energy output and this would be helpful for that. The future consideration is that we believe very much in home health care and when that time comes and hospice care at home as well and this - - we don't have a place in our house right now that would accommodate that kind of a service; this would.

CHAIRMAN HODOM: What is the current size of the family living on the premises now?

MR. COHEN: Just us and our three (3) cats.

CHAIRMAN HODOM: Do you have youngsters visiting periodically?

MR. COHEN: Yes, 2 of our 3-sons live locally and 1 lives in Las Vegas. We do have out of town family primarily in Rochester and in Long Island and this would allow us to have them come over and stay with us rather than go to a motel or hotel, you know for holidays or vacations or whatever.

CHAIRMAN HODOM: How long have you lived at the premises?

MRS. COHEN: 23-years.

MR. COHEN: 1981.

CHAIRMAN HODOM: 1981?

MRS. COHEN: It will be 24 in August.

CHAIRMAN HODOM: And this is the first change that you've made in it since 1981?

MR. COHEN: Structurally yes.

CHAIRMAN HODOM: You contacted various neighbors on your submittal this evening. Have you talked to all the neighbors that may be affected by the proposed addition?

MR. COHEN: Yes except one directly across the street. They're away for the week, school's out and they took a trip. The neighbor that's caddy-corner to the back of our property I spoke with him over the weekend. He said he would have no objection but I didn't have him sign this because he's not the property owner of record yet. He's purchasing that property from the sister at the end of the month and he said he'd have no objection. We even talked about the compost pile we had in the back and he said oh I have those all the time, that's fine. His name is Rich Bruney and he'll be closing at the end of this month he said.

CHAIRMAN HODOM: And those who did sign your affidavit here this evening and I'm assuming you and your wife visited the various neighbors, obtained the signatures that are here this evening and did you also show them this plan that you proposed to do so that they're fully aware of what you're planning to do?

MR. COHEN: One of them is sitting right next to Mary Kate.

CHAIRMAN HODOM: Okay, well he won't be allowed to speak this evening.

MR. COHEN: That's probably wise. Just for the record it's Charley Bryant.

MR. BRYANT: May I speak?

CHAIRMAN HODOM: Not yet, you'll have an opportunity. The architecture that you're proposing for the siding and the windows, the roofing, do you intend to try to match as closely as possible the existing siding roofing and architectural features of the existing home?

MR. BOLDUC: Yes. They have vinyl siding now and we found out that we can match it so that should blend really well. The roof shingles are - - it's detached from the rest of it so a new shingle will be matched as closely as we can find it. It should look pretty close to what's there. I don't think you will be even to tell the difference but because of the age there might be a little difference but it will be the same style shingle and the same color in general.

MR. COHEN: And double hung windows to.

MR. BOLDUC: Double hung windows, yeah it will kind of go with the colonial look of the house. We tried to - - with porches, sunrooms, that type of addition we go with a hip roof because we feel it blends in better with the style of the house and it doesn't dwarf the other parts of the house that are there so it just blends in nicely that's why we use the hip.

CHAIRMAN HODOM: Okay. Mr. Cohen, Mrs. Cohen, is it your intent now and in the future to maintain this home as a single-family dwelling?

MR. COHEN: Yes.

CHAIRMAN HODOM: It's not your intention to use this addition as a rental space or...

MR. COHEN: Not at all.

CHAIRMAN HODOM: Okay. In reviewing the procedures that you've gone through with your architect/builder would you consider this the minimum size addition that would satisfy your needs or accommodate your needs in the future?

MR. COHEN: Yes. We did consider, you know a larger area and then pulled it back to this area that would allow essentially the prime room would be like a 12 by 24, 24 1/2-room to bring it back even further would make it a very long and very narrow that wouldn't accommodate furniture or the kind of access that we are looking for so this is probably the minimum that we would be able to achieve the goal of what we're trying to do with this addition.

CHAIRMAN HODOM: Would you also describe for the Board the layout of the existing residence as to rooms that currently exist in the home?

MRS. COHEN: The first - - in the kitchen, we do have a basement, a kitchen, a small powder room off the kitchen leading into the dining room, the foyer and a living room

with a fireplace and then steps going to the second floor where there are 4 small bedrooms.

CHAIRMAN HODOM: There currently is no family room or a rec-room?

MRS. COHEN: No.

CHAIRMAN HODOM: In the home either in the basement or on the second floor or on the main floor?

MRS. COHEN: Correct.

CHAIRMAN HODOM: Any other questions from the Board?

MRS. O'BRIEN: Yes, when was the house built?

MR. COHEN: 1930.

MRS. O'BRIEN: And the side yard setback, is the proposed sunroom would actually go out as far as the current house goes now?

MR. COHEN: Yes, no further.

MRS. O'BRIEN: So the side yard setback is actually an existing concern. It's not going to go out any further than that, it's going into the back yard?

MR. COHEN: It would conform with the pre-existing space between the property line.

MRS. O'BRIEN: And the bathroom that your adding there, the intent is so that if the room is used later on home care and so forth you'd have an accessible bathroom located on the same level.

MR. COHEN: Same level, right that would be the intent.

CHAIRMAN HODOM: Gil anything else, all set? Are there any questions or comments from the audience? Mr. Bryant?

MR. BRYANT: My name is Charles Bryant; I live at 2 Douglas Road. I've been a neighbor of the Cohen's for 20-years or whatever – however long they've been there. I'm in favor of the request for the addition.

CHAIRMAN HODOM: Thank you very much. Are there any other questions or comments? Anyone else wishing to speak in favor of the Applicant? Any further questions from the Board? Anyone desiring to speak in opposition to the Applicant? Hearing no further questions or comments we'll declare the hearing closed and we'll notify you in a timely manner. Thank you very much.

MR. COHEN: Thank you, thank you all.

Hearing closed 7:45 p.m.

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The next order of business this evening is a public hearing for a modification to a previously granted Special Exception under Article VI, Permitted Uses, Section 128-12 B (2), Residence "A" District requested by the Nathaniel Adams Blanchard American Legion Post, number 1040 for property at 16 West Poplar Drive, Delmar, New York. The Applicant wishes to construct a garage to provide storage for Boy Scout equipment at the premises 16 West Poplar Drive, Delmar, New York.

CHAIRMAN HODOM: Mr. Platel, please give us the reason for the hearing.

MR. PLATEL: Yes, Mr. Chairman. The Applicant is proposing to construct a 768-square foot garage at the rear of the property. The post at this time is operating under a Special Exception and this proposal requires a modification to the existing Special Exception. The Boy Scouts of America will be using the proposed structure for storage. The property is located in an "A" Residence District and is operated as a private club.

CHAIRMAN HODOM: Thank you, Mark. Ms. Guastella, please read the official call of the hearing.

Notice of Public Hearing. Notice is hereby given that the Board of Appeals, Albany county, Town of Bethlehem will hold a public hearing on Wednesday April 20, 2005 at 7:45 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on application of The Nathaniel Adams Blanchard American Legion Post for modification to a previously granted Special Exception under Article VI, Permitted Uses, Section 128-12 B (2), Residence "A" District of the Code of the Town of Bethlehem for construction of a building to provide storage for Boy Scout equipment at premises 16 West Poplar Drive, Delmar, New York. Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the April 13, 2005 edition of the Spotlight, official paper of the Town of Bethlehem. All persons listed in the petition as owning property within 200 feet of the premises in question were notified by mail at least five days prior to this hearing.

CHAIRMAN HODOM: Thank you, Karen. We'll use the same procedure that we used earlier, we'll hear the applicants presentation, we'll entertain any questions or comments from the audience; we'll hear anyone wishing to speak in favor of the applicant and anyone desiring to speak in opposition. Anyone desiring to speak we just request that you come stand or sit close to the black microphone; it's for recording purposes only. Mr.

Supple will you be making the presentation?

MR. SUPPLE: Well 6-scouts will be presenting and I will go at the end.

CHAIRMAN HODOM: Okay, just come right up here if you would, introduce yourself to us and your association with troop 58.

MR. KRUEGER: Good evening. My name is Charlie Krueger. I'm in 10th-grade; I'm a Life Scout.

CHAIRMAN HODOM: Charlie you might want to raise that up.

MR. KRUEGER: How's this? Okay I can sit down?

CHAIRMAN HODOM: Sure.

MR. KRUEGER: Good evening. My name is Charlie Krueger. I'm in 10th-grade and I'm a Life Scout and I'm the senior patrol leader of Boy Scout Troop #58 right here in Delmar. The reason that we are here before you tonight is to present our request for a Special Exception to the Zoning Code so we can get permission to build a garage for storing our troop equipment.

Our troop is chartered by the Nathaniel Adams Blanchard Post # 1040 of the American Legion. All Boy Scout units must have a chartering organization in order to exist and the Post has been ours since 1941. The American Legion as a national organization is a huge supporter of scouting and shares our goal of helping to raise responsible, caring, and patriotic citizens. The post has given us permission to build the troop garage on the northwest corner of their property on West Poplar Drive. I'd like to acknowledge Mr. Joseph Vandeloo, Chairman of the Post Executive Board, and Mr. Geurtze, Post counsel. Thank you for being here this evening.

CHAIRMAN HODOM: Thank you.

MR. COLLIER: My name is Chris Collier. I'm in 6th-grade, and I'm a boy scout in Troop #58. I'm going to tell you about our troop equipment and some facts about Boy Scout Policy. The garage we want to build will be built by volunteers with donated equipment and materials. As a matter of policy, Boy Scout Troops or Cub Scout Packs cannot own property or enter into any legal obligations.

Therefore, the Post will own the proposed garage and have agreed to let us use it. Our troop equipment is mostly for camping and includes tents, pots and pans, stoves, tarps, lanterns, and other items. Camping is a main part of the Boy Scout program. It teaches a boy how to survive in the outdoors, how to plan and prepare for a trip, to work as a team yet be self-reliant, and to respect nature. We also have a Troop flag, an American flag, and troop first aid kits to store. We currently have 40-scouts in our troop and expect to grow to 60 next fall. This means that in the future we'll have even more

equipment to store and maintain. Thank you.

CHAIRMAN HODOM: Thank you.

MR. HANIFIN: Hi my name is Mark Hanifin and I am also a 6th-grader in Troop 58. I'm going to tell you why we need a storage garage, what we are doing now to store our equipment and why it is inadequate. Before 2003 our equipment was stored in a shed outside one of our assistant scoutmaster's home. The shed was far from the Elsmere Elementary School where we meet, and we were ruining the lawn by carrying equipment to and from it. The shed was so small that we sometimes had to empty everything out to get one thing. We also keep some equipment in the basement of the school but we were limited as to what times we could get at it.

In 2003 we used donated funds to buy a trailer for storing and transporting our equipment. The trailer holds all of our gear eliminating the need to pack equipment for every campout since it is already in the trailer. We don't need all of our equipment on every campout, however, but we take it with us anyway since we don't have anywhere else to store it.

We couldn't find anyone who would agree to park the trailer at their house. Finally, GE Plastics in Selkirk agreed to let us park the trailer in their parking lot where it sits today. Although we are grateful to GE for the use of their parking lot, exposure to the weather is causing the trailer to rust, its paint to fade, and the plastic lettering of our graphics to peel off. Plus the trailer is even farther away from the school than the shed was. Thank you.

CHAIRMAN HODOM: Thank you very much.

MR. O'BRIEN: All right, my name is Nick O'Brien, I'm in 8th-grade, and I am a First Class Scout in Troop #58. I'm going to talk about how the idea for a garage got started and how we plan to use it once it's built. Because the trailer at GE was so far away, using it became very inconvenient. As a result, some of the equipment ended up getting stored in the homes of scouts. Keeping track of it and making sure it was in the right place when needed was difficult. We also noticed rust on our brand new trailer, which we proudly pull in the Town's Memorial Day parade. The troop is also growing so more equipment will be needed in the future.

It was clear that we needed a place to get the trailer out of the weather, store the equipment that we may not need on a particular campout (saving gasoline and reducing pollution), and store future equipment such as canoes. Earlier this year we discussed building a garage with the Post. After careful thought they agreed as long as it didn't take up any parking spaces and we could get approval from the Town, which is why we're here tonight.

CHAIRMAN HODOM: Thank you very much.

MR. TATEO: My name is Robby Tateo. I'm in the 7th-grade and I'm a First Class Scout in Troop #58 and I'm going to describe how the proposed garage will be used. The garage will be used for storage and not as a meeting place. The garage will be accessed at least twice a month for an hour or less as we load the trailer, take it out for a campout, return it, and unload it. Typically we leave on a Friday evening and return on a Sunday morning. The garage will also be accessed one or more times a week as scouts and leaders drop off or pick up equipment for meetings or other troop purposes. There will be times when we'll want to clean the garage during a Saturday or Sunday afternoon. An adult leader will always be present when the garage is opened. It will always be kept locked when not in use.

CHAIRMAN HODOM: Thank you.

MR. GOLDSTEIN: My name is Eric Goldstein. I'm in the 10th-grade, am a Life Scout and Assistant Senior Patrol Leader of Troop #58. I'm going to describe what the proposed garage will look like. The garage will be a wood frame structure measuring 24-feet wide and 32-feet deep. It will have a 10-foot high by 12-foot wide overhead door in the east wall for trailer passage. A 3 by 7 access door will be on the south side of the garage. There will be no plumbing or heating in the garage. There will be electric service for lighting although the exact power supply method has not yet been selected.

The garage will have a 4-foot concrete foundation with footings and a 5-inch concrete slab pitched for drainage. No fuels or flammable liquids will be stored in the garage. A locked cabinet will be attached to the exterior of the building for storage of our 20-pound propane tanks, the same ones used on backyard gas grills, which we use for cooking on campouts. The exterior of the garage will include gray vinyl siding and a black-shingled roof. An asphalt transition to the Post parking lot will be laid down. Stamped drawings of the garage have been submitted to the Town Building Department. In order to prepare the site for construction, six or so trees must be removed. This will not hinder the appearance of the property, however, since several obscuring trees will remain to the south and west of the garage.

CHAIRMAN HODOM: Thank you.

MR. SUPPLE: My name is Paul Supple. I am an Eagle Scout, the Scoutmaster of Troop #58, the Chairman of the Troop Building Subcommittee, and a Son of the American Legion. Having a garage on the Blanchard Post property will permanently solve the troop's equipment storage problem. It will preserve the troop trailer so we can get many more years of service from it. It will be close to the Elsmere School where our weekly troop meetings are held to facilitate getting equipment for demonstrations at meetings. It is a central location for starting and ending our campouts. It will be a visible sign of the Blanchard Post's dedication to Boy Scouting and service to Bethlehem's youth.

We thank the Post for allowing us to pursue this project and thank the Zoning Board of Appeals for the opportunity to present our garage project to you. We also appreciate the opportunity for our Scouts to see a piece of Government in action. We

hope that you will see your way clear to approving the Special Exception to the zoning code that we request and allowing us to build our troop equipment storage building. Please feel free to ask us any questions about the project.

CHAIRMAN HODOM: Thank you, and boys, you did a very nice job this evening. Thank you very much. Mr. Supple or boy's if you know the answers, do you know if any of the neighbors were contacted about this proposed storage building?

MR. SUPPLE: I contacted or made attempts to contact neighbors. I left a voice mail message on the phone of Mr. Kass who lives at 24 West Poplar explaining the project briefly and leaving my phone number so he could call back with any questions, but he did not call back. I was fortunate to catch Mr. Dennis Battle at 22 West Poplar immediately west adjoining property of the Post. Mr. Battle's property is the only property that really has a visual view of the proposed garage site and he was probably the most likely neighbor to have a concern if there was a concern, but he gave me permission to quote him tonight – he's out of Town so he could not be here, but he said that he has no problem with the project and he will even supply a supporting letter for the project if that is required. I also called the Lang's who own the property across Elsmere because when the trees defoliate they could possibly see part of the garage. I left a message on their voice mail, but I have not heard back from them either. I understand that the Fire Department has submitted a letter of approval to the Board for the project.

CHAIRMAN HODOM: Yes they have, thank you. Will there be any meetings or parties or anything else other than the visits to store materials within the building and remove materials from the building to go on your camping trips?

MR. SUPPLE: It's not planned to have any meetings or parties. We will as was mentioned earlier have to clean it out – clean out the garage occasionally and that will probably take several hours and will involve several people so that might appear to be a party but it will be really a work party.

CHAIRMAN HODOM: How often would that...

MR. SUPPLE: I would think once or twice a year just to sweep it out and throw away things we don't need anymore.

CHAIRMAN HODOM: My understanding is and from your presentation and statements this evening is that the building should be used for storage within the confines of the building. Will there be anything stored on the exterior of the building, on the grounds or adjacent to the building?

MR. SUPPLE: The only thing that we anticipate storing outside is the tanks of liquid propane that we use to cook because we fear that that's probably unsafe to leave those inside the building incase there's a gas leak and the building might go up with gas.

CHAIRMAN HODOM: Are they the 20-pound tanks or are they a larger LP tank?

MR. SUPPLE: They're 20-pound, they're about 18-inches high and maybe 12-inches around just like you'd have on your back yard gas grill.

CHAIRMAN HODOM: And will they be secured in some kind of facility or chained to the building?

MR. SUPPLE: Yes they'll be in a caged box if you will with a padlocked door to it and that enclosure will be attached to the building by bolts.

CHAIRMAN HODOM: But that's the only thing at this point in time that you would expect to store outside the building?

MR. SUPPLE: Yes.

CHAIRMAN HODOM: You had mentioned a trailer early on. Will that trailer be stored there or inside the building or....

MR. SUPPLE: The building size was chosen to accommodate the trailer and there's room inside the building to handle the trailer as well as when the door in the trailer is dropped down an additional 6-feet is needed and that is also going to fit within the building. So we'll be able to open the trailer up inside the building and load it and unload it.

CHAIRMAN HODOM: So the intent is not to store the trailer outside but within the confines of the building?

MR. SUPPLE: Exactly. In fact that's one of the reasons for the building is to get the trailer out of the weather.

CHAIRMAN HODOM: The proposed building is to be used strictly for Troop 58, you don't share it with any other Troop or any other organization?

MR. SUPPLE: That's correct.

CHAIRMAN HODOM: I know it was mentioned earlier that there are some other locations being used to store your trailer or other equipment. Will this building suffice in storing all the equipment and materials that Troop 58 has?

MR. SUPPLE: Yes this will handle all the equipment we have and there's room for more equipment in the future.

CHAIRMAN HODOM: Just to clarify also I think the boys touched on this but the only utility that you will have furnished to this facility is electric?

MR. SUPPLE: That's correct.

CHAIRMAN HODOM: And it's strictly for lighting?

MR. SUPPLE: Yes. If I can mention, you know we're not sure exactly where the electric feed is going to come from. I don't know if electric is required by the building code, would you happen to know?

MR. PLATEL: I'll have to look into it for an accessory structure, possibly just for the door area for access.

MR. SUPPLE: Okay it could become cost prohibitive I guess is my point so we'd like - - rather than being - - to have electricity we'd like to have the option to add electricity if at all possible.

CHAIRMAN HODOM: That's primarily a Building Department issue. We only ask if you're going to have lighting how is it going to be used and if it's required to have lighting at the facility, what type of lighting are you proposing to have?

MR. SUPPLE: Well I believe incandescent is what we'll use just because it's less expensive than Fluorescent.

CHAIRMAN HODOM: You wouldn't plan on having any lighting that would shine out away from the property that you're planning on constructing the building on? You wouldn't be shining into any neighbors' property; it will strictly be a down light of some kind?

MR. SUPPLE: Well the lighting I was referring to would be inside the building to help us see inside. There is a good reason to light the exterior of the building from a security point of view. If we did that it would be just in the immediate vicinity of the building and we wouldn't aim lighting towards other peoples properties, but we are several hundred feet from other properties at the location that we've identified.

CHAIRMAN HODOM: That's correct. Is there or do you have a representative from the Blanchard Post with you this evening that will speak in favor of Troop 58 providing the structure on the property is that your intent?

MR. SUPPLE: I believe we have two; we have Mr. Vandelloo and Mr. Geurtze.

CHAIRMAN HODOM: Okay perhaps if you were finished Paul we can hear from Mr. Vandelloo and then Mr. Geurtze.

MR. VANDELLOO: My name is Joe Vandelloo and I'm the chairman of the Blanchard Post 1040. About 3-months ago Mr. Supple along with the Troop 58 approached us on this project. The Board of Directors unanimously voted to go ahead with it. At that point I brought in our judge advocate Bill Bussler at the legal end of it. He made sure everything was on the up and up, he took a look at it and everything was fine as far as he was

concerned. Our concerns were basically insurance and the safety for the troop and Mr. Supple has forwarded liability insurance clauses, etc. for the Boy Scouts of America so that wasn't a problem and as far as the legal end of it Bill went over it and had no problem with that. Now we kind of put it and said you go ahead and it's up to the Zoning Board to approve it and we're happy to share our unused portion of our property and that's kind of where we are so we're very much for them. Thank you.

CHAIRMAN HODOM: Mr. Vandelloo, just one question. As I understand it the Blanchard Post 1040 sponsors Boy Scout Troop # 58?

MR. VANDELOO: That is correct for 64-years consecutively and one of the - - we're quite proud of that, they just had an 85-birthday party for themselves at the Blanchard Post so we try to help them out as much as we can. They don't ask for a lot; we only ask for a little bit and again I think that was brought up – a work party, it cleans up the area for us also.

CHAIRMAN HODOM: Thank you very much and Mr. Geurtze before we get to you, Mr. Supple is it a requirement for Boy Scouts of America, any troop be sponsored by an organization?

MR. SUPPLE: Yes sir and it's every kind of Boy Scout unit be it a troop, a Cub Scout pack, a venturing crew must have an organization to represent it and to help it exist.

CHAIRMAN HODOM: Thank you very much. Mr. Geurtze?

MR. GEURTZE: Well first of all I guess I have to tell my usual story. I've been a Boy Scout since 1938, you know I came in at 13-years of age – I'm 80-years old now. So I stand a record of having full approval of Boy Scout admiration and I support them whatever they do and I'm proud to represent them as the organization representative for the American legion, which I've been a member of since after World War II where I served as a combat veteran 10th division, however I can't say anything's wrong against the thing that we're trying to do for these boys. They're trying to really put together something that they can use for the betterment of their troop when they go on campouts. As the old saying goes if you take the "out" out of scouting you have nothing at all, so that's what the purpose of their trailer is to have is to have "out" in scouting and this is what I'm hoping for that the Town will recognize and the troop will recognize and go forth with this endeavor. That's all about what I can say for my part but I do fully advocate the use of the building for their storage purposes. It works very well. Thank you.

CHAIRMAN HODOM: Thank you very much. I only have one further question for myself is that should Boy Scout Troop 58 become non-existent or finds another sponsor, what happens to the proposed storage building?

MR. SUPPLE: Well it's hard to even fathom the concept that you had set forth, but the building will be owned by the Post so the Post will be able to use it however they see fit

or however the Board allows it.

CHAIRMAN HODOM: Okay, thank you.

MR. SUPPLE: And I can't speak for what would happen, again it's a hypothetical situation. We've been around since 1920; it's just hard to imagine that happening.

MR. VANDELOO: The way that it was described to us is that according to the Boy Scouts of America they can not own any buildings, property, etc. so that's why they want to build on our property and actually we're going to build it for them. It belongs to us, the Post and we're not renting it, it's theirs to use for forever. After 64-years I'm hoping for another 64, maybe some of us have to worry about that but not all of us. Anyway it's going to be ours. It'll be fully insured along with their liability and with our insurance. I would also assume that there's some kind of lighting, which was brought up, it would be billed to the Post also. We would have to be responsible for that; again they don't have any responsibility if the building had problems.

CHAIRMAN HODOM: Thank you. Any questions from the Board?

MRS. O'BRIEN: Are you planning any signage on the garage, anything that identifies it?

MR. SUPPLE: No we're not planning any and it's probably not advisable to have signage just because it might attract vandalism.

MRS. O'BRIEN: And access to the building, in particular if there's a heavy snowstorm the Post I assume plows its parking lot. You would be responsible for everything from of the parking lot to the garage?

MR. SUPPLE: The garage will actually be just adjacent to the parking lot, right off the parking lot so...

MRS. O'BRIEN: They're going to take care of it for you?

MR. SUPPLE: We haven't discussed that with the Post yet, but I'm sure we can get that snowplow driver to drive 4-feet to the left and take care of that for us.

MRS. O'BRIEN: And did you say you have no canoes?

MR. SUPPLE: We have no canoes. Do you have some for us?

MRS. O'BRIEN: No, but I can tell you how to hang them on the ceiling.

MR. SUPPLE: We would probably not hang them just because of the structural integrity of the building we'd probably free stand them inside the building for your information.

MR. BROOKINS: First of all I would like to thank Charlie and Chris and Mark, Nick,

Robbie and Eric you guy's did a great job, great presentation. And I would also like to acknowledge the leaders and the parents. You folks should be very proud these guys did a really nice job. We don't often get this kind of presentation both in terms of numbers and in terms of preparation. You guys were very well prepared and it's very gratifying to see Scouts such as yourself representing yourself and the community very well so I commend you.

I have just one concern it's not a question but it relates to what we've heard before and that deals with the security issue. There's a tender balance here between having it off the beaten track so it's out of the way and not visible but it's also very close to the old rail bed and I would just potentially with the Building Department give some consideration of how best you can ensure all your hard work is well secured and we'll leave that with Mark in the Building Department's capable hands along with you folks.

CHAIRMAN HODOM: Thank you. Are there any questions or comments from anyone in the audience? Are there anyone or is there anyone wishing to speak in favor of the applicant other than those who have already done so? Now's your opportunity parents.

MR. BROOKINS: Somebody must want that stuff out of their garage.

MR. WILDAY: I've had a lot of it for a long time. My name is Ron Wilday; I'm an assistant District Commissioner for what is Albany County or Fort Orange. I just wanted to say one thing about the troop. It's one of the larger troops in the area. Troop 58 is probably one of the strongest groups in Albany County right now and it's mainly due to the good outdoor program that the leaders give to this group and it's a troop to be proud of. It's good to have them in the community.

CHAIRMAN HODOM: Thank you very much. Anyone Else? Is there anyone wishing to speak in opposition to the Applicant? Any other questions from the Board? Hearing no further questions or comments we'll declare the hearing closed and we'll notify you in a timely manner. Thanks again gentleman.

MR. SUPPLE: Thank you.

Hearing closed 8:20 p.m.

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The next order of business was to consider the application of Kelly Santore. The application was found to be in order and Mr. Brookings made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Kelly & Jeff Santore for Variance under Article XII, Percent of Lot Occupancy, Section 128-50, Single Family Dwellings & Article XVI, Front Yards, Section 128-68, Corner Lot Required Widths for the construction of an attached garage addition, which will exceed the allowable percentage of lot occupancy and encroach into the front yard setback requirement at premises 165 Wemple Road, Glenmont, New York 12077, it is hereby ordered that a public hearing on this matter be held May 4, 2005 at 7:30 p.m., at the Town Offices, 445 Delaware Avenue, Delmar for the purpose of hearing all those interested in this matter.

Mrs. O'Brien seconded the motion and it was unanimously carried by the Board.

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The next order of business was to consider the application of Timothy Beebe & David Marshall. The application was found to be in order and Chairman Hodom made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Timothy Beebe & David Marshall for Variance under Article XVI, Front Yards, Section 128-68, Corner Lot Required Depths for the construction of a detached garage, which will encroach into the front yard setback requirement at premises 26 Darroch Road, Delmar, New York, it is hereby ordered that a public hearing on this matter be held May 4, 2005 at 7:45 p.m., at the Town Offices, 445 Delaware Avenue, Delmar for the purpose of hearing all those interested in this matter.

Mrs. O'Brien seconded the motion and it was unanimously carried by the Board.

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The next order of business was to consider the proposed resolution of Gregg & Mary Ellen Sagendorph, Jr.

The following proposed resolution was presented by Attorney Moore for the Board's consideration.

RESOLUTION

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WHEREAS, an application has been filed with the Zoning Board of Appeals of the Town of Bethlehem, Albany County, New York (“the Board”) seeking a Variance under Article XVI, Front Yards, Section 128-66, Required Depths, requested by Gregg and Mary Ellen Sagendorph for property at 62 Harrison Avenue, Delmar, New York; and,

WHEREAS, the Board of Appeals, acting on said application, duly advertised in the Spotlight and sent written notice to all persons listed in the petition as owning property within 200 feet of the premises in question and held a public hearing on said application at the Town Hall, 445 Delaware Avenue, Delmar, New York on April 6, 2005; and,

WHEREAS, Members of the Board are familiar with the area in which the proposed construction is to be done and the specific site of same; and,

WHEREAS, all those who desired to be heard were heard and their testimony duly recorded at the above hearing; now therefore,

BE IT RESOLVED, that the Board of Appeals makes the following Findings of Fact and Conclusions of Law in this matter:

FINDINGS OF FACT

The Applicants are proposing to construct a 6-foot by 32-foot front porch addition to the existing main structure that will create a front yard setback of 24-feet. The proposed porch will encroach 1-foot into the 25-foot required setback. The house is on a corner lot (Bower Court), and has a second “front yard” setback requirement on the Boyer Avenue side of 20 feet. There is an existing zero clearance fireplace on the Boyer Avenue side of the house, which has reduced the second “front yard” set back to 14 feet. The proposed porch will also reduce the Bower Court setback to 16-feet.

The front porch addition is being constructed as part of a larger remodeling of the Applicants' home. They are also adding a full second floor with dormers to the home. The second floor addition is not part of the present application, and has received the necessary approvals from the Town Building Department.

The Applicants are requesting a 6-foot wide porch, and a 1-foot variance, in order to provide more room for porch furniture. The proposed porch would extend no further into the front yard than the Applicants' existing porch steps or shrubbery.

The Applicants have spoken to two adjoining neighbors about the remodeling project, and they have expressed no opposition.

Following the close of the hearing, another of the Applicants' neighbors submitted a written statement in support of the remodeling project.

Other than the Applicants, no one spoke regarding the project at the public hearing.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, and after reviewing the application, sketches and plans submitted, testimony at the hearing, and other documents submitted by the Applicants, the Board determines that the proposed variance will be granted.

The Board has determined that the requested variance will be a benefit to the Applicants and will have no detrimental impact on the health, safety or welfare of the community and the neighborhood.

The benefit sought by the Applicants cannot be achieved by some method other than a variance.

The requested variance will have no adverse affect on the physical or environmental conditions in the neighborhood.

The requested variance is minimal, and is the minimum variance that is necessary and adequate to the Applicants' needs, while still preserving the character of the neighborhood.

The alleged difficulty necessitating the requested variance has not been created by the Applicants.

The requested variance is granted, on the following conditions:

1. The proposed construction will be completed in accordance with the plans, specifications, testimony and exhibits given by the Applicant at the April 6, 2005 hearing;
2. In the construction of the addition, the Applicants shall match, as nearly as possible, the existing roofing and siding on the home;
3. The project shall be completed within two (2) years of the date of this Resolution

April 20, 2005

Michael Hodom
Chairman
Board of Appeals

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Mr. Brookins made a motion that the Resolution be adopted, Mrs. O'Brien seconded the motion and it passed by the following vote:

YES	NO	ABSENT	ABSTAINING
Michael Hodom	None		None
Gilbert Brookins		Robert J. Wiggand	
Marjory O'Brien		Leonard Micelli	

(Resolution filed with the Clerk of the Town of Bethlehem as amended on April 21, 2005.)

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On a motion made by Mrs. O'Brien, seconded by Mr. Brookins, and unanimously carried by the Board, the minutes of the April 6, 2005, meeting were approved as amended.

The meeting was adjourned on a motion made by Mr. Brookins, seconded by Mrs. O'Brien and unanimously carried by the Board.

Meeting Adjourned: 8:35 p.m.

Respectfully submitted,

Secretary