

**TOWN OF BETHLEHEM  
BOARD OF APPEALS  
August 15, 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  
Michael Moore, Counsel to the Board  
Gil Brookins, Board of Appeals Member  
Lenny Micelli, Board of Appeals Member  
Mark Hennessey, Board of Appeals Member  
Kenneth Umina, Board of Appeals Member  
  
Mark Platel, Assistant Building Inspector

AGENDA: Scott and Katherine Hodge  
Rose Reilly  
United Development Group  
Charles & Ada Court  
Matchless Stove & Chimney  
Aldo and Inez Mencaccine  
JKC Realty LLC

Chairman Hodom called the meeting to order at 7:00pm and opened the public hearing.

**PUBLIC HEARINGS**

**Scott and Katherine Hodge**

The Board had received an application for Scott and Katherine Hodge for an Area Variance under Article XIII, Section 128-100, Schedule of Area, Yard & Bulk Requirements, Lot Occupancy. The applicants wish to add an addition to their single-family home.

Mr. Platel stated that the applicant is proposing to demolish their existing screened porch and construct a new, screened porch and bedroom addition to the existing main structure. The total lot occupancy will be twenty-three point seventy-six percent (23.76%), which exceeds the twenty percent (20%) total lot occupancy allowed by three point seventy-six percent (3.76%). The main structure will occupy eighteen point seven one percent (18.71%) of the lot. 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. Micelli, seconded by Mr. Hennessey 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 15, 2007, at 7:00 p.m., at the Town Offices, 445 Delaware Avenue, Delmar, New York to take action on the application of Scott and Katherine Hodge for an Area Variance under Article XIII Section 128-100, Schedule of Area, Yard & Bulk requirements, Lot Occupancy, of the Code of the Town of Bethlehem for construction of an addition, at 201 Adams Street, Delmar, New York.

Mrs. Hodge started the presentation. She stated that currently their two (2) daughters shared a bedroom and they wanted to add a bathroom and bedroom. They would move the existing screen porch to behind the kitchen and add the bathroom and bedroom. As their daughters get older, they would like them to have their own rooms and

another bathroom would be helpful. Mr. Hodge said the screen porch would come out to the level of the bedroom to balance out the back of the house. The existing house is a one (1) level ranch with a living room, dining room, kitchen and three bedrooms. One (1) of the bedrooms was described as not functioning as a bedroom but as a walkway/office between the kitchen and the hallway. There is a finished basement with a bathroom. Mrs. Hodge said that she is a self-employed physical therapist and needs an office to do her paperwork. They had discussed their plans with their neighbors and submitted letters of support from them. They had explored putting a second floor addition on but because of uneven settlement issues with the foundation, professional engineers had told them there was a risk with the weight of a second floor. The house had settled unevenly. They have lived in the house for eight (8) years. They love the neighborhood and wanted to remain there.

Mr. Wooster, the contractor, said that the proposed screened porch was the same size as the existing patio. Mr. Wooster said that the contract was contingent on the variance approval. The construction time frame was June of 2008 to September 2008.

There being no further comments, Chairman Hodom declared the hearing closed at 7:09pm.

## **APPLICATIONS**

### **Rose Reilly**

The Board had received an application from Rose Reilly for a Variance under Article XIII, Section 128-100, Schedule of Area, Yard & Bulk Requirements, Side yard setback.

A motion to set the public hearing for September 5, 2007 at 7:00pm was offered by Mr. Micelli, seconded by Mr. Umina and approved by all Board members present.

### **United Development Group**

The Board had received the additional information that had been requested of the applicant. The application was for a Variance under Article V, Section 128-33 D (1), footprint and Section 128-100, Schedule of Area, Yard & Bulk Requirements, density and maximum height, and Article VI Section 128-56, off Street Parking.

A motion to re-convene the public hearing for September 5, 2007 at 7:15 was offered by Mr. Micelli, seconded by Mr. Umina and approved by all Board members present.

## **DISCUSSIONS**

### **Charles and Ada Court**

The Board discussed the application for a Variance under Article XIII, Section 128-100, Schedule of Area, Yard & Bulk Requirements, Lot Occupancy.

Mr. Micelli said that he had considered the following items: the garage was larger than most on the street, the health concerns of both of the applicants, the inconvenience of keeping the snow blowing tractor in a shed away from the garage and the suggestion of turning the garage to face the house. He decided that he was in favor of granting them the variance as submitted.

Mr. Hennessey said the Courts were long standing members of the community and at one time there was another structure on the site of the proposed garage. He said that the garage would be a benefit to the applicants and he was in favor of granting the variance as submitted.

Mr. Brookins said he had looked at the site considering the suggestion to turn the garage to face the house. He

thought that turning the garage and moving it closer to the house might make it less visible. He thought that the applicants had made a good case for their need. He was in favor of granting the variance as submitted.

Mr. Umina said that he agreed with the comments of the other Board members. He thought the applicants had placed the proposed garage in location that they thought would be the best for them. He was in favor of granting the variance as submitted.

A motion to grant the area variance for the Courts as submitted was offered by Mr. Brookins, seconded by Mr. Micelli and approved by all Board members present.

### **Scott & Katherine Hodge**

The Board discussed the Hodge application that had its public hearing earlier that evening.

Mr. Umina said he did not think that the variance request would negatively impact the neighborhood and it was an improvement of the property and would allow them to stay in the neighborhood. He was in favor of granting the variance as submitted.

Mr. Brookins agreed with Mr. Umina. Old Delmar lots are narrow with limited square footage and he said that similar relief had been given in the past especially since they can not build up. He was in favor of granting the variance.

Mr. Hennessey said that their situation was unique because they could not expand upwards and their family needed the extra space. Other neighbors had already done additions. He was in favor of granting the variance.

Mr. Micelli said because the structure would not handle building up, he was in favor of granting the variance as submitted.

An motion to grant the Hodge variance as submitted was offered by Mr. Micelli, seconded by Mr. Brookins and approved by all Board members present.

## **RESOLUTIONS**

### **Matchless Stove & Chimney**

The Board reviewed the Resolution prepared by staff.

A motion to approve the Resolution as amended was offered by Mr. Umina, seconded by Mr. Micelli and with a vote of Mr. Umina, Mr. Micelli, Mr. Hennessey for and Mr. Brookins and Chairman Hodom against, the Resolution was approved.

### **Aldo & Inez Mencaccine**

The Board reviewed the Resolution prepared by staff.

A motion to approve the Resolution as amended was offered by Mr. Hennessey, seconded by Mr. Umina and approved by all Board members present. The Resolution was approved.

### **JKC Realty LLC**

The Board reviewed the Resolution prepared by staff.

A motion to approved the Resolution as amended was offered by Mr. Brookins, seconded by Mr. Umina and with a vote of Mr. Brookins, Mr. Umina, Mr. Micelli, Chairman Hodom for and Mr. Hennessey against, the Resolution was approved.

The review and approval of the minutes of August 1, 2007 was postponed until the next meeting.

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

The meeting adjourned at 8:05 PM.