

**TOWN OF BETHLEHEM
BOARD OF APPEALS**

December 3, 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 presided.

PRESENT: Michael Hodom, Board of Appeals Chairman
Michael Moore, Board of Appeals Counsel
Dave DeCancio, Board of Appeals Member
Ken Umina, Board of Appeals Member
Matt Watson, Board of Appeals Member
Lennie Micelli, Board of Appeals Member

Mark Platel, Assistant Building Inspector

AGENDA: William Curtiss
St Thomas School
Karl Geist

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

DISCUSSIONS

William Curtiss

The applicant had requested a variance under Article V, Districts Use and Area Requirement, Section 128-30 (C), (3) maximum coverage. The public hearing had been held on November 19, 2008.

Chairman Hodom started the discussion. He said after visiting the property, he could understand the neighbors opposition to the proposed structure. He thought an undesirable change will be produced in the character of the neighborhood. The proposed building will result in a configuration that will be out of place in the neighborhood. The benefit sought by the applicant could be achieved by some other feasible method that could be pursued by the applicant. Such as attaching the garage to the principle structure negating the need for a variance. The requested variance was substantial; it is in excess of 55% allowed by the Code. The proposed variance will have an adverse effect or impact on the physical and/or environmental conditions in the neighborhood, such as noise and order. He recommended denial of the area variance request.

Mr. Micelli said after again reading the information submitted with the application he agreed with Chairman Hodom. He said he would feel more comfortable if the applicant attached the garage to the house. His request would put him substantially over the allowable square footage of accessory structures. The applicant said he would construct the garage himself but his property already had many projects on the site that have been started and not finished. He said he would vote to deny the variance.

Mr. DeCancio said the Board should not grant the requested variance. He felt the hardship was self induced, he has built many little structures on the site and he was unwilling to take any of them down.

Mr. Watson did not think the current proposal matched the character of the neighborhood. He should consider taking some of the other structures down in order for the Board to take the proposal seriously.

Mr. Umina thought taking down some of the existing structures would enhance the proposal and he would have been more sympathetic to the application. He said there were cars parked all over the property and it was dotted with various structures.

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

A motion to deny the area variance requested by William Curtiss for a garage at 58 Cherry Avenue, Delmar was offered by Mr. Watson, seconded by Mr. DeCancio and approved by all Board members present.

RESOLUTIONS

Karl Geist

The Board reviewed Resolution AV-0816 prepared by Counsel.

A motion to approve Resolution AV-0816 as amended was offered by Mr. Micelli, seconded by Mr. Watson and approved by all Board members present.

St. Thomas the Apostle

The Board reviewed Resolution AV-0815 prepared by Counsel.

A motion to approve Resolution AV-0815 as amended was offered by Mr. Micelli, seconded by Mr. Watson and approved by all Board members present.

OTHER

The Board reviewed the minutes of November 19, 2008 prepared by staff.

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

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

The meeting adjourned at 7:15pm.