

**TOWN OF BETHLEHEM
BOARD OF APPEALS
February 16, 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
Robert Wiggand
Marjory O'Brien
Gilbert Brookins
Leonard Micelli

Michael Moore Attorney to the Board

Mark Platel Building Inspector

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

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Good evening Ladies and Gentlemen. 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 requested by William Cohen and Myra Nathan for property at 94 Longmeadow Drive, Delmar, New York 12054. The Applicant wishes to construct an addition, which will exceed the allowable percentage of lot occupancy at the premises 94 Longmeadow Drive.

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

MR. PLATEL: Yes, Mr. Chairman. The Applicant is seeking an area Variance in order to construct a 1-story 330.36-square foot addition to the existing 1,521.91-square foot main structure. The total square footage for the main structure will be 1,852.27-square feet, which is 266.02-square feet over the 1,586.25-square foot allowable. The lot occupancy will be 17.52-percent which is 2.52-percent over the 15-percent allowed. The existing structure is occupied as a single-family dwelling and is located in an "AA" Residence District.

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 February 16, 2005 at 7:30 p.m. at the Town Offices 445 Delaware Avenue, Delmar, New York to take action on application of Mr. & Mrs. William Cohen, 94 Longmeadow Drive, Delmar, New York for Variance under Article XII, Percent of Lot Occupancy, Section 128-50, Single Family Dwellings of the Code of the Town of Bethlehem for construction of an addition, which will exceed the allowable percentage of lot occupancy at premises 94 Longmeadow Drive, Delmar, New York. Michael C. Hodom, Chairman, Board of Appeals. Attached to this Notice is notarized proof of its publication in the February 9, 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. Anyone desiring to speak will be allowed to do so, we just ask that you come up, stand or sit close to the black microphone, it's for recording purposes only. Mr. Cohen, will you or Mr. Bolduc be making the presentation?

MR. COHEN: Okay.

MR. BOLDUC: You can answer their questions.

MR. COHEN: Okay I think we presented a letter to the Board basically outlining the needs for requesting the addition. We kind of combined two households, Myra sold her house in Delmar and we've got 3-children who will be in college and out of college – come back frequently and felt the need to want to stay here and add the addition of a 4th bedroom and another bathroom and getting on years we felt the need to add it on the main level and we felt the lot was big enough to accommodate that in a suitable manner and felt we had a nice plan and a great builder and hope nobody would object to it.

CHAIRMAN HODOM: Okay. In your narrative you had mentioned that your addition would be less then 2-percent...

MR. COHEN: I think I was in error by your calculations. I had done some rudimentary calculations so I...

CHAIRMAN HODOM: I didn't know if the plan had changed since your original concept.

MR. COHEN: No, I think I had just gone on an old figure I had before I had formal plans drawn up so I apologize that was in error.

CHAIRMAN HODOM: Who is currently residing in the household?

MR. COHEN: Currently would be Myra's son who is away at college but would reside there. My daughter's back and forth between that house and her mothers house also in Delmar and actually Myra's daughter just recently got an apartment this summer, she's just out of college. She's in Albany, but she comes back from time to time.

CHAIRMAN HODOM: Currently the residents of 94 Longmeadow are how many?

MS. NATHAN: Just the two of us.

CHAIRMAN HODOM: The two of you?

MS. NATHAN: And during college breaks my son comes home so that would be the three of us.

MR. COHEN: And then my daughter infrequently but once in a while because she's only a few blocks away at her mothers.

CHAIRMAN HODOM: Why don't you if you would describe the existing residence. I didn't see any plan that shows the layout of the first floor, second floor. Perhaps you can describe it for us.

MR. COHEN: Sure, is it okay if I sit?

CHAIRMAN HODOM: You can sit.

MR. COHEN: I would classify it as a traditional split-level. It's got a - - the basement part being mainly under the living room, kitchen, dining room. Half a flight up from the basement would be a family room, which is on a slab - a 2-car garage in front so you have basement then you come up to one side to a family room, half bath and garage. You come up another half flight to the living room, kitchen, dining room, which would be over the basement. You go up another flight, you know typical split-level, back and forth and then you go up to the final flight to the upper level, which would be 3-bedrooms and 1-bath and I guess there's an attic above that. It's not a walk up attic; it's just got a scuttle in one of the closets. I've actually never really been up there but 2-car garage and a patio in back, concrete patio.

CHAIRMAN HODOM: So currently you have 3-bedrooms and 1 ½-baths?

MR. COHEN: Correct.

CHAIRMAN HODOM: You briefly touched on the reasoning why you needed the additional bedroom and bath. Are there some health problems in the family that you're looking to have a bedroom on the first floor or is that something you're looking for down

the future?

MS. NATHAN: More or less longevity, you know 15-20-years, something like that to be able to stay in that residence as long as we could. My mother, I watched her having a lot of difficulty with stairs as she got older and I would anticipate something similar in the next 15 to 20-years.

CHAIRMAN HODOM: But currently there's no arthritic problems or medical need to....

MR. COHEN: No.

CHAIRMAN HODOM: You can accommodate stairs and whatever?

MS. NATHAN: Yes.

CHAIRMAN HODOM: The proposed construction I'm assuming is going to try to match the existing residence as closely as possible in architecture and siding and roofing, window structures.

MR. COHEN: Right.

CHAIRMAN HODOM: Okay. Let me ask you this to, do you feel that this is the minimum size addition to accommodate your future needs? Have you gone over different plans that maybe some were small or some were larger?

MR. COHEN: Well actually I'd say a more accurate statement would be you know considering, yes I've tried to, you know picture putting anything that would stay within that 15-percent on that same level and it would just be too small, but more realistically is we've looked at other houses and if we couldn't do this we would probably more seriously consider just having to move for something like that because I think we really feel - - we both are working professionals and with active families and kids. We really almost as much as the bedroom need another full bathroom to tell you the truth. So it's beside the bedroom on the main floor as having another full bath in the house with a lot of active who are in and out going to work, things like that. So it's a type of thing where we would love to stay in the neighborhood and we'd love to stay in town. We've both been involved in the town and we'd like the option of, you know doing that with this house and staying rather than as we also have been looking at other places that have that kind of, you know 4-bedrooms and more bathrooms - things like that.

CHAIRMAN HODOM: Okay.

MR. BOLDUC: Mr. Chairman, may I say something?

CHAIRMAN HODOM: Sure Steve.

MR. BOLDUC: We did explore the size of the space a lot and to be honest with you I think it should be bigger and there's a couple of constrictions there, one is there's a kitchen window that's right up close to the addition that we don't want to block and the other thing is there's a - - the lot has an angle to it on the left side from the front going back so that's why we've got the angle on the addition to accommodate for that so we don't get into a side yard Variance, but the addition is tight for what we're trying to put into it. I don't see it going any smaller. It's a - you know trying to get a bathroom in there and a functional bedroom is pretty difficult with that size.

CHAIRMAN HODOM: Okay. I'm just looking at the bay window, which is approximately 24-square feet. Is that more for aesthetic purposes?

MR. BOLDUC: It's to get some space in the room itself to but the angle on the bay was to accommodate the side yard setback there it was angled towards that direction there so we moved in the wall - we stepped it in there to prevent that. Mark worked with us on that.

MR. WIGGAND: There's no intention of enclosing that porch is there?

MR. COHEN: No.

MR. WIGGAND: The porch is going to remain open like it shows on your plan?

MR. COHEN: Right.

MR. WIGGAND: Okay I want to get that on the record because that could change things.

CHAIRMAN HODOM: There's a roof over that entranceway, correct?

MR. BOLDUC: A small portion of it.

CHAIRMAN HODOM: The 2-foot, 8 dimension?

MR. BOLDUC: Yeah that was just to protect the doorway a little bit there and it keeps the roof line neater to.

MR. WIGGAND: Now, you've got a cathedral ceiling going into it. I call them cathedral ceilings; some people call them tray ceilings.

MR. BOLDUC: Yeah, it's more of a raised tray type ceiling.

MR. WIGGAND: Is that ceiling a flat ceiling with a tray?

MR. BOLDUC: Correct.

MR. WIGGAND: So this is going to turn into the master bedroom I presume?

MR. COHEN: Right.

MR. WIGGAND: It's easy for them to walk around and get to that kitchen?

MS. NATHAN: The important place.

MR. BROOKINS: Have you spoken with your neighbors about your proposal?

MR. COHEN: Yes, well I've spoken to the neighbors on either side of me.

MS. NATHAN: And also I spoke to the person caddy corner, the Bangles.

MR. COHEN: Across the street, yeah and they had no objections to it.

MR. BROOKINS: That would be Dennis?

MR. COHEN: Right, Dennis Pappalardi and Fred Morris.

CHAIRMAN HODOM: Anyone behind you at all have you spoken with?

MR. COHEN: There's a fellow – I don't know his last name, Allen something or other who lives not right behind me, he's a couple of yards over and I know him because I play volleyball with him in Town. He's got no problem with it. I have not spoken with the neighbor directly behind because he's got a pool; he's got fencing and there's trees between us and I hardly even can see his property so - - and it's quite a ways back so I didn't speak with him.

CHAIRMAN HODOM: What kind of time frame were you looking at if the Board were to approve the application as to commencing construction and completion of construction?

MR. BOLDUC: I would say we would be starting sometime probably this spring, maybe later spring and it would approximately take I'd say 3-months to complete from start to finish. So sometime this summer it would be complete.

CHAIRMAN HODOM: Okay, and there's no basement proposed for the...

MR. BOLDUC: No it's a crawl space.

CHAIRMAN HODOM: It's a crawl space.

MR. BOLDUC: Addition, crawlspace.

CHAIRMAN HODOM: Is this the best location for the proposed addition? It just seems

strange to me coming off a dining room and going into a bathroom/bedroom.

MR. BOLDUC: Well I followed their lead, that's kind of where they wanted to place it so...

MR. COHEN: Yeah I don't, you know think we - - if we came off the family room it's on a slab and it would just be too much, you know heating and electrical and plumbing to carry out from under a slab because in the split basement is really only under the kitchen, dining room and living room and so leaves you going out either behind the kitchen or off the dining room. That's what's in back of the house to use, you know run your utilities for the basement because the family room like I said is just a slab there.

CHAIRMAN HODOM: So the family room as I look at your plan would be next to the kitchen?

MR. COHEN: On the other side of the kitchen from the dining room and down a half of flight.

CHAIRMAN HODOM: Okay.

MR. BROOKINS: So on the blueprint here it's with double sliding doors?

MR. COHEN: Correct.

MR. MICELLI: And your deck and the stairs are coming down on the barbeque was - - today we've seen it, if it's looking back by the tree that's where you would have going in and out.

MR. COHEN: Right.

MR. MICELLI: And is the basement finished?

MR. COHEN: No.

MR. MICELLI: And the bathroom would that be a full bath?

MR. COHEN: Full bath, right.

MS. NATHAN: With a shower and a tub.

MR. MICELLI: Thank you.

CHAIRMAN HODOM: Mr. Cohen is it – and I ask both of you actually, I'm assuming that your intention is to maintain the household as a single-family dwelling...

MR. COHEN: Correct.

CHAIRMAN HODOM: Your intention is not to use this addition as a rental room or any kind of in-law apartment of any nature?

MR. COHEN: Absolutely not.

MS. NATHAN: No.

CHAIRMAN HODOM: Okay so the house will remain a single family dwelling strictly for your use.

MR. COHEN: Right.

CHAIRMAN HODOM: Okay. Any other questions from the Board?

MR. WIGGAND: No, it's a typical layout there you did a good job.

MR. MICELLI: Just that the street that's behind your house, would that be Summit Road, the neighbor that's behind you with the pool?

MR. COHEN: It's kind of funny; the streets jog - - is Summit a little cul-de-sac, does it end in a little cul-de-sac? I think that is Summit.

MR. MICELLI: Or Dana Court; that might be across the Street.

MR. COHEN: It's the - - or something across the street.

MR. MICELLI: I was concerned like sometimes with a neighbor you will be in the middle of a project and somebody, you know wants to throw up a red flag or something like that. I don't know if it would be wise just to maybe speak to him or maybe have a letter forwarded to us saying that you did talk to him.

MR. COHEN: Sure I could do that.

MR. MICELLI: Because you know how that happens sometimes, you know I don't care and then it's an eyesore and I don't want to see that. You never know I mean I'd would just - - I'd like to see maybe you'd play it safe and we'd have something forwarded to us.

MR. COHEN: Sure.

MR. MICELLI: Thank you.

CHAIRMAN HODOM: Anything else from the Board?

MR. WIGGAND: I guess Steve you've done what you can as far as keeping that square footage down on the overage.

MR. BOLDUC: I think it's pretty tiny.

MR. WIGGAND: You're getting a little heavy on that square footage overage there. I can understand the plan that you have of what is necessary there to create that bathroom and shower and everything to get more living area, but that is a - - with your study of this and knowing that you can't make that square footage.

MR. BOLDUC: Yeah I don't see it being - - I don't think it's as large as it should be now so....

MR. WIGGAND: I'd figure he'd say that.

CHAIRMAN HODOM: Any other questions from the Board? Any questions from our illustrious audience there in the back? Now is the time to ask them if you have any questions. These are some Bethlehem Central students are doing due diligence for their class I think. 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.

MS. NATHAN: Thank you.

MR. COHEN: Thank you.

Hearing closed 7:50 p.m.

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The next order of business was to schedule a continuation of a public hearing for Betty Nolan, 1250 Route 9W, Selkirk, New York. The application was found to be in order and Mrs. O'Brien made the following motion:

An appeal having been filed with the Board of Appeals of the Town of Bethlehem, Albany County, New York by Betty Nolan for a Use Variance under Article VI, Permitted Uses, Section 128-23, Rural Districts Unzoned, it is hereby ordered that a continuation of a public hearing on this matter be held March 16, 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.

Mr. Wiggand seconded the motion and it was unanimously carried by the Board.

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The next order of business was a discussion of the previous public hearing held in the matter of Bob Hughes for Variance under Article XII, Percent of Lot Occupancy, Section 128-50 & Article XVII, Side Yards, Section 128-73, Required Widths. The following points were brought up by the Board members: The Applicant was denied by the Board previously for the proposed sunroom addition. The Applicant reduced the size of the proposed construction substantially. There was one letter written by an adjoining neighbor supporting the addition. On a motion made by Mr. Brookins, seconded by Mr. Micelli, and unanimously carried by the Board, the Board directed Attorney Moore to prepare a proposed resolution granting the Variance, for presentation at the next Board meeting on March 2, 2005.

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On a motion made by Mr. Brookins, seconded by Mr. Wiggand, and unanimously carried by the Board, the minutes of the February 2, 2005, meeting were approved as amended.

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

Meeting Adjourned: 8:25 p.m.

Respectfully submitted,

Secretary